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LAWS AND RESOLUTIONS

OF THE

State of North Carolina,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1887,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE FIFTH DAY OF JANUARY, A. D. 1887,

TO WHICH ARE PREFIXED

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

PUBLISHED BY AUTHORITY.

RALEIGH:
JOSEPHUS DANIELS, State Printer and Binder.
1887.

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

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OFFICIAL REGISTER

FOR THE YEAR 1887.

STATE GOVERNMENT.

ALFRED M. SCALES,.....	Guilford county,	Governor.
C. M. STEDMAN,.....	New Hanover county,.....	Lieutenant Governor.
W. L. SAUNDERS,.....	Wake county,	Secretary of State.
W. P. ROBERTS,	Gates county,.....	Auditor.
DONALD W. BAIN,	Wake county,	Treasurer.
SIDNEY M. FINGER,	Catawba county,.....	Sup't Public Instruction.
THEODORE F. DAVIDSON,.....	Buncombe county,.....	Attorney General.
JOHNSTONE JONES,	Buncombe county,.....	Adjutant General.
JAMES C. BIRDSONG,	Wake county,	State Librarian.
C. M. ROBERTS,	Vance county,	Keeper of Capitol.
C. H. ARMFIELD,.....	Iredell county,.....	Private Secretary.
W. N. SCALES,	Guilford county,.....	Executive Clerk.
W. P. BATCHELOR,	Wake county,	Clerk to Secretary State.
J. D. BOUSHALL,	Camden county,	Chief Clerk to Auditor.
R. E. L. BUNCH,	Wake county,	Assistant Clerk to Auditor.
H. M. COWAN,	Chatham county,	Chief Clerk to Treasurer.
H. W. JACKSON,.....	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.
JOSEPH J. DAVIS, Associate Justice,	Louisburg, "
A. S. MERRIMON, Associate Justice,	Raleigh, "
THEODORE F. DAVIDSON, Reporter,.....	Asheville, "
THOMAS S. KENAN, Clerk,	Raleigh, "
ROBERT H. BRADLEY, Marshal and Librarian,.....	Raleigh, "

SUPERIOR COURT JUDGES.

NAMES.	DISTRICTS.	RESIDENCES.
JAMES E. SHEPHERD,	1st,	Washington, N. C.
FRED. PHILIPS,	2d,	Tarboro, "
H. G. CONNOR,	3d,	Wilson, "
WALTER CLARK,	4th,	Raleigh, "
JOHN A. GILMER,	5th,	Greensboro, "
EDWIN T. BOYKIN,	6th,	Clinton, "
JAMES C. MACRAE,	7th,	Fayetteville, "
W. J. MONTGOMERY,	8th,	Concord, "
JESSE F. GRAVES,	9th,	Mt. Airy, "
ALPHONSO C. AVERY,	10th,	Morganton, "
WILLIAM M. SHIPP,	11th,	Charlotte, "
JAMES H. MERRIMON,	12th,	Asheville, "

SOLICITORS.

NAMES.	DISTRICTS.	RESIDENCES.
JOHN H. BLOUNT,	1st,	Hertford, N. C.
GEORGE H. WHITE,	2d,	Newbern, "
D. WORTHINGTON,	3d,	Williamston, "
T. M. ARGO,	4th,	Raleigh, "
I. R. STRAYHORN,	5th,	Hillsboro, "
O. H. ALLEN,	6th,	Kinston, "
FRANK MCNEILL,	7th,	Lumberton, "
B. F. LONG,	8th,	Statesville, "
THOMAS SETTLE, Jr.,	9th,	Greensboro, "
W. H. BOWER,	10th,	Lenoir, "
FRANK I. OSBORNE,	11th,	Charlotte, "
JAMES M. MOODY,	12th,	Waynesville, "

CRIMINAL COURT JUDGE.

OLIVER P. MEARES,

Wilmington, N. C.

SOLICITORS.

BENJAMIN R. MOORE,

Wilmington, N. C.

GEO. E. WILSON,

Charlotte, "

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.	NAME.	RESIDENCE.	APPOINTED.	EXPIRES.
California.....	Edward Chaitin	San Francisco	27 February, 1886	27 February, 1888.
"	James L. King	"	24 January, 1887	24 January, 1889.
Connecticut	Henry E. Tainor	Hartford	9 November, 1885	9 November, 1887.
District of Columbia	Charles Bundy	Washington	24 July, 1886	24 July, 1888.
"	Anson S. Taylor	"	8 October, 1886	8 October, 1888.
"	Rudolph H. Evans	"	31 January, 1887	31 January, 1889.
Georgia.....	Harry Krouse	Atlanta	25 January, 1886	25 January, 1888.
"	Thomas J. Rickman	Gainesville	9 February, 1886	9 February, 1888.
"	W. B. Adams	Savannah	1 November, 1886	1 November, 1888.
Illinois	Simeon W. King	Chicago	20 August, 1886	20 August, 1888.
"	Philip A. Hayne	"	4 November, 1886	4 November, 1888.
"	S. S. Willard	"	9 December, 1886	9 December, 1888.
Louisiana	Meloney C. Soniat	New Orleans	10 March, 1886	10 March, 1888.
Maryland	G. Evett Reardon	Baltimore	18 January, 1886	18 January, 1888.
"	W. H. H. Raleigh	"	1 March, 1886	1 March, 1888.
"	Walter D. Griscom	"	1 April, 1886	1 April, 1888.
"	Samuel S. Bogs	"	18 May, 1886	18 May, 1888.
"	Murray Hanson	"	7 September, 1886	7 September 1888.
"	Bolling Selden	"	9 December, 1886	9 December, 1888.
"	Phillip H. Hoffman	"	17 December, 1885	17 December, 1887.
Massachusetts	Samuel Jennison	Boston	13 December, 1886	13 December, 1888.
"	Charles Hall Adams	"	20 January, 1887	20 January, 1889.
"	L. Vernon Briggs	"	31 January, 1887	31 January, 1889.
New York	Henry C. Banks	New York	21 December, 1885	21 December, 1887.
"	F. A. Burnham	"	6 February, 1886	6 February, 1888.

New York	Louis Beckhardt	8 September, 1886	8 September, 1888
"	Thomas B. Clifford	15 September, 1886	15 September, 1888
"	J. B. Nones	5 October, 1886	5 October, 1888
"	Armour C. Anderson	30 November, 1886	30 November, 1888
"	Thomas Kilvert	17 December, 1886	17 December, 1888
"	Charles Nettleton	7 January, 1887	7 January, 1889
"	Charles T. Lunt	24 January, 1887	24 January, 1889
"	A. H. Osborn	22 February, 1887	22 February, 1889
"	Eleazar Jackson	14 March, 1887	14 March, 1889
"	Edwin F. Corey	25 March, 1887	25 March, 1889
"	John A. Hillery	1 April, 1887	1 April, 1889
"	Joseph B. Braman	25 April, 1887	25 April, 1889
"	E. D. Grant	31 January, 1887	31 January, 1889
"	Vincent Rosemon	31 March, 1887	31 March, 1889
Ohio	Lipman Levy	9 November, 1886	9 November, 1888
"	Samuel S. Carpenter	19 March, 1887	19 March, 1889
Pennsylvania	H. E. Garsed	8 February, 1886	8 February, 1888
"	Wm. F. Rabb	27 March, 1886	27 March, 1888
"	Kinley J. Tener	20 November, 1886	20 November, 1888
"	Theodore D. Rand	30 November, 1886	30 November, 1888
"	Samuel L. Taylor	7 December, 1886	7 December, 1888
"	Edward Shippen	3 January, 1887	3 January, 1889
"	Alexander Ramsey	12 January, 1887	12 January, 1889
"	Joseph Frankish	10 February, 1887	10 February, 1889
South Carolina	Thomas Frost	10 November, 1885	10 November, 1887
South Carolina	Thomas E. Dudley	2 December, 1885	2 December, 1887
Virginia	David A. Lyon	23 February, 1886	23 February, 1888
"	James M. Donnan	24 March, 1886	24 March, 1888
"	W. Cabell Trueman	7 April, 1886	7 April, 1888
"	A. G. Taylor	20 September, 1886	20 September, 1888
"	Areander Donnan	31 December, 1886	31 December, 1888
"	W. B. Martin	13 February, 1887	13 February, 1889
"	L. D. Starke	13 February, 1887	13 February, 1889
England	Alfred Heales	2 December, 1885	2 December, 1887
"	Tobey Ridgeway	11 April, 1887	11 April, 1889

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE, Raleigh, May 31, 1887.

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.

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATE.

CHARLES M. STEDMAN, Lieutenant Governor, President, Wilmington.

DISTRICT.	NAMES OF SENATORS.	POST OFFICE.	COUNTY.
1st	W. P. SHAW	Winton	Hertford.
1st	W. J. GRIFFIN	Elizabeth City	Pasquotank.
2d	J. A. SPRUILL	Columbia	Tyrrell.
2d	CHAS. F. WARREN	Washington	Beaufort.
3d	FRANCIS D. WINSTON	Windsor	Bertie.
4th	HENRY EPPS	Halifax	Halifax.
5th	R. S. TAYLOR	Tarboro	Edgecombe.
6th	W. R. WILLIAMS	Greenville	Pitt.
7th	JOHN H. THORPE	Rocky Mount	Edgecombe.
7th	T. S. COLLIE	Cedar Rock	Franklin.
8th	C. C. CLARK	Newbern	Craven.
	(Succeeded February 18th by GEO. GREEN, Jr., contestant)	Newbern	Craven.
9th	J. W. SAUNDERS	Saunders' Store	Carteret.
10th	W. G. BROADHURST	Seven Springs	Wayne.
10th	JOHN A. BRYAN	Warsaw	Duplin.
11th	WILLIAM ARTHUR	Falling Creek	Wayne.
12th	C. P. LOCKEY	Wilmington	New Hanover.
13th	W. J. SUTTON	Elizabethtown	Bladen.
14th	E. W. KERR	Clinton	Sampson.
15th	H. D. WILLIAMSON	Cerro Gordo	Columbus.
15th	J. E. PURCELL	Lumberton	Robeson.
16th	JOHN MCCORMICK	Lillington	Harnett.
17th	JAMES H. POU	Smithfield	Johnston.
18th	W. L. TERRELL	Neuse	Wake.
19th	C. A. COOK	Warrenton	Warren.
20th	T. S. HARRISON	Purley	Caswell.
20th	JAMES B. MASON	Chapel Hill	Orange.
21st	W. H. JENKINS	Young's Cross Roads.	Granville.
22d	H. D. MASON	Williams' Mills	Chatham.
23d	H. N. SIMPSON	Stoneville	Rockingham.
24th	J. S. MURROW	High Point	Guilford.
25th	DUNCAN E. MCIVER	Sanford	Moore.
26th	J. F. CROWDER	Wadeville	Montgomery.
27th	H. B. ADAMS	Monroe	Union.
28th	SAMUEL J. PEMBERTON	Albemarle	Stanly.
29th	SYD. B. ALEXANDER	Charlotte	Mecklenburg.
30th	F. E. SHOBER	Salisbury	Rowan.
31st	S. E. WILLIAMS	Lexington	Davidson.
32d	W. C. MATHEWS	Walnut Cove	Stokes.
33d	JOHN A. LILLINGTON	Panther Creek	Yadkin.

SENATORS—*Continued.*

DISTRICT.	NAMES OF SENATORS.	POST OFFICES.	COUNTY.
34th	W. D. TURNER	Statesville	Iredell.
34th	ELI M. STEVENSON	Taylorsville	Alexander.
35th	W. C. FIELDS	Sparta	Alleghany.
36th	ISAAC H. BAILEY	Bakersville	Mitchell.
36th	JOHN TULL	Morganton	Burke.
37th	W. L. CROUSE	Crouse	Lincoln.
38th	J. L. WEBB	Shelby	Cleveland.
39th	J. B. EAVES	Rutherfordton	Rutherford.
40th	J. J. FOX	Jupiter	Buncombe.
41st	GEO. W. WILSON	Davidson River	Transylvania.
42d	KOPE ELIAS	Franklin	Macon.

HOUSE OF REPRESENTATIVES.

JOHN R. WEBSTER, Rockingham County, Speaker, Reidsville.

NAMES OF MEMBERS.	POST-OFFICE.	COUNTY.
ABELL, E. S	Smithfield	Johnston.
ALLMAN, W. N	Franklin	Macon.
ASHCRAFT, C. A	Beaver Dam	Union.
BEESON, N. W	Abbott's Creek	Davidson.
BELL, R. R	Giddensville	Sampson.
BENNETT, D. N	Norwood	Stanly.
BINGHAM, THOMAS	McBride's Mills	Watauga.
BLEVINS, RILEY	Weaver's Ford	Ashe.
BLOUNT, E. C	Willow Green	Pitt.
BROGDEN, C. H	Goldsboro	Wayne.
CANDLER, J. M	Webster	Jackson.
CHAPPELL, JOSHUA	Bostick's Mills	Richmond.
CHEEK, J. A	Hillsboro	Orange.
CHEKRY, M. C. S	Bethel	Pitt.
CHILLCUTT, B. H	Brown's Summit	Guilford.
COFFEY, D. D	Collettsville	Caldwell.
COPELAND, ELIHU	Belvidere	Chowan.
CRAWFORD, W. T	Waynesville	Haywood.
CRAWFORD, G. W	Marion	McDowell.
CRENSHAW, R. C	Whitakers	Edgecombe.
CRISP, JOEL L	Stecoah	Graham.
CROOM, R. M	Burgaw	Pender.
DOUGHTON, R. A	Sparta	Alleghany.
DAVIS, J. M	Grisson	Granville.
DEAVER, J. P	Deavers	Transylvania.
DORSETT, W. M	Hookerton	Greene.
ELLIS, W. J	Elbaville	Davie.
EVANS, A. V	Manteo	Dare.
EWART, H. G	Hendersonville	Henderson.
FARMER, W. W	Wilson	Wilson.
FRANKLIN, S. C	Mt. Airy	Surry.
FELTON, R. P	Columbia	Tyrrell.
FRIES, H. E	Salem	Forsyth.
GATLING, RIDDICK	Gatlington	Gates.
GRAY, M. A	Kinston	Lenoir.
GREEN, F. F	Trenton	Jones.
HALSTEAD, J. W	Lilly	Camden.
HAMPTON, PIERCE	Currituck C. H.	Currituck.
HARRINGTON, T. W	Harrington	Harnett.
HAYES, A. H	Charleston	Swain.
HINTON, P. A	Rose Dale	Pasquotank.
HOLLOWAY, JOHN	Wilmington	New Hanover.
HOLMAN, J. B	Cool Springs	Iredell.
HOLT, T. M	Haw River	Alamance.
HOOVER, C. W	Raleigh	Wake.
HOWE, VALENTINE	Wilmington	New Hanover.
HULL, M. F	Mulgrove	Catawba.
HUSSEY, J. E	Newbern	Craven.
JORDAN, ALLEN	Troy	Montgomery.

HOUSE OF REPRESENTATIVES—*Continued.*

NAMES OF MEMBERS.	POST-OFFICE.	COUNTY.
KELL, J. T	Harrison	Mecklenburg.
KING, H. E	Peanut	Onslow.
LEAZAR, A	Mooreville	Iredell.
LINDSEY, W. R	Madison	Rockingham.
LONG, J. W	Concord	Cabarrus.
LYON, C. C	Elizabethtown	Bladen.
MACON, NAT. H	Louisburg	Franklin.
MANGUM, J. S	Pernell	Wake.
MANNING, J. W	Dymond City	Martin.
MARTIN, J. B	Arapahoe	Pamlico.
MEARES, A. C	Pireway	Columbus.
MILLS, J. C	Brindletown	Burke.
MOORE, J. W	Huntersville	Mecklenburg.
MORGAN, H. C	Columbus	Polk.
MCCLURE, W. H	Hayesville	Clay.
McKINNON, D. C	Big Oak	Moore.
McMILLAN, H. C	Red Springs	Robeson.
NEWSOM, J. C	Five Oaks	Stokes
OAKLEY, T. C	Durham	Durham.
OSBORNE, E. K. P	Charlotte	Mecklenburg.
OVERMAN, L. S	Salisbury	Rowan.
PARHAM, J. A	Lockville	Chatham.
PARSONS, W. L	Wadesboro	Anson.
PASCHALL, J. T	Siler City	Chatham.
PATTON, W. O	Murphy	Cherokee.
PEARSON, RICHMOND	Asheville	Buncombe.
PERSON, J. B	Fremont	Wayne.
PINNIX, J. C	Longtown	Yadkin.
PITTMAN, J. M	Halifax	Halifax.
PRITCHARD, J. C	Ray	Madison.
PRITCHETT, J. A	Greensboro	Guilford.
PROCTOR, F. H	Denver	Lincoln.
RAWLS, N. R	Garysburg	Northampton.
REDDING, T. J	Caraway	Randolph.
REGAN, D. C	Lumberton	Robeson.
SANDERS, JOHN	Glenmore	Johnston.
SHARP, J. J	Sharpsburg	Nash.
SHAW, JOHN G.	Fayetteville	Cumberland.
SCHENCK, H. F	Shelby	Cleveland.
SNELL, C. W	Mackey's Ferry	Washington.
SNIPES, E. T	Murfreesboro	Hertford.
SORRELL, P. A	Cary	Wake.
SOUTHERLAND, J. D	Kenansville	Duplin.
SPELLAR, T. R	Windsor	Bertie.
STANCILL, R. H	Margarettsville	Northampton.
STEVENS, W. E	Clinton	Sampson.
STEWART, GEO. C	Green's Grove	Rutherford.
SUTTON, T. H	Fayetteville	Cumberland.
SURRATT, J. G	Jackson's Hill	Davidson.
SWAIN, S. P	Smithville	Brunswick.
TEMPLE, J. A	Raleigh	Wake.

HOUSE OF REPRESENTATIVES—*Continued.*

NAMES OF MEMBERS.	POST-OFFICE.	COUNTY.
THOMAS, C. R. Jr	Beaufort	Carteret.
TILLEY, H. G	Tally Ho	Granville.
TURNER, S. J	Bakersville	Mitchell.
WARD, R. C	Warrenton	Warren.
WATSON, I. B	Engelhard	Hyde.
WATSON, J. M	Henderson	Vance.
WATERS, B. W	Washington	Beaufort.
WATTS, R	Taylorsville	Alexander.
WEBSTER, W. P	Yanceyville	Caswell.
WELLS, L. N	Leicester	Buncombe.
WHITE, J. A	Scotland Neck	Halifax.
WHITE, E. A	Belvidere	Perquimans.
WILLIAMS, J	Burnsville	Yancey.
WILLIAMSON, J. H	Louisburg	Franklin.
WILSON, J. F	Crowder's Creek	Gaston.
WIMBERLY, D	Tarboro	Edgecombe.
WOODY, J. F	Bethel Hill	Person.
WORTH, J. M	Worthville	Randolph.
YORK, TYRE	Trap Hill	Wilkes.

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SESSION 1887.

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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 to Preamble. 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 The equality and rights of men. certain inalienable rights; that among these are life, liberty,

the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

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

Internal government of the State.

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

That there is no right to secede.

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

Of allegiance to the U. S. government.

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

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular

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

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

Exception.

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

Exclusive emoluments, &c.

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

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

SEC. 10. All elections ought to be free.

Elections free.

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

In criminal prosecutions.

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

Answers to criminal charges.

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

Right of jury.

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

Excessive bail.

- 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 dis-seized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.
- Persons restrained of liberty. SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.
- Controversies at law respecting property. SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.
- Freedom of the press. SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.
- Habeas corpus. SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.
- Property qualification. SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.
- Representation and taxation. SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly freely given.
- Militia and the right to bear arms. SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in

time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

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.

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.

Slavery prohibited.

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

State boundaries.

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.

Regulations in relation to districting the State for Senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain as 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.

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.

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

Qualifications for Senators.

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

Qualifications for Representatives.

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.

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

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

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

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

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

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

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

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.

Officers of the Executive Department.

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

Terms of office.

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.

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 Lieu-
tenant 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 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.

Returns of elec-
tions.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence 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.

Oath of office for
Governor.

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

Reprieves, commutations and pardons.

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

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

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

Commander-in-Chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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.

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 disability 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 Senate shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities 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.

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

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

Duties of other Executive officers.

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.

Seal of State.

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

Department of Agriculture, Immigration and Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

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

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

Feigned issues abolished.

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

Division of Judicial powers.

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

Trial Court of Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

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.

Treason against the State.

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.

Claims against the State.

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

Judicial Districts for Superior Courts.

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

Residences of Judges. Rotation in Judicial Districts. And Special Terms.

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.

Jurisdiction of courts inferior to Supreme Court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction

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

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.

In case of waiver of trial by jury.

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

Special courts in cities.

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

Clerk of Supreme Court.

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

Election of Superior Court Clerk.

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

Term of office.

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.

Fees, salaries and emoluments.

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.

What laws are and shall be in force.

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 com-

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

menced 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.

Transaction of
business in the
Superior Courts.

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.

Solicitors for each
Judicial District.

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.

Sheriffs and Coro-
ners.

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.

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

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. ^{Terms of office of first officers under this Article.}

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, ^{Jurisdiction of Justices of the Peace.}

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.

Vacancies in office of Superior Court Clerk.

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

Officers of other Courts inferior to Supreme Court.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of Judges of the various Courts for inability.

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 Clerks 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 Court, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such courts inferior to the Supreme Court as may

be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

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

Amendments not to vacate existing offices.

ARTICLE V.

REVENUE AND TAXATION.

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.

Capitation tax.

Exemptions.

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.

Application of proceeds of State and county capitation tax.

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 As-

Taxation shall be by uniform rule and ad valorem.

sembly 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.

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

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

Property exemptions from taxation.

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.

Taxes levied by county commissioners.

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.

Acts levying taxes shall state object, &c.

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.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, Qualifications of an elector. 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.

SEC. 2. It shall be the duty of the General Assembly to Registration of electors. 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.

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

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) Oath of office. that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me, God."

SEC. 5. The following classes of persons shall be disqualified for office: Disqualification 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 malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

County officers.

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.

Duty of county commissioners.

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.

Counties to be divided into districts.

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.

Said districts shall have corporate powers as Townships.

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.

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.

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.

Trustees shall assess property.

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.

No debt or loan except by a majority of voters.

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

Drawing of money.

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.

Taxes to be ad valorem.

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.

When officers enter on duty.

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.

Governor to appoint Justices.

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

Debts in aid of the rebellion not to be paid.

collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Powers of General Assembly over municipal corporations.

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.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

Corporations under general laws.

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.

Debts of corporations, how secured.

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

What corporations shall include.

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

Legislature to provide for organizing cities, towns, &c.

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

ARTICLE IX.

EDUCATION.

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.

Education shall be encouraged.

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 will be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

General Assembly shall provide for schools.

Separation of the races.

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.

Counties to be divided into districts.

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.

County School
fund.

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.

Proviso.

Election of Trus-
tees, and provisions
for maintenance
of the University.

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

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 Educa-
tion.

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 Lit-

erary 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.

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.

First session of Board.

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

Quorum.

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

Expenses.

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.

Agricultural Department.

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

Exemption.

execution, or other final process of any court, issued for the collection of any debt.

Homestead.

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 exempted from debt.

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.

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.

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.

How deed for homestead may be made.

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

Death punishment.

crime, murder, arson, burglary, and rape, and these only may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

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

Houses of correction.

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

Houses of refuge.

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

The sexes to be separated.

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

Provision for the poor and orphans.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

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

Inebriates and idiots.

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

Deaf mutes, blind and insane.

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

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.

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

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

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

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by concurrence of two-thirds of all the members of each House of the Gen-

eral Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

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 offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. The General Assembly shall provide, by proper Mechanics' lien. 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 Governor to make appointments. 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.

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

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

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

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
1887.

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION 1887.

CHAPTER 1.

An act relating to the Vacancy in the Fifth Congressional District.

A vacancy exists in the representation in Congress for the Preamble. State of North Carolina, by reason of the resignation of Hon. James W. Reid, late representative from the fifth congressional district; and whereas, under the laws of the State, said vacancy cannot be filled in time to allow the representative elected to take his seat before the expiration of the time for which representatives are elected; now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor shall not be required to observe the fiftieth section of chapter two hundred and seventy-five of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, concerning the vacancy now existing in the fifth congressional district. Governor not required to order special election to fill vacancy in Fifth congressional district.

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

In the General Assembly read three times, and ratified this the 11th day of January, A.-D. 1887.

CHAPTER 2.

An act to extend time to the Sheriff of Haywood County for settling with the Treasurer.

The General Assembly of North Carolina do enact:

Sheriff of Haywood county allowed until May 1st of each year to settle with State Treasurer.

SECTION 1. That chapter one hundred and fifty, laws of one thousand eight hundred and eighty-three, be amended by adding the word "Haywood" after Buncombe and before Madison in line four (4) of section one.

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 January, A. D. 1887.

CHAPTER 3.

An act to amend an act entitled "An act to incorporate the Oxford and Clarksville Railroad Company," being chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 116, laws 1885, amended.

SECTION 1. That chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty five be and the same is hereby amended as follows: In section eight, line twenty-seven, strike out the words "all the votes cast shall be," and insert instead thereof the words, "the qualified voters of said township shall have voted."

In township vote for subscription to capital stock majority of qualified voters required.

SEC. 2. In said section eight, line thirty-one, strike out the words "all the votes cast shall be," and insert instead thereof the words, "the qualified voters of said township shall have voted."

In township vote for donation majority of qualified voters required.

SEC. 3. In section twelve, line twelve, between the word "majority" and the word "shall," insert the words, "of the qualified voters of said town."

In election for subscription or donation in any town majority of qualified voters required.

SEC. 4. In section sixteen, lines five and six, strike out the words "in Wake or Franklin counties." Authorized to extend road to any point on Raleigh & Gaston railroad.

SEC. 5. In section eleven, lines eight and nine, strike out the words "one thirtieth of the amount of the principal thereof," and insert instead thereof the words, "after ten years from the issue thereof shall annually levy a tax sufficient to pay one twentieth of the principal thereof." Levy of tax to provide sinking fund to pay principal of township bonds.

SEC. 6. In section twelve, lines twenty-five and twenty-six, strike out the words "one thirtieth of the principal," and insert instead thereof the words "after ten years from the issue thereof shall annually levy a tax sufficient to pay one twentieth of the principal thereof." Levy of tax to provide sinking fund to pay principal of town bonds.

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

In the General Assembly read three times, and ratified this the 14th day of January, A. D. 1887.

CHAPTER 4.

An act to incorporate the Georgia, Carolina and Northern Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That R. F. Hoke, L. M. Perrin, W. G. Childs, Body politic.
 A. L. Hull and Hoke Smith, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate, by the name of the Georgia, Carolina and Northern Railway Company, and as such shall have Corporate name.
 the powers herein granted in perpetuity. That said company Corporate powers in perpetuity.
 may by that name sue and be sued, and plead and be impleaded in any court in this State. And the said company Corporate powers.
 shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers, and prescribe their powers and duties, and to have and use a common seal, which it may change or

alter at pleasure. To acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have and exercise all and every other power, privilege, franchise and right, common or necessary to similar corporations, and not inconsistent with the laws of this State or the provisions of this act.

Termini.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad, with one or more tracks, from some point on the South Carolina line, in the county of Anson or Union, to be selected by the president and directors of said company, to the line of the Carolina Central Railroad Company, in one of said counties, as the president and directors may determine.

Capital stock.

SEC. 3. That the capital stock of said company shall be (\$5,000) five thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine, up to (\$500,000) five hundred thousand dollars. That the stock of said company shall be in shares of (\$100) one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their subscription to the said capital stock.

Stock vote.

Liability of stockholders.

Books of subscription.

Organization.

That books of subscription shall be opened by the incorporators, or a majority of them, at such times and places and under such rules and regulations as they, or a majority of them, may prescribe. That the said incorporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the subscribers to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some paper published in the county of Union or Anson. That at such meeting the stockholders shall elect a board of directors, consisting of five members, who shall immediately elect one of their number president of the company.

Board of directors.

President.

SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or material necessary for the construction or equipment of said road, in bonds, stocks, or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company.

Subscriptions to capital stock, how made.

SEC. 5. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies, chartered by and organized under the laws of this or any other State or States, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be merged and consolidated shall and may form a continuous line of railroad with each other, or by means of intervening road or roads; and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and the number of the directors of the said consolidated corporation shall consist of not less than six or more than thirteen persons, as the stockholders may determine. That said directors, or a majority of them, shall elect a president, and shall appoint such officers and agents as may be deemed necessary; shall establish a common seal, and do such other acts as may be necessary for the conduct of the corporation so formed; and the said directors, or a majority of them, may establish the principal office of said consolidated company at such place on the line of the consolidated company as they may deem best: *Provided*, that the said consolidated company maintains in this State an office or offices, and agent or agents, upon whom process may be served.

Authorized to consolidate with other railroad company.

How effected.

Directors.

Officers.

Common seal.

Powers.

Principal office.

Proviso.

SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other State from time to time to subscribe for, purchase or hold the stock and bonds, or either, of this company, or to

Other companies authorized to hold stock, &c., and to purchase, &c., road.

guarantee or endorse such bonds or stock, or either of them; and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other State, to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such companies or company as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds, or both, of any other railroad or transportation company chartered by this or any other State, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road, or hire property or franchise of any such railroad or transportation company: *Provided*, that the road or line of such company shall directly or by means of one or more intervening roads or lines be connected with the road of this company.

Authorized to hold stock, &c., and to purchase, &c., other roads, &c.

Proviso.

Annual meeting of stockholders.

SEC. 7. That meetings of stockholders shall be held annually at such time and place, either in this or another State, as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president, or by a majority of the directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this State thirty days before said meeting, and notices of annual meetings shall be likewise published.

Special meetings.

Officers.

SEC. 8. That the president and board of directors of this company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year or until their successors are elected, and in case of vacancies occurring by death or resignation in the office of director, the same may be filled by the directors until the next meeting of the stockholders.

Directors.

SEC. 9. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act. Powers of president and directors.

SEC. 10. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest, not exceeding seven per cent., as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchises of the company, or either or any part thereof. Authorized to borrow money on mortgage.

SEC. 11. That this company shall enjoy the benefits and be subject to the provisions of Sections 1943 to 1951 inclusive of chapter 49 of The Code of North Carolina in respect to the acquisition of land by condemnation. Condemnation of land.

SEC. 12. That for the purpose of aiding in raising the capital stock of said Georgia, Carolina and Northern Railway Company, in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as a majority of their qualified electors may authorize the county commissioners of such county, or the municipal authorities of such town to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding: *Provided*, that no county, township, city or town shall subscribe an amount which shall require an annual levy of more than ten cents on every hundred dollars of real and personal property and thirty cents upon the poll for the purpose of paying its money subscription or the annual interest upon its bonds Subscriptions by counties, townships, cities and towns. Limitation of amount of subscription.

Subscription in bonds.

and to provide for the sinking fund hereinafter required. If such subscription by any county, township or town be in bonds the said subscription shall be made in bonds not bearing a greater rate of interest than seven per cent., payable forty years after date thereof, to be received by said company at par and to be of the denominations of one hundred dollars and five hundred dollars, interest to be paid semi-annually; and when any city, town, township or county shall pay the cash subscription, or shall deliver its bonds, they shall receive therefor certificates of stock representing a like amount.

Certificates of stock.

Elections, when and how held.

SEC. 13. That for the purposes of determining the amount of such subscriptions, it shall be the duty of the county commissioners of any county, or the municipal authorities of any town interested in the construction of the said road, upon a written application of one-fourth of the qualified voters of said county, township or town, specifying an amount therein to be subscribed in money or bonds, not exceeding that heretofore specified, to submit to the qualified electors of such county, township or town, as the case may be, the question of subscription or no subscription to the capital stock of said company; and said county commissioners or municipal authorities of such town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for holding the same according to law, at which said election the ballots shall have written or printed thereon either the word "subscription" or "no subscription," the said county commissioners by resolution of their Board, and the said municipal authorities of said town, having first fixed the amount proposed to be subscribed, according to the request of the petition submitted to them, notice of said election being published for three weeks immediately prior thereto in one or more of the county newspapers.

Ballots.

Notice of election.

Subscription to be made upon vote of majority of qualified electors.

SEC. 14. That in case a majority of the qualified voters shall have voted for "subscription," then the chairman of the board of county commissioners, in all cases of county or township elections, shall be authorized and required to subscribe to

the capital stock of said company in behalf of said county or township, the sum which may have been fixed and named in the resolution of said board, published as aforesaid, which subscription, if in bonds, shall be in bonds bearing a rate of interest not exceeding seven per cent., as aforesaid, with interest, payable semi-annually; if in money, shall be in such annual instalments as shall have been named in the petition, and in the resolution of the said board; and all tax-levies for the purpose of raising funds to pay said bonds or coupons, or said sums of money subscribed, shall be made upon the polls and taxable property in such counties or townships, and if a majority of qualified voters in any town election shall vote for subscription, the proper corporate authorities of such town are authorized and required to subscribe in behalf of such town in like manner and to like extent as the county commissioners are herein required in all cases of county and township subscriptions.

Description of bonds.

Tax, how levied.

Subscription by towns.

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 the municipal authorities of any town, shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township or town as may make a subscription of bonds to the said company, preserving the constitutional equation, a sufficient tax, not exceeding that above specified, to pay such interest, and after ten years from the date of said bonds to provide each year a sum equal to one fortieth part of the principal of said subscription bonds for a sinking fund, which tax, together with the tax levied to pay the interest on said bonds, shall not exceed the limit hereinbefore prescribed, and which tax shall annually be collected as other taxes and paid to the county treasurer or other officer of said county or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds which shall be cancelled by the county commissioners, or the municipal authorities of the town, as the case may be, but in case said

Special tax to pay interest on bonds.

After ten years special tax to provide sinking fund to pay principal.

Tax, to whom paid.

How invested.

treasurer or other officer shall be unable to invest the sinking fund 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 said town.

Special tax to pay money subscriptions.

SEC. 16. That for the payment of any money subscriptions voted under this act, the county commissioners of the respective counties shall levy a tax upon the polls and taxable property of such counties or townships sufficient to pay such subscriptions on each instalment as it may become due, which tax shall be levied and assessed by the county commissioners, and be collected in the same manner in which other State and county taxes are collected. The corporate authorities of any town so subscribing shall in like manner levy and assess a tax upon the polls and taxable property of said town sufficient to pay such subscription on each instalment as it becomes due, to be collected as other municipal taxes are collected at the first annual collection of taxes next after such subscription, and annually thereafter until all the instalments are paid. All moneys collected on account of any subscription in money under this act, shall as soon after collection as practicable be turned over by the county treasurer or town treasurer as aforesaid to the treasurer of said company, or its legally authorized agent, if any.

Moneys collected to be paid to treasurer of company.

Townships incorporated.

SEC. 17. That for the purposes of this act, all the townships in counties along the line of the railroad, or which are interested in its construction as herein provided for, shall be and they are hereby declared to be bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this act, and shall have all the rights, and be subjected to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties are declared to be the corporate agents of the townships so incorporated and situate within the limits of the said counties respectively.

Powers.

County commissioners corporate agents of townships.

SEC. 18. That in all conventions of stockholders of said company, such counties, townships or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such towns, or the county commissioners of the respective counties or townships in such counties.

Representation in stockholders' meetings of counties, townships and towns.

SEC. 19. That the construction of this railroad shall be begun within two years of the passage of this act.

Construction of road to be begun within two years.

SEC. 20. That this act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1887.

CHAPTER 5.

An act to amend chapter one hundred and eighty, laws of one thousand eight hundred and eighty-five, being to abolish the June term of the Superior Court of Northampton county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty (180), section one, of the laws of one thousand eight hundred and eighty-five, entitled "An act supplemental to an act ratified the fourteenth day of February, one thousand eight hundred and eighty-five, entitled An act to increase the number of Superior Court judges and judicial districts," be amended as follows under the division of the "Second district" establishing the courts for Northampton county, to strike out "and the fourteenth Monday after the first Monday in March, to be for the trial of civil cases alone," the last two lines thereof.

Chapter 180, sec. 1, laws 1885, amended.

June term of Northampton Superior Court abolished.

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 18th day of January, A. D. 1887.

CHAPTER 6.

An act to amend chapter one hundred and eighty of the Laws of one thousand eight hundred and eighty-five, entitled "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 180, sec. 1,
Laws 1885,
amended.

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, entitled "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," be and the same is hereby amended by inserting on page three hundred and thirty-one, between the words "March" and "to" in line five the words "to continue for three weeks and"; by striking out the words "and the fifteenth Monday after the first Monday in March," in lines sixteen and seventeen; by striking out the word "sixteenth" in line twenty-one and inserting in lieu thereof the word "fifteenth"; by striking out the words "fifteenth Monday after the first Monday in September" in lines twenty-two and twenty-three, the words "and the fourteenth Monday after the first Monday in September" in lines twenty-five and twenty-six, and the words "and the fourth Monday before the first Monday in March" in lines thirty-two and thirty-three.

Spring Term of
Beaufort Superior
Court to continue
three weeks.

June Term of
Chowan Superior
Court abolished.

June Term of Hert-
ford Superior Court,
when held.

December Term of
Hertford Superior
Court, December
Term of Washing-
ton Superior Court,
and February
Term of Hyde Su-
perior Court abol-
ished.

Process, how re-
turnable.

SEC. 2. That all process, original, mesne or final, in civil and criminal actions, issued and returnable to the terms of the superior courts of the counties of Chowan, Hertford, Hyde and Washington, which are abolished, and to the term of the superior court of the county of Hertford, which is changed by this act, shall be returnable to the next terms of the said courts after the said abolished terms and to the said term as changed, and all persons who have been recognized, bound or summoned, or who shall be hereafter recognized, bound or

summoned to appear at said terms, as heretofore appointed, are hereby required to appear at the terms as prescribed by this act.

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

In the General Assembly read three terms, and ratified this the 19th day of January, A. D. 1887.

CHAPTER 7.

An act in relation to the time and duration of the terms of the Courts in Ashe and Watauga Counties, in the Tenth Judicial District.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of chapter one hundred and eighty, of the laws of one thousand eight hundred and eighty-five, which relates to and fixes the time for holding the courts in the tenth judicial district, be amended as follows: Add to section relating to Ashe, "and that the March term shall hold two weeks." And in section relating to Watauga, strike out the words, "Fourth Monday after first Monday in March," and put in lieu thereof, "fifth Monday after first Monday in March."

Chapter 180, sec. 1,
Laws 1885,
amended.

March Term of
Ashe Superior
Court to continue
two weeks.

Spring Term of
Watauga Superior
Court, when held.

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 January, A. D. 1887.

CHAPTER 8.

An act to change the name of the town of "Third Creek," Rowan county, to "Cleveland."

The General Assembly of North Carolina do enact:

Name of town of Third Creek, Rowan county, changed to Cleveland.

SECTION 1. That the name of the town of "Third Creek," Rowan county, be and the same is hereby changed to "Cleveland."

Chapter 71, Private Laws 1883, amended.

SEC. 2. That chapter seventy-one of the private laws of one thousand eight hundred and eighty-three, the same being the charter of the town of Third Creek, be and the same is hereby amended by striking out the word "Third Creek" wherever it may occur in said chapter and inserting in lieu thereof the word "Cleveland."

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 January, A. D. 1887.

CHAPTER 9.

An act to protect the fish in White Lake.

The General Assembly of North Carolina do enact:

Unlawful to catch, &c., fish with seines, &c., in White Lake, Bladen county.

SECTION 1. No person shall catch or destroy with seines or nets, or traps, any fish in the waters of the White Lake, in Bladen county, and any person violating this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than ten dollars nor less than five dollars, which fine shall be paid to the county treasurer for the benefit of the school fund.

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 19th day of January, A. D. 1887.

CHAPTER 10.

An act to amend chapter two hundred and fifty-six of the Laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section first of chapter two hundred and fifty-six of the acts of the General Assembly of one thousand eight hundred and eighty-five be amended by inserting the word "Pamlico" after the word Dare, in the 4th line of said first section.

Section 72 of the Code amended.
Superior court clerk of Pamlico county not required to give bond in larger penalty than \$5,000 except in certain contingencies.

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

Act not to be construed to modify or repeal law authorizing county commissioners to require justification or renewal of bond.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1887.

CHAPTER 11.

An act to incorporate the New Hanover Transit Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Isaac Bates, John W. Harper, James Nolan and William L. Smith, Jr., their associates and assigns, are hereby constituted a body corporate by the name of The New Hanover Transit Company, and as such shall have the general powers of corporations as set out in section six hundred and sixty-three of The Code of North Carolina, and the same shall continue for ninety-nine years.

Body corporate.

Corporate name.

Corporate powers.

SEC. 2. That the said corporation may establish and run a line of steamers, barges or other vessels on the Cape Fear and Brunswick rivers, and a railway, tram-way, shell-road or other road, from the Cape Fear river to or near Myrtle Grove sound and the sea beach adjacent thereto, and such other branch roads as may be deemed expedient, and may also estab-

Authorized to establish line of steamers on Cape Fear and Brunswick rivers, build railway to Myrtle Grove sound, &c., establish hotel, &c.

lish a hotel or other place of resort at or near the seashore, for the accommodation of visitors.

Authorized to close lines at certain seasons.

SEC. 3. That the said corporation may transport passengers and freight upon its line, but as the said lines are intended more especially for summer travel, the same may be closed at such seasons of the year as the directors or managing officers may deem expedient.

Gauge.

SEC. 4. That the said corporation may fix the gauge of such railway or tram-way, and may change the same at discretion.

Authorized to purchase &c., steamers, &c.

SEC. 5. That the said corporation may purchase, lease or charter such steamers, barges or other vessels as may be required in its business, and all other necessary personal property, and

Condemnation of land.

it may acquire such lands and rights of way as may be necessary for its wharves, landings and roads in the manner prescribed in The Code of North Carolina, in Sections 1698 to 1709 inclusive, and such other sections of The Code as are therein referred to, and the said corporation shall have all the

Corporate powers.

corporate powers which are set out in Section 1957 of The Code of North Carolina. It may purchase and hold stock in any other corporation, and it may purchase and hold and operate any other railroad or steamboat company's property and franchise, and any other corporation may purchase and hold stock in said corporation, or may purchase and hold and use the property and franchises of said corporation.

Capital stock.

SEC. 6. That the capital stock of said corporation shall not be less than ten thousand dollars, in shares of one hundred dollars each, and the said capital stock may be increased to fifty thousand dollars whenever said corporation shall deem expedient.

Subscriptions, how made.

SEC. 7. That subscriptions to said stock may be paid in land, lumber, material, labor or money, as may be agreed upon.

Books of subscription.

SEC. 8. That the corporators hereinbefore named may open books of subscription to the capital stock of said company in the city of Wilmington, within twenty days after the ratification of this act.

SEC. 9. That as soon as the sum of ten thousand dollars of ^{Organization.} the capital stock shall be subscribed, the corporators above named, or any of them, shall call a meeting of the subscribers and organize said corporation by the election of five directors, ^{Directors and officers.} who shall choose a president from their own number and such other officers as may be required by the by-laws or regulations which shall be adopted by the members of said corporation.

SEC. 10. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1887.

CHAPTER 12.

An act to authorize the commissioners of Monroe to issue bonds to purchase a fire engine and provide an efficient fire department.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Monroe, ^{Authorized to issue bonds to amount of \$4,000.} in the county of Union, for the purpose of purchasing and paying for a fire engine, hose, hose-reels and other necessary appurtenances to a complete fire department, and for the purpose of providing a sufficient fire department for the said town, be and they are hereby authorized and empowered to issue bonds to the amount of four thousand (\$4,000.00) dollars, bearing interest at a rate not to exceed eight (8) per centum per annum, of the denomination of one hundred dollars, to each and every of which bonds shall be attached the coupons representing the interest thereon, which shall be due and payable on the first day of January of each and every year until their maturity. The bonds thus issued shall be numbered consecutively from one (1) to forty (40), and the coupons attached to said bonds shall bear the number of the bond to which they and each of them are attached and shall

^{Description of bonds.}

declare the amount of interest which they represent and when due, and shall be receivable in payment of all taxes due to said town for property or polls. The bonds shall run for a period of ten years and shall be exempt from all municipal taxation whatever. But the said commissioners shall have the authority to redeem one-tenth of the said bonds annually, and for that purpose they are authorized to give notice in a newspaper published in Union county designating the number of the bonds due and payable, or which they shall determine to redeem, and requiring the holders of the said bonds to present them for payment together with the coupons due at that time, and in case the holders, or holder, shall fail to present the bond or bonds so designated, then the said bond or bonds shall cease to draw interest.

SEC. 2. That the said bonds shall be issued under the signature of the mayor, the clerk of the board of commissioners and the treasurer of the town, and shall be attested by the signature of one or more of the said commissioners other than the clerk or treasurer, and they shall be disposed of by the treasurer of said town, under the direction of the commissioners, at a sum not less than their par value, and the sum arising from the sale of the said bonds shall be used as aforesaid for the purposes declared in section one of this act.

SEC. 3. That the commissioners of said town are authorized and empowered to levy a special tax, not to exceed the sum of ten cents on the one hundred dollars' worth of property, real and personal, and thirty cents on the poll, which said tax shall be used for the purpose of paying interest on said bonds and of paying the said bonds as they may become due or redeemable; that the taxes so levied by the said commissioners shall be collected by the town marshal as other taxes, and he shall account for the same to the treasurer of the town as, and in the manner, that he accounts for other taxes due to said town.

SEC. 4. That in the event the taxes levied under this act shall be more than sufficient to pay the interest on said bonds and redeem one-tenth thereof annually, the commissioners of

Coupons receivable for taxes.

Bonds exempt from taxation.

Commissioners authorized to redeem one tenth annually.

Bonds, how issued.

How negotiated.

Proceeds, how applied.

Special tax.

How collected, &c.

Any excess to be used for digging cisterns, &c.

said town are authorized to use such excess for the purpose of digging cisterns or providing reservoirs to contain a supply of water for the purposes and uses of the said fire department in case of conflagration.

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 21st day of January, A. D. 1887.

CHAPTER 13.

An act to amend section nine hundred and twenty-six, chapter twenty-three, of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That Section nine hundred and twenty-six, chapter twenty-three, of The Code be and the same is hereby amended by striking out in line four the word "fourth" and inserting in lieu thereof the word "second": *Provided*, this act shall apply only to Transylvania county.

Code, section 926, amended.
Transylvania Superior Court to be adjourned for the term by the sheriff if judge is not present by second day.

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

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1887.

CHAPTER 14.

An act to amend chapter seventy-two, Laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-two, laws of one thousand eight hundred and eighty-five, be amended by adding to sec-

Chapter 72, sec. 2, laws 1885, amended.

Misdemeanor to remove, &c., calf on which lien exists for service price of bull.

Penalty.

tion two: "and any overseer, agent, or employee, removing, exchanging, or secreting, the property upon which said lien exists, with intention to prevent or hinder the enforcement of said lien, shall be deemed guilty of a misdemeanor, and, upon conviction in any court having jurisdiction thereof, shall be fined not more than twenty dollars, nor less than 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 passage.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1887.

CHAPTER 15.

An act for the relief of R. S. Carson, Clerk of the Superior Court of Alleghany county.

The General Assembly of North Carolina do enact:

Clerk of Alleghany Superior Court not required to keep office open on Mondays in February, 1887.

SECTION 1. That the clerk of the Superior Court of Alleghany county be and he is hereby exempted from the provisions of Section one hundred and fourteen of The Code, during the month of February, 1887, and from the liabilities and penalties mentioned in Section one hundred and fifteen of The Code, for said period.

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

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1887.

CHAPTER 16.

An act to authorize the Commissioners of Lincoln County to use stock-law fences.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Lincoln county are authorized to sell the stock-law fence and gates erected in or around the said county, where the same have become useless or unnecessary, and the money realized from such sale, together with the excess raised by taxation for the purpose of erecting such fence and gates, they shall place in their treasury to the credit of the general fund belonging to the county.

Commissioners of Lincoln county authorized to sell useless or unnecessary stock-law fence.

Application of proceeds.

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 24th day of January, A. D. 1887.

CHAPTER 17.

An act to amend chapter three hundred and fifty-nine of the Acts of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and fifty-nine (359) of the acts of one thousand eight hundred and eighty-five be amended by striking out the words "payment owing by" in the seventh line of said section, and inserting in lieu thereof the words "judgment against."

Section 501, subsection 4, of Code, amended.

Statute of limitation not to run against judgment against 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 24th day of January, A. D. 1887.

CHAPTER 18.

An act to appoint a cotton-weigher for the town of Wake Forest.

The General Assembly of North Carolina do enact:

Commissioners of
Wake Forest to
appoint one cotton
weigher.

SECTION 1. That there shall be appointed for the town of Wake Forest one public cotton-weigher. Said cotton-weigher shall be appointed by the commissioners of the town of Wake Forest at their regular meeting next after the ratification of this act, and every year thereafter. Any vacancy occurring in the office of said cotton-weigher shall be filled in like manner for the unexpired term at the first meeting of said town commissioners after such vacancy.

Vacancy.

Duties.

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

Oath of office.

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 Wake Forest.

Bond.

SEC. 4. That said cotton-weigher shall give bond in the sum of five hundred dollars, payable to the State of North Carolina, conditional upon the faithful performance of his duty; said bond shall be taken by the commissioners of the town of Wake Forest and filed in the office of the Register of Deeds for Wake county.

To keep record, &c.

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

Compensation.

Unlawful for other
person to weigh
cotton.

SEC. 6. That no other person than said cotton-weigher shall weigh any baled cotton in said town, under a penalty of ten

dollars for each offence, said fine to be applied to the school fund of the said county of Wake upon the conviction of the offender before any justice of the peace of said county. Penalty and its application.

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

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

SEC. 9. 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. 1887.

CHAPTER 19.

An act to amend Section eleven hundred of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one thousand and one hundred of The Code be and it is hereby amended by striking out in lines six and seven of said section the following words: "with intent to injure said car or locomotive, or any person therein or thereon," and by inserting in the first line of said section, between the words "shall" and "cost," in said line, the words "wilfully and unlawfully." Code, section 1100, amended. Throwing or shooting at cars, &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 24th day of January, A. D. 1887.

CHAPTER 20.

An act to prohibit fast driving or riding over the iron bridge over the South Fork River, in Lincoln County.

The General Assembly of North Carolina do enact:

Misdemeanor to ride or drive horse, &c., faster than a walk over iron bridge across South Fork river, Yadkin county.

Proviso.

SECTION 1. That if any person shall wilfully ride or drive any horse, mule, or other animal, faster than a walk over the iron bridge across the South Fork river, in Lincoln county, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that no person shall be indicted or prosecuted under the provisions of this act until posters have been put up where they can be seen at each end of the bridge. The posters shall be plainly written or printed, and contain the following words: "All persons are forbidden to ride or drive over this bridge faster than a walk."

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. 1887.

CHAPTER 21.

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

The General Assembly of North Carolina do enact:

Chapter 180, laws 1885, amended.

May term of Alexander Superior Court abolished.

SECTION 1. That chapter one hundred and eighty, section one, of the laws of one thousand eight hundred and eighty-five, be amended by striking out on page three hundred and forty, in the third and fourth lines from the bottom of said page, the following words, to-wit: "Fourteenth Monday after the first Monday in March."

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. 1887.

CHAPTER 22.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the laws of one thousand eight hundred and eighty-five, chapter one hundred and forty-nine, section eight, be amended by inserting between the words "sand" and "and" in the third line of said section the following words: "and may cut brush and timber from the adjacent lands for that purpose."

Chapter 149, laws 1885, amended. Commissioners to drain lowlands in Rowan, Davidson, Davie and Catawba counties, authorized to cut brush, &c., from adjacent lands to stop washes.

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. 1887.

CHAPTER 23.

An act to abolish the May term of the Superior Court of Union county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty of the acts of one thousand eight hundred and eighty-five, fixing the time for holding the Superior Courts in the Eleventh district, be amended by striking out all after the word "Union," in line four (4), on page three hundred and forty

Chapter 180, laws 1885, amended.

Superior Courts in Union county, when held.

(340), down to and including the word "alone," in the eighth (8) line, and inserting in lieu thereof "fourth Monday before the first Monday in March, to continue three weeks; third Monday in September, to continue two weeks, and the first week of each term to be for the trial of criminal cases alone."

Notice to be given of abolition of May term.

SEC. 2. That immediately upon the ratification of this act it shall be the duty of the Secretary of State to furnish a copy thereof to the commissioners of Union county, who shall cause publication thereof to be made in a newspaper published in Union county, so as to give notice to the parties litigant and witnesses, that there shall be no term of the Superior Court held during the month of May.

Process, how returnable.

SEC. 3. That all process, summons, recognizances, subpoenas, or other paper, which are made returnable to the May term of the Superior Court of Union county, shall be returned to the September term, and no person shall be released from any recognizance, bond, or other obligation, returnable to said term held in May under the acts of one thousand eight hundred and eighty-five; on account of the abolition of said term.

Act to be in force from April 1st, 1887.

SEC. 4. That this act shall be in force from the first day of April, one thousand eight hundred and eighty-seven.

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 24.

An act to make Bogue Sound, in Carteret county, a lawful fence.

The General Assembly of North Carolina do enact:

Bogue Sound and navigable bays, &c., declared a legal fence from Morehead City to Cedar Point.

SECTION 1. That Bogue Sound, in Carteret county, together with its navigable bays and creeks, be and the same are hereby made and declared a legal fence, from Morehead City to Cedar Point.

SEC. 2. That navigable bays and creeks in this act shall be construed to mean navigable for such boats and crafts as are generally employed on the waters of the sound.

Definition of navigable bays and creeks.

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. 1887.

CHAPTER 25.

An act to amend chapter fifty-three, section six, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, of chapter fifty-three, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended as follows: By striking out all of said section after the word "thereof" in the seventh line of said section, and adding in lieu thereof the words "shall be fined or imprisoned, or both, at the discretion of the court."

Chapter 53, sec. 6,
Private laws 1876-7,
amended.

Penalty for wilful
obstruction of
Muddy Fork,
Lower Little river,
Alexander county.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 26.

An act to amend chapter one hundred and forty-eight, laws of one thousand eight hundred and eighty-five, and to provide for the better drainage of Lower Creek, in the counties of Burke and Caldwell.

The General Assembly of North Carolina do enact:

Chapter 148, laws
1885, amended.

Notice to land-
owner to furnish
hand.

Duties of overseers
and hands.

Fines, &c.

SECTION 1. That chapter one hundred and forty-eight of the laws of one thousand eight hundred and eighty-five, entitled "An act for the better drainage of Lower Creek, in the counties of Burke and Caldwell," be amended as follows: by striking out "five" (5) in line six of third section and inserting "two" in place thereof; by striking out all of section three after the words "channel of said creek," in line sixteen thereof, and inserting "in cutting new channels for said creek or in removing obstructions in and widening and deepening the present channels and improving the banks of said creek, under such directions as the commissioners shall prescribe, and said commissioners shall have power to require the overseers and hands of any or all the sections to work together at any given time, and at any place between the said site of Erwin's mill and said bridge near Lenoir, when and where the nature of the work, in their discretion, needs a greater number of days than prescribed in the original act, and a larger force than one section affords, under the same fines, penalties and forfeitures as prescribed in section three of the original 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 26th day of January, A. D. 1887.

CHAPTER 27.

An act to allow the Commissioners of Sampson county to sell the old poor-house of said county.

The General Assembly of North Carolina do enact:

SECTION 1. That John Ashford, W. H. Thompson and J. W. Underwood, commissioners of Sampson county, are hereby empowered to sell the old poor-house of Sampson county and the land therewith connected, situate about six miles southwest of Clinton, and that they make deed for the same.

Commissioners of
Sampson county
empowered to sell
old poor-house.

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. 1887.

CHAPTER 28.

An act to authorize the Commissioners of Davie county to pay a certain school claim.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Davie county are hereby authorized to examine the claim of the following named person, and for the service indicated during the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, viz.: W. E. Eaton, for teaching district school number ten, Calahan township; and if, in their judgment, said claim is just, they are further authorized to pay the same out of any school money now or hereafter belonging to the said district.

Commissioners of
Davie county au-
thorized to audit
and pay claim of
W. E. Eaton for
teaching school.

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. 1887.

CHAPTER 29.

An act to amend the election law, Sections two thousand six hundred and seventy-four, two thousand six hundred and ninety, two thousand six hundred and ninety-three of The Code, and chapter ninety-five of the acts of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Section 2694 of Code amended.

SECTION 1. That Section two thousand six hundred and seventy-four of The Code be amended as follows: In line ten of said section, after the word "township," add the words "or a majority of said justices, or the clerk of the Superior Court of the county, in case said justices, or a majority of them, fail to meet."

Appointment of registrar in case of vacancy, &c.

SEC. 2. That Section twenty-six hundred and ninety of The Code be amended as follows: In line two of said section, after the word "number," add the words "or the registrar."

Section 2690 amended.

Appointment of member of board of canvassers.

SEC. 3. That Section twenty-six hundred and ninety-three of The Code and chapter ninety-five of the acts of one thousand eight hundred and eighty-five be amended as follows: In line seven of said section of The Code, strike out the words "Carteret and," and in line five of said chapter ninety-five of the acts of one thousand eight hundred and eighty-five, after the word "Hyde," add the words "and Carteret."

Section 2693 amended.

Board of county canvassers of Carteret county to meet fourth day after election.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 30.

An act to authorize the Commissioners of Swain to levy a special tax to build a new jail, or repair the old one.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Swain county be and are hereby authorized and empowered to levy a special tax for the purpose of paying for the repairing of the old jail, or building a new one, for said county.

Commissioners of Swain county authorized to levy special tax to repair jail or build new one.

SEC. 2. The tax authorized in the first section of this act shall be levied and collected as, and when, other public taxes are collected upon the property of said county for the years 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: *Provided*, the sum levied and collected shall not exceed the sum of one thousand dollars in any one year: *Provided*, that the constitutional equation be observed between the poll and property.

Tax, how levied and collected.

Not to exceed \$1,000 in any one year. Constitutional equation to be observed.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 31.

An act to levy a special tax to build a court-house in the county of Jackson.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Jackson county shall be and they are hereby authorized and required to levy a special tax, not to exceed the sum of twelve thou-

Commissioners of Jackson county authorized to levy special tax not exceeding \$12,000 to build court house.

sand dollars, to be levied on the taxable property and other subjects of taxation, and polls, in said county of Jackson, observing the constitutional equation between property and polls, for the purpose of building a court-house in the town of Webster, the county-site of Jackson county. The taxes so levied and collected to be accounted for as other taxes by the sheriff or tax collector, on the first Monday of May, 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: *Provided*, the sum so levied and collected shall not exceed thirty-five hundred dollars in any one year herein named.

Not to exceed
\$3,500 in any one
year.

Tax, how levied
and collected.

SEC. 2. The taxes herein authorized to be levied and collected shall be levied and collected as other taxes, and subjected to the same rules and regulations, fines and penalties as state and county taxes.

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 January, A. D. 1887.

CHAPTER 32.

An act to prescribe punishment for certain malicious and secret crimes.

The General Assembly of North Carolina do enact:

Felony to maliciously commit assault and battery with deadly weapon by waylaying, &c., with intent to kill.

Penalty.

SECTION 1. That any person who shall maliciously commit an assault and battery with any deadly weapon upon another by waylaying or otherwise, in a secret manner, with intent to kill such other person, shall be guilty of a felony and punishable by imprisonment in jail or the penitentiary for not less than twelve months nor more than twenty years, or by a fine not exceeding two thousand dollars, or both, in the discretion of the court.

SEC. 2. That if any person, by maliciously administering Felony to maliciously administer, &c., poison with intent to kill. poison to another, or by laying or placing poison for another in any food or drink, or otherwise, with intent to kill or injure such other person, or shall cause any person to partake of the same, though death do not ensue therefrom, the person so offending shall be guilty of a felony and punished as is pre- Penalty. scribed in the next preceding section; and if any person, by offering to administer poison, or by laying or placing the same for another, shall wilfully attempt to commit the said felony without consummating the same, he shall be guilty of a mis- Misdemeanor to offer to administer poison, &c. demeanor and punished by imprisonment in jail or the peni- Penalty. tentiary not less than two months nor more than two years, or by a fine not exceeding two hundred dollars, or both, in the discretion of the court.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 33.

An act in relation to damages occasioned by negligence.

The General Assembly of North Carolina do enact:

SECTION 1. That in all actions to recover damages by rea- In actions for damages contributory negligence to be set up in answer and proved on trial when relied on as a defence. son of the negligence of the defendant, where contributory negligence is relied upon as a defence, it shall be set up in the answer and proved on the trial.

SEC. 2. That the provision contained in the preceding section shall apply to similar actions when brought by employees Applicable to actions by employees against employers. against their employers.

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

In the General Assembly read three terms, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 34.

An act to authorize the Commissioners of Hyde county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners of Hyde county, with concurrence of justices, authorized to levy special tax to pay county indebtedness.

SECTION 1. That the commissioners of Hyde county, with the concurrence of a majority of the justices sitting with them, are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, for the purpose of paying off the indebtedness of said county. That in levying the said tax the constitutional equation shall be observed, and the tax shall not exceed in either of said years fifteen cents upon every hundred dollars' worth of property, and forty-five cents upon the poll. That the said tax shall be collected and accounted for by the sheriff of said county in the same manner, under the same penalties, and within the same time as other taxes levied in said county for said years.

Limitation of tax.

How collected, &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 28th day of January, A. D. 1887.

CHAPTER 35.

An act to repeal chapter one hundred and forty-four, Laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 144, laws 1885, repealed. Currituck Sound from Virginia line to southern line of Poplar Branch township no longer a lawful fence.

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

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

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1887.

CHAPTER 36.

An act to amend the charter of the South Atlantic and North Western Railroad Company.*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the South Atlantic and North Western Railroad Company, heretofore incorporated under the general laws of this State, by articles of association, duly filed in the office of the Secretary of State on the thirty-first day of July, one thousand eight hundred and eighty-six, be and the same is hereby amended, as follows:

Articles of association filed in office of Secretary of State amended.

SEC. 2. That said company shall have the power and authority to change the line of the railroad projected in said articles of association and therein designated as the South Atlantic and North Western Railroad, so as to begin at or near the town of Smithville, in the county of Brunswick, and run thence through the counties of Brunswick, Columbus, Robeson, Richmond, Montgomery, Stanly and Rowan, to the town of Salisbury, in said county of Rowan, and thence on in a north-western direction, and in the general direction of the town of Bristol, in the State of Tennessee, through the counties intervening between the said town of Salisbury and the State line of Tennessee to a point in said State line.

Authorized to change line of road.

Termini and course.

SEC. 3. That any county, township, city or town, along or near the line of said railroad, or at any terminal point thereof, may subscribe to the capital stock of the said company such an amount in cash or in bonds as may be agreed upon between the said company and the county commissioners, or other proper authorities of said county, township, city or town, and as may be ratified by all the qualified voters of said county, township, city or town, as hereinafter provided for; and to this end, it shall be the duty of the county commissioners, and the proper authorities of such city or town, upon the written application of the board of directors of said railroad, stating the amount which it is desired that such county, township,

Counties, &c., authorized to subscribe to capital stock when ratified by all the qualified voters, &c.

Election, when held, &c.

city or town shall subscribe to the capital stock of said company, together with a petition of one-fifth of the registered voters of said county, township, city or town, 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 printed or written, "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 the terms of payment, whether in cash or bonds, and if in bonds, then the time the same are to run, together with the rate of interest thereon, and the name of the company 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 said county, or of the county in which such township, city or town is situate, and shall be taken as evidence of the same in any court of this State: *Provided*, that whenever any county, city, township or town shall make any subscription to said company, the same shall be made upon the express condition that unless work shall be commenced by said company in the limits of the county so making the subscription, or within which the township, city or town is situated, and prosecuted with diligence through the same, within five (5) years from the date of such subscription, then the said subscription shall be void and of no further binding force or effect.

Ballots.

Notice.

Election, how held, &c.

Subscription to be void unless work be commenced within county, &c., in five years.

Authorized to consolidate with other roads.

SEC. 4. That said company shall have the power and authority to consolidate its said line of railroad with other lines of railroad connecting with or intersecting it in this State, and

also with any lines connecting with it, at either of its terminal points, and forming a continuous line in and through other States.

SEC. 5. That said company shall have power and authority to build all such branches and connecting lines of railways as may be deemed necessary and advantageous to the extension, completion and successful operation of said railroad, and the provisions of section two of this act, governing subscriptions to the main line, shall apply to all branches and connecting lines constructed under this section, and all subscriptions made to said branches or connecting lines in conformity with section second shall be valid.

Authorized to build branch and connecting lines.

Counties, &c., may subscribe to branch and connecting lines.

SEC. 6. That whenever land shall be required for the construction of the road, or for depots, water-stations, or other purposes, and for any cause the same cannot be purchased from the owners of said lands, the same may be acquired by the directors at a valuation to be ascertained as follows: The sheriff of the county in which said land shall be situated shall, on the written petition of the president of said company, notify, in writing, the owner or owners to appear on said land at a time therein mentioned, which shall not be less than three days from the service of said notice, and shall also summon three disinterested freeholders of his county, who shall meet on said premises at the appointed time, and after being duly sworn by an officer duly qualified to administer oaths, they shall assess the damages to be paid by said company for said land, 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, unless it shall be made to appear to said commissioners or freeholders that more land is required for the purpose of constructing and operating said road.

Condemnation of land.

Appeal.

Width of land condemned.

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

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1887.

CHAPTER 37.

An act to regulate the return of civil process in the Superior Courts for Cumberland county.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of the eleventh March, one thousand eight hundred and eighty-five, dividing the State into twelve judicial districts, be amended as follows: After the words "cases alone," where they occur in the seventh district in the county of Cumberland, add: "That any and all civil process may be made returnable to any term of the courts for Cumberland, and after the criminal business is disposed of at any term set apart for the trial of criminal cases, the court shall proceed to hear and determine all civil causes which do not require the aid of a jury, and may try by consent of parties any jury cause at said criminal terms."

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

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1887.

Chapter 180, laws
1885, amended.

Return of civil
process and trial of
civil actions at
criminal terms of
Cumberland Super-
ior Court.

CHAPTER 38.

An act allowing the bondsmen of John R. Staton, late sheriff of Edgecombe county, to collect arrears in taxes.

The General Assembly of North Carolina do enact:

SECTION 1. That Lawrence Fountain, James Whitehurst, Bondsmen of John R. Staton, late sheriff of Edgecombe county, authorized to collect arrears of taxes. W. M. Edmonston, Henry Winborne, Joshua Killebrew and J. L. Wiggins, bondsmen on the county, poor, school and special tax bond of John R. Staton, late sheriff of Edgecombe county, be and they are hereby authorized and empowered to collect arrears of taxes for each of the years one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty-five, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

SEC. 2. 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-nine. Authority to cease December 31st, 1889.

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 January, A. D. 1887.

CHAPTER 39.

An act to amend chapter eighty-eight, Private laws 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 eighty-eight of the private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be amended by inserting a new Chapter 88, Private laws 1870-'71, amended.

Misdemeanor to sell, &c., liquor, tobacco, &c., within half mile of grounds of Roanoke and Tar River Agricultural Society during fair week.

Penalty.

Act not applicable to persons doing regular business.

Section 2 numbered section 3.

section, to be numbered section two, as follows: "Sec. 2. That it shall be unlawful for any person or persons, individual or corporate, to sell, or offer for sale, any liquors, tobacco or other refreshments of any kind whatsoever, or any goods, wares or merchandise, of any kind, within one-half mile of the grounds of said association during the week of their annual fair. Any one violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not to exceed two hundred dollars. This act shall not apply to persons doing regular business within the prohibited territory."

SEC. 2. That section two of said act be numbered section three.

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 29th day of January, A. D. 1887.

CHAPTER 40.

An act for the relief of sheriffs and tax-collectors.

The General Assembly of North Carolina do enact:

Sheriffs, tax-collectors, &c., allowed to collect arrears of taxes from 1881 to 1886 inclusive.

SECTION 1. That all persons who are now or have been sheriffs or tax-collectors of the several counties, cities and towns of the State for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six, their bondsmen and legal representatives, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are or may be prescribed by law for the collection of taxes: *Pro-*

Proviso.

vided, that this act shall not affect purchasers without notice: *Provided further*, that no person shall be required to pay any costs to sheriffs or tax-collectors on the same: *Provided further*, the provisions of this act shall not apply to the counties of Edgecombe, Craven, Carteret, Jones and Davidson.

SEC. 2. This act shall not apply to any sheriff, tax-collector, his or their bondsmen or legal representatives, who have not at the time they attempt to collect such arrears of taxes, settled and paid said taxes to those authorized by law to receive them; but on such failure to settle and pay said taxes, the county commissioners or other authority which may be established by law to levy the taxes, may, whenever such sheriff, tax-collector, is insolvent, appoint a tax-collector, who shall have the power given in section one of this act to sheriffs and tax-collectors to collect arrears of taxes for the years therein named, and be subject to the same rules and regulations which are or may be prescribed for the collection of taxes: *Provided*, this act shall not authorize any sheriff or tax-collector, who is not now in office to collect insolvent taxes, where the same have been credited to him; but the county commissioners or other authority established by law to levy taxes shall have the power to place such insolvent list in the hands of any sheriff or tax-collector, who may now or hereafter be in office.

Act not applicable to sheriffs, &c., who have not settled.

When county commissioners to appoint tax-collector.

Sheriff, &c., not now in office not authorized to collect insolvent taxes credited to him.

How such insolvent taxes collected.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs, tax-collectors, their bondsmen, or legal representatives from the liability to pay State, county and all other taxes at the time and place prescribed by law.

Sheriffs, &c., not relieved from liability.

SEC. 4. That no person shall be compelled to pay any tax under the provisions of this act who will make oath before any one authorized 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.

Persons making affidavit of former payment not compelled to pay.

Executors, &c., not compelled to pay.

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

Authority to cease on December 31st, 1888.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 41.

An act to amend Section nine hundred and sixty-eight of The Code.

The General Assembly of North Carolina do enact:

Code, section 968, amended.

Supreme Court Clerk, on the first Monday of each month, to certify to proper Superior Courts all decisions of the Supreme Court which have been on file ten days.

SECTION 1. That Section nine hundred and sixty-eight of The Code is amended by striking out, in first line of said section, the words, "Immediately after the rise of each term thereof," and insert in lieu thereof the words, "On the first Monday in each month," and by inserting after the word "court" in fourth line of said section the words, "which shall have been on file ten days."

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 42.

An act to regulate freights.

The General Assembly of North Carolina do enact:

Code, section 1966, repealed.

Unlawful for railroads in this State to collect larger amount for transporting freight a short distance than for a longer distance in the same direction.

SECTION 1. The provisions of Section one thousand nine hundred and sixty-six of The Code are hereby repealed and the following provisions are inserted in lieu thereof:

"It shall be unlawful for any railroad operating in this State to collect for the transportation of any freight of any description, of the same class over its roads, a greater amount as toll or compensation for a short distance than for a longer distance

in the same direction over its road, and any railroad company violating this section shall forfeit and pay the sum of two hundred dollars for such violation, to the party injured. Penalty.

Nothing in this act shall be taken in any manner as abridging the right of any railroad company from making special contracts with shippers of large quantities of freight to be of not less in quantity than one car-load. Railroads authorized to make special contract with shippers of not less than one car-load.

SEC. 2. Nothing in this act shall be construed to mean that said railroads may charge as much for a shorter distance as for a longer distance, the shorter being included within the longer, but they shall not be required to charge a proportionate pro-rate per mile. But this shall not be construed to mean that more shall be charged for equal quantities in car loads for a shorter distance than for a longer distance. How act shall be construed.

SEC. 3. Nor shall the said railroads make any unjust discriminations in the rates of charges for toll or compensation for the transportation of passengers or freights of any description. Railroads shall not make unjust discriminations in charges for freight or passengers.

SEC. 4. This act shall not affect suits now pending in the courts, instituted prior to the decision of the case of Hines and Battle against the Wilmington and Weldon Railroad Company. Act shall not affect suits instituted prior to decision in Hines vs. W. & W. R. R. Company.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 43.

An act to appoint a board of audit and finance for Onslow county, and to fund the debt of the same, and to order an election in said county.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of ascertaining the true and lawful indebtedness of Onslow county, and of adjusting, compromising and funding the same, Edward Trancke, one of Special board of audit and finance appointed.

the ex-commissioners, Aaron F. Farnell, Sr., and Jere W. Spicer are hereby appointed a special board of audit and finance on behalf of the tax-payers of said county, to audit, examine into, and investigate all outstanding claims, warrants and judgments against said county, contracted or created before the first day of January, one thousand eight hundred and eighty-seven.

Duties.

Notice of meeting of Board.

SEC. 2. The said board of audit shall advertise their meeting, by printed notice at least ten days, at the court-house door in Jacksonville, and at two public places in each township in the county, and in one newspaper published in the judicial district, calling on all persons holding claims, warrants and judgments against the county to present them on a day to be named in the notice, and they shall cause to be registered in a well-bound book all such claims, warrants or judgments, with the dates and amounts thereof. The notice so to be given shall contain a statement that if the holders or claimants shall fail to present and register their claims, warrants or judgments within the time prescribed, their claims shall be forever barred of recovery, and this notice so posted as this act prescribes, shall be in law, when pleaded, a perpetual bar to the recovery of the same in any and all courts.

Notice to persons holding claims, &c., against county.

What notice to contain.

Notice, when pleaded to be a bar to recovery of claims not presented within prescribed time.

Duties of board in auditing and compromising claims against county.

SEC. 3. That the said board of audit shall make and keep a true record of all their proceedings, and they shall at said meetings examine each person as to the terms on which he will compromise his claims against the county, upon the county issuing to him coupon bonds running one, two, three and four years, with six per cent. interest, payable annually, the coupons being receivable in payment for county taxes. They shall record his answer, and may adjourn from day to day until all claims against the county are registered, not exceeding ten days, to be put in the notice as a lawful limitation. After they shall have obtained the lawful indebtedness of the county, they shall then issue a second notice to each of the holders of claims as registered, to be served by an officer of the county, said notice to contain the terms on which the

county is willing to compromise said claim or claims, and if the holder or owner of said claim or claims accepts said terms of compromise, he shall do so in writing, and if he does not accept the terms offered, the board shall appoint another day of meeting, to ascertain if an equitable and final compromise can be effected, and, if so, the terms of such compromise shall be recorded by said board of audit.

SEC. 4. Said board of audit shall have power to send for persons and papers and to administer oaths, either to the buyer, seller, or holder, and to any other person or persons whom they deem proper to examine, and may compel attendance by attachment, and may punish for contempt, any and all persons who refuse to reveal any matter concerning the indebtedness of the county.

Board authorized to send for persons and papers, administer oaths, &c.

SEC. 5. If the board of audit should find, upon examination, that the holder or owner of any claim did, directly or indirectly, come into possession of said claim by paying less than its face value, the said board of audit shall take that into consideration before they shall notify the party what terms the county is willing to compromise on.

In adjusting claims, board to take into consideration the fact that any claim came into the hands of the holder for less than its face value.

SEC. 6. The said board of audit shall meet on the first Monday in April, A. D. one thousand eight hundred and eighty-seven, after giving ten days' notice of their time and meeting, and shall receive one dollar and fifty cents each day as compensation while actually employed, and all expenses shall be borne by the county.

Meeting of board.

Compensation.

SEC. 7. That after the limitation in this act, the board of audit shall ascertain from their record all the lawful indebtedness of the county and the amount agreed upon, or offered by the county; they shall call the board of county commissioners and the board of justices of the peace of the county, a majority being assembled, who thall then report to the board assembled what progress they have made, and if, in the judgment of the board then assembled, the offer of compromise is just, fair and equitable to the county and claimants, the boards of commissioners and justices of the peace are hereby authorized and

Report of board to be submitted to joint meeting of county commissioners and justices of the peace.

Special tax authorized, how levied.

empowered, by a two-thirds vote of all the members present, to levy a special tax of sixteen and two-thirds cents on the one hundred dollars' assessed valuation of property, both real and personal, and fifty cents on the poll, for the express purpose of meeting the debt as agreed on, or proposed by the board of audit, and for no other; said levy shall be only for the first payment as agreed on or proposed. They shall levy for the second year whatever is found necessary, taking into consideration the first year. After the second year, and in proportion to the same, they shall levy for the third and fourth years not exceeding the limit in this section, nor a greater amount than is ascertained to be actually needed to meet the new bonds to be issued as hereinafter named.

Upon levy of tax, county commissioners to issue bonds, &c.

SEC. 8. That if the said board shall levy the special tax aforesaid, it shall be the duty of the county commissioners to have prepared new bonds in denominations of ten, fifty and one hundred dollars, with stubs and coupons attached, due one, two, three and four years after date, with interest at six per cent. from date, and the face of the bond shall be stamped "Compromised," and the coupons shall be stamped "Good for county taxes." They shall give to the owner of old claims who surrenders as agreed upon, new bonds to the amount found to be correct; the old claims and warrants shall be burned in the presence of the board, who shall note the fact on their minutes, and the judgments shall be receipted by the persons surrendering them in the following words: "Received new county bonds in full satisfaction of the above judgment."

Coupons, receivable for county taxes. Bonds to be delivered to owners of old claims, &c.; claims, &c., to be burned, &c.

Persons refusing to compromise not entitled to any part of special tax.

SEC. 9. That any and all persons who refuse to compromise or accept the offer of the board of audit in behalf of the county, shall not be entitled to any of the special tax raised by this act, neither shall they be allowed any restraining order against any treasurer, whereby the funds in his hands may be applied to the discharge of their debts.

Not allowed to restrain county treasurer, &c.

Stubs of bonds, what to contain.

SEC. 10. That upon the stubs of the new bonds shall be entered the amount issued, the amount of the old claim for

which the new bond was issued, to whom issued, its date, number, when due, a blank for the amount of principal and interest, when paid, and to whom paid, and said book of stubs shall be safely preserved for future reference.

SEC. 11. That in the event no compromise can be made, and old claims, warrants and judgments are not surrendered and new bonds issued as this act contemplates, then the county commissioners are hereby authorized and instructed to order an election, first giving thirty days' notice. Said election shall be conducted under the same rules and regulations as are elections for members of the General Assembly.

Election to be held in case old claims, &c., are not compromised.

How held.

SEC. 12. In said election the ballots shall be on white paper without device, either written or printed. The ballots of those voting for the levy of special taxes shall have the words, "For special tax," and the ballots of those voting against the levy of special taxes shall have the words, "Against special tax." Return shall be made, the vote canvassed, and the result declared as in other elections.

Ballots.

Returns, how made, &c.

SEC. 13. Should the result be in favor of special taxes, the commissioners shall levy, at the same time other taxes are levied, not exceeding three thousand dollars annually, as long as there remains any of the debt made previous to the first day of January, one thousand eight hundred and eighty-seven, and the money so collected shall be paid out in equal proportion on all claims, warrants and judgments, and no claim shall be paid in preference to any other.

Should special tax be voted, commissioners directed to levy same and apply proceeds pro rata to payment of county indebtedness contracted prior to January 1st, 1887.

SEC. 14. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 44.

An act for the relief of H. P. Brendle, late sheriff and tax-collector of Jackson county.

The General Assembly of North Carolina do enact:

County commissioners authorized to remit eighteen per cent. per annum of interest as penalty charged against sureties of H. P. Brendle, late sheriff, &c., of Jackson county.

SECTION 1. The board of county commissioners of Jackson county are hereby authorized to remit eighteen per cent. per annum of the interest as penalty charged against the sureties of H. P. Brendle, late sheriff and tax-collector of Jackson 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 1st day of February, A. D. 1887.

CHAPTER 45.

An act to extend the charter of the Thomasville and Silver Valley Railroad Company.

The General Assembly of North Carolina do enact:

Sections 1, 2, 3, 4, 5 and 6, chapter 154, laws 1883, re-enacted and extended.

SECTION 1. That sections one, two, three, four, five and six of the laws of one thousand eight hundred and eighty-three, chapter one hundred and fifty-four, be and the same are hereby re-enacted and extended.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 46.

An act to amend Sections 2056 and 2057 of The Code of North Carolina, relating to cart-ways.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two thousand and fifty-six of The Code of North Carolina be and the same is hereby amended, by inserting between the words "land," in line one, and "to," in line two, the words "or shall own any standing timber"; by inserting between the words "road" and "and," in line two, the words "or which is not convenient to water"; by inserting between the words "road" and "over," in line four, and between the words "landing" and "and," in line eight, the words "or water-course"; by inserting between the words "cart-way" and "to," in line six, and between the words "cart-way" and "not," in line fifteen, the words "tram or railway"; by striking out the word "or," in line eight; and by striking out the word "way," in line eighteen, and inserting in lieu thereof the words "cart-ways established under this act."

Code, section 2056, amended.

Cartways, tramways or railways, in what cases and how obtained, by petition before board of township supervisors.

SEC. 2. That Section two thousand and fifty-seven of The Code of North Carolina be and the same is hereby amended, by inserting between the words "cart-ways" and "laid," in line one, the words "tram-ways or railways"; by inserting between the words "just" and "and," in line six, the words "cart-ways, tram-ways or railways, for the removal of timber shall continue for a period not longer than five years, and in entering cultivated land, shall protect the same by sufficient stock-guards."

Section 2057 amended.

Change or discontinuance of cartways, &c.

Cartways, &c., for the removal of timber to continue not longer than five years.

Stock guards in cultivated land.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 47.

An act to allow the free passage of fish in the French Broad River and its tributaries.

The General Assembly of North Carolina do enact:

Unlawful to make dam, drag-net, &c., across more than three-fourths of French Broad river, in Transylvania county.

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 river and its tributaries, in Transylvania county, so as to prevent or hinder the free passage of fish in said river and its 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; and any person violating this section shall, in addition to the penalty prescribed, be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court: *Provided*, that this act shall not apply to dams for manufacturing purposes.

Penalty.

Misdemeanor.
Penalty.
Proviso.

Act applicable to Tennessee river.

SEC. 2. That this act shall apply to the Tennessee river.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 48.

An act to extend the time for the completion of the Cape Fear and Yadkin Valley Railway to Mount Airy and Patterson, and for other purposes.

Preamble.

WHEREAS, the State of North Carolina has failed to furnish to the Cape Fear and Yadkin Valley Railway Company the number of convicts agreed to be furnished by the act of

the General Assembly, ratified February the twenty-seventh, one thousand eight hundred and eighty-three, and by which the State sold its stock in said company; and whereas, by reason of said failure, the said company has been unable to complete its road to the several points and within the times named in said act; and whereas, the said company has built a large part of its road, and made large expenditures of money to complete the same, relying on the contract made by the State: Now, therefore, for the purpose of enabling said company to complete its line to Mount Airy and to Patterson, by way of Wilkesboro, and to receive the benefits of that act,

The General Assembly of North Carolina do enact:

SECTION 1. That the times in which the Cape Fear and Yadkin Valley Railway Company shall complete its road and branches, as provided by the act of the General Assembly, ratified February the twenty-seventh, one thousand eight hundred and eighty-three, shall be extended for four years from and after the times named in said act: *Provided*, that the average number of able-bodied working convicts per year required to be furnished by the penitentiary authorities, under the provisions of section seven of said act, for the additional time granted, shall be two hundred and fifty (250), and in case the said authorities shall be unable or shall fail to furnish said average number, then the times above allowed for the completion of the road to the points named shall be extended for an equitable period; and if a larger average number be furnished, then the said times for the completion of the road to the points named shall be proportionally shortened.

Times within which Cape Fear and Yadkin Valley R. R. shall complete its road and branches (laws 1883, chap. 190, sec. 10), extended four years.

Penitentiary to furnish two hundred and fifty able-bodied convicts on an average.

Extension of time.

Diminution of time.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1887.

CHAPTER 49.

An act to change the time of the commencement of the Fall Session of the Supreme Court of North Carolina.

The General Assembly of North Carolina do enact:

Code, section 953, amended.

Fall term of Supreme Court to begin last Monday in September.

SECTION 1. That Section nine hundred and fifty-three of chapter twenty-four of The Code be amended, so as to read as follows: "The fall sessions of the Supreme Court of North Carolina shall begin on the last Monday in September, of each and every year, instead of the first Monday in October, as now provided by law."

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1887.

CHAPTER 50.

An act to extend the charter of Shepherd's (Shepard's) Point Land Company.

The General Assembly of North Carolina do enact:

Chapter 136, Private laws 1856-57, re-enacted (except section 8) incorporating Shepard's Point Land Co.

SECTION 1. That sections one, two, three, four, five, six and seven of chapter one hundred and thirty-six (136) of the acts of the General Assembly of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven, ratified the second day of February, one thousand eight hundred and fifty-seven, incorporating the Shepherd's (Shepard's) Point Land Company, be, and the same are hereby re-enacted, and the said chapter is extended for a period of thirty years from and after 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 2d day of February, A. D. 1887.

CHAPTER 51.

An act for the relief of Mollie E. Perry.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Davie county are hereby authorized to order the payment to Mollie E. Perry of such sum as they may ascertain to be due her for her services as a teacher of district school, number eighteen, in said county, during the winter of one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three, out of any school money now placed, or hereafter to be placed, to the credit of said school district.

Commissioners of Davie county authorized to pay Mollie E. Perry amount due her as school teacher.

SEC. 2. 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. 1887.

CHAPTER 52.

An act for the relief of Mary C. Shaw.

WHEREAS, during the years one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, lots three, four and five in block two hundred and twenty-one, in the city of Wilmington, were sold for taxes due thereon, and deeds made for the same to the State of North Carolina, and are now on file in the office of the Secretary of State; and, whereas, it appears that the said property was listed for taxation for the same years, and the taxes paid thereon by another party, claiming the ownership thereof, and the State of North Carolina has received all its just taxes from said property; therefore,

Preamble.

The General Assembly of North Carolina do enact:

Secretary of State directed to cancel and surrender certain deeds for land sold for taxes in Wilmington.

SECTION 1. That the Secretary of State be, and he is hereby authorized and directed to cancel and surrender the said deeds to Mary C. Shaw, the present owner of said 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 24th day of January, A. D. 1887.

CHAPTER 53.

An act to regulate challenges to jurors in capital cases.

The General Assembly of North Carolina do enact:

In trial of criminal cases, defendant to have same causes of challenge to jurors summoned on special venire as now exist to tales jurors in cases of minor offences.

SECTION 1. That in the trial of all criminal cases, where a special venire shall be ordered by the court, the party charged with the commission of the crime shall have the same causes of challenge to the jurors summoned on the special venire as now exist to tales jurors in cases of minor offences. In all cases of capital felony, when there are two or more defendants on trial, the State shall have the right to peremptorily challenge, without showing any cause therefor, four jurors for each defendant, and the same challenges for cause as the defendant has under this act.

In capital felonies State allowed four peremptory challenges for each defendant and like challenges for cause as allowed defendant.

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. 1887.

CHAPTER 54.

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 their roads.

The General Assembly of North Carolina do enact:

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 the Secretary of State, or the passage of its charter, be and the same is hereby extended for two years to the Roanoke Railroad Company to commence operations.

Limit of time prescribed in section 1980 of The Code extended for two years to Roanoke Railroad 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 8th day of February, A. D. 1887.

CHAPTER 55.

An act to pay a certain school order in favor of Mrs. Sallie E. Barlow, of Onslow county.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Onslow county is hereby authorized and instructed to pay to Mrs. Sallie E. Barlow the sum of twenty-seven dollars and twenty cents out of the general school fund of Onslow county, for teaching a public school in district number one for white race from the nineteenth day of July, one thousand eight hundred and eighty-five, to the twenty-eighth day of August, one thousand eight hundred and eighty-five, upon the presentation of said order.

Treasurer of Onslow county instructed to pay Sallie E. Barlow \$27.20 for services as teacher.

Order when paid to be a valid voucher.

SEC. 2. That said order, when paid, shall be a valid voucher in his hands for settlement, the same as though it had been signed by the Superintendent of Public Instruction of Onslow county.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 56.

An act to cede to the United States certain lots in the city of Wilmington.

Preamble.

WHEREAS, the United States contemplates purchasing land in the city of Wilmington for the purpose of erecting a public building thereon, to be used as a post-office, and for other purposes, by the government,

The General Assembly of North Carolina do enact:

Consent of State given to purchase by United States of land in Wilmington for governmental purposes.

SECTION 1. That the consent of the State is hereby given to the United States to purchase such lots, not to exceed in quantity five acres, within the corporate limits of the city of Wilmington as they may elect to purchase, for the purpose of using the same for post-office, or other purposes of government.

State to retain concurrent jurisdiction with United States over land so purchased for service of process.

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

SEC. 3. That the United States are to retain such jurisdiction so long as said tracts or lots of land shall be used for the purposes expressed in this act.

United States to retain jurisdiction so long as land is used for purposes expressed in this act.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 57.

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, and third of March, one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven, chapter ninety-eight, of the laws of one thousand eight 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 "nine," so as to extend the time at which said act shall expire to January first, one thousand eight hundred and eighty-nine.

Time extended to January 1st, 1889.

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."

Treasurer in issuing bonds to cut off coupons maturing prior to time of delivery of new bond.

SEC. 3. Chapter ninety-eight of the laws of one thousand eight hundred and seventy-nine, entitled "An act to compro-

Chapter 98, laws 1879, re-enacted.

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

Treasurer authorized to advertise details of exchange, &c.

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 8th day of February, A. D. 1887.

CHAPTER 58.

An act to simplify indictments in certain cases.

The General Assembly of North Carolina do enact:

In indictments for murder and manslaughter, not necessary to allege matter not required to be proved on the trial.

SECTION 1. That in bills of indictment for murder and manslaughter, it shall not be necessary to allege matter not required to be proved on the trial; but in the body of the indictment, after naming the person or persons accused, and the county of his or their residence, the date of the offence, the averment "with force and arms," and the county of the alleged commission of the offence, as is now usual, it shall be sufficient in describing murder to allege that the accused person or persons (as the case may be), feloniously, wilfully, and of his or their malice aforethought, did kill and murder (naming the person killed), and concluding as is now required by law; and it shall be sufficient in describing manslaughter to allege that the accused feloniously and wilfully, did kill and slay (naming the person killed), and concluding as aforesaid; and any bill of indictment containing the averments and allegations herein named shall be good and sufficient in law

What sufficient to allege in indictment for murder.

What sufficient to allege in indictment for manslaughter.

as an indictment for murder or manslaughter, as the case may be.

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. 1887.

CHAPTER 59.

An act to incorporate the Manly and Troy Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That W. C. Petty, J. H. Petty and their associates, successors and assigns, are hereby created a body politic, and corporate, under the name of "The Manly and Troy Railroad Company," with the same corporate powers and franchises that are conferred by the laws of North Carolina upon other railroad companies in this State: *Provided*, that nothing in this act shall be construed to exempt this railroad from taxation.

SEC. 2. The railroad company hereby created shall have power to construct a railroad of such gauge as may be determined by the board of directors, from some point on the Raleigh and Augusta Air-Line Railroad, in the vicinity of Manly, to some point near Troy, in Montgomery county, together with the right to construct such branches of railway, not exceeding twenty miles in length, as may be desired by the board of directors of said company.

SEC. 3. That in order to carry into effect the purposes and objects of this act, the railroad company hereby created may survey one or more routes for such railway as they deem practicable, and shall have the power and authority to appropriate and occupy as much land as may necessary for the construction of said railway and branches, to the width of eighty

feet on each side from center of said railroad, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, under the same conditions and rules and in the same manner as is provided in the charter of North Carolina Railroad Company for the condemnation of land, and shall have authority to transport passengers, freight and merchandise over their own railway and its branches, or that of any railway it may lease, upon such terms as may be fixed by the board of directors of the company.

Directors to fix terms for transportation of passengers and freight.

Capital stock.

SEC. 4. The capital stock of the company shall consist of three hundred (300) shares, of one hundred dollars each, and may be increased from time to time as the majority of the stockholders may determine, not to exceed two hundred thousand dollars.

Books of subscription.

SEC. 5. The corporators named in this act may open books and receive subscriptions to the capital stock of the company, and whenever ten thousand dollars to the capital stock shall have been subscribed, the corporation shall call a meeting of the subscribers, giving twenty days' notice thereof in a newspaper published in the State. That at said meeting the stockholders shall proceed to elect a board of directors not exceeding five in number, who shall select one of their number as president. That they shall serve until the next annual election or until their successors are elected; and such company shall be deemed to be, on such subscription and election, fully organized for all purposes, and may proceed in carrying out the objects of this charter.

Meeting of stockholders.

Directors.

Organization.

Authorized to merge with other road.

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

To change name.

To contract for construction of road.

power to sell or lease said road to any connecting railroad company. To sell for lease to connecting road.

SEC. 7. The management of the railroad company hereby created shall be vested in said board of directors, to be elected annually at such times and places as may be prescribed by the stockholders. They may have power to make and adopt such rules and regulations and appoint such officers as they may deem proper. Directors to manage road.

SEC. 8. Any railroad company, whether incorporated under this, or the laws of any other State, shall have power to subscribe to the capital stock of the Manly and Troy Railroad Company, or to lend money to the same, by the purchase of its bonds or otherwise, and may pay for such subscriptions or purchases in cash or by the issue of the bonds of such other railroad company; and such other company may borrow money for this purpose. Any railroad company authorized to subscribe to capital stock, &c.

SEC. 9. The Manly and Troy Railroad Company shall have power, from time to time, to borrow such money as may be necessary to construct and equip and operate the road, and to issue and dispose of bonds for any amount not to exceed one hundred thousand dollars, and to mortgage their corporate property and franchise to secure the payment of any debt contracted by the company for the purposes aforesaid. Authorized to borrow money or mortgage, &c.

SEC. 10. The railroad company hereby created shall have power to lease iron rails from any other railroad company whose road connects with its road; and such other railroad company shall have power to lease iron rails to the Manly and Troy Railroad Company; and such other railroad company from which said iron rails are leased shall have the right to remove said rails from the track of the company hereby incorporated, at the expiration of said lease, or upon the failure of the Manly and Troy Railroad Company to comply with the terms of the lease, as may be agreed between the two companies. Authorized to lease rails from connecting road.

SEC. 11. That the construction of this road must be commenced and prosecuted in good faith within three years from the date of the passage of this act. Rails, when removable.
Construction to be commenced within three years.

SEC. 12. That this act will 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. 1887.

CHAPTER 60.

An act to regulate the time of trying actions in Courts of Justices of the Peace in New Hanover county.

The General Assembly of North Carolina do enact:

Unlawful for justice in New Hanover county to commence or proceed with the trial of any action before eight o'clock A. M. or after six o'clock P. M.

Exception.

SECTION 1. That it shall be unlawful for any justice of the peace in New Hanover county to commence or proceed with the trial of any action after the hour of six o'clock P. M., or before the hour of eight o'clock A. M., unless the defendant in a criminal action, or both the plaintiff and defendant in a civil action, shall request to have their case heard at night (or between the hours above mentioned—that is to say, after the hour of six o'clock P. M., and before the hour of eight o'clock A. M).

Misdemeanor.

SEC. 2. That any justice of the peace who violates the provisions of section one of this act shall be deemed guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court.

Penalty.

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

In the General Assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 61.

An act to amend Section two hundred and eighty-six of The Code.

Preamble.

WHEREAS, doubt exists as to what judge has jurisdiction to confirm orders in special proceedings for the sale of infants' lands; and such confirmation has been made heretofore in

some cases by the judge of the district, and in others by the judge holding court therein :

The General Assembly of North Carolina do enact:

SECTION 1. That Section two hundred and eighty-six of The Code be, and the same is hereby amended, by striking out the last ten words thereof, and inserting in lieu thereof the words, "the judge resident in the district or the judge holding court therein."

Section 286 Code amended.

Final judgments, &c., in any special proceeding in which any of the petitioners are infants, not valid unless approved by the judge resident in the district or holding court therein.

SEC. 2. That any approval heretofore made of any sale of the land of any infant in any *ex parte* proceeding, wherein such infant has appeared by his or her guardian, by a judge of the district or a judge holding court therein, be, and is hereby in all things confirmed, as far as regards the jurisdiction of the judge approving such proceedings.

Approvals heretofore made of sales of infants' lands in *ex parte* proceedings, in what cases confirmed, &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 10th day of February, A. D. 1887.

CHAPTER 62.

An act to change the spelling of Cleaveland county, in this State.

The General Assembly of North Carolina do enact:

SECTION 1. That the spelling of Cleaveland county, in this State, is hereby changed from "Cleaveland county," to "Cleveland county."

"Cleaveland" county changed to "Cleveland."

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. 1887.

CHAPTER 63.

An act to change the name of the Wilmington and Carolina Railway Company.

The General Assembly of North Carolina do enact:

Corporate name of Wilmington and Carolina R. R. Company changed to Wilmington, Columbia and Augusta R. R. Company.

SECTION 1. That the corporate name of the Wilmington and Carolina Railroad Company, which is now commonly known as the Wilmington, Columbia and Augusta Railroad Company, be, and the same is hereby changed to the Wilmington, Columbia and Augusta Railroad Company.

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

In the General Assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 64.

An act to prohibit mullet fishing with purse seines within the waters of Carteret county.

The General Assembly of North Carolina do enact:

Unlawful to use purse seines to catch mullet in waters of Carteret county.

Intent of act.

SECTION 1. That it shall be unlawful for any person or persons to use, or cause to be used, any purse seines, or seines for the purpose and with the intention of catching mullets within any of the waters of Carteret county. The intent and meaning of this act is to prohibit the intentional catching of schools of mullets with purse-seines in the aforesaid waters, and this act shall not apply to the unavoidable catch of mullets in schools of menhaden.

Misdemeanor.

SEC. 2. Any person or persons violating 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, or both, in the discretion of the court, for each offence.

Penalty.

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 10th day of February, A. D. 1887.

CHAPTER 65.

An act to amend the charter of the Statesville Air-Line Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-four of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be and the same is hereby amended by striking out in the first section of said act, in lines six, seven and eight, the following words: "At or near the north-east corner of the county of Surry, as near an air-line as the nature of the route will permit."

Chapter 174, section 1, laws 1870-1.

Location of Statesville Air-Line R. R. 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 10th day of February, A. D. 1887.

CHAPTER 66.

An act to amend section two thousand seven hundred and ninety-nine of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and ninety-nine of The Code be and the same is hereby amended in the following manner, to-wit: Strike out the

Section 2799, Code, amended.

Fence four feet
high sufficient in
New Hanover Co.
Proviso.

word "five," in the second line, and insert in lieu thereof the word "four": *Provided*, that this act shall only apply to New Hanover county, and shall not effect any prosecutions now pending in the criminal court of said county.

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

In the general assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 67.

An act for the better protection of mechanics and laborers.

The General Assembly of North Carolina do enact:

Chapter 41, Code,
amended.

On contract for
building, &c., any
building or ves-
sel, contractor,
&c., to furnish
owner, &c., item-
ized statement of
amount due lab-
orers, &c., before
receiving con-
tract price, and
owner to retain
sufficient to pay
laborers, &c.

SECTION 1. That chapter forty-one (41) of The Code, known as the "Sub-contractor's Lien Law," be amended by adding the following sections thereto: That whenever any contractor, architect or other person shall make a contract for building, altering or repairing any building or vessel with the owner thereof, it shall be his duty to furnish to the owner or his agent, before receiving any part of the contract price, as it may become due, an itemized statement of the amount owing to any laborer, mechanic or artisan employed by such contractor, architect or other person, or to any person for materials furnished, and upon delivery to the owner or his agent of the itemized statement aforesaid, it shall be the duty of the owner to retain from the money then due the contractor a sum not exceeding the price contracted for, which will be sufficient to pay such laborer, artisan or mechanic for labor done, or such person for material furnished, which said amount the owner shall pay directly to the laborer, mechanic, artisan or person furnishing materials: *Provided*, that the owner may retain in his hands until the con-

Proviso.

tract is completed, such sum or sums as may have been agreed on between him and the contractor, architect or other person employing laborers, as a guaranty for the faithful performance of the contract by such contractor:

Provided further, that when such contract has been performed by the contractor, such fund reserved as a guaranty shall be liable to the payment of the sum due the laborer, mechanic or artisan for labor done, or the person furnishing the materials as hereinbefore provided. Proviso.

SEC. 2. That the sums due to the laborer, mechanic or artisan for labor done or due the person furnishing materials, as shown in the itemized statement rendered to the owner, shall be a lien on the building or vessel built, altered or repaired, without any lien being filed before a justice of the peace or the superior court. Sums due laborers, &c., as shown in itemized statement, lien on building, &c.

SEC. 3. That in the event the amount due the contractor by the owner shall be insufficient to pay in full the laborer, mechanic or artisan, for his labor and the person furnishing materials for materials furnished, it shall be the duty of the owner to distribute the amount *pro rata* among the several claimants, as shown by the itemized statement furnished the owner by the contractor or architect. If amount due contractor be insufficient to pay laborers, &c., in full, same to be distributed *pro rata*.

SEC. 4. That any contractor or architect who shall fail to furnish an itemized statement of the sums due to every one of the laborers, mechanics or artisans employed by him, or the amount due for materials, before receiving any part of the contract price, shall be guilty of a misdemeanor, and, upon conviction, shall be fined, or imprisoned, or both, in the discretion of the court. Contractor, &c., failing to furnish itemized statement, guilty of misdemeanor.

SEC. 5. That this act shall be in force from and after the first day of May, 1887. Penalty.
Act in force from May 1st, 1887.

In the general assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 68.

An act to amend section one thousand and five of The Code, relative to carrying concealed weapons.

The General Assembly of North Carolina do enact:

Section 1005,
Code, amended.

Justices of the
peace to have ju-
risdiction of the
offence of carry-
ing concealed
weapons.

SECTION 1. That section one thousand and five of The Code be amended as follows: In line five of said section, after the word "fined," strike out the words "or imprisoned at the discretion of the court," and insert in lieu thereof the words "not exceeding fifty dollars, nor less than ten dollars, or imprisoned not exceeding thirty days, 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 10th day of February, A. D. 1887.

CHAPTER 69.

An act to provide for the drainage of the swamp lands on Mud creek in Henderson county.

The General Assembly of North Carolina do enact:

County commis-
sioners author-
ized to issue
coupon bonds
not exceeding
\$10,000.

SECTION 1. That the commissioners of the county of Henderson are hereby authorized to issue coupon bonds in denominations of not less than fifty dollars, and in an amount of not more than ten thousand dollars, the said bonds and coupons to be numbered and signed by the chairman of the board of county commissioners, and countersigned by the clerk of the said board, under the corporate seal of the said county.

Description of
bonds.

SEC. 2. That said bonds mature and the principal thereof shall be payable at the expiration of twenty years

from their dates, and shall bear interest at a rate not exceeding six per cent. per annum, and the coupons attached to the said bonds shall be payable semi-annually on the first days in January and July, at the office of the treasurer of Henderson county, in the town of Hendersonville, North Carolina; and all such coupons, when past due, shall be receivable in payment of any tax that may be due to said county.

Coupons receivable for county taxes.

SEC. 3. That said bonds may be registered at the option of their holders, but, after registration, can only be transferred by endorsement. The clerk of the board of county commissioners shall keep a suitable book wherein he shall record the number of the bonds issued, their amounts, the date of their issue, to whom issued, in whose name registered, by whom, and to whom transferred, number of bonds or coupons of class paid, cancelled or exchanged, so that upon inspection the true state of the said bonded indebtedness may at all times be clearly seen.

Bonds may be registered, &c.

Clerk of commissioners to keep record book, &c.

SEC. 4. That the said board of county commissioners shall have the sole custody of the said bonds after they shall have been numbered, countersigned and sealed as aforesaid, and shall have exclusive power to negotiate and sell the same, and shall also have the control of the expenditure of the fund arising from the sale of the said bonds, in order to enable them to carry out the provisions of this act.

Commissioners to have custody and control of bonds, &c.

SEC. 5. Upon the sale of the said bonds, the said board of commissioners shall pay over to the treasurer of the county of Henderson the entire amount realized from the sale of the said bonds: *Provided, however,* that the said treasurer shall first give bond with approved security in the sum of twenty thousand dollars to the State of North Carolina, and payable to the same, to faithfully account, whenever called upon to do so, for the moneys by him received and expended under this act.

Proceeds of sale of bonds to be paid to county treasurer.

Treasurer to give bond for \$20,000.

With moneys arising from sale of bonds, &c., commissioners to thoroughly drain low lands known as Mud creek swamp, &c.

SEC. 6. That with the moneys arising from the sale of the said bonds, together with such other moneys and material as may be donated or subscribed by private individuals or joint-stock company, the said board of commissioners shall at as early a date as practicable provide for a thorough, effective and complete drainage of the low lands located in the eastern section of the county of Henderson, known and generally designated as the Mud creek swamp lands, including the entire body of land from the head-waters of the said creek to the mouth of the same at its junction with the French Broad river.

Powers of commissioners.

SEC. 7. That for the purpose of prosecuting the said work to a successful termination, the said board of commissioners shall have the power, and are hereby fully empowered, to employ a competent civil engineer, with necessary assistants, or other practical experts, in the drainage of swamp lands, to employ all necessary labor of any description needed to carry on the said work, to purchase or rent dredging machines or other necessary material, fix the compensation for all labor, skilled or unskilled, engaged in the said work, provide for the guarding, feeding and clothing of any convicts or county prisoners granted to them by the state or county, to enter upon and have condemned for the effectual drainage of the said lands, all necessary lands, according to the provisions of section eight of this act, and to do all such other acts as they may be called upon, or that it may be necessary to do, to vigorously and effectively prosecute the said work.

Condemnation of land.

SEC. 8. When in the drainage of the said lands, either by changing the course of the creek or any tributary thereto, by ditching, canaling, or otherwise, it becomes necessary to enter upon the lands of any owner or resident on the said creek or tributary thereto, the said board of commissioners shall elect three freeholders of the said county to assess the damages incurred by the owner of the said lands entered upon. The said freeholders shall

at once personally inspect the lands entered upon, and shall assess such actual damages as may be sustained by the owner of the property affected thereby, taking into consideration, in estimating the said damages, the advantages that may accrue to the owner by reason of the drainage of his lands. In five days the said assessors shall make a report to the board of commissioners, who shall cause a copy of the same to be served upon the owner of the said land, with notices to file exceptions to the same with the clerk of the said board within ten days from the date of service thereof. Upon the filing of a bill of exceptions, the board of commissioners shall fix a day for the hearing thereof; and, if the exceptions are not sustained by the said board, the party aggrieved thereby may appeal to the next term of the superior court for Henderson county, by filing bond and giving such notice to the board of commissioners as is required by law in cases of appeal from justices' courts; but in no event shall such appeal stay, delay or impede the progress of such work.

Appeal.

SEC. 9. That any person or persons who shall obstruct Mud creek proper, or any canal or ditch opened for the purpose of draining the low lands on the said creek, by felling timber, or placing fish-traps therein, or damming the same in any manner, and shall permit the said obstruction to remain therein, after five days' notice from the board of commissioners, shall be guilty of a misdemeanor.

Misdemeanor to obstruct Mud creek, &c.

SEC. 10. That any owner of land affected by this act, who shall wilfully obstruct the board of commissioners, overseers, engineers, surveyors, or employees engaged in carrying out the provisions of this act, shall be guilty of a misdemeanor.

Misdemeanor for owner of land affected by this act, to wilfully obstruct commissioners, overseers, &c.

SEC. 11. All fines and penalties recovered under this act shall be paid into the treasury of the county, and be applied as ordered by the board of county commissioners

Application of fines, &c.

in the improvement of the channel of Mud creek, or stopping washes along the said creek.

Building of bridges, &c., not prohibited.

SEC. 12. That nothing contained in this act shall prevent the building of public bridges, or public roads across the said streams, or private bridges or water-gates by land-owners for their own convenience: *Provided always, however*, that the said bridges, roads, or gates do not obstruct the free passage of the waters of said creek.

Proviso.

Commissioners to levy special tax on land in territory drained.

SEC. 13. That for the purpose of meeting the interest upon the bonds issued under this act, the county commissioners may levy and collect, as they do other taxes, a special tax or assessment upon all the real property located in the territory drained under the provisions of this act: *Provided, however*, that such tax or assessment shall not in any event exceed an amount sufficient to pay the annual interest on the bonds issued under this act, the damages assessed for prosecuting the said work, if any, and the fees and expenses incident to the collection and disbursement of the taxes so collected.

Limitation of tax.

Commissioners to appoint annually three assessors, &c., to estimate benefits to land-owners in territory drained.

SEC. 14. It shall be the duty of the board of county commissioners to appoint annually three freeholders of the county of Henderson, all of whom shall be competent judges of real estate values, and one of whom shall be an owner of Mud creek lands affected by this act, whose province it shall be, once in every year, to estimate and determine the benefits and advantages each land-owner in the territory drained may have received, and after considering the same fix the amount to be paid by each land-owner, and report the same to the board of county commissioners. The assessments so made shall become liens upon the land of each land-owner in the territory drained, and shall be collected as other special taxes or assessments are collected or enforced.

Assessments to become liens, &c.

Commissioners to create sinking fund after four years.

SEC. 15. At the expiration of four years from the date of the issuance of the bonds mentioned in this act, it shall be the duty of the board of commissioners in that year, and annually thereafter, to create a sinking fund, to

extinguish the principal of the said bonded indebtedness. To create this fund, they may levy and collect, as they do other taxes, an additional tax, or assessment, upon all the real property located in the territory drained under the provisions of this act: *Provided, however,* that in no event shall the said additional tax or assessment exceed an amount sufficient to annually pay off and discharge the one-sixteenth part of the total bonded indebtedness created under this act, with the fees and expenses incident to the collection and disbursement of the assessment so collected.

Additional tax.

Limitation of tax.

SEC. 16. The additional assessments or taxes levied in section fifteen shall be made and collected in the same manner as is prescribed by section fourteen of this act.

Tax, how collected.

SEC. 17. That any member of the board of county commissioners, who shall apply the proceeds of any bond or coupon issued under this act to any other purpose than is provided by this act, shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars and be imprisoned, in the discretion of the court.

Misdemeanor for commissioners to misapply funds.

Penalty.

SEC. 18. All special taxes or assessments levied and collected under this act shall be paid to the county treasurer. Any sheriff who shall collect an assessment under this act, and shall fail to pay the same over, within twenty days from the collection thereof, to the county treasurer, shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty-five dollars per day for each day he unlawfully retains the same.

Tax, &c., payable to county treasurer.

Misdemeanor for sheriff to fail to pay over, &c.

Penalty.

SEC. 19. All orders or warrants for the prosecution of the work described in this act shall be approved by the board of county commissioners, and shall not be paid by the treasurer unless signed by the chairman of the board and countersigned by the secretary thereof.

Orders, &c., how audited and paid.

SEC. 20. The board of Mud creek swamp land assessors shall receive two dollars per day for each day actually employed in making such assessments: *Provided, however,* that the compensation of each commissioner shall

Compensation of assessors.

Proviso.

Fees of sheriff
and treasurer.

in no event exceed the sum of twenty-five dollars per annum. The fees of the sheriff and treasurer shall be the same as now fixed by law for the collection and disbursement of public funds.

Directors of peni-
tentiary to fur-
nish convicts not
exceeding fifty.

SEC. 21. The board directors of the penitentiary shall, upon application of the chairman of the board of commissioners of Henderson county, deliver to the said board such number of convicts as may be agreed upon, not more than fifty, who shall be supported, clothed and guarded, and transported to the locality of said work, at the expense of the State; and the State shall be reimbursed in cash, or in bonds issued under this act, in an amount equivalent to the actual expense in supporting, clothing, guarding and returning the said convicts. The said board of commissioners shall be entitled to said convicts until the completion of the said work, or until their terms of imprisonment expire.

How supported,
&c.

State to be reim-
bursed, &c.

Convicts sen-
tenced to county
jail in certain
counties may be
delivered to com-
missioners of
Henderson county
on direction of
judge holding
court.

How worked,
supported, &c.

SEC. 22. The judges presiding at the superior courts in the counties of Henderson, Polk, Transylvania and Buncombe, on application therefor, may direct the sheriffs of the counties named to deliver to the board of commissioners of Henderson county, convicts sentenced to the county jail. When received, these convicts shall be placed on the work described in this act, and shall be fed, clothed and guarded at the expense of this county: *Provided, however,* that all expenses incurred under this section shall be paid out of the Mud creek swamp improvement fund.

Proviso.

Election.

SEC. 23. *Provided, however,* that before the commissioners issue the said bonds, they shall first submit the question to the qualified voters of the county of Henderson, at an election to be ordered and held on the first Monday in May, 1887, which said election shall be held and conducted under the same rules and regulations, as far as practicable, as elections for members of the general assembly. At the said election, those who favor the issuance of the bonds for the purpose of carrying out the

When held.

How held.

provisions of this act will vote "approved," and those opposed to the issuance of the said bonds, "not approved." If a majority of the votes cast are for the issuing of the bonds, then and in that case the said commissioners are empowered to issue the said bonds, as prescribed in this act. If a majority of the votes cast should be against the issuing of the said bonds, then and in that case the said commissioners are not empowered to issue the said bonds.

Ballots.

Bonds to be issued on majority vote.

SEC. 24. This act shall take effect from and after the date of its ratification.

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 70.

An act to incorporate the Atlanta, Asheville and Baltimore Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That L. J. Hill, S. T. Kelsey, Thomas L. Gash, William Norton, A. Cannon, J. E. Rankin, Richmond Pearson, Natt. Atkinson, J. C. Pritchard, G. D. Ray, Isaac Bailey, E. L. Vaughn, L. C. Gentry, S. F. Lovill and R. R. Asbury, their associates, successors and assigns are hereby constituted a body politic and corporate, by the name of the Atlanta, Asheville and Baltimore Railroad Company, and by that name and style they and their successors and assigns shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this state or elsewhere, shall have a common seal, which it may use and break at pleasure, and they and their successors and as-

Body politic.

Corporate name.

Corporate powers.

signs, by the same corporate name and style, shall have the power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and objects of this corporation. That they shall have power to make such by-laws and regulations, consistent with the laws of this state and the United States, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Location of road.

SEC. 2. That the said company shall have the right to maintain and construct a railroad, with one or more tracks, to be used and operated by steam, from the most convenient point on the state line between this state and the state of Georgia, where the same lies on the south line of the county of Macon, along the most eligible line to be selected by the said company, by the way of Asheville, through the counties of Macon, Jackson, Transylvania, Henderson, Buncombe, Madison, Yancey, Mitchell, Watauga, Ashe and Alleghany, to a point on the state line between this state and Virginia, where the same rests upon either the county line of the county of Grayson, or of the county line of the county of Carroll, in the last named state. The said company may, in its discretion, construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge for said road as they may think proper.

Authorized to operate part of road before completion of whole.

Gauge.

SEC. 3. That the capital stock of said company shall be three millions of dollars, with the privilege of increasing the same to five millions of dollars. It shall be divided into shares of one hundred dollars each, and be transferable upon the books of the said company, as the by-laws may direct.

Capital stock.

Subscriptions by counties, cities, towns and townships.

SEC. 4. That the counties, cities, towns and townships through which the said road shall pass, are severally authorized and allowed to make such subscriptions to the capital stock of said corporation, in such amounts as may be settled upon in the case of counties, by a joint

meeting of the magistrates and county commissioners, either at their regular meeting or a called meeting made by the county commissioners for that purpose, and by the board of aldermen of such cities and towns: *Provided*, Proviso. that no subscription shall be valid until the same has been ratified and approved by the qualified voters of the said counties, cities, towns and townships, in the manner and form as is hereinafter provided.

SEC. 5. That for the purpose of submitting the ques- Election upon question of subscription in counties, cities and towns. tion of subscription to the qualified voters of said counties, cities and towns, it shall be the duty of the board of county commissioners of the various counties through which said road shall pass (after the amount has been fixed as provided in section four of this act), and the board of aldermen of the said cities and towns, to order an election, to held on a day to be fixed by them, not to exceed ninety days from the date of subscription settled upon as aforesaid, to ascertain whether or not such subscription shall be approved, and such county, city and town election, when so ordered, shall be held and the returns How held, &c. made under the same rules and regulations as are prescribed for holding elections for members of the general assembly, so far as the same may be applicable, except as may be herein modified. Any qualified voter allowed to vote for members of the general assembly shall have the right to vote at such election, in the place where he is allowed to vote, and every such voter who favors such subscription by the county, city or town, as the case may be, shall vote a ticket on which shall be written or printed the word "subscription," and every such voter who shall disapprove of said subscription shall vote a ticket upon which shall be written or printed the words "no subscription." If a majority of all the qualified voters in any of the counties, cities and towns shall have voted for subscription, then it shall be the duty of the board of county commissioners of such counties, and the board of aldermen of said cities and towns, to order said subscription, Ballots. Bonds to be issued on vote of majority of qualified voters.

and issue coupon bonds of the denomination of one hundred dollars each, bearing interest at seven per centum, for the amount of said subscription, payable within twenty years from their date, to be paid by such counties, towns or cities.

Election in townships upon question of subscription.

SEC. 6. That upon the petition of ten qualified voters of any township through which said road shall pass, setting forth the amount proposed to be subscribed by said township, and praying that the question of subscription shall be submitted to the qualified voters of such township, it shall be the duty of the board of county commissioners of the county in which such township lies, to order an election in said township in the manner and form provided in this act, for said township, and if a majority of the qualified voters of such township or townships shall vote in favor of such subscription, to issue coupon bonds, in the sum of one hundred dollars each, for the full amount of the sum so approved and subscribed, to be paid by the tax-payers of said township, bearing interest at seven per centum and payable in twenty years from the date of their issue, said bonds to be signed by the chairman of the board of county commissioners in said county, and expressed upon their face, payable out of the taxable property of said township only; and it shall be lawful for the board of county commissioners of said counties in which said townships shall so subscribe to levy annually out of the taxable property of such township a tax to pay the interest on said bonds as it shall accrue, and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due. That the amount so levied to create a sinking fund to pay the principal of said debt shall be annually invested by said board of commissioners, as the same shall be paid into the treasury of such counties, in solvent securities, to be approved by their said board, and shall be separated and set apart by said board, to the credit of such township so subscribing, for the pur-

Bonds to be issued on vote of majority of qualified voters.

Special tax.

Sinking fund.

pose only of paying off and discharging the subscription of said township when the sum therein secured by the bond shall become due.

SEC. 7. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places, and under such supervision as they may determine, and to that end any three of said corporators may, by twenty days' notice in one newspaper published in the city of Asheville, cause a meeting of the said corporators to be held in the city of Asheville.

Books of subscription.

SEC. 8. That as soon as the sum of one hundred thousand dollars shall have been subscribed by solvent subscribers to the capital stock of said company, then it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect a president and vice-president, and not less than four, nor more than fifteen directors, a majority of whom shall be necessary for the transaction of business, and who shall hold their offices for one year, and until their successors shall be elected and qualified; and the directors chosen at said meeting and annually thereafter, shall elect a treasurer and secretary, and such other officers as may be necessary, who shall hold their offices during the pleasure of the said board of directors, subject to such rules and by-laws as may be adopted for the government of the said company. That in case of the death or resignation of the president, vice-president or any director, such vacancy may be filled for the remainder of the year, whenever it may happen, by the said board of directors or a majority of them. That in all elections for president, vice-president and directors, each share of stock represented in person or by proxy shall be entitled to one vote; the meetings of stockholders shall take place as provided for in the said by-laws.

Organization.

Officers.

Directors.

Other officers.

Vacancies.

Stock vote.

Road to be promptly located, &c.

SEC. 9. That the board of directors shall, as soon after the organization as possible, proceed to locate and have constructed the said railroad on the route they may find most practicable by the way of Asheville as aforesaid.

Authorized to enter upon land for purposes of exploring, &c.

SEC. 10. That it shall be lawful for the president and directors, their agent, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route of said railroad, and locating the same, and to do and to erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route of said road shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands, and to erect all the work necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided, always,* that the payment or tender of the payment of all damages for the occupancy of all land through which the said road may be laid out, be made before the said company shall enter upon, or break ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained.

Proviso.

Condemnation of land.

SEC. 11. That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owners, the same may be taken at a valuation by five commissioners, or a majority of them, to be appointed by the clerk of the superior court of the county where some part of the right of way is located; in making the said valuation the said commissioners

shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantages, general or special, which he, she or they may receive by the increased value of the land, or any special benefit which may arise from the location of a depot or otherwise on said lands, or any benefit which may accrue in any way whatsoever by the establishment of said railroad or works, and shall state particularly the value and amount of each [such] excess of the loss and damage over and above the advantage: *Provided neverthe-* Appeal.

less, that if any person or persons over whose lands the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of record, and the land or right of way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered in case of refusal: *Provided*, that upon application Proviso.

for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if they cannot be found, then that such notice of such application has been published for at least

- thirty days in some newspaper printed as convenient as may be to the court house of the county in which the application is to be made: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court or justice of the peace: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove the dwelling-house, yard or garden or burial ground of any individual without his or her consent.
- Proviso.**
- Proviso.**
- Width of right of way.** SEC. 12. That the right of the company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main track of said road, measuring from the centre of the same, and the company shall have the power to condemn and appropriate lands in like manner for the constructing of depots, warehouses, shops and all necessary buildings.
- Depots, &c.**
- Upon location of road, land lying within 100 feet and not heretofore granted to any person to vest in company.** SEC. 13. That all land not granted to any person heretofore lying within one hundred feet of the centre of said road, shall vest in the company so soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.
- Directors to fix rates of freight, &c.** SEC. 14. That the directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freight, produce and merchandise as may be authorized and fixed by the said company, not inconsistent with the laws of this state, and may lease and farm out such right to any person whatsoever. That the said company shall prorate for freights and travel, upon mutually reciprocal terms with the company, owners or operators of any other railroad in this state, which may connect with said company's road.
- Authorized to issue mortgage bonds.** SEC. 15. That the said company is hereby authorized, if it becomes necessary for the construction, improvement or keeping in repair of said road, to issue coupon

bonds of such denominations and values at eight per centum interest, or such rates as they may see fit, and payable at such times and places as the president and board of directors may determine, and such other evidences of indebtedness as the president and board of directors may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid, and the interest thereon, the Atlantic, Asheville and Baltimore Railroad Company may execute and deliver mortgage deed, or deed in trust signed by the president and countersigned by the secretary of said company, conveying its franchise and property, including its road-bed, superstructure, choses in action and real and personal estate of whatever kind to the holder of said bonds, or to such persons as the president and directors may select in trust for them, and the deed so executed and registered only in the county of Buncombe shall have priority over all other liens upon said road and property.

Mortgage deed,
where registered.

SEC. 16. That the said railroad company shall have the right to construct its railroad across other railroads and other roads at convenient points in such way as to do the least damage and occasion the least inconvenience.

Authorized to
cross other roads.

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 71.

An act to provide for the free passage of fish in the waters of the Cape Fear, North-east and Black rivers.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or corporation to catch with seines or nets any fish of any kind in the waters of the Cape Fear river, from its mouth

Unlawful to catch
fish in Cape Fear
river from mouth
of Bladen county
line and in North

East and Black
rivers, Pender
county, from 6
o'clock P. M.
Tuesday to 6
o'clock P. M.
Wednesday.

to the Bladen county line, and in the waters of the North-east and Black rivers within the county of Pender, between six o'clock P. M. on Tuesday and six o'clock P. M. on Wednesday of each week, in each and every year.

Unlawful to ob-
struct passage of
fish.

SEC. 2. That it shall be unlawful for any person or corporation to obstruct the free passage of fish in any of said waters, by the use of wire nets, or wire seines, or other contrivance constructed for the purpose of preventing the free passage of fish in said waters.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace in the county where the offence was committed shall be fined not exceeding twenty dollars, or imprisoned not exceeding thirty days.

Penalty.

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

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 72.

An act to prevent the felling of timber in White Oak river in Onslow and Jones counties.

The General Assembly of North Carolina do enact :

Unlawful to fell
timber, &c., in
White Oak river
from Barker's
bridge to head of
river in Onslow
and Jones coun-
ties, &c.

SECTION 1. That it shall be unlawful for any person to fell any timber, brush or other obstruction in the White Oak river, from Barker's bridge to the head of the White Oak river, in the counties of Onslow and Jones, and allow same to remain in said river for five days.

Misdemeanor.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars and not exceeding fifty dollars, in the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 73.

An act amendatory and explanatory of duties of county commissioners and supervisors in relation to public roads.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and fourteen of The Code be amended by adding to the end of said section the words: "*Provided*, that it shall be the duty of the county commissioners to have all roads laid out and constructed that have been heretofore or may hereafter be ordered as public roads, before the duties of the supervisors as to such roads shall obtain, and that the county commissioners are hereby vested with all the powers that the supervisors now have for having such roads constructed and received."

Section 2014, Code, amended.

Duty of county commissioners to have laid out, &c., all roads ordered as public roads, before duties of supervisors shall obtain, &c.

SEC. 2. That section two thousand and twenty-three be amended by inserting the word "construct," in fourth line, after the word "establish," and before the word "and."

Duty of Commissioners to construct public roads.

SEC. 3. That all laws and 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.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 74.

An act to authorize the state board of education to construct and complete certain roads and canals in eastern North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter seventy of the laws of North Carolina of the session of one thousand eight hundred and eighty-five be and the same is hereby amended by inserting in line five, after the word "constructed," the following words: "through or in the vicinity of said lands," and by inserting in line seven, after the word "necessary," the following words: "for the drainage thereof, or to make them more accessible and to develop their resources."

SEC. 2. That the state board of education be and it is hereby authorized to cause the boundaries of the swamp land belonging to it to be ascertained by actual surveys and marked, and until this is done the sale of any part of said land is suspended.

SEC. 3. That the said board shall not construct any road until the county or counties in which the said road is situated shall agree to declare the said road upon its completion a public road, and shall agree to keep the same in good repair in the future as a public highway at the cost and expense of such county or counties.

SEC. 4. That section one of chapter seventy of the laws of eighteen hundred and eighty-five be amended by striking out the words "one hundred and fifty" and inserting in lieu thereof the words "three hundred and twenty-five." That the said convict force shall be immediately furnished by the board of directors of the penitentiary to the said state board of education from the convicts now in the penitentiary and from the force now engaged on the Factory Branch Railroad when the contract with said road is completed, and the said number

Chapter 70, section 1, laws 1885, amended.

Board of education may cause swamp lands, &c., to be drained, &c.

Boundaries of swamp lands to be surveyed.

Sales suspended.

No road to be constructed until county agrees to declare it a public road, &c.

Section 1 amended.

Convicts to be immediately furnished not to exceed three hundred and twenty-five.

How furnished.

of three hundred and twenty-five convicts shall be kept up and maintained by the said board of directors of the penitentiary; and they shall be transported, fed, clothed, guarded and maintained by said board of directors of the penitentiary.

How maintained, &c.

SEC. 5. That the works hereinafter mentioned shall be under the direction and supervision of the engineer employed by the state board of education, and no new road, ditch or canal shall be constructed or cut by the said state board of education until the works of internal improvements authorized and directed by this act shall be completed.

Works to be under direction of engineer employed by board.

No new work to be constructed until works authorized by this act are completed.

SEC. 6. That said state board of education is hereby authorized, empowered and directed to cut a canal from some point on Broad creek, in the county of Hyde, at or near the bridge crossing said creek, to the head of navigation on Alligator river. That said canal shall be sixty feet wide, and shall be cut by the convict force as deep as it is possible without the use of dredges.

Canal from Broad creek in Hyde county to head of navigation on Alligator river.

Description of canal.

SEC. 7. That for the purpose of constructing said canal, the said state board of education is hereby directed to increase the convict force now employed in constructing a public road in the counties of Washington and Beaufort to one hundred convicts, and after said road shall be completed to transfer and work the said force upon the said canal. That said number of one hundred convicts shall be kept up and maintained and shall be kept steadily at work until said canal shall be cut to the depth aforesaid.

Convict force on road in Washington and Beaufort counties to be increased to one hundred, and on completion of road to be worked on canal.

SEC. 8. That if any part of said canal shall pass through lands not owned by the said state board of education, the said board is authorized and empowered, in consideration of the benefits accruing to such private lands, to receive from the owner or owners thereof a conveyance of such part of said lands, including the right of way for the said canal, as the board may consider just and equitable; and when infants or persons *non compos mentis* shall be the

Right of way over land needed for canal and not owned by board, how acquired.

owners thereof, his or her guardian is hereby authorized and empowered to execute such conveyance. That the said state board of education shall have all the rights and powers over the land thus acquired and conveyed as they now have over other public lands. That if the said board of education and the owners of said lands are unable to agree as aforesaid, the said board shall file a petition before the clerk of the superior court of Hyde county, in the manner prescribed by section twelve hundred and ninety-seven of The Code for the draining of low-lands. That the commissioners thus appointed shall, after twenty days' notice to the said board and to such owner, meet upon the said land, and after being duly sworn shall proceed to ascertain and determine the benefit which will accrue to the owner thereof from the construction of said canal and the damage which he will sustain, and any excess of benefit over damage the said commissioners shall allow and assign to the said state board of education in land, particularly describing the same. That the said commissioners shall report in writing under their hands to the court, which shall confirm the same unless good cause be shown to the contrary, and upon the confirmation of the said report the same shall be recorded in the register's office of said county, and the title to the said lands thus condemned shall be vested in the state board of education. That either party shall have the right of appeal from the order of the clerk of the superior court of said county upon said report. That immediately upon the filing of said petition, the said state board of education shall have the right to enter upon said private lands and begin the construction of the said canal. That the commissioners appointed by the clerk of the superior court as aforesaid shall have no power to alter or change the route of said canal, or to prescribe the manner in which it shall be constructed.

SEC. 9. That the said canal when cut as aforesaid shall be under the direction and control of the said state board

Condemnation of land.

Appeal.

Right of entry.

Commissioners to assess damages, &c., not authorized to change route of canal, &c.

Canal to be under control of board.

of education, and they shall have the power to adopt all necessary rules and regulations for its use and management.

SEC. 10. That the commissioners of Hyde are hereby required to construct a draw to the said bridge over Broad creek when the said canal shall be cut between the aforesaid points.

Commissioners of Hyde county to construct draw to bridge over Broad creek.

SEC. 11. That after assigning the said one hundred convicts to the construction of the said canal between Broad creek and Alligator river, there shall be assigned fifty convicts to build and construct a road in the counties of Perquimans and Pasquotank, beginning on the east side of the main road called the "Up-river Road," in Perquimans county, at the corner of John D. Parker's fence, and running thence to Richardson's corner, in Pasquotank county. Said convict force shall be kept steadily at work until said road is completed, and after its completion shall be transferred and assigned to the canal from Broad creek to Alligator river, and there kept at work until said canal is completed; and after said transfer to the said canal the said force of one hundred and fifty convicts shall be kept up until the completion of the said canal.

Fifty convicts to be assigned to build road in Perquimans and Pasquotank counties.

Location and termini of road.

After completion of said road convicts to be transferred to said canal.

SEC. 12. That the residue of the convict force granted and allotted to the state board of education by chapter seventy of the laws of eighteen hundred and eighty-five, as amended by this act, after deducting the aforesaid force of one hundred and fifty convicts assigned to the construction of the aforesaid canal and road, shall be assigned to and immediately set at work on the following other works of internal improvements in eastern North Carolina, in the following order: 1. Upon the road in Carteret county known as the Carteret county turnpike, running through the lands of the state board of education in said county of Carteret known as the Open Ground Prairie, and connecting the county seat of said county of Carteret, the town of Beaufort, with Merrimon

Residue of convicts after deducting one hundred and fifty, to be assigned to other works of improvement in eastern North Carolina.

First to Carteret county turnpike road.

Termini.

township. The said turnpike road is to be completed and made suitable for travel from the head of the North river road to the end of said turnpike road on Adams' creek in said county; and the said residue of said convict force is to be steadily kept at work until said turnpike road is completed and made suitable for travel as aforesaid at any season of the year. The said convict force shall cut along the sides of said road such ditches as may be necessary to keep the same well drained and in good condition. 2. That after the completion of said turnpike road in Carteret county, the said residue of said convict force shall be transferred immediately to Onslow county and assigned to the construction of a road leading through the public lands, beginning at A. J. Murrill's, on the Wilmington and Newbern road, running thence to Hatch's Fork, on the said Wilmington and Newbern road. That the said road shall be cut in the manner described and required by chapter (268) two hundred and sixty-eight of the laws of eighteen hundred and eighty-three. The said convict force shall be kept steadily at work until said road is completed. 3. That after the completion of the said Onslow county road, twenty-five of said convicts so assigned to work on said Onslow county road shall be transferred to the county of Lenoir, to grade the public highway leading from the foot of Queen street in the town of Kinston, Lenoir county, to the iron bridge across Neuse river: *Provided*, that the said county of Lenoir furnish quarters for said twenty-five convicts and transportation of said convicts from said county of Onslow to Kinston, Lenoir county. After the completion of said road, the said twenty-five convicts shall be transferred to the county of Pitt immediately, to construct the Grindle creek canal in said county of Pitt, of such depth and width as shall secure the drainage of Grindle creek in said county, beginning at a public road crossing Grindle swamp, at a point known as the Emily Daniel crossing, and running thence with the

After completion of Carteret county turnpike road then to road through public lands in Onslow county.

After completion of Onslow county road twenty-five convicts to be transferred to road from Queen street, in Kinston, to iron bridge over Neuse river.

Lenoir county to furnish quarters, &c.

After completion of road the twenty-five convicts to be transferred to Grindle creek canal, Pitt county.

various courses of said creek a north-westerly direction to the public road crossing the said swamp at or near the town of Bethel, in Pitt county. That all the provisions of section eight, sub-section five, of this act shall apply to said canal in Pitt county, substituting the word Pitt for the word Hyde in said section eight. 4. The whole of the said convict force assigned to Onslow county as aforesaid, with the exception of the twenty-five assigned to Lenoir county by sub-section three of this section, shall be immediately transferred to Pender county and assigned to the construction and completion of the following roads leading through the public lands in said county: One beginning at Croom's bridge, on the North-east river, running through Angola bay to the Duplin road; the other beginning on aforesaid road, about one-and-a-half miles from Croom's bridge, and following the line surveyed and marked through said bay. The said convict force shall be kept steadily at work until said road is completed. 5. That after the completion of said roads in Pender county, the said convict force shall be immediately transferred and assigned to the construction of a canal in Bladen county, leading through the public lands from some point on Black river in said county, to be designated by the said engineer, to and up Colly swamp to the head of said swamp in said county. That if any part of said canal shall drain the lands of private individuals, all the provisions of section eight of this act shall apply to said canal in the county of Bladen, substituting the word Bladen for the word Hyde wherever it occurs in said section: *Provided*, that the land conveyed to the said state board of education shall be re-conveyed to said parties at any time within five years from the completion of said canal, on payment to said board of education of such sum as the said board may agree to accept for said land. 6. That after the completion of the said canal in Bladen county, the said convict force shall be immediately transferred and assigned to the

Condemnation of land, &c.

Convicts assigned to Onslow county (except the twenty-five assigned to Lenoir county) to be transferred to certain roads through public lands in Pender county.

After completion of roads in Pender county convicts to be transferred to canal through public lands in Bladen county.

Condemnation of land.

Proviso.

After completion of canal in Bladen county convicts to be transferred to certain canals in Sampson county.

construction of the following canals in Sampson county :
 1. Beginning at Bradshaw's landing, at the dividing line between the lands of A. L. Pearson and J. B. Matthis, in Six Runs swamp, running thence to the head of said swamp. 2. Beginning at the mouth of Big Coharie, and extending near the head of said stream as may be necessary for thorough drainage. 3. Beginning at the mouth of Little Coharie, and extending near the head of said stream as may be necessary for thorough drainage. That

Condemnation of land, &c.

After completion of canals in Sampson county convicts to be transferred to canal in Brunswick county from Waccamaw to Calabash river.

Condemnation of land, &c.

After completion of said canal convicts to be transferred to Elizabeth river and Lockwood Folly sound canal.

Conflicting laws repealed.

all of the provisions of section eight shall apply to said canals in the county of Sampson, substituting the word Sampson for the word Hyde wherever it occurs in said section. 7. That after the completion of said canals in Sampson county, the said convict force shall be transferred to Brunswick county and assigned to the construction of the following canal : Beginning at some point on the Waccamaw river, near Pireway ferry, running thence a southerly course and connecting with Calabash river. That all the provisions of section eight and sub-section five of this act shall apply to said canal in Brunswick county, substituting the word Brunswick for the word Hyde wherever it may occur in said section. 8. That after the construction of the canal aforesaid, the said convict force shall be transferred and assigned to the construction of a canal connecting Elizabeth river and Lockwood Folly sound in Brunswick county, which canal is provided for by chapter two hundred and eighty-five of the laws of eighteen hundred and eighty-five.

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 14th day of February, A. D. 1887.

CHAPTER 75.

An act to protect deer in certain mountains in Burke, McDowell and Mitchell counties.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall hunt with a gun or chase with a dog, or shall at any time before the first day of January, eighteen hundred and ninety-one (A. D. 1891), kill or destroy any deer running wild in the woods within the boundary included by running a line from the house where Israel Beck formerly lived in Burke county, north to the line of Caldwell county, thence with the line of Caldwell county westwardly to the corner of Burke, Caldwell and Mitchell counties, thence with the line of Mitchell county to Linville river, thence down Linville river to the falls on said river, thence to the foot of the Winding Stairs in McDowell county, thence along the base of said Linville mountains in McDowell county to the Burke county line, north of the Catawba river, thence along the foot of said Linville mountains in Burke county to the Yellow mountain road, thence with said road to the top of the hill east of the old Barnett Moore place, thence with the public road by way of Table Rock academy and the Hemphill place to the Warrior ford of Upper creek, thence up said creek to said house where Israel Beck formerly lived, shall be guilty of a misdemeanor.

Unlawful to hunt, &c., deer before January 1st, 1891, within certain boundaries in Burke, McDowell and Mitchell counties.

SEC. 2. That any person who shall hunt with a gun or chase with a dog or shall kill or destroy any deer within the boundary described in the foregoing section, unless within an inclosure at least five feet high and in the possession of said person, shall pay a penalty of fifty dollars to any one who may sue for the same, the one-half for his benefit and the other for the benefit of common schools in the county where the offence is committed;

Exception.

Penalty.

When county superintendent of public instruction to sue.

and where no other person has sued for said penalty, the county superintendent of public instruction of the county in which the liability to pay the penalty is incurred may sue for in his own name and receive the whole of said penalty of fifty dollars for the benefit of common schools in said county.

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

In the general assembly read three times, and ratified this the 14th day of February, A. D. 1887.

CHAPTER 76.

An act to amend chapter two hundred and twenty-nine of laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 229, section 1, laws 1885, amended.

Normal school to be established at Sparta, Alleghany county, instead of Boone, Watauga county.

SECTION 1. That chapter two hundred and twenty-nine of laws of one thousand eight hundred and eighty-five be and the same is hereby amended by striking out the words "Boone in the county of Watauga," and inserting in lieu thereof the words "Sparta in the county of Alleghany," in section one of said 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 14th day of February, A. D. 1887.

CHAPTER 77.

An act to ratify and confirm the consolidation of the "Rutherford Railway Construction Company," and the "Rutherfordton, Marion and Tennessee Railway" with the "Charleston, Cincinnati and Chicago Railroad Company."

The General Assembly of North Carolina do enact:

That whereas, the general assembly of South Carolina Preamble. did, on the 4th day of March, 1878, pass and ratify an act entitled "An act to incorporate the Georgetown and North Carolina Narrow-gauge Railroad Company," which has been duly organized under said act. And whereas, the general assembly of South Carolina, on the 22nd day of December, 1885, passed and ratified an act entitled "An act to amend an act entitled an act to incorporate the Georgetown and North Carolina Narrow-gauge Railroad Company, and the acts amendatory thereof," by which the words "Georgetown and North Carolina Narrow-gauge" were stricken out of the charter of the Georgetown and North Carolina Narrow-gauge Railroad Company, and the words "Charleston, Cincinnati and Chicago" were inserted therefor, whereby the name of said corporation became the "Charleston, Cincinnati and Chicago Railroad Company." And whereas, on the 6th day of February, 1883, the general assembly of North Carolina ratified an act entitled "An act to incorporate the Rutherford Railway Construction Company," which said company has been duly organized under said act. And whereas, the general assembly of North Carolina did, on the 25th day of February, 1881, ratify an act entitled "An act to incorporate the Rutherfordton, Marion and Tennessee Railway," which said corporation was duly organized under said act. And whereas, the "Rutherford Railway Construction Company" and the "Rutherfordton, Marion and Tennessee Railway" were desirous to consolidate with and merge into the "Charleston, Cincin-

nati and Chicago Railroad Company," so as to make one continuous line, and to extend the said road into and across the state of North Carolina, and to enable said road to be continued across the states of Tennessee, Virginia and Kentucky to the Ohio river. And whereas, these several companies, to-wit: The Rutherford Railway Construction Company, and the Rutherfordton, Marion and Tennessee Railway, and the Charleston, Cincinnati and Chicago Railroad Company did, by their boards of directors, agree upon a contract of consolidation, which was submitted to the stockholders of the said several corporations, in regular meeting assembled, and was adopted and ratified in said meetings by said corporations above named. And whereas, on the last Thursday in September, 1886, the Charleston, Cincinnati and Chicago Railroad Company met in Charleston, South Carolina, and elected the officers as provided under the agreement aforesaid, and perfected said consolidation by resolutions of said company, so consolidated according to the statutes of South Carolina. And whereas, the Charleston, Cincinnati and Chicago Railroad Company desire to have said acts, agreements, proceedings and consolidation ratified and fully confirmed by the general assembly of North Carolina, so as to remove any doubt as to the validity of said consolidation. It is enacted:

Agreements, &c., for consolidation of Rutherford Railway Construction Company and Rutherfordton, Marion & Tennessee Railway into the Charleston, Cincinnati & Chicago Railroad Company, validated.

1. That the agreements, proceedings and acts for the consolidation and merger of the Rutherford Railway Construction Company and the Rutherfordton, Marion and Tennessee Railway into the Charleston, Cincinnati and Chicago Railroad Company, are hereby authorized, confirmed and validated, and said agreement, proceedings and acts are hereby declared to be lawful and binding upon the parties thereto, as far as the general assembly of North Carolina is empowered to ratify and validate and make lawful said agreement, proceedings and acts of said corporations.

2. The Charleston, Cincinnati and Chicago Railroad Company is authorized to issue common or preferred stock to the amount of fifteen millions of dollars. Capital stock.

3. That it may purchase or lease any other railroad; purchase the stock or bonds of any other railroad company; consolidate with any railroad company or companies in North Carolina, Tennessee, Virginia, Kentucky or Ohio; shall have all the power to condemn lands for right of way that is conferred in the North Carolina Railroad charter; may mortgage its road and property to secure its indebtedness. The said mortgage when duly executed shall be registered in the register's office of the county of Rutherford, and registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding. May lease its road or farm out the transportation thereon, and shall have and exercise all the powers, privileges and immunities conferred on other railroads in the chapters entitled "Corporations" and "Railroads" in The Code of North Carolina. Corporate powers.

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

In the general assembly read three times, and ratified this the 17th day of February, 1887.

CHAPTER 78.

An act to amend chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, being an act to change the time of certain counties of the state in settling with the state treasurer.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty of the laws of one thousand eight hundred and eighty three be Chapter 150, laws-1883, amended.

Sheriffs of certain counties who are allowed until May 1st to settle with state treasurer not to levy, &c., until after March 15th, and to attend in each township, &c., before March 15th.

No costs unless actual levy, &c.

amended by adding after section one the following: The sheriffs of the counties mentioned in this section shall not levy on property or sell under execution until after the fifteenth day of March. The sheriffs of said counties or their deputies shall attend one day during the month of March, on or before the fifteenth day of said month, at one or more places in each township, of which ten days' notice shall be given by advertisement at three or more public places, and in a newspaper if one is published in the county; no costs shall accrue or fees be collected by the sheriffs of said counties except in cases of actual levy on or advertisement of 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 17th day of February, A. D. 1887.

CHAPTER 79.

An act supplemental to an act to authorize the state board of education to construct certain roads and canals in eastern North Carolina.

The General Assembly of North Carolina do enact:

After completion of canal in Pitt county, convicts to construct road from head of navigation Little Swift creek, Craven county, to head of navigation Blount's creek, Beaufort county.

SECTION 1. That after the convicts employed on the canal in Pitt county shall have completed the work upon said canal according to the provisions of the bill to be entitled "An act to authorize the state board of education to construct and complete certain roads and canals in eastern North Carolina," the convicts so employed shall be immediately employed in the construction of a road from the head of navigation on Little Swift creek, in the county of Craven, to the head of navigation on Blount's or Durham's creek, in the county of Beaufort, upon the terms and conditions of said bill in like cases provided.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1887.

CHAPTER 80.

An act to amend chapter two hundred and fifty-six, laws of one thousand eight hundred and eighty-five, so that said act shall apply to the bond of the clerk of the superior court of Carteret county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter two hundred and fifty-six, laws of one thousand eight hundred and eighty-five, be amended as follows: In line four of said section after the word "Tyrrell" add the words "Carteret and Jones."

Chapter 256, section 1, laws 1885, amended.

Superior court clerks of Carteret and Jones counties not required to give bond in larger penalty than \$5,000 except in certain contingencies.

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

Act not to be construed to modify or repeal law authorizing county commissioners to require justification or renewal of bond.

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1887.

CHAPTER 81.

An act to regulate the sale of seed cotton in certain counties of the state.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to buy, sell, deliver or receive, for a price or for any reward whatever, any cotton in the seed where the quantity is

Unlawful to buy, &c., seed cotton in less quantity than usual bale.

Exception. less than what is usually baled, except as hereinafter provided.

Every sale in less quantity than a bale to be in writing. SEC. 2. Every such sale and transfer of seed cotton shall be in writing, signed by all the parties thereto in the presence of two credible witnesses, and shall be substantially in the following form, to-wit:

Form. "I,, hereby sell and deliver to, of county, pounds of seed cotton, at cents per pound. This the day of , 18...

In our presence.....,"

To be docketed, &c., by nearest justice of the peace.

Said bill of sale, together with a fee of twenty-five cents for docketing the same, shall thereupon be delivered by the person so buying or receiving said seed cotton, within ten days thereafter, to the nearest justice of the peace in said county, whose duty it shall be to docket and preserve the same on his civil docket for the inspection of all persons.

Misdemeanor.

SEC. 3. Any person buying or receiving seed cotton contrary to the provisions of this act, and any person buying or receiving seed cotton who shall fail, neglect or refuse for ten days thereafter to carry and deliver the written bill of sale, as hereinbefore required, to the nearest justice of the peace in said county, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or imprisoned not exceeding thirty days, two-thirds of any fine so imposed to enure to the benefit of the common school fund of said county and the remaining one-third to the informant: *Provided*, that this act shall only apply to the counties of Anson and Richmond.

Penalty.

Act applicable only to Anson and Richmond counties.

SEC. 4. 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. 1887.

CHAPTER 82.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section two (2), chapter three hundred and eighty-two (382), of the laws of one thousand eight hundred and eighty-three be amended so as to read: No person shall kill or trap any partridges, quails or doves, between the first (1st) day of April and the fifteenth (15th) day of October, nor any marsh-hen, curlew or other sea-shore bird between the first (1st) day of April and the first day of September.

Chapter 382, section 2, laws 1883, amended.

Unlawful to kill or trap certain birds between certain dates in New Hanover 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 22d day of February, A. D. 1887.

CHAPTER 83.

An act to empower the board of county commissioners of McDowell county to settle the bonded debt of McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and four of the acts of the general assembly of North Carolina, at session of one thousand eight hundred and eighty-three, be amended as follows, to-wit: The board of county commissioners of McDowell county are hereby authorized to issue coupon bonds of the denominations of not less than one hundred nor more than one thousand dollars, to an amount not exceeding fifty thousand dollars, to be made payable at any period not more than thirty years from

Chapter 204, laws 1883, amended.

Authorized to issue coupon bonds not exceeding \$50,000, &c.

Interest. the date of said bonds, and bearing such interest as may be agreed upon by said board of county commissioners of McDowell county and the holders or owners of the bonds issued by said county of McDowell in aid of the Western North Carolina Railroad Company, not exceeding six per centum per annum, to be paid semi-annually, and said bonds shall be signed by the chairman of said board of county commissioners of McDowell county and countersigned by the clerk of said board.

How executed. SEC. 2. That section two be repealed, and that the following be substituted therefor: The bonds so issued under this act may be exchanged with the holders and owners of said bonds heretofore issued in aid of said Western North Carolina Railroad Company under the act of the general assembly of North Carolina passed at its session of eighteen hundred and fifty-six and eighteen hundred and fifty-seven, chapter sixty-eight, and when so issued shall be deemed and held to be a continuation of the liability created by said county under the provisions of said act.

Bonds exchangeable with holders of bonds issued in aid of Western N. C. Railroad. Continuing liability. SEC. 3. That it shall be the duty of the said board of county commissioners of McDowell county, when the said bonds are issued, to have registered each and every bond issued under the provisions of this act in a book to be kept for that purpose by the clerk of said board of county commissioners, specifying the amount, number and date of the bond and the name of the person to whom the same has been issued, delivered or paid. And when any of the interest coupons on any of said bonds are paid, the amount so paid and the date thereof shall be entered by the clerk of said board of county commissioners in a margin opposite the number and registry of said bond as is heretofore provided.

Bonds to be registered, &c. Commissioners to levy tax to pay interest. SEC. 4. That it shall be the duty of the board of county commissioners of McDowell county to levy a tax annually upon all of the property and subjects of taxation in their said county to meet and discharge the interest cou-

pons on said bonds as the same may fall due. And the said board of county commissioners of McDowell county may create a sinking fund to meet and discharge the principal of said bonds so issued as the same may mature and fall due, or at any period after the expiration of ten years from the date thereof, and to this end may levy such assessment of taxes upon all the property and subjects of taxation in their said county to create said fund.

Sinking fund.

Levy of tax.

SEC. 5. That the board of county commissioners of said county of McDowell shall have power to sell and negotiate such bonds, or so many of them as are issued under this act, as may be necessary to pay off and discharge the indebtedness of McDowell county or any part thereof held and owned by any person or creditor who may refuse to receive or accept said bonds hereinbefore provided for to be issued in satisfaction of said old bonds.

Commissioners empowered to sell bonds, &c.

SEC. 6. That in order to ascertain the true amount of bonds outstanding against the county of McDowell, it shall be the duty of the board of commissioners of said county to notify all owners or holders of said old bonds to present the same for identification and settlement.

Notice to present old bonds.

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1887.

CHAPTER 84.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and thirty-seven, laws of eighteen hundred and seventy-three and four, be

Chapter 137, laws 1873-4, amended.

Sale of liquor prohibited within three miles of Enon baptist church, Transylvania county.

amended as follows: Strike out the word "Enin" and insert in lieu thereof the word "Enon."

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1887.

CHAPTER 85.

An act to authorize the Charleston, Cincinnati and Chicago Railroad Company to construct, maintain and operate telegraph and telephone lines.

The General Assembly of North Carolina do enact:

Authorized to construct, &c., telegraph and telephone lines upon its lines of road, &c.

SECTION 1. That the Charleston, Cincinnati and Chicago Railroad Company is authorized and empowered to construct, maintain and operate, by lease or otherwise, telegraph and telephone lines in and upon its lines of railroad in this State and such branch lines of railroad as it may from time to time construct.

Authorized to connect with other telegraph and telephone lines.

SEC. 2 That the said company may connect its said telegraph and telephone lines with such other lines of the same as may from time to time be expedient.

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 22d day of February, A. D. 1887.

CHAPTER 86.

An act in relation to the public schools in the town of Durham.

The General Assembly of North Carolina do enact:

Election upon question of tax for support of schools in Durham.

SECTION 1. The board of commissioners of the town of Durham shall and they are hereby authorized to submit

to the qualified voters of said town, under such rules and regulations and at such time within six months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots without device the words, "For School," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words, "Against School." The penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and commissioners of the town of Durham. The commissioners shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.

Ballots.

Penalty for illegal, &c., voting.

Notice of election.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against school to the commissioners of said town, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax, the same shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected; and the tax-collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than sixteen and two-third cents on the one hundred dollars' valuation of property and fifty cents on the poll, nor exceed twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Durham, and the school committee, whose appointment is hereinafter provided for, may establish one or more graded

Inspectors of election to certify result, &c.

Tax to be levied on majority vote.

How levied and collected.

Proviso.

Application of tax.

public schools in the town of Durham; and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Town of Durham constituted a public school district.

SEC. 3. For the purposes and benefits of this act the town of Durham shall be and constitute a public school district for both white and colored in the county of Durham.

School committee.

SEC. 4. If this act shall be ratified at the election authorized to be held under it, the school committee of the town of Durham shall consist of six members instead of three as now required by the general school law of the state, to be appointed by the commissioners of the town of Durham at their next regular meeting held after the election provided for in this act. The said school committee shall be divided by the said commissioners at the

How appointed.

time of their appointment into three classes of two each. The term of office of the first class shall expire at the end of two years from the date of this appointment, and the term of office of the second class shall expire at the end of four years from said time of appointment, and the term of office of the third class shall expire at the end of

Terms of office.

six years from said time. Wherever the term of office of any class shall expire as above provided, their successors shall be appointed for a term of six years by the said commissioners. Whenever any vacancy occurs in said committee except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Vacancies.

Powers and duties of school committee.

SEC. 5. That the school committee provided by this act shall have entire and exclusive control of the public school interests and property in the town of Durham, shall prescribe 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 or graded public schools annually, subject to removal by the said committee, shall make an accurate census of the school population of the

town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town:

Provided, all children resident in the town of Durham, between the ages of six and twenty-one years, shall be admitted into said schools free of tuition charges.

What children entitled to free tuition.

SEC. 6. The school committee created by this act may elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children, if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said schools, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

Duties.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Durham public school district, and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Durham, who shall be *ex-officio* treasurer of the said school committee and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants signed by the chairman and countersigned by the secretary of said committee shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the board of town commissioners a statement in writing of his receipts and disbursements of the school money properly and duly audited and approved by the chairman and secre-

Money apportioned under general school law to Durham school district, how applied, &c.

Town treasurer to be treasurer of school committee.

Duties of treasurer.

Proviso.

tary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Bond of treasurer.

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from special taxes levied and collected under this act and disbursed.

Compensation.

School committee to make just apportionment between white and colored schools.

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Durham, as shall be just to the white and colored races, without discrimination in favor of or prejudice to either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races. And the committee created by this act shall perform the duties and have all the powers that the graded school committee had under an act entitled "an act to authorize the town of Durham to issue bonds," being chapter eighty-seven, private laws eighteen hundred and eighty-five, ratified by the general assembly of North Carolina the seventh day of March, eighteen hundred and eighty-five.

Powers and duties of committee.

School committee to make annual report, &c.

SEC. 10. That the said committee shall make to the board of town commissioners annually, at the same time as is required under the school laws of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Durham, on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Durham. The beginning

School year.

and ending of the school year shall be fixed by the committee.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the town of Durham, Durham county," and by that name shall 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 hereby created. Conveyances to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break and alter at pleasure.

School committee a body corporate.

Corporate name.

Corporate powers.

Corporate seal.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1887.

CHAPTER 87.

An act to incorporate the Roanoke and Southern Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That F. J. Stone, J. M. Vaughn, L. W. Anderson, C. H. Fogle, F. H. Fries, G. W. Hinshaw, R. J. Reynolds, T. B. Bailey and C. C. Sanford, and such other

Body politic.

Corporate name.	persons as they may associate with them, are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of "The Roanoke and Southern Railway Company," and in that
Corporate powers.	name may sue and be sued in any court in this state, and shall be competent to purchase or acquire by gift, devise or otherwise, such real and personal property as shall be necessary for carrying out the intent and object of this charter, and in addition thereto shall have the power and authority to acquire, hold, own, operate or lease any quarries, mines, coal-beds, lumber-yards or furnaces in any of the counties through any part of which its road or branches may extend or pass, and to build branch roads from any part of its main line not exceeding fifty miles in length.
Location of road.	SEC. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from some point on the line of the states of North Carolina and Virginia, in the county of Rockingham, in North Carolina, through the counties of Rockingham, Guilford, Stokes, Forsyth, Davidson, Davie, Iredell, Rowan, Catawba, Lincoln, Mecklenburg, Gaston and Cleveland, or through any parts of either of said counties to the South Carolina line.
Capital stock.	SEC. 3. The capital stock of said Roanoke and Southern Railway Company shall not exceed five millions of dollars, to be divided into shares of one hundred dollars each. Each share subscribed shall be entitled to one vote in all meetings of the stockholders of said company, and fifteen thousand dollars shall be the minimum subscription on which said company may be organized.
Stock vote.	SEC. 4. For the purpose of raising the capital stock of said company it shall be lawful to open books in any city or town along the line of said road in North Carolina under the direction of the following commissioners, to-wit: F. J. Stone, J. M. Vaughn, L. W. Anderson, C.
Organization.	
Books of subscription.	
Commissioners.	

H. Fogle, F. H. Fries, G. W. Hinshaw, R. J. Reynolds, T. B. Bailey and C. C. Sanford, and at such other places and under direction of such other persons as a majority of the commissioners above named may deem proper, for the purpose of receiving subscriptions to the capital stock of said company.

SEC. 5. The commissioners above named, and all other persons who may hereafter be authorized as aforesaid to open books for subscriptions, shall open the same at any time after the ratification of this act, first giving twenty days' notice thereof of the time and place in one or more newspapers printed in North Carolina, and the said books when opened shall remain so opened as long as the commissioners above named shall deem necessary and direct.

Books of subscription to be opened on notice, &c.

SEC. 6. Whenever the sum of fifteen thousand dollars shall have been subscribed in manner and form aforesaid, and five per centum thereof shall have been paid into the said commissioners, the subscribers, their executors, administrators and assigns, together with the persons named as corporators in this act, shall be authorized to organize said company with all the rights, powers and privileges heretofore enumerated, and shall have the right to have and use a corporate seal, which they may change as often as necessary.

Organization.

Corporate seal.

SEC. 7. It shall be the duty of the commissioners named in this act for receiving subscriptions as aforesaid, or a majority of them, so soon as the sum of fifteen thousand dollars shall have been subscribed in manner aforesaid, to give public notice thereof, and at the same time to call a general meeting of the stockholders, giving at least ten days' notice of the time and place of such meeting; and at such meeting, a majority of the stockholders being represented in person or by proxy, shall proceed to elect not less than five nor more than nine directors out of the number of stockholders, and the said directors shall have power to perform all the duties necessary for the government of the corporation and the transaction of its busi-

General meeting of stockholders, when held, &c.

Directors.

Annual meet-
ings, where held.

Corporation not
dissolved by fail-
ure to elect
directors.

Election of
directors.

Stock vote.

Vacancies.

President and
other officers.

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

SEC. 8. The selection of such directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company; and the persons receiving the greater number of votes polled shall be considered duly elected directors, and at all elections and upon all votes taken at any meeting of the stockholders upon any by-law, or any of the affairs of the company, each share of the stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the company prescribe.

SEC. 9. The board of directors may fill any vacancies which may occur in it during the period for which they have been elected. The president of the company and one or more vice presidents thereof shall be annually elected by the directors from among their number, in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors are elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the board of directors, they may appoint a president or secretary *pro tempore* to fill his place, except when a vice-president be present, and in that case such vice-president shall act or preside.

SEC. 10. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 11. The said company shall have power to use any section or portion of its road before the whole of the same shall be completed, and to charge for transportation of passengers and freight thereon.

Authorized to use part of road before completion of whole.

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

Authorized to build across other roads.

Proviso.

SEC. 13. Whenever, for any cause, the said railroad company cannot agree with the owners of the lands over which their road shall go, for the purchase of land for way and depot purposes, the said company may file petition before the clerk of the superior court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plot thereof. The clerk of the superior court shall thereupon appoint five disinterested free-holders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days from the time of appointment, and assess the damages for the land taken. In assessing the damages, the appraisers shall take into consideration the actual value of the land, together with any special damage likely to accrue to the owner, and likewise shall consider any special benefit which the owner may derive from the location of the road. If the condemnation shall be for way only, the condemnation shall extend only to the right of way. If the condemnation shall be for depot and building purposes, the condemnation shall be in fee. The said appraisers shall make their report to the clerk of the superior court within ten days from the time of

Condemnation of land.

their meeting on the premises; said report shall be recorded in the office of register of deeds, after approval by the clerk and payment of damages assessed, and shall have the force and operation of a deed. Either party may appeal to the superior court in term from the approval or disapproval of the clerk. The cause shall then be proceeded with in accordance with other appeals, and shall stand for trial at the term to which the appeal is taken. The appeal must be prayed within ten days from the approval or disapproval of the clerk.

Appeal.

Limitation of land subject to condemnation.

SEC. 14. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-bed along the main track and its branches, measuring from the centre of the same, except that for depots and warehouses they may condemn not exceeding two acres in any one place; and in all cases where land or rights of way over land have been condemned and taken, the owner shall petition the sheriff for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such case within two years from the removal of such disabilities.

Owner to file petition for damages within two years.

Exclusive right of transportation, &c.

SEC. 15. The said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road, at just and reasonable charges: *Provided*, that said company shall not discriminate against towns and cities in the matter of transportation rates in the state of North Carolina.

Proviso.

Dividends.

SEC. 16. The board of directors may from time to time declare dividends of profits among the stockholders when the affairs of the company will permit.

Counties, &c., authorized to subscribe for stock, &c.

SEC. 17. It shall be lawful for any county, township, city or town, through or near which the said road may run, to subscribe for and hold stock in said company or in any section thereof in case any section be built alone, whenever such subscription shall be authorized under the provisions of this act by a majority of all the quali-

fied voters of such county, township, city or town. It shall be lawful for the Roanoke and Southern Railway Company, a corporation chartered by the laws of Virginia, also to subscribe for and hold stock in said company.

Roanoke and Southern R. R. Co. authorized to subscribe for stock, &c.

SEC. 18. It shall be lawful for the said Roanoke and Southern Railway Company chartered by this act to issue coupon bonds in such denominations and running for such time not exceeding thirty years, and bearing interest at such rate, and payable at such times and places as the board of directors may direct, to be sold or hypothecated by the directors of said company; and to secure the payment of the same the said company may execute a mortgage to such person or persons as the company may select on all the real and personal estate of the company, together with all their franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in the county of Rockingham, and upon such registration in Rockingham county it shall be a lien upon the property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes, or any part thereof.

Authorized to issue mortgage bonds, &c.

Registration of mortgage.

SEC. 19. The said company may consolidate its stock, franchises and property with those of the Roanoke and Southern Railway Company chartered by the State of Virginia, upon such terms as may be agreed upon by the two companies; but in case of such consolidation, the consolidated company shall always remain a North Carolina corporation in regard to the rights of suing and the liabilities of being sued, and the jurisdiction of the courts of North Carolina over the same.

Authorized to consolidate with Roanoke and Southern R. R. Co., chartered in Virginia.

Consolidated company to remain a North Carolina corporation for certain purposes.

SEC. 20. The work on the said road shall be commenced within two years and prosecuted without unnecessary delay, and completed within ten years.

Work to be commenced within two years, &c.

Election in counties upon question of subscription.

SEC. 21 That in case any county through or near which said road is located desires to subscribe for stock in said company, it shall be the duty of the board of commissioners of such county, upon the petition of not less than twenty-five freeholders and resident tax-payers of the county, to provide for the submission of the question of subscription to the qualified voters of such county, and in case the same is adopted by said voters, then the bonds shall issue, and taxes to pay the same shall be levied as is prescribed by the general laws as contained in chapter forty-nine of The Code of North Carolina.

Issuance of bonds and levy of tax.

Election in townships, cities and towns upon question of subscription.

SEC. 22. Upon presentation of a petition signed by at least twenty resident tax-payers of any township, city or town through or near which said road shall have been located, in any county along the line thereof, to the board of county commissioners of any county wherein such township, city or town is situated, requesting said commissioners to submit to the vote of the qualified voters of their respective township, city or town, as the case may be, a proposition to subscribe a definite sum named in said petition to the capital stock of the Roanoke and Southern Railroad Company, it shall be the duty of said board of commissioners within sixty days to order an election to be held at the various polling places in the township, city or town so petitioning, and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in the petition, at which election those in favor of such subscription shall vote "Subscription," and those opposed shall vote "No subscription." Said election shall be held, registrars and poll-holders and judges appointed, the registration of voters taken, as may be provided by law for general elections of members of the general assembly in townships, and as provided by law for the election of commissioners or aldermen in cities and towns, except that in all said elections the poll-holders shall make returns within three days after the election

Ballots.

Election, how held, &c.

of the votes cast to the board of county commissioners of the county, who shall on the third day after the election canvass the returns, declare the result and cause the same to be entered on their minutes.

SEC. 23. In case any township, city or town shall by a majority vote of all the qualified voters therein, direct a subscription as provided in this act, then the chairman of the board of commissioners shall within sixty days after said vote is ascertained subscribe the amount authorized by the vote of said township, city or town, in stock to said company, to be paid for in the bonds of such township, city or town, at their face value.

Subscriptions,
when and how
made.

SEC. 24. To provide for the payment of said subscription made as provided in this act, the board of commissioners of the county in which is situated any township, city or town 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, city or town they are issued, and the conditions upon which they are issued. Said bonds shall be in denominations of not less than fifty, nor more than one thousand dollars, and shall run for not exceeding forty years, and bear interest not exceeding six per centum per annum, payable annually or semi-annually, and payable at such time and place as the board of county commissioners may direct.

County commis-
sioners to issue
coupon bonds,
&c.

SEC. 25. To provide for the payment of said bonds issued under the authority of this act, the board of commissioners of any county wherein the township, city or town issuing the same may be situated, shall in addition to the other taxes that annually may be levied upon the property and polls of such township, city or town, annually compute and levy at the time of levying the general taxes upon the property and polls of said township, city or town, a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due, and to provide a sinking fund to pay off the principal

Special tax to be
levied.

Tax, how collected, &c.

of the same as the bonds may mature, which taxes shall be collected by the sheriff of the county, if the taxes be levied upon the subjects of taxation in a township to pay township bonds, and by the tax collector of a city or town to pay city or town bonds, and by said officers promptly applied to the payment of interest and principal as provided for in this act; and such collectors shall enter into bond before the county commissioners with sufficient securities, conditioned for the faithful performance of their duty under the provisions of this act.

Liability of stockholders for corporate debts.

SEC. 26. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall be personally liable for the debts of said company to the amount only of the unpaid stock in said company held by them respectively.

SEC. 27. 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. 1887.

CHAPTER 88.

An act to incorporate the Atlanta, Franklin and Knoxville Short Line Railroad Company, to confer certain powers on said company, and for other purposes.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That J. M. Arrowood, F. M. Coker, F. M. Coker, Jr., J. B. Redwine, S. W. Arrowood, C. C. Arrowood, of Atlanta, Georgia, and K. Elias, of Macon county, North Carolina, and all persons that shall be stockholders, and their successors and assigns, be and they are hereby created a body politic and corporate, under the name of the Atlanta, Franklin and Knoxville Short

Corporate name.

Line Railroad Company, with power under said name to sue and be sued, plead and be impleaded in the courts of law and equity in this State, to have and use a corporate seal, to make by-laws, to buy, hold, use, sell and enjoy all such real and personal property as may be necessary to, and will advance the interest of said company, together with such other powers as are herein conferred, as well as those which by the laws of this state are conferred generally on incorporations.

Corporate powers.

SEC. 2. That said company be and it is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate a railroad in this state, connected with and being a continuation of a railroad leading from Atlanta, Georgia, so as to run via Franklin, in Macon county, and through Swain county, and connected with or leading to a railroad to be constructed to Knoxville, Tennessee, as a part of the road hereby incorporated, with the privilege of building a branch road from some point on its main line to Asheville, North Carolina, and such other branch roads as may appear to the interest of the company, the object and purpose of which is to carry freight and passengers.

Location of road.

Branch roads.

SEC. 3 That for the purpose of constructing, maintaining and operating said lines of railroad, said company is hereby empowered: 1st. To cause such examinations and surveys to be made as shall be necessary to the selection of the most advantageous route, and for such purpose are hereby empowered, by its officers and agents, servants and employees, to enter upon the land or water of any person for that purpose. 2d. To take and hold such voluntary grants of real estate or other property as may be made to it, to aid in the construction, maintenance and accommodation of its road, which shall be used for that purpose only. 3d. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its road or stations, wharves, docks, terminal facilities, and all other

Corporate powers.

To make survey, &c.

To take grants of real estate, &c.

To purchase real estate, &c.

accommodations necessary to accomplish the objects of its incorporation, and to sell, lease or buy any land necessary for its use. 4th. To lay out its road, not exceeding (200) two hundred feet in width, and to construct the same, and for the purpose of cutting any embankments, and for obtaining gravel and other material, may take as much land as may be necessary for the proper construction, operation and security of the road, or to cut down any trees that may be in danger of falling on the track, or obstructing the right of way. 5th. To construct its road across, along or upon any stream of water, water-course, street, highway, canal, which the route of the road shall intersect or touch. 6th. To cross, intersect, or join or unite its road with any other railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad company, with the necessary turn-outs, sidelings and switches, and other conveniences necessary in the construction of its road, and may run over any part of any other railways' right of way necessary or proper to reach its freight depot in any city, town or village, or to reach any other point of its right of way, otherwise inaccessible, through or near which its road may run. 7th. To take and convey persons or property over their road by use of steam or animals, or any mechanical power, and to receive compensation therefor, and to do all things incident to railroad business. 8th. To erect and maintain convenient buildings, wharves, docks, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of their passengers and freight business. 9th. To regulate the time and manner in which passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this state upon the subject. 10th. To borrow such sum or sums of money, at such rates of interest not contrary to law, and upon such terms as said company or its board of directors shall authorize or agree upon, and

To lay out road not exceeding 200 feet in width, &c.

To build across streams, &c.

To build across other roads, &c.

To convey persons, &c., over road.

To erect buildings, wharves, &c.

To regulate time, &c., in regard to transportation.

To borrow money on mortgage, &c.

may deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its road, branches, or both, in process of construction by said company, for the amount or amounts borrowed or owing by said company as its board of directors shall deem expedient; said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine-houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in construction with its road in any manner then belonging to said company, or which shall thereafter belong to it, as security for any bonds, debts, or sums of money as may be secured by said trust deeds or mortgages as they shall think proper.

SEC. 4. In the event said company does not procure Condemnation of land. from the owner or owners thereof by contract, lease or purchase the title to the land or right of way or other property necessary or proper for the construction or connections of said road and its branches, or extensions, or its depots, wharves, docks, or other necessary terminal facilities, necessary or proper for it to reach its freight or passenger depot in any city, town or village in this state, or for the purpose of reaching some otherwise inaccessible point of its right of way as hereinbefore provided, it shall be lawful for said corporation to construct its railroad or branches over any lands belonging to other persons, or over such rights of way or tracks of railroads as aforesaid, upon paying or tendering the owner or owners of, or to his or her or its legally authorized representative, just and reasonable compensation of, or [for] the right of way, which compensation when not otherwise agreed upon shall be assessed and determined in the following manner, to-wit: And said company shall have all the rights and privileges for the condemnation of lands for the right of way and other purposes as are conferred by the

general laws of this state relating to railroad corporations.

Capital stock.

SEC. 5. That the capital stock of said company be one million dollars, with the right to increase the same from time to time to any amount required for the purpose aforesaid, by a two-thirds vote of the stockholders at an annual meeting, or at a meeting called by the directors for that purpose. Notice must be served on them in person, or by mail post-paid, directed to them at the post-office nearest their place of business, twenty days prior to said meeting. That said company may commence work when fifty thousand dollars of said stock shall be subscribed and paid in.

Books of subscription.

SEC. 6. That the board of directors named in the charter of said company in the state of Georgia, are hereby authorized to open books of subscription at such time and place in or out of the state as they may deem proper, and subscriptions to the capital stock of said company may be made in the shape of a general contract or promissory notes of such form as the directors may decide, and certificates of stock shall be issued on the basis of one share for every one hundred dollars so paid. And all such stock so subscribed shall be payable in such installments as may be agreed upon or determined by the board of directors; and if any stockholder shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereon to the benefit and use of the company; but before so declaring it forfeited, said stockholder shall have served on him a notice in writing, in person or by depositing said notice in the post-office, postage paid, directed to him at the post office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is therein named; said notice shall be served or mailed sixty days prior to the day on which such pay-

Subscriptions to capital stock, how made, &c.

ment is required to be made. That all such subscriptions may be paid in real estate or other property, or money, or both, as agreed upon by the subscriber and the directors, either before or after subscribing; and in case any kind of property is received as payment of subscription, the directors shall have the right to sell, hold, lease or otherwise dispose of to the best interest of the company. That said board of directors shall not be less than three nor more than thirteen, and shall elect one of their number president, and may appoint such other officers, agent and employees, as they may deem necessary and proper to carry on the business of said company; said board of directors shall manage the affairs of the company for the first year and until others are elected, and fill all vacancies which may occur between the annual elections, and that all future boards of this company shall be elected by the stockholders at their annual meetings, which time and place will be determined by the by-laws of said company. And in all meetings of the stockholders each stockholder shall be entitled to as many votes as the shares owned by him or her. All elections shall be by ballot cast in person or by proxy duly given in writing. The directors shall have power to adopt a corporate seal, make by-laws and regulations, and declare dividends, but the stockholders shall have power to regulate and limit the powers of the board and modify and change the by laws.

SEC. 7. That the stock in said company shall only be transferable on the books of the company under regulations to be prescribed in the by-laws; but no share shall be transferred until the sum of one hundred dollars has been paid thereon to the company.

SEC. 8. That the stockholders in said railroad company shall in their private capacity be bound to any creditor of the company for the amount of stock subscribed for by him or her until such subscription is fully paid up,

Directors.

Officers, &c.

Vacancies.

Stock vote.

Elections.

Corporate seal,
by-laws, &c.

Transfer of stock.

Liability of
stockholders for
corporate debts.

or to an amount equal to his unpaid subscription, and not otherwise.

Principal office.

SEC. 9. That the principal office of said road be in Atlanta, Georgia, but said company shall keep an officer or agent in this state on whom process can be served.

Additional privileges.

SEC. 10. That said company shall enjoy any additional privileges in this state that may hereafter be granted by the laws of North Carolina to said company which are not now mentioned in this act, until the general assembly of this state can ratify or restrict the same.

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

In the general assembly read three times, and ratified this the 3d day of February, A. D. 1887.

CHAPTER 89.

An act to amend an act entitled "An act to incorporate the Wilmington, Onslow and East Carolina Railroad Company, being chapter two hundred and thirty-three of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 233, laws 1885, amended.

SECTION 1. That the time within which this company, which has been organized by chapter two hundred and thirty-three of the laws of one thousand eight hundred and eighty-five, is compellable to begin the construction of its road shall be extended and is hereby extended for the term of five years from and after the ratification of this act.

Extension of time for construction of road.

Section 13 amended.

SEC. 2. That section thirteen of said chapter two hundred and thirty-three, laws of one thousand eight hundred and eighty-five, be amended by adding thereto the following clause: And it shall be the duty of the county

commissioners and other proper authorities of such city or town to meet and pass upon said application within thirty days after the same shall be presented to them, and if the terms of this section shall have been complied with in making the same, to issue at once the requisite and proper notice calling the election in this section prescribed, which said election shall be held within forty days after the day of the meeting aforesaid of said county commissioners or other proper authorities: *Provided, however,* that this amendment shall not apply to or in any way govern the election already called by the board of commissioners of New Hanover county under the provisions of the original act.

Election in counties, &c., upon question of subscription.

Proviso.

SEC. 3. That said act, chapter two hundred and thirty-three of the laws of eighteen hundred and eighty-five, be and the same is hereby amended as follows: That if a majority of the qualified votes of New Hanover county at any election held for such purpose shall vote in favor of a subscription on the part of said county to the capital stock of said company, a meeting of all the subscribers, both private and municipal, to said stock shall be called by any three of the private stockholders, or the chairman of the board of commissioners of said county, and held within sixty (60) days after such election, of which twenty (20) days' notice shall be given by publication in the two daily newspapers published in the city of Wilmington having the largest circulation, for the purpose of re-organizing the said corporation and electing a board of directors to serve for one year from such time and until their successors are elected. The said county shall be represented at such meeting and at all subsequent meetings of the stockholders by some resident real estate tax-payer of said county, appointed and selected by the board of commissioners of said county of New Hanover, who shall not be a member of said board, who shall vote the stock subscribed by said county on all questions requiring a stock vote, except the election of

If New Hanover county votes for subscription corporation to be re-organized, &c.

New Hanover county, how represented in stockholders' meeting.

Directors.

directors. The board of directors of said company shall consist of nine members, (which may be increased to thirteen) of whom the said county shall always be entitled to elect such a number as shall be in the same proportion to the entire number of directors as the stock subscribed by said county shall bear to the entire capital of said company actually and *bona fide* subscribed by solvent subscribers. The directors on the part of said county shall be resident real estate tax payers of said county, and shall be selected and appointed by the board of commissioners of said county, and shall serve without pay or any emolument; but no member of said board of county commissioners shall be eligible as such director. The remaining number of said board of directors shall be elected by the subscribers, other than the said county of New Hanover, by a stock vote. That the said board of directors shall elect one of their number as president and also such other officers of said company as they may deem requisite, who with the president shall hold office for one year and until their successors are elected, unless sooner removed or discharged, or by resignation of any of said officers.

Officers.

Payment of subscriptions.

SEC. 4. All subscriptions to the capital stock of said company, both private and municipal, shall be paid at the time and in amounts as may be prescribed by the board of directors.

If New Hanover county subscribes, unlawful for any township or for city of Wilmington to subscribe.

SEC. 5. That if said county of New Hanover shall subscribe to the capital stock of said company it shall not be lawful for any township in said county or for the city of Wilmington to subscribe to the same.

Sections 11 and 12 repealed.

SEC. 6. That sections eleven (11), twelve (12) and sixteen (16) of said act of eighteen hundred and eighty-five are hereby repealed.

Subscription by New Hanover county void unless amendments contained in this act are accepted by corporation.

SEC. 7. That unless the amendments hereby enacted shall be accepted by the said corporation, then any subscription on the part of said county of New Hanover shall be unlawful, and if voted by the electors shall be void.

SEC. 8. That section fourteen (14) of said act be amended by striking out in the ninth (9th) line of said section the words "as may be agreed upon," and the words "as may be agreed" in the the twentieth (20th) line, and inserting in lieu thereof the words "or the equivalent of the said cash in the bonds of the county or municipality making the said subscription, at the election of the proper authorities thereof," and by striking out the whole of the proviso in said section, from the words "provided, however," to the end of said section; and the said section be further amended by adding at the end thereof, as amended above, the following clause: *Provided*, that the said corporation shall not be compella-

Section 14
amended.

Subscriptions by
counties, &c.,
how made.

Stock, how issued
to counties, &c.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws
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 23d day of February, A. D. 1887.

CHAPTER 90.

An act to promote the culture of shell fish in Onslow county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of the justices of the peace of Onslow county shall elect on the first Monday in June next after the ratification of this act three citizens of the county who shall be qualified, and they shall be interested in the oyster industry as a board of shell fish com-

County commis-
sioners to elect
board of shell fish
commissioners.

- missioners, and when so elected and qualified, shall have original and exclusive jurisdiction over all the grounds and shell fisheries in the county relating to the oyster culture, they shall have surveyed and set aside such natural beds and grounds for the benefit of the public as they may deem proper, and shall stake out and define the same, they may draw in such lines from time to time as they think best to the interest of the public. The said board of justices of the peace shall also at their meeting fix and determine the *per diem* of the said shell fish commissioners, and they shall hold their office for two years, or until their successors are elected and qualified as this act prescribes.
- Jurisdiction and duties.
- Compensation.
- Term of office.
- Majority of justices deemed the board of justices, &c.
- Survey to be made for any citizen, not exceeding fifteen acres, &c.
- Proviso.
- Persons owning grants under former entries, confirmed as to ten acres, &c.
- Proviso.
- SEC. 2. A majority of the justices of the county shall be deemed the board of the justices of the peace for the election and for fixing or determining the *per diem* of the said shell fish commissioners, and a majority of the said shell fish commissioners shall constitute a quorum for the transaction of business.
- SEC. 3. The said board of shell fish commissioners shall cause to be surveyed for any citizen of the state who shall make a *bona fide* application for any ground not included in the public plots not exceeding fifteen acres, and to any person who now owns ten acres five acres more, and no one person shall be allowed to own or hold at any one time more than fifteen acres, except by devise or inheritance, or having owned the same for five years: *Provided*, that nothing contained in this section shall be so construed as to prevent any person who now owns less than ten acres from entering a sufficient quantity of ground to make fifteen acres in all.
- SEC. 4. That all persons now owning grants under former entries or license who have improved the same not exceeding ten acres are hereby confirmed and made good and vested in themselves, their heirs or assigns, and shall be assessed and taxed separate from their other effects: *Provided*, that grounds entered as this act pre-

scribes shall only be a perpetual franchise; but when improved for five years the title then shall be vested in themselves, their heirs or assigns, and shall be assessed and taxed separate from their other effects from the date of their grants.

SEC. 5. That the public plats when laid out and defined shall only be open to take or catch shell fish from the first day of October to the thirty-first day of March following: *Provided*, that the shell fish commissioners are authorized to designate certain grounds whereon persons may take or catch shell fish any month in the year. Any person who shall wilfully tear down or demolish any stake on or around the public plats, or who shall take or catch any shell fish within the public plats between the first day of April and the first day of October following, shall forfeit his right to take or catch shell fish in the public plats for six months, and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *And provided further*, that the foregoing penalty shall not apply to persons who may fish for or take shell fish on such grounds as the board of shell fish commissioners have designated as public plats to be open at all months in the year: *And provided further*, that nothing shall be so construed as to prevent free navigation or fishing for migratory fishes.

Public plats open between certain dates.

Proviso.

Misdemeanor to tear down, &c., any stake, &c.

Forfeiture of right to take shell fish.

Penalty.

Proviso.

Proviso.

SEC. 6. The grounds shall be entered as other vacant lands and the price per acre for the entry shall be twenty-five cents, and shall be paid in to the county treasurer, who shall issue to the applicant a certificate therefor, stating the number of acres and the amount paid, and the secretary of state shall upon the receipt of such certificate issue to said applicant a grant for said plat upon the payment to him his lawful fees for issuing said grant, and the persons who own land fronts and have improved them shall have the priority of right to enter the same, subject to the limitations contained in this act, and all

Entry and grant.

grants issued as this act prescribes shall be registered in the county within twelve months.

Misdemeanor to tear down, &c., stake on private grounds.

SEC. 7. Any person who shall wilfully demolish or tear down or move any stake on or around any private grounds shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court; and any person who shall unlawfully take and carry away any shell fish from any such private plats shall be guilty of larceny and punished accordingly.

Larceny to take, &c., shell fish from private plats.

Duties of county treasurer in regard to shell fish funds.

SEC. 8. The county treasurer shall keep the shell fish funds separate from the other county funds and shall be entitled to his lawful commissions on the same, and shall pay out of the oyster funds all verified orders drawn on him by the board of shell fish commissioners, and at the end of each year shall pay over to the treasurer of the state any balance of the oyster fund remaining in his hands, taking his receipt for the same, and shall be responsible on his official bond for all moneys that may come into his hands from such shell fisheries; he shall keep a book of receipts and disbursements, and shall keep said book open to the inspection of all persons; the receipts of the state treasurer, the orders of the board of shell fish commissioners, and their *per diem* when verified by the board shall be valid vouchers in his hands for settlement.

Unlawful for non-residents to enter oyster grounds in Onslow county, &c.

SEC. 9. That it shall be unlawful for non-residents of the state to enter oyster grounds in Onslow county, or to catch or take any oysters in said county, under a penalty of five hundred dollars, to be recovered by the state.

Chapter 84, laws 1885, repealed.

SEC. 10. That chapter eighty-four (84), laws of eighteen hundred and eighty-five (1885,) are hereby repealed, and all laws and clauses of laws in conflict with this act are hereby repealed, so far as relates to Onslow county.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1887.

CHAPTER 91.

An act amending the charter of the Atlantic and Western Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the stockholders of the Atlantic and Western Railway Company be and they are hereby authorized to alter and fix the number of directors who are to manage the affairs of said company.

Stockholders authorized to fix number of directors.

SEC. 2. That the said company may construct and operate any portion of said line, and shall be entitled to all the privileges of its charter over such portion so constructed, and may construct and operate other portions in like manner when deemed advisable by the stockholders and directors.

Authorized to construct and operate part of road.

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

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1887.

CHAPTER 92.

An act relating to New Hope and North-east creeks in Chatham county.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to cut and fell any tree or brushwood and not remove the same within three days in New Hope and North-east creeks, between Fearington's mills and the Durham county line. Any one violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more

Misdemeanor to cut trees, &c., in certain creeks and not remove same in three days.

Penalty,

than ten dollars or imprisoned not more than ten days for each offence.

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

In the general assembly read three times, and ratified this the 24th day of February, A. D. 1887.

CHAPTER 93.

An act to amend sections two thousand and sixteen, two thousand and twenty-two and two thousand and fifty, and to repeal section two thousand and fifty-nine of The Code, in regard to public roads.

The General Assembly of North Carolina do enact :

Section 2016,
Code amended.
Annual meeting
of board of super-
visors of public
roads.

SECTION 1. That section two thousand and sixteen of The Code be amended by striking out "February," in line second, and inserting "August."

Section 2022
amended.
Annual report of
overseers.

SEC. 2. That section two thousand and twenty-two of The Code be amended by striking out "February," in line second, and inserting "August."

Section 2050
amended.
Penalty for fast-
ening any decked
vessel to bridge
over navigable
stream, &c.

SEC. 3. That section two thousand and fifty be amended so as to read as follows: "No person shall fasten any decked vessel or steamer to any bridge that crosses a navigable stream, on pain of forfeiting fifty dollars, which in the case of a bridge that crosses a county line, may be recovered in either county."

Section 2059 re-
pealed.

SEC. 4. That section two thousand and fifty-nine of The Code be and is hereby repealed.

In the general assembly read three times, and ratified this the 24th day of February, A. D. 1887.

CHAPTER 94.

An act to confirm and continue unto the Suffolk and Carolina Railway Company its charter, franchises and corporate privileges, and to grant additional powers.

WHEREAS, The Suffolk and Carolina Railway Com- Preamble.
pany was duly incorporated in accordance with the acts of assembly of North Carolina, by articles of association filed for that purpose in the office of the secretary of state of North Carolina, the twenty-fourth day of September, one thousand eight hundred and eighty-four, by William H. Gay, William H. Bosley and William N. Camp, three of the directors named in said articles, and said body corporate so as aforesaid incorporated was duly organized in accordance with law, and the construction of the railway provided for by the terms of said articles was in fact prosecuted and carried on by said company; and whereas, by an agreement of lease, dated the sixth day of April, one thousand eight hundred and eighty-five, the corporate powers, privileges and franchises and all the property and rights of any kind whatever of the said body corporate were perpetually leased unto the Suffolk and Carolina Railway Company, incorporated under the laws of the state of Virginia, for the purpose of the consolidation of the first mentioned with the last mentioned company and the transfer and surrender of the capital stock of the herein first mentioned company unto the herein last mentioned company and the issue of the capital stock of the last mentioned company in its place, share for share, and further to effect and complete said consolidation and union of the said bodies corporate in accordance with the provisions of the acts of assembly of this state, the board of directors of said last mentioned company, at their lawful meeting held the seventh day of April, one thousand eight hundred and eighty-five, passed a resolution ratifying and confirming the aforementioned

lease and consolidation and declaring themselves to be the board of directors of said herein first mentioned body corporate and assuming the management and conduct of its affairs, a copy of which resolution duly signed by said directors, certified to be true under the common seal of said body corporate last mentioned, and that the facts therein recited were true, certified by Chauncey Brooks, the president, and William H. Bosley, the secretary, of said body corporate, was immediately thereafter filed in the office of the secretary of state of this state, whereby and by operation of law the corporate powers and franchises of said body corporate first herein mentioned, became and were vested in the said body corporate secondly herein referred to; and whereas, by an act of the general assembly of the state of Virginia, entitled "an act to amend and re-enact the charter of the Suffolk and Carolina Railway Company," which act became a law the twelfth of February, one thousand eight hundred and eighty-six, all the rights, privileges and franchises which by virtue of the acts of assembly and laws of the two states aforementioned had become vested in or assumed by the said body corporate last mentioned, were confirmed and assured and forever continued unto said body corporate, and the organization and consolidation of the two bodies corporate aforementioned were recognized and approved as valid so far as it was in the power of the state of Virginia to effect the purposes of said act, as will appear by reference to the terms of said act, which have been duly accepted by the said body corporate, and said body corporate hath since that date further continued the construction of its railway in this state and hath issued its bonds, secured by mortgage or deed of trust recorded in this state, for the purpose of constructing and completing the same, and is desirous of obtaining legislative confirmation, ratification and approval of the corporate powers, privileges and franchises, so as aforesaid obtained and vested in said body corporate, and of the

corporate acts so as aforesaid done or intended to be done by said body corporate, and the further granting and assuring to said body corporate of all rights, powers and privileges proper and necessary for the full accomplishment of its lawful objects and purposes: now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Suffolk and Carolina Railway Company, so as aforesaid incorporated and chartered under the laws of the state of Virginia, of which Chauncey Brooks, Samuel P. Ryland, Jr., John S. Gittings, William N. Camp, C. F. Pitt, Jr., and William H. Bosley constitute the board of directors, and which hath heretofore become consolidated with the Suffolk and Carolina Railway Company, incorporated under the laws of this state, and hath secured and obtained and become fully vested and endowed with all the corporate rights, powers and franchises and property of said last named body corporate, is hereby recognized and declared to be a valid corporation under the laws of this state, and all the corporate rights, privileges, powers and franchises hertofore granted or vested in said body corporate under and by virtue of the laws and acts of assembly of the states of Virginia and North Carolina or either of them, are forever granted, confirmed and assured unto said body corporate in this state.

Suffolk and Carolina Railway Company, chartered in Virginia, declared a valid corporation under the laws of this state.

Corporate powers.

SEC. 2. The total capital stock which said body corporate is authorized to issue is hereby fixed at five hundred thousand dollars.

Capital stock.

SEC. 3. The office of said body corporate for the meetings of its stockholders and the performance of all corporate acts by them, is hereby authorized to be located at Suffolk, Virginia, or any other point in Virginia or North Carolina which the by-laws of the company shall prescribe.

Principal office.

SEC. 4. The board of directors who shall manage the affairs of said company shall consist of six persons, who

Directors.

President.

shall choose a president of the company in accordance with the terms of the by-laws of the company, which president may be one of the board of directors.

Authorized to acquire real estate for road-bed and for other purposes (exclusive of road-bed) not exceeding \$100,000.

SEC. 5. The said company is hereby authorized to acquire real estate for its road-bed and which it shall deem necessary for its lawful uses and purposes other than for use for the road-bed of said company, to an amount not exceeding the sum of one hundred thousand dollars, and such real estate may be acquired by said company by condemnation in accordance with the provisions of the laws of this state applicable to the condemnation of land by railway companies.

Condemnation of land.

Authorized to extend main stem, &c.

SEC. 6. The said company is hereby authorized to extend its main stem and to construct branches connecting with its main stem of a length not exceeding twenty miles each, and to condemn all land necessary for such purposes in accordance with the provisions of law applicable to the condemnation of lands by railway companies, and said company is further authorized to connect its line of railway with any railway or other transportation company chartered under the laws of this state or any other state actually connecting therewith, and to unite or consolidate with any such connecting railway or other transportation company upon such terms as the stockholders of said companies shall mutually agree and determine.

Authorized to connect, &c., with other roads.

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

In the general assembly of North Carolina read three times, and ratified this the 25th day of February, A. D. 1887.

CHAPTER 95.

An act concerning pilots of the Cape Fear river and bar.

The General Assembly of North Carolina do enact:

SECTION 1. That a license granted to any pilot by the board of commissioners of navigation and pilotage for the Cape Fear river, shall entitle such pilot, so licensed, to pilot vessels from sea to any point on the Cape Fear river as far as the city of Wilmington and *vice versa*; and that all pilots now holding license, whether they be bar or river pilots, shall be entitled to renew their license on the first day of July, Anno Domini one thousand eight hundred and eighty-seven, and to pilot vessels as above allowed. Said license shall be for a term of five years, at the expiration of which time the same shall be renewed, and the fee for the same shall not exceed five dollars.

License of Cape Fear pilots good from sea to Wilmington.

Licenses may be renewed.

Five years' term.

SEC. 2. That section three thousand four hundred and ninety-eight of The Code be and the same is hereby amended by striking out the words "not exceeding five," in the fifth line of said section.

Restriction of number of pilots as partners or joint owners of decked boats to five repealed.

SEC. 3. That the following shall be the rates of pilotage from sea to Smithville and *vice versa*, and from sea to Wilmington and *vice versa*:

Rates of pilotage from sea to Smithville and sea to Wilmington and *vice versa* established.

RATE OF PILOTAGE FROM SEA TO SMITHVILLE AND VICE
VERSA.

Every vessel drawing						
6 feet and under	6½	.....	.....	\$	12	50
6½ " " "	7	.....	.....		13	25
7 " " "	7½	.....	.....		14	75
7½ " " "	8	.....	.....		15	50
8 " " "	8½	.....	.....		16	00
8½ " " "	9	.....	.....		17	25
9 " " "	9½	.....	.....		17	75

Rates from sea to Smithville.

9½ feet and under	10	.....	.....	\$ 19 00
10	“	“	“	10½..... 20 00
10½	“	“	“	11 23 00
11	“	“	“	11½ 25 00
11½	“	“	“	12 27 50
12	“	“	“	12½..... 30 50
12½	“	“	“	13 34 00
13	“	“	“	13½..... 39 00
13½	“	“	“	14 42 00
14	“	“	“	14½..... 46 00
14½	“	“	“	15 52 00
15	“	“	“	15½..... 57 00
15½	“	“	“	16 61 00
16	“	“	“	16½..... 67 00
16½	“	“	“	17 73 50
17	“	“	“	17½ 80 00
17½	“	“	“	18 87 00
18	“	“	“	18½..... 94 00
18½	“	“	“	19 102 00
19	“	“	“	19½..... 110 00
19½	“	“	“	20 120 00
20	“	“	“	20½..... 130 00

RATE OF PILOTAGE FROM SEA TO WILMINGTON AND VICE
VERSA.

Sea to Wilming- ton and <i>vice</i> <i>versa</i> .	6 feet and under	6½.....	.....	\$ 18 50	
	6½	“	“	“	7 20 25
	7	“	“	“	7½..... 22 75
	7½	“	“	“	8 24 00
	8	“	“	“	8½..... 25 00
	8½	“	“	“	9 26 75
	9	“	“	“	9½ 27 50
	9½	“	“	“	10 29 50
	10	“	“	“	10½..... 31 25
	10½	“	“	“	11 35 00
	11	“	“	“	11½..... 38 25
	11½	“	“	“	12 42 50

12	feet and under	12½	.....	\$ 46 50	
12½	“	“	“	13	52 00
13	“	“	“	13½.....	58 50
13½	“	“	“	14	63 00
14	“	“	“	14½.....	69 00
14½	“	“	“	15	78 00
15	“	“	“	15½.....	86 00
15½	“	“	“	16	93 00
16	“	“	“	16½.....	103 00
16½	“	“	“	17	113 00
17	“	“	“	17½.....	123 00
17½	“	“	“	18	133 00
18	“	“	“	18½.....	143 00

SEC. 4. That all laws and clauses of laws in conflict with this act or any of its provisions be and the same are hereby repealed. Conflicting laws repealed.

SEC. 5. This act shall be in force from and after the first day of July, 1887.

In the general assembly read three times, and ratified this the 25th day of February, 1887.

CHAPTER 96.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-nine of chapter two hundred and thirty-four (234) of the laws of one thousand eight hundred and eighty-three (1883) be amended by striking out "Cabarrus." Cabarrus stricken from the act to provide method of keeping in repair roads, &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 25th day of February, A. D. 1887.

CHAPTER 97.

An act amend chapter forty-nine of The Code, by adding thereto an additional section.

The General Assembly of North Carolina do enact:

Title Railroads, The Code, amended. Additional section applicable to Columbus county. When townships subscribe to railroads, moneys raised by taxation of railroads in said township applied to subscription.

To apply to Columbus county only.

SECTION 1. That chapter forty-nine of The Code be amended by adding thereto the following: "That when any one or more townships shall subscribe to the capital stock of any railroad, when the whole county does not subscribe, all money raised by taxation of said road for county purposes in said township shall be applied to the payment of said subscription and interest thereon, until said debt so created shall be liquidated by said township."

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

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1887.

CHAPTER 98.

An act to elect a cotton-weigher for the county of Cabarrus and the town of Concord by the people.

The General Assembly of North Carolina do enact:

People of Concord to elect cotton-weigher.

SECTION 1. That there shall be elected by the people of Cabarrus county every two years a cotton-weigher for the town of Concord in Cabarrus county, who shall hold his office for two years and until his successor is qualified.

Election held every two years.

SEC. 2. That it shall be the duty of the board of commissioners of Cabarrus to provide for such election at

the regular election for register of deeds and other county officers, every two years, under the same rules and regulations as are now required by law for the election of members to the general assembly. When and how.

SEC. 3. That upon the election of cotton-weigher as aforesaid, any person elected to such office shall file a bond in the penal sum of one thousand dollars, payable to the State of North Carolina, (conditioned to the faithful performance of the duties of his office, and to weigh and give honest weights of all cotton weighed by him), with the board of commissioners of said county, and to be approved by them. Bond.

SEC. 4. That it shall be the duty of said cotton-weigher to take an oath for the faithful and honest performance of his duties, and to weigh all cotton sold in the town of Concord, and he shall receive for his services the sum of ten cents for each bale of cotton weighed by him, one-half to be paid by the seller and the other half by the purchaser. Duties, oath.

SEC. 5. That at the next joint meeting of the board of justices of the peace of said county and the board of commissioners, it shall be their duty to elect a cotton-weigher for the town of Concord, who shall take an oath as above prescribed, file his bond as aforesaid, and discharge the duties of the office of cotton-weigher as aforesaid until the next regular election and until his successor is elected and qualified. And the person so elected under this section shall within twenty days after his election, take the oath of office and file his bond, or his office may be declared vacant by the board of commissioners of said county, and they shall proceed at their first regular meeting to elect another cotton-weigher in his stead. Justices and commissioners to elect cotton-weigher to hold until next regular election.

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. 1887.

CHAPTER 99.

An act to correct the state grant number three thousand four hundred and sixty.

The General Assembly of North Carolina do enact :

Name of James
O. Wilks inserted
as patentee in
Grant No. 3460.

SECTION 1. That the secretary of state be and he is hereby authorized and directed to correct state grant number three thousand four hundred and sixty, by changing name so as to read James O. Wilks, the real name of the patentee in said grant.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1887.

 CHAPTER 100.

An act to amend section one thousand two hundred and eighty-five of The Code in reference to divorces.

The General Assembly of North Carolina do enact :

Section 1285,
Code, amended.

Wife entitled to
divorce if hus-
band indicted for
felony and flee
the state, not re-
turning within
one year.

SECTION 1. That section one thousand two hundred and eighty-five of The Code be amended by adding the following as sub-section five: "If the husband shall be indicted for a felony and flee the state and does not return within one year from the time the indictment is found."

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

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 101.

An act to incorporate the Danville and Carolina Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That C. S. Winstead, George N. Thompson, Body politic.
 W. S. Ball, J. W. Walton, William Randall, G. Halton
 and their associates, successors and assigns, are hereby
 constituted a body politic and corporate with perpetual
 succession, under the name of the Danville and Carolina Corporate name.
 Railroad Company. That said company under that
 name may sue and be sued, plead and be impleaded, may Corporate pow-
 have and use a corporate seal alterable at pleasure, may ers.
 acquire, hold, own and possess such real or personal es-
 tate as shall be necessary for carrying out the intent and
 object of this charter and as the interest of the company
 may require. That the said company shall have power
 and authority to make by-laws for its regulation and
 management, and shall have the usual rights, privileges
 and immunities possessed and enjoyed by other railroad
 companies within the state, including those granted by
 the chapters of The Code of North Carolina entitled
 "Corporations" and "Railroad and Telegraph Compa-
 nies."

SEC. 2. That the said company is authorized to con- Termini.
 struct, maintain and operate a railroad, with one or more
 tracks, from some point on the Raleigh and Gaston Rail-
 road, to be selected by the president and directors of the
 company hereby incorporated, to a point on the Virginia
 state line, in the county of Caswell, and in the direction
 of Danville, Virginia, with the privilege of building and
 operating a road to the town of Durham, and with the Branch roads.
 privilege of building and operating from any point on
 this company's line a road into or through the county of
 Rockingham, and of building and operating branch
 roads not to exceed thirty miles in length. That the

Extension into
Virginia.

said company shall have the right to extend its line in the state of Virginia to Danville, and as much further as may be authorized by the said state.

Authorized to
build and operate
part of road.

SEC. 3. That the said company may begin work on any part of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company. That it may under such purchase, lease, agreement, or running arrangement as it can make with any other railroad company, operate any road as a link between different portions of its own line.

Capital stock.

SEC. 4. That the capital stock of said company shall be such amount as may be fixed by its stockholders, not to exceed two million dollars, and the same may be thereafter increased from time to time, as a majority of its stockholders shall determine within said limit. That the shares shall be divided into shares of one hundred dollars each, for which certificates shall be issued. That in all meetings of stockholders each share shall be entitled to one vote. That subscriptions to the capital stock may be paid in money, land, labor, materials, stocks, bonds or other securities, or in any way that may be agreed upon between the president and directors of the company and the subscribers, but no subscriber shall be responsible beyond the amount subscribed by him. That the corporators or a majority of them, in person or by proxy, shall

Stock vote.

Stock subscrip-
tions, how made,
&c.

open books of subscription at such times and places, and under such regulations as they or a majority of them may prescribe. That upon the subscription of ten thousand dollars to the capital stock of this company, it shall be vested with all the powers, privileges and franchises conferred by this act, and the corporators, or a majority of them, shall call together the subscribers to the said capital stock for the purpose of completing the organization of the company, notice of said meeting having been

Liability of
stockholder.

Books of sub-
scription.

Organization.

Notice.

published in some newspaper in the state for ten days before said meeting.

SEC. 5. That at such meeting, and at each annual meeting thereafter, the stockholders shall elect seven directors, who shall hold office for one year and until their successors shall be elected. That the directors shall elect one of their number president of the company, and they shall also elect such other officers as shall be provided for by the by-laws of the company and prescribe their duties. They shall have the power to fill any vacancy which may occur in said board of directors until the next annual meeting of the stockholders. That the meetings of stockholders shall be held annually at such time and place as shall be determined by them, after notice in one or more newspapers in the state for thirty days before said meeting. That a majority of the stockholders may direct an increase of the capital stock within the limit hereinbefore mentioned, at any time after the organization of the company, whereupon the president and directors shall appoint a commissioner or commissioners to open books of subscription at such times and places and under such rules and regulations as they may prescribe, or they may sell stock of said company for the benefit of the company.

Directors.

Officers.

Stockholders' meetings.

Increase of capital stock.

SEC. 6. That this company is authorized and empowered to subscribe to or purchase the stock or bonds, or both, of any railroad or transportation company incorporated by this state, or any adjoining states, or to guarantee or endorse the stock or bonds of such company, or to purchase, lease or operate the line or road, property or franchise of such company connecting with the road of this company directly or by means of intervening roads.

Authorized to purchase, lease, &c., other roads.

SEC. 7. That any other railroad or transportation company organized under the laws of North Carolina or any other state shall be permitted to purchase or subscribe to the bonds or stock of this company, and to purchase or lease or operate the road, property and franchises of this

Other roads authorized to purchase, lease, &c., this road.

company for the time and on the terms that may be agreed upon between such company and this company.

Authorized to consolidate with other roads.

SEC. 8. That whenever the roads of this company and any other company or companies incorporated by the laws of this or any adjoining state shall be connected with each other directly, or by railroad between them, they may consolidate and merge with one another their respective capital stocks, property and franchises, upon such terms as may be agreed upon between them by a majority of their respective stockholders; whereupon the consolidated company may adopt such name as it may choose, and may establish its principal office at any point on the line of the consolidated railroad; but the said consolidated company must maintain within this state officers or agents upon whom may be made service of process.

Payment of subscriptions.

SEC. 9. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money such advances of money on their respective shares from time to time as the wants of the company may demand, until the whole of their subscriptions shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee, or the executor or his admin-

Liability of stockholder failing to pay.

istrator, or either of them, at option of the said company (acting through its president and directors) by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

SEC. 10. That the said company is hereby authorized, at its option, to construct and operate one or more lines of telegraph or telephones along its line or lines of railway, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and the said company may connect said lines of telegraph or telephones with the lines of any other company in this or an adjoining state, and may lease, sell or rent this right, and any telegraph or telephone line constructed by the company, as in the judgment of the president and directors may be advantageous to the company.

Authorized to construct telegraph and telephone lines, &c.

SEC. 11. That the president and directors of the said company, under authority of a majority of the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Authorized to contract necessary debts for construction and operation of road.

SEC. 12. That the said company is authorized and empowered to borrow such amounts of money and upon such rate of interest, not exceeding seven per centum, as may be directed or approved by a majority of the stockholders, and it may issue its bonds and secure the same by mortgage or deed of trust upon the whole or any part of its property and franchises, and the said company is hereby authorized to dispose of, sell or negotiate its bonds, secured by mortgage or deed of trust, at such rates and prices and upon such terms as its president and directors shall deem most advantageous to the company.

Authorized to borrow money on mortgage, &c.

SEC. 13. That this company shall have the right to dispose of, negotiate, or sell its bonds, secured by mortgage or deed of trust, at such rates and prices and upon such

Authorized to negotiate mortgage bonds.

terms as its president and directors shall deem most advantageous to the company.

Condemnation of land.

SEC. 14. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, of the width of one hundred feet and as much additional as may be necessary for the station-houses, depots and all other purposes necessary for the construction and operation of said railway and 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.

Election in counties, townships, cities and towns on question of subscription.

SEC. 15. That upon presentation of a petition in writing, signed by at least fifty freeholders residing in any county or township or of fifty freeholders residing in any city or town interested in the construction of this railroad, to the board of commissioners of the county about to subscribe or in which the said township is situated or to the municipal authorities, to submit to the qualified voters of the county or township, city or town where said petitioners reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company, it shall be the duty of said board of commissioners or municipal authorities within sixty days to order an election to be held at the various polling places of said county, township, city or town 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 the purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county or municipal officers. That notice of the said election shall be published for six weeks immediately preceding said election in one or more newspapers published or circulating in the county,

Ballots.

Election, how held, &c.

township, city or town in which the election is to be held. That the said commissioners or corporate authorities shall have the right in their discretion to order a new registration of voters for the said election.

New registration.

SEC. 16 That in all elections held in and for any county or township, the returns shall be made to and canvassed by the board of commissioners, who shall meet for this purpose on the first Thursday after the election, and shall ascertain and declare the result and make a record thereof. That in all elections held in and for any city or town the returns shall be made to the mayor and commissioners or aldermen or other proper corporate authorities, who shall meet for this purpose on the first Thursday after the election, and shall ascertain and declare the result and make a record thereof. That if a majority of all the qualified voters shall vote "for subscription" then the chairman of the board of county commissioners, or the proper corporate authorities of the city or town respectively, shall subscribe to the capital stock of said company in behalf of said county, township, city or town, as the case may be, the sum named in the said petition, in bonds payable in forty years, with interest at not exceeding seven per centum, payable semi-annually, and to be of the denominations of one hundred and five hundred dollars; and when any city, town, county or township shall deliver its bonds it shall receive therefor certificates of stock representing a like amount. That to provide for the payment of the principal and interest on said bonds voted by any county or township, the county commissioners shall, in addition to the other taxes and at the time of levying the same, levy and assess such tax upon the taxable property and polls in said county or township, as the case may be, as may be necessary to pay said interest, which shall be styled in the tax lists the "Danville and Carolina Railroad Tax," and which shall be collected under the same regulations as are now provided by law for the collection of the state and county

Returns, how made, &c.

Subscriptions to be made in bonds on vote of majority of qualified voters.

Description of bonds.

Bonds, when delivered.

Special tax in counties and townships.

How collected, &c.

taxes therein, and which shall be paid over by the county treasurer of the county so voting or in which is situated the township to the holders of said bonds as the interest shall become due; and at the expiration of ten years from the date of the bonds the said commissioners shall annually levy and collect an additional tax for a sinking fund equal to one-eightieth ($\frac{1}{80}$) of the principal of the bonds, which sum shall be paid over to the treasurer of the county or to a bonded officer, who shall be named

Special tax to create sinking-fund. “commissioner of sinking fund,” and said sum shall be

How invested. invested in the purchase of said bonds at or below par; and if said bonds cannot be purchased at or below par then the said treasurer shall invest the said sinking fund and the interest accruing thereon in such bonds or securities as shall be selected and approved by the said county

Special tax in cities and towns. Sinking fund. commissioners. In the case of the issuing of bonds by cities or towns, the corporate authorities of such municipalities shall annually levy and collect in the same manner in which ordinary corporation taxes are levied and collected an amount sufficient to meet the interest on such bonds as the same becomes due, to be paid over to the holders of the bonds; and at the expiration of ten years from the date of the bonds shall annually provide for the levy, collection and investment of an additional tax for a sinking fund equal to one-eightieth ($\frac{1}{80}$) of the principal of the bonds subscribed by the said municipality, in a similar manner to that in which the county commissioners are directed by this section to provide for the collection and investment of a sinking fund in the

Proviso. case of bonds subscribed by a county or township: *Provided*, that the par value of the shares so subscribed for shall not exceed five (5) per centum of the taxable property of the county, township, city or town so subscribing.

Townships subscribing made bodies corporate. SEC. 17. That for the purpose of this act, the townships which shall subscribe to the capital stock of this company are declared to be bodies politic and corporate, and shall have power to carry out the provisions of this act,

and the county commissioners of the counties within which the respective townships are situated are declared to be the corporate agents of the said townships respectively. Corporate agents.

SEC. 18. That when any township or townships shall subscribe its bonds or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon the property and franchise of the company in the county in which the township or townships is or are situated, shall be applied to the payment of the interest on the said bonds to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to general county purposes. Application of taxes collected from the corporation on property in townships making subscriptions.

SEC. 19. That the profits of the company or so much thereof as the president and 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 one may own. Dividends.

SEC. 20. That the construction of this railroad shall be begun within three years from the date of this act. Construction of road to begin within three years.

SEC. 21. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 102.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty-four of the acts of one thousand eight hundred and seventy- Chapter 334, laws 1879, amended.

Boundaries of
the second ward
of Edenton.

nine be amended as follows: Strike out all from the word "boundaries" in line eleven, to the word "all" in line twenty-three, and insert in lieu thereof the following: "Beginning at the south-west corner of C. M. Murden's store on 'Cheapside,' running northwardly along Broad street to Church street, then eastwardly along Church street to the main drain of the town just east of Burton's store; thence southwardly along the said drain to the south side of Queen street; thence eastwardly along the south side of that street to the Collin's rope work line; thence southwardly along that line to the south-east corner of the Halsey lot, occupied by John C. Bond; thence westwardly along said Halsey Bond line to Oakum street and across Oakum street to Dr. W. J. Leary's fence; thence southwardly along said Leary's fence to the south-east corner of I. W. Ellis' lot; thence westwardly along said Ellis line to the main drain of the town; thence southwardly along the said main drain to Johnston's bridge; thence along the Edenton bay to the western line of the Collin's homestead lot owned by William B. Sheppard; thence northwardly along said western line of the last named lot to C. M. Murden's store lot; thence along the line of said Murden's store lot to the beginning."

SEC. 2. That this act 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. 1887.

CHAPTER 103.

An act to authorize the governor to convey a lot in the city of Raleigh for graded school purposes.

Preamble.

WHEREAS, the city of Raleigh purchased from the state of North Carolina a part of the lot formerly known

as the "Old Governor's Mansion Grounds," at the price of ten thousand dollars (\$10,000), the same being a full price and more than could have been realized at the time of purchase or since from any other party; And whereas, the said city has at great cost improved and devoted the said lot to the purposes of a graded school; And whereas, there is adjoining said lot a vacant and unused lot belonging to the state, which is greatly needed for the comfort and enlargement of said school: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the governor of North Carolina be authorized and directed to convey to the city of Raleigh that lot or parcel of land adjoining the Centennial Graded School lot and bounded as follows, to-wit: By South street on the north, by Wilmington street on the east, by Worth street on the south, and by said Centennial Graded School lot on the west, containing about one and one-fourth acres, the same to be used by the said city for public school purposes and no other.

Authorized to convey lot to city of Raleigh.

Boundaries.

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

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 104.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of the county of Macon are hereby authorized to levy a special tax for the years one thousand eight hundred and eighty-

Authorized to levy special tax in 1887 and 1888 to pay county indebtedness, &c.

Limitation of
tax.

seven and one thousand eight hundred and eighty-eight at the same time other taxes are levied upon the taxable property and polls of the county, not to exceed fifteen cents on the one hundred dollars' worth of property and forty-five cents on the poll, observing the equation prescribed in the constitution, for the purpose of paying off the indebtedness of the county, amounting to about twenty-five hundred dollars, and building and repairing the bridges of the 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 26th day of February, A. D. 1887.

CHAPTER 105.

An act to correct an error in an act entitled "An act to amend the charter of the South Atlantic and North-western Railroad Company.

The General Assembly of North Carolina do enact :

Preamble.

SECTION 1. That whereas in section three of an act to amend the charter of the South Atlantic and North-western Railroad Company, ratified the twenty-eighth day of January, Anno Domini one thousand eight hundred and eighty-seven, it appears that the subscription of any county, township, city or town to said railroad is required to be ratified by all the qualified voters of such county, township, city or town; and whereas, such requirement is a manifest error, it is hereby declared that the real and express meaning of said act is that a majority of the qualified voters of any county, township, city or town shall be necessary to ratify such subscription.

Majority of qualified voters necessary to ratify subscription.

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

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 106.

An act to amend chapter two hundred and seventy-four of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That the president and directors of the Southern and Western Air-Line Railroad Company, in the exercise of the power granted to them in section seven of chapter two hundred and seventy-four of the laws of eighteen hundred and eighty-five, may sell either a part or the whole of the line 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, with all of the right, franchises and privileges appurtenant, or to sell a part or the whole of the line from some point on the Carolina Central railway at or between the town of Shelby and the town of Lincolnton, to Cranberry in Mitchell county, together with all the rights, franchises and privileges granted in said chapter to said company or appurtenant. And the said president and directors acting for said company shall have the right and power, after securing the assent of a majority in value of the stockholders of said company, being ascertained by a vote of the majority of the shares of stock subscribed in said company in favor of the exercise of said power, to assign and transfer to any incorporated company or any person or persons, with the whole or a portion of either of said lines, the stock already sub-

Southern and
Western Air-
Line R. R. Co.
authorized to sell
part or whole of
line with fran-
chises, &c.

scribed to said company prior to its organization, or the right to receive subscription of stock that may have been voted by any county to said company: *Provided*, that said transfer shall not be inconsistent with the terms and conditions on which said stock was voted by any county: *And provided*, that said transfer shall not affect the right of any tax-payer in any county to contest in the courts the validity of such subscription by the county, either on the ground that there was a failure to comply with the law in the manner of ordering or holding the elections to determine whether the county would subscribe to the capital stock of said company or on the ground that there was not a sufficient number of votes cast at said election in favor of said subscription.

Authorized to locate another line, and to sell same, &c.

SEC. 2. That the said company shall have the power, also to locate a line from some point in Surry county on the Virginia state line to the South Carolina state line, and in the same way to sell and convey the said line and the franchise and right to construct said line to any person or corporation as aforesaid, and in case a part or the whole of either of said lines should be sold to any person or persons, the said person or persons may proceed to form a new corporation as prescribed in section nineteen hundred and thirty-six of chapter forty-nine of The Code of North Carolina, and upon the organization of said new corporation so prescribed in said section it shall have all of the rights, franchises and privileges granted in said chapter or to said Southern and Western Air-Line Railroad Company.

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. 1887.

CHAPTER 107.

An act to establish a turupike road in Madison county.

The General Assembly of North Carolina do enact :

SECTION 1. That I. N. Ebbs, D. F. Lawson, Joseph Pain, Commissioners to establish and mark out road.
Henry Plemons, W. W. Rollins, J. Moore, Ray Wilson, Rill J. S. McElroy, James Sprinkle, John Bugy, J. R. Sams, W. P. Jervis, W. C. Kay, N. H. Reil, George White, Samuel Robeson, Sol. Plemons, Andy Miller, W. C. Sprinkle, Jacob Wilds, Alfred Dunket and Capt. Reaht of the county of Madison, be and are hereby appointed commissioners, a majority of whom may have power to act, whose duty it shall be to establish and mark out a Route.
turnkpike road commencing at the Ivy Gap and running via Ray's mills and Mars Hill College, and then the most practicable route to Marshall, thence via Little and Bay Pine's creek to Spring creek, thence the most available route to the Haywood line.

SEC. 2. That they shall survey or cause a joint line to Survey.
be surveyed as indicated in preceding section.

SEC. 3. That said road shall be of like width of other Width.
roads, to-wit: twenty feet wide, and in no part of the road shall it in ascending any hill or mountain be more than Grade.
one foot in sixteen.

SEC. 4. That upon the application of said commissioners the penitentiary board of directors shall detail fifty Directors of penitentiary to furnish fifty convicts, &c.
convicts who are allowed by law to be farmed out, to be worked upon said road until completed, under the charge of a sufficient guard to be selected by the said board and subject to their control and the prison rules and regulations as far as practicable, and that said convicts shall be furnished with necessary tools to construct a suitable stockade or quarters and to work upon said road and shall be fed and clothed and transported to and from said How supported, &c.

road by the said board of directors and paid for out of the funds appropriated for the penitentiary.

Superintendent,
&c.

SEC. 5. That said board shall employ a superintendent and guard, whose compensation shall be fixed by the penitentiary board of directors and paid out of the funds appropriated for the same.

Convicts in Mad-
ison county sen-
tenced to jail to
work on road.

SEC. 6. That all persons who may be convicted of any criminal offence in the county of Madison and in consequence thereof be sentenced to imprisonment in the county jail for a term of less than twelve months shall, on application of these commissioners or their agents or appointees, be furnished for the purpose of working on said road, and if any prisoner after being delivered by the sheriff shall escape, on conviction thereof shall be fined or imprisoned at the discretion of the court.

Penalty for
escape.

Damages for in-
jury to land, how
assessed, &c.

SEC. 7. That if the owners of any lands through which said road shall pass shall consider themselves injured thereby, it shall be competent for such person so injured by petition to the county commissioners of the county praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the said commissioners to order said jury to be summoned by the sheriff: *Provided*, that if any person shall claim damage and call for a jury he shall defray the expenses and pay the costs of the case.

Proviso.

To be kept in
order as other
public roads.

SEC. 8. That when the said road has been completed or any part of it as herein provided, it shall be kept in order in the same manner as other public roads.

Vacancies.

SEC. 9. That if any of the commissioners herein provided for shall decline to act at any time, the vacancy shall be filled by the appointment of the board of commissioners of the county in which the person so declining shall reside. It shall be the duty of the sheriff of Madison county to see that this act is carried into effect and assist the commissioners if any person shall refuse to allow them to go upon his land to make said road.

Duties of sheriff
of Madison
county.

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. 1887.

CHAPTER 108.

An act to provide a cotton-weigher at Mooresville, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Mooresville, in Iredell county, are hereby authorized and empowered to elect a cotton-weigher annually at their regular meeting in August, or at any meeting called during that month with notice of the purpose of such called meeting.

Commissioners
of Mooresville
authorized to
elect cotton-
weigher annu-
ally.

SEC. 2. The said commissioners are empowered to take the bond of said cotton-weigher in the sum of not less than two hundred nor more than five hundred dollars for the faithful performance of his duty.

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 28th day of February, A. D. 1887.

CHAPTER 109.

An act for the relief of Micajah Phillips, of Wilkes county.

WHEREAS, on the, 188..., the school committee of school district in the county of Wilkes, state of

Preamble.

North Carolina, did contract with and hire one Micajah Phillips of said state and county to erect and build a suitable school-house for said district, agreeing at the time to pay the sum of one hundred dollars out of the school fund set apart for said district; and whereas, there remains unpaid of said amount the sum of fifty-eight dollars as per contract aforesaid; and whereas, the term of office of the committee with which the original contract was made has expired and a new committee has been appointed in their stead, and that said new committee refuses to pay the balance due the said contractor without special act of the general assembly: therefore

The General Assembly of North Carolina do enact:

Treasurer of
Wilkes county
authorized to
pay Micajah
Phillips \$58.00
for building
school-house, &c.

SECTION 1. That the county treasurer of Wilkes county be and is hereby authorized and empowered to pay to the said Micajah Phillips the sum of fifty-eight dollars out of the first moneys for the use of said district.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1887.

CHAPTER 110.

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

The General Assembly of North Carolina do enact:

Authorized to
levy special tax
of \$1,200 to pay
county indebted-
ness.

SECTION 1. That the board of county commissioners of Graham county be and they are hereby authorized and empowered to levy and collect a special tax of twelve hundred dollars for the purpose of paying the indebtedness of said county, said tax to be levied and collected in the years

one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight: *Provided*, not more than six hundred dollars be levied and collected in any one year. Proviso.

SEC. 2. The tax herein authorized shall be levied and collected as other state and county taxes, observing the constitutional equation between property and poll. 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 28th day of February, A. D. 1887.

CHAPTER 111.

An act to repeal so much of the laws of one thousand eight hundred and eighty-five as provides for a term of the superior court in Jones county, "on the third Monday before the first Monday in September."

The General Assembly of North Carolina do enact:

SECTION 1. That so much of the laws of North Carolina, passed at the session of one thousand eight hundred and eighty-five, on page three hundred and thirty-six, as provides for the holding of the superior court in Jones county on the third Monday before the first Monday in September be and the same is hereby repealed. Chapter 180, laws 1885, amended.
August term of Jones superior court abolished.

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. 1887.

CHAPTER 112.

An act to authorize the treasurer of Wilkes county to pay Daniel A. Bingham a certain school order.

The General Assembly of North Carolina do enact:

Treasurer of
Wilkes county
authorized to pay
D. A. Bingham
\$15.00, &c.

That the treasurer of Wilkes county is hereby authorized to pay Daniel A. Bingham the sum of fifteen dollars, the amount of his school order for 1880, out of any school funds in said county.

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. 1887.

CHAPTER 113.

An act to establish a Bureau of Labor Statistics.

The General Assembly of North Carolina do enact:

Bureau of labor
statistics estab-
lished.

Commissioner,
how appointed.

Term of office.

Salary.

Duties of Com-
missioner.

SECTION 1. That there shall be established in the Department of Agriculture, Immigration and Statistics, a Bureau of Labor Statistics, which shall be under the charge of a Commissioner of Labor Statistics, who shall be appointed by the governor by and with the advice and consent of the senate. The Commissioner of Labor Statistics shall hold his office for two years, and until his successor shall be appointed and qualified, unless sooner removed by the governor for neglect of duty or other legal cause, and shall receive a salary of fifteen hundred dollars a year. The said commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, their educational, moral and financial condition

and the best means of promoting their mental, material, social and moral prosperity. The commissioner afore- Clerk.
said shall have power to appoint a chief clerk to assist him in the performance of his duties, which clerk shall receive a salary of nine hundred dollars a year; he may Salary.
also employ such other assistants as may be deemed by Other assistants.
him necessary for the collection and collation of the information hereinbefore referred to and the general administration of his office: *Provided*, that the total expense Expenses.
shall not exceed five thousand dollars (\$5,000.00) for the first two years and two thousand dollars (\$2,000.00) annually thereafter. During the necessary absence of the Chief clerk to act
commissioner, or if the office shall become vacant, the in absence of
chief clerk shall perform the duties of the commissioner. commissioner.
The commissioner shall annually publish a report in Report of com-
pamphlet form and send or cause to be sent a copy of the missioner.
same to every newspaper published in this state, a copy to each member of the general assembly of North Carolina, a copy to each of the several states and county officers of the state, a copy to any citizen who may apply for the same either personally or by mail, and one hundred copies to each of the several labor organizations which may be in existence at the time of the publication of the reports, in this state. He shall also make a full report to each session of the general assembly of the information collected and collated by him and containing such recommendations as he may deem calculated to promote the efficiency of the bureau. The commissioner is hereby directed to endeavor to obtain an accurate list of all the newspapers published in the state, and whether the same be published daily or weekly, and to forward to each and all a copy of his report promptly upon its being published; he is also directed to diligently inquire after the labor organizations of the state and to see that none are omitted in the distribution of the reports; he is further directed to confine his labors to this state. The To send report to
sum of three thousand dollars (\$3,000.00) for the first newspapers, &c.
Appropriation to
be paid out of
fund raised by
tax on fertilizers.

How money to be drawn by commissioner.

Money to be disbursed by commissioner.

Governor to nominate commissioner, &c.

year, two thousand dollars (\$2,000.00) for the second year, and two thousand dollars (\$2,000.00) annually thereafter, are hereby appropriated to be paid out of the fund in the state treasury raised by the tax on fertilizers. The commissioner when money is required for the use of his bureau shall certify to the auditor the amount desired, and the auditor shall thereupon draw his warrant upon the treasurer for the same. The commissioner shall disburse all money used by the bureau.

SEC. 2. The governor is authorized and directed to nominate, within ten days after the ratification of this act, a proper person as commissioner and send his name to the senate for confirmation. If the senate shall fail to confirm his nominee, the governor shall continue to nominate one after another until the senate shall confirm some one of his nominees.

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. 1887.

CHAPTER 114.

An act to authorize the commissioners of Washington county to levy a special tax to liquidate the debt of said county.

The General Assembly of North Carolina do enact :

Authorized to levy special tax not exceeding \$2,500 per annum.

SECTION 1. That the county commissioners and justices of the peace of the county of Washington at the joint meeting in June next, in addition to the usual tax levied for said county, are hereby authorized and empowered to levy upon the polls and all taxable property in said county a special tax in amount not to exceed the sum of twenty-five hundred dollars in any one year.

SEC. 2. That in levying said special tax they shall observe the constitutional equation between the tax on polls and property.

Constitutional equation to be observed.

SEC. 3. The fund so derived shall be applied to paying the indebtedness of said county due and existing prior to January first, one thousand eight hundred and eighty-seven, and shall not be applied to any other purpose.

Tax applicable to payment of county indebtedness existing prior to January 1st, 1887.

SEC. 4. The sheriff and treasurer of said county shall be liable on their official bonds for the collection, safe keeping and disbursement of said sum in the same manner and to the same extent as they are now liable for collecting and accounting for state and county taxes.

Liability of sheriff and treasurer for collection, &c., of tax.

SEC. 5. Said fund shall be expended in paying the debts of said county in the following order: First, general county orders and jury and witness tickets outstanding January first, one thousand eight hundred and eighty-seven, in the order in which they were issued; second, any judgment against said county obtained prior to January first, one thousand eight hundred and eighty-seven, in the order of priority.

Order in which debts are to be paid.

SEC. 6. The sheriff and treasurer shall be paid the same compensation for collecting and paying out this fund as they now receive for like services in regard to state and county taxes.

Compensation of sheriff and treasurer.

SEC. 7. That said commissioners and justices of the peace as aforesaid shall annually levy said tax in the amount aforesaid until the indebtedness as aforesaid is paid off.

Tax to be annually levied until indebtedness is paid.

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 28th day of February, A. D. 1887.

CHAPTER 115.

An act to amend chapter two hundred and ninety-six of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 296, laws 1885, amended.

SECTION 1. That chapter two hundred and ninety-six of the laws of one thousand eight hundred and eighty-five, ratified the ninth day of March, one thousand eight hundred and eighty-five, be and the same is hereby amended by striking out the last two lines of section one of said act, "providing that Lumber river and Shoe Heel creek shall be a lawful fence."

Lumber river and Shoe Heel creek no longer lawful fence.

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. 1887.

CHAPTER 116.

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

The General Assembly of North Carolina do enact:

Chapter 214, laws 1885, amended.

SECTION 1. That section two of chapter two hundred and fourteen of the laws of one thousand eight hundred and eighty-five be amended by adding after the word "states" in the beginning of line five the words, "or who died from disease while in the service of the state or Confederate states."

Pension law applicable to widows of soldiers, &c., who died from disease, &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 28th day of February, A. D. 1887.

CHAPTER 117.

An act to amend the charter of the Roanoke and Tar River Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall and may be lawful for any county, township, city or town interested in the construction of the Roanoke and Tar River Railroad Company to subscribe to the capital stock of said company such sum or sums in bonds as a majority of the qualified voters voting may authorize, said bonds to bear not over seven per centum interest, to be payable forty years after date thereof, and to be of the denomination of one hundred and five hundred dollars, interest payable semi-annually, the bonds to be received by the company at par.

Counties, &c., authorized to subscribe to capital stock in bonds.

Description of bonds.

SEC. 2. That upon the petition in writing of fifty resident tax-payers of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county, or the municipal authorities of any city or town shall order and provide for an election to be held within sixty days in said county, township, city or town, of which a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition. That said elections shall take place and be conducted in the manner prescribed by law for the election of members of the general assembly. That those who favor said subscription shall vote on a printed or written ballot "For Railroad," and those opposing such subscription shall vote on a written or printed ballot "Against Railroad." That the returns of said election in the counties and townships shall be made

Election on question of subscription.

How held, &c.

Ballots.

Returns.

Canvass of vote.

Subscription to be made on majority vote of qualified voters.

to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof. That the commissioners or the municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof. That if a majority of the qualified voters of such county, township, city or town shall vote "For Railroad," then the chairman of the board of commissioners in all cases of county or township subscriptions shall be authorized and required to subscribe to the capital stock of said company in behalf of the said county or township the sum which has been fixed and named in the said petition; and in the case of city and town elections, if a majority of the ballots be in favor of "For Railroad," then the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of said city or town in like manner as the commissioners are hereby required to subscribe in all cases of county and township subscription.

Special tax.

SEC. 3. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners and the said municipal authorities, as the case may be, shall, in addition to the other taxes for each year, compute and levy on all property and polls in such county, township, city or town, a sufficient tax to pay the interest on the bonds as aforesaid, preserving the constitutional equation of taxation, and they shall compute and levy a secured additional tax sufficient to provide each year a sum equal to the sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town, or other officer authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or less than par; but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or

Sinking-fund.

How invested.

below par, he shall invest the same in such solvent bonds or securities as shall be selected and approved by the said county commissioners or corporate authorities.

SEC. 4. That all the townships along the line of the said railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners of the counties in which the said townships are situated respectively are declared to be the corporate agents of the said townships.

Townships incorporated.

Corporate agents.

SEC. 5. When any township shall subscribe its bonds to the capital stock of the company, the county taxes which shall be annually levied and collected upon the property and franchise of the company in the county in which is situated the said township shall be applied to the payment of the interest on the said bonds to the amount of the said interest so long as the same shall accrue, and the excess of said taxes, if any, shall be applied to general county purposes. That after the said bonds shall have been paid, and the interest thereon shall cease to accrue, the said taxes shall be applied to general county purposes. That when more than one township shall subscribe its bonds to the capital stock of the said company, the said taxes shall be applied to the payment of the interest of all the bonds so subscribed *pro rata*.

Application of taxes collected from the corporation on property in townships making subscriptions.

SEC. 6. That this company shall have the right to dispose of, negotiate or sell its bonds, secured by a mortgage or deed of trust on the whole or any part of its property or franchise, at such rate and price and upon such terms as the president and directors shall deem most advantageous to the company.

Authorized to negotiate mortgage bonds, &c.

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1887.

CHAPTER 118.

An act to authorize the commissioners of Gaston county to use stock law funds.

The General Assembly of North Carolina do enact :

Commissioners of Gaston county authorized to sell unnecessary stock law fence, &c., and place proceeds in general county fund.

SECTION 1. That the county commissioners of Gaston county are authorized to sell the stock law fence and gates erected in or around said county where the same has become useless or unnecessary, and the money realized from such sale together with the excess raised by taxation for the purpose of erecting such fence and gates they shall place in their treasury to the credit of the general fund belonging to 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 28th day of February, A. D. 1887.

CHAPTER 119.

An act to promote the cultivation of shell-fish in the state.

The General Assembly of North Carolina do enact :

Exclusive jurisdiction of state over shell-fisheries south of Roanoke and Croatan sounds and north of Core sound.

Southern boundary of Hyde county.

SECTION 1. That the state shall exercise exclusive jurisdiction and control over all shell-fisheries which are or may be located in the boundaries of the state south of Roanoke and Croatan sounds and north of Core sound.

SEC. 2. In order to carry out the purposes of this act the southern boundary line of Hyde county shall extend from the middle of Ocracoke inlet to the Royal Shoal light-house, thence across Pamlico sound and with the middle line of the Pamlico and Pungo rivers to the dividing line between the counties of Hyde and Beau-

fort, and the northern boundary line of Carteret county shall extend from the middle of Ocracoke inlet to the Royal Shoal light-house, thence to the Brant Island Shoal light-house, thence across Pamlico sound to a point midway between Maw Point and Point of Marsh, and thence with the middle line of the Neuse river to the dividing line between the counties of Carteret, Craven or Pamlico; and that portion of Pamlico sound and the Neuse and Pamlico rivers not within the boundaries of Dare, Hyde or Carteret counties, and not a part of any other county, shall be in the county of Pamlico, and for the purposes of this act and in the execution of the requirements thereof, the shore line as now defined by the United States coast and geodetic survey shall be accepted as correct.

Northern boundary of Carteret county.

Shore line.

SEC. 3. The state board of agriculture shall at the next regular meeting following the passage of this act elect three commissioners of shell-fisheries, whose term of office shall be one year, and the said board of commissioners of shell-fisheries shall be maintained so long as may be necessary to carry out the special duties confided to them by the provisions of this act and no longer, and they shall employ such engineers and clerks as may be necessary for the execution of the said duties and fix their compensation.

Commissioners of shell-fisheries, how elected, &c.

To employ engineers and clerks, &c.

SEC. 4. The board of shell-fish commissioners shall make or cause to be made a survey and map of the area herinbefore described, whereon shall be shown the location and area of all the natural beds, and of all the grounds which may have been occupied under authority of previous acts for the growing, planting or cultivation of shell-fish, and upon the completion of the said surveys in and maps of each or any county, the board of commissioners of shell-fisheries shall determine the location, area, limits and designation of each and every public ground in the county, and such public grounds are to include the natural beds, together with such addi-

Duties of commissioners.

tional areas adjacent thereto as may be deemed by the board of commissioners as necessary to provide for the natural expansion of the said natural beds; and having decided upon the location, area, limits and designation of the said public grounds the board of commissioners of shell-fisheries shall publish the same for the period of thirty days at the court-house door and in four other public places in the county wherein the said public grounds are located; and any person or persons objecting to the decision of the board of commissioners of shell-fisheries, as published, may file a written protest stating the ground for his or their objections, within the said thirty days, with the clerk of the superior court of the county wherein the said publication is made, upon payment to the said clerk of the sum of twenty-five cents: and at the expiration of the said thirty days the said clerk of the superior court shall forward all such written protests to the board of shell-fish commissioners, and in case such protests are so filed and forwarded the said commissioners or a majority of them shall upon fifteen days' notice in writing, mailed or personally delivered to all parties in interest, hear and pass upon such protests or objections in the county in which the said public grounds are located; and the said board of commissioners of shell-fisheries having fully informed themselves of the facts in the case shall make, within twenty days from the conclusion of the hearing, a decision which shall be final and shall be so considered until reversed on appeal to the superior court. And at all hearings authorized by this act the said commissioners may by themselves or their clerk subpoena witnesses and administer oaths as in courts of law.

Protest of person objecting to decision of Commissioners in respect to location of public grounds, &c.

Duty of commissioners on filing of protest.

Appeal.

Witnesses, &c.

Commissioners to publish decision as to location of public grounds, &c.

SEC. 5. The board of commissioners of shell-fisheries shall upon making the said final decision as to the location, limits, area and designation of the several public grounds in the county publish the same in the county in which the said public grounds are located and in two

newspapers having a general circulation in the state, and shall announce in the said publication that at the expiration of twenty days from the first day of publication the territory within said county and embraced within the provisions of this act will be open for entry in manner and form as hereinafter provided; and any person or persons desiring to raise, plant or cultivate shell-fish upon any ground in the county which has not been designated as public ground by the board of shell-fish commissioners may, at the expiration of the said period of twenty days, make an application in writing in which shall be stated as nearly as may be the area limits and location of the ground desired, to the entry-taker of the county in which the said area for which application is made is situated, for a franchise for the purpose of raising or cultivating shell-fish in said grounds, and the said entry-taker having received said application shall proceed as with all other entries as provided in section two thousand seven hundred and sixty-five of The Code as amended, except that the warrant to survey and locate the ground or grounds shall be delivered to the engineer appointed by the board of commissioners of shell-fisheries and not to the county surveyor; and the said engineer shall make such surveys in accordance with the provisions of section two thousand seven hundred and sixty-nine of The Code, except that it shall not be necessary to employ chain-bearers nor to administer oaths to assistants nor to make surveys, according to the priority of the application or warrant.

Entry, how made, &c.

SEC. 6. The secretary of state on receipt of the auditor's certificate as provided in section two thousand seven hundred and seventy-eight of The Code shall grant to the applicant a written instrument conveying a perpetual franchise for the purpose of raising and cultivating shell-fish in and to the grounds for which application is made; and the said written instrument of conveyance shall be authenticated by the governor, countersigned by the sec-

Grant, how issued, &c.

retary and recorded in his office. The date of the application for the franchise and a description of the ground for which such franchise was granted shall be inserted in each instrument, and no grant shall issue except in accordance with a certificate from the engineer of the commissioners of shell-fisheries as to the area, limits and location of the grounds in which the said franchise is to be granted, and every person obtaining such grant or franchise shall, within three months from the receipt of the same, record said written instrument in the office of the register of deeds for the county wherein the said grounds may lie and shall define the boundaries of the said grounds by suitable stakes, buoys, ranges or monuments; but no franchise shall be given in or to any of the public grounds as determined by the commissioners of shell-fisheries, and all franchises granted under this or previous acts shall be and remain in the grantee, his heirs and legal representatives: *Provided*, that the holder or holders shall make in good faith within five years from the day of obtaining said franchise an actual effort to raise and cultivate shell-fish on said grounds: *And provided further*, that the area hereinbefore described lying within two statute miles of the mainland or any island shall be entered or held only by residents of the state of North Carolina, and no grant shall be made to any one person of more than ten acres of said territory, and no person shall hold more than ten acres in any creek unless the same shall be acquired through devise, inheritance or marriage. And all that territory within the provisions of this act and lying more than two miles from the mainland or any island shall be subject to entry by any person; but no person shall be permitted to enter in any one period of five years more than six hundred and forty acres.

Registration, Proviso. Proviso.

No entry for more than 640 acres in any one period of five years.

Price per acre. SEC. 7. Twenty-five cents per acre shall be paid to the state treasurer for all franchises granted, and all moneys received for the granting of franchises or for taxes laid

on the said grounds, or on property thereon, shall be set apart and kept separate for the purpose of defraying the expenses entailed by the provisions of this act, and any moneys remaining after the payment of said expenses shall be paid into and credited to the school fund.

Moneys received for grants, &c., how applied.

SEC. 8. The secretary of state is hereby authorized and empowered to hire and take upon leases not exceeding a term of ten years in the name and behalf of the state any such plot or plots of ground within the state as may be deemed necessary for the constructing, erecting, setting, maintaining and protecting of signals, beacons, bound-stones, posts or buoys to be used in designating, locating, surveying or mapping any shell-fish grounds, and any person who shall wilfully injure or remove any such beacon, bound-stone, post or buoy, or any part, appurtenance or enclosure thereof, or any buoy, stake, mark or range of any private or public shell-fish ground shall be guilty of a misdemeanor.

Secretary of state to lease, &c., land for beacons, &c.

Misdemeanor to injure, &c., beacons, &c.

SEC. 9. All grounds taken up or held under this or previous acts shall be subject to taxation as real estate, and shall be so considered in the settlement of the estates of deceased or insolvent persons.

Taxation.

SEC. 10. The board of county commissioners shall have entire control and jurisdiction over all public grounds lying within the boundaries of the counties, shall place and maintain such marks and shall prescribe and publish at the court-house door and at four other public places in the county such rules and regulations as may be necessary for the governance and control of the fisheries on such public grounds.

Jurisdiction and duties of county commissioners.

SEC. 11. Any person who shall wilfully commit any trespass or injury with any instrument or implement upon any ground designated under this act upon which shell-fish are being raised or cultivated, or shall remove, destroy or deface any mark or monument set up by the board of county commissioners by virtue of section ten of this act, or who shall violate the rules and regulations

Misdemeanor to trespass upon ground where shell-fish are being raised, &c.

prescribed by the said board for the governance and control of the fishery on the public grounds, or who shall work on any oyster ground at night, shall be guilty of a misdemeanor. But nothing in the provisions of this act or any act shall be construed as authorizing interference with the capture of migratory fishes or free navigation or the right to use on any private ground any method or implement for the taking, growing or cultivation of shell-fish.

Proviso.

Duty of entry takers.

SEC. 12. Entry-takers shall make return to the secretary of state of all franchises granted under this act in the same manner as provided in section two thousand seven hundred and seventy-six of The Code, and the provisions of sections two thousand seven hundred and seventy-seven and two thousand seven hundred and seventy-eight of The Code are hereby extended so as to cover the grants or franchises in ground for raising or cultivating shell-fish as authorized by this act, and all applications, grants, warrants and assignments of franchises in or to oyster grounds shall be in manner and form as approved by the attorney-general of the state.

Payment of entry-money and issuance of grant.

Form of applications, grants, &c.

Former grants validated.

Proviso.

SEC. 13. All grants of grounds under previous acts for the purpose of cultivating shell-fish in the territory within the provisions of this act are hereby confirmed and made good in the grantees, their heirs and assigns, provided the holders of said grounds shall within one year file with the secretary of state certified copies of their licenses and surveys and that the said surveys be found correct by the engineer of the commissioners of shell-fisheries; and in case such surveys are found to be incorrect, the grounds shall be re-surveyed by said engineer as soon as practicable; and in designating lots, any person who has made in good faith an actual effort to raise or cultivate shell-fish on the area for which application is made shall have the prior right to a grant or franchise in said grounds; but nothing contained in this act shall

Exception as to former entry of natural bed.

be construed to validate any entry heretofore made of a natural bed.

SEC. 14. The commissioners of shell fisheries shall keep books of record in which shall be recorded a full description of all grounds granted under the provisions of this act, and shall keep a map or maps upon which shall be shown the positions and limits of all public and private grounds.

Commissioners to keep record books, &c.

SEC. 15. Any person who shall steal or feloniously take, catch or capture or carry away any shell-fish from the bed or ground of another shall be guilty of larceny and punished accordingly.

Larceny to steal, &c., shell-fish, &c.

SEC. 16. All acts or parts of acts in conflict with the preceding sections are hereby repealed.

Conflicting laws repealed.

SEC. 17. This act shall take effect on and after the day of its ratification.

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1887.

CHAPTER 120.

An act to amend chapter one hundred and eighteen, laws of one thousand eight hundred and eighty-five, entitled "an act to incorporate the Roanoke and Raleigh Railroad Company."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-five, entitled "an act to incorporate the Roanoke and Raleigh Railroad Company," is hereby amended by inserting the words "or from Littleton" after the word "Weldon" in the first section of said act and third line, and by striking out the names of William Windom and George B. Loring as corporators, and inserting as corporators in lieu thereof J. P. Leach, Walter Clark, W. H. Thorne, E. A.

Chapter 118, laws 1885, amended.

Terminal points.

Corporators.

Thorne, Henry H. Clark, W. E. Bowers, Joseph W. Nickleson and Thomas W. Harris.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 121.

An act to permit the giving a new undertaking on appeal in the supreme court.

The General Assembly of North Carolina do enact:

Notice to be given of motion to dismiss appeal for irregularity in undertaking, &c.

SECTION 1. That in all cases on appeal to the supreme court, before the appellee shall be permitted to move to dismiss said appeal, either for any irregularity in the undertaking on appeal or for failure of the sureties to justify as prescribed in section five hundred and sixty (560) of The Code, he shall give written notice to the appellant of such motion to dismiss at least twenty (20) days before the district from which the cause is sent up is called. Said notice shall state the grounds upon which the motion is based.

Notice to state grounds, &c.

New bond, when and how given, &c.

SEC. 2. That in all such cases as those mentioned in section (1) one of this act, at least (5) five days before the district from which the cause is sent up is called, the appellant may file with the clerk of the supreme court a new bond justified in the manner required by said section five hundred and sixty (560). The penalty in the new bond shall be the same in amount as the penalty in the original bond, or in lieu of filing such new bond the appellant may deposit with the clerk of the supreme court a sum of money equal to the penalty in the original bond.

Deposit in lieu of bond.

SEC. 3. When a new bond has been thus filed or deposit made the cause shall stand as if the bond had been duly given or deposit duly made in the court below.

When new bond, &c., filed, case to stand as if bond had been given in court below.

SEC. 4. This act shall apply to pending appeals.

Act applicable to pending appeals.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 122.

An act concerning the clerks of the superior courts of New Hanover and Wake counties.

The General Assembly of North Carolina do enact:

SECTION 1. That the judge riding the sixth judicial district of North Carolina be and he is hereby authorized and empowered, upon application made by the clerk of the superior court of New Hanover county, to give written permission to the said clerk of the superior court to absent himself from his office of clerk on such Monday or Mondays in such months during any year as in the said judge's discretion may not be inconsistent with the public interest: *Provided, however,* that said clerk shall leave in and at his said office a competent deputy to transact any business which by law a deputy clerk may be authorized so to do: *Provided further,* that the clerk of the criminal court of New Hanover county and the clerk of the supreme court of North Carolina be and they are hereby authorized and empowered to probate deeds, mortgages, and all other instruments of like character, take privy examination of married women, and order registration of all instruments required by law to be registered.

Judge riding Sixth Judicial district empowered to permit clerk of New Hanover superior court to absent himself from his office on such Mondays as may not be inconsistent with the public interest, &c.

Competent deputy to be provided.

Clerks of New Hanover criminal court and the supreme court authorized to probate deeds, &c., and order registration, &c.

Permission of judge to exempt clerk from liability to indictment, &c.

SEC. 2. That any such written permission given to said clerk by any judge as aforesaid shall exempt said clerk from any liability to indictment or from any suit for any penalty arising by reason of such absence.

Act applicable to clerk of Wake superior court; judge riding Fourth Judicial district to give permission, &c.

SEC. 3. That the provisions of this act shall apply to the county of Wake, the judge holding the courts of the fourth judicial district having the power herein granted to the judge holding the courts of the sixth district: *Provided*, that the clerks of Wake county shall not be excused upon the first Monday of any month.

Not to be excused on first Monday of any month.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 123.

An act to drain the low lands in Iredell county.

The General Assembly of North Carolina do enact:

Procedure in draining low lands in Iredell county.

SECTION 1. That whenever a majority of the land owners on any one of the streams lying in the county of Iredell between certain points or upon any part of any one of said streams shall petition the board of commissioners of said county, it shall be the duty of said board of commissioners to appoint five creek commissioners from the land owners of said stream. Said creek commissioners may employ a competent engineer to lay off said streams into sections of convenient length, locate the best channel for the stream and measure the amount of bottom-land sobbed or liable to overflow belonging to each individual owning land on said streams between the points laid off above.

County commissioners on petition to appoint five creek commissioners.

Engineer.

Duties.

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

Chairman.

Vacancies.

Overseers.

SEC. 3. It shall be the duty of the creek commissioners to furnish the overseers appointed for each section a copy of the estimated number of acres embraced in his section, and upon notice of ten days by said overseer each of said owners of land shall furnish one able-bodied hand with appropriate tools as required by the overseer for every ten acres of land sobbed or overflowed and one such hand for every twenty acres of low land 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 (\$1.00) 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 the name of the chairman of said creek commissioners, and the lands of such owners shall not be exempt from sale under execution issued to enforce the judgment.

Commissioners to furnish overseer with copy of estimated number of acres embraced in his section.

Hands to be furnished by land owners, on notice.

Penalty for failure.

SEC. 4. It shall be the duty of the creek commissioners in laying off the streams and sections as provided for in section one of this act to distribute the labor among the land owners in proportion to the number of acres of sobbed or overflowed land and other low land owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseers of each section the hands required of the owners of the land embraced in this section.

Commissioners to distribute labor.

To allot hands to overseers.

Duty of overseer to work from four to thirty days.

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 thirty days, at the discretion of the creek commissioners, on the channels of said streams according to the survey or plan made by the engineer and adopted by said creek commissioners, to straighten, remove obstructions and improve the lands thereof: *Provided*, that said creek 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.

Proviso.

Misdemeanor to wilfully fell timber in streams, &c.

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 ten 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 chairman of said commissioners wherein said offence was committed before a presentment is made of the same he or they shall not be liable to indictment for such offence.

Penalty.

Not indictable if penalty is paid.

Money collected for penalties, how used, &c.

SEC. 7. That all moneys arising from failing to work on said stream and all penalties collected under the provisions of this act shall be used by the commissioners, first in defraying the expenses of the engineer for services rendered, and the residue (if any) to be used by the overseers, at the discretion of said commissioners, in improving the channel of said streams and stopping washes on either side of same; and any commissioner or overseer failing or neglecting to perform the duties required in this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifteen nor more than thirty dollars: *Provided*, that no person shall be required without his consent to serve as commissioner or overseer more than one term of two years at one time.

Commissioner or overseer neglecting his duty indictable.

Proviso.

SEC. 8. That the said 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 use timber or rock that is most convenient for stopping said washes, and may exercise such power in the same way and under the same rules and regulations as are prescribed in this act for draining the low lands by opening the streams as fully as the power given in the foregoing section.

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.

Building of bridges, &c., not prohibited.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

No exemption from road duty.

SEC. 11. That any owner of land affected by the provision of this act who shall wilfully obstruct the said commissioners, engineer, overseer or hands in carrying out the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined, not exceeding fifty dollars or imprisoned not more than thirty days.

Misdemeanor to wilfully obstruct commissioners, &c.

Penalty.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 124.

An act to prohibit the sale and manufacture of liquor within two miles of Davis school in the county of Lenoir.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to manufacture, sell or otherwise dispose of any malt or spirituous liquors

Unlawful to manufacture, &c., spirituous liquor within two miles of Davis school.

within two miles of the Davis school in the town of La Grange, Lenoir county.

Misdemeanor.

SEC. 2. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor: *Provided*, that such liquor may be sold within the limits aforesaid for strictly medicinal purposes upon the written prescription of a regular practicing physician.

Proviso.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this act are repealed so far this act is concerned.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 125.

An act for the relief of W. H. Wetmore and Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the state treasurer is hereby authorized and directed to pay to W. H. Wetmore and Company, manufacturers, the sum of sixty-four dollars and fifty-six cents, rebate on drummers' license, out of any money in the treasury not otherwise appropriated.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

State treasurer directed to pay W. H. Wetmore & Co. \$64.56, rebate on drummers' license.

CHAPTER 126.

An act to amend chapter two hundred and forty-five of the laws of the general assembly of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and forty-five of the acts of the general assembly of one thousand eight hundred and eighty-five be amended as follows: *Provided*, that the register of deeds for the county of Halifax shall not be required to give bond in a larger penalty than the sum of five thousand dollars, unless the money or funds coming into his hands by virtue of his office as register of deeds, by order of the court or otherwise, shall at any time exceed one-half of the penalty of his bond; and then and in that case he shall file, within twenty days, with the clerk of the superior court of his county, 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.

Chapter 245, laws
1885, amended.

Register of deeds
of Halifax county
not required to
give bond for
more than \$5,000
except in certain
contingencies.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 127.

An act to change the line between White House and Sterling's townships, Robeson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between the townships of White House and Sterling's in Robeson county

Boundary line
between White
House and Ster-
ling's townships,
Robeson county.

be changed so as to run as follows: Beginning at the Big island in Ashpole swamp and run a direct line to the forks of the road at Flat swamp and down said swamp to the state line and thence with the state line to the White House township 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 1st day of March, A. D. 1887.

CHAPTER 128.

An act to abolish the June term of the superior court of Catawba county and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, fixing the time for holding the superior courts in the eleventh judicial district, be amended as follows, viz: On page three hundred and forty after the word "Catawba," in the twenty-sixth line, strike out all the words to and including the word "fifth" in the twenty-seventh line, and in lieu thereof insert the word "seventh;" after the word "September" in the twenty-eighth line add the words "each to continue two weeks;" strike out in the thirtieth line the "sixth" and in lieu thereof insert "fifth."

SEC. 2. That immediately after the ratification of this act it shall be the duty of the secretary of state to furnish a copy of this act to the commissioners of Catawba county who shall cause it to be published in a newspaper in Catawba county so as to give notice to the parties litigant

Chapter 180, laws 1885, amended.

June term of Catawba superior court abolished.

Terms of Catawba and Alexander superior courts, when held.

Duty of secretary of state.

Duty of commissioners of Catawba county.

and witnesses that there will be no term of the superior court held for Catawba county during the month of June.

SEC. 3. That all processes, summonses, subpoenas, recognizances or other papers made returnable to the June term of the superior court of Catawba county shall be returned to the July term of said court; and no person shall be released from any recognizance, bond or other obligation returnable to said court at the said June term thereof under the laws of one thousand eight hundred and eighty-five on account of the abolition of said term.

Process, &c., how returnable.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 129.

An act to authorize the board of commissioners of Rowan county to pay the board of jury when it was ordered by the judge.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Rowan county be and is hereby authorized to pay C. C. Krider, sheriff of Rowan county, the sum of thirty dollars and twenty-five cents, for money advanced for the board of jury, whenever it shall appear that the same was ordered by the judge, and that the aforementioned sum was actually advanced or paid by said sheriff.

Commissioners of Rowan county authorized to pay C. C. Krider, sheriff, \$30.25 for money advanced to pay board of jury, &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 1st day of March, A. D. 1887.

CHAPTER 130.

An act to amend section one, chapter three hundred and ninety-nine, laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 399, laws 1885, amended.

SECTION 1. That section one, chapter three hundred and ninety-nine, laws of one thousand eight hundred and eighty-five, be amended by striking out the word "Henderson" in line five of said act.

Bird law (Code section 2834) applicable to Henderson county. When act to take effect.

SEC. 2. That this act shall be in force in thirty days from the date of its ratification.

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 131.

An act to repeal so much of chapter two hundred and sixty, section one, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven as relates to the town of Danbury, in Stokes county.

The General Assembly of North Carolina do enact:

Prohibitory law within three miles of Danbury, Stokes county, repealed.

SECTION 1. That so much of chapter two hundred and sixty (260), section one (1), of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven as relates to the town of Danbury, in Stokes county, 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 1st day of March, A. D. 1887.

CHAPTER 132.

An act to amend section nine, chapter sixty-three, laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That section nine, chapter sixty-three, laws of one thousand eight hundred and eighty-five, be amended as follows: After the word "prescribed" in the twelfth line of said section insert the following: *Provided*, that the board of commissioners of New Hanover county shall, in their discretion, be empowered to pay to the solicitor of the criminal court of that county an annual salary of twelve hundred dollars (\$1,200.00), payable in monthly installments, in lieu of all fees and allowances, if the said board shall deem it to be for the benefit of the public; and in the event such commutation shall be made by the said board, with the consent of said solicitor, then all solicitor's fees that may be paid by solvent defendants shall be paid by the proper officer into the county treasury for the benefit of the general fund of said county.

Chapter 63, laws 1883, amended.

Commissioners of New Hanover county empowered to pay solicitor of criminal court a salary of \$1,200 in lieu of fees.

Solicitor's fees paid by solvent defendants payable into county treasury.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 133.

An act to satisfy certain judgments against the trustees of the University.

WHEREAS, the Reverend Solomon Pool duly recovered a judgment in the superior court of Wake county against Preamble.

the trustees of the University of North Carolina for the sum of four thousand dollars, with interest thereon from the fifth day of February, Anno Domini one thousand eight hundred and seventy-seven, and costs, which said judgment was duly entered on the said fifth of February, Anno Domini one thousand eight hundred and seventy-seven, by the consent of the trustees of the University; And whereas, no part of said judgment has been paid, but the whole remains due and unpaid: Now therefore,

The General Assembly of North Carolina do enact:

Treasurer directed to pay E. I. Pool, trustee, \$4,000 in four per cent. bonds, in full discharge of judgment.

SECTION 1. That the public treasurer be and he is hereby authorized and directed to satisfy said judgment, principal and costs, by delivering to Edward I. Pool, trustee of Mistress Cornelia K. Pool, the assignee of said judgment, four thousand dollars (par or face value) of the four per centum bonds of this state of the series issued under the act of March fourth, one thousand eight hundred and seventy-nine, 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.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 134.

An act to incorporate the Polk County Railroad Company.

The General Assembly of North Carolina do enact:

Terminal points.

SECTION 1. That for the purpose of constructing a railroad from Columbus or Mills Springs in Polk county,

North Carolina, to any point on the state line between South Carolina and North Carolina, or to any city, town or railroad station in North Carolina as may be most practicable, John Garrison, Robert Hamilton, Noah Hill, J. K. Simpson, N. B. Hampton, T. C. Bradley, Grayson Aldridge, O. Nelson, Moses Shields, J. W. McFarland, Posey Williams, Thomas Lyle, H. C. Morgan, A. E. Waldroup, John Thompson, A. Jackson, James Jackson, Vance Rhoads, Otis Coxe, Crowell Camp, J. W. Hampton, C. A. Carson and their associates, successors and assigns are hereby constituted a company and incorporated under the name and style of "The Polk County Railroad Company," with a capital stock of five hundred thousand dollars, with the privilege of increasing the same to two million dollars, which shall have a corporate and perpetual succession as a body politic and corporate, and by that name may sue and be sued, plead and be impleaded in any court in North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift or devise, so far as may be necessary for the purpose herein contemplated, and the said company may enjoy all the rights, privileges and immunities which other railroad corporations may lawfully exercise under the general corporation laws of North Carolina, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution of North Carolina and the United States.

Body corporate.

Corporate name.

Capital stock.

Corporate powers.

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

Subscriptions to capital stock, how made.

SEC. 3. It shall be the duty of Robert Hamilton, Noah Hill and N. B. Hampton to call a meeting of the incorporators named in the first section of this act at such time and place as they may deem expedient, and the

Books of subscription, how opened, &c.

Organization.

corporators who may meet under said call, a majority not being required as necessary, shall appoint the commissioners to open books of subscription at such time and place as to them shall seem best, with power to reject subscription not made for the *bona fide* purpose of securing the completion of a railroad to Columbus or Mill's Springs as hereinbefore provided, and that after the sum of fifty thousand dollars has been subscribed to the capital stock of said company, the said commissioners shall call together the subscribers to said stock for the purpose of completing the organization of said company, and the said subscribers shall be and they are hereby incorporated into a company by the name of "The Polk County Railroad Company."

Stockholders' meetings.

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

Directors.

Proviso.

President.

Vacancies.

Directors to locate and construct road, &c.

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

Authorized to assign, lease, &c., corporate rights, &c.

SEC. 6. That said company may assign or lease their franchise and their rights in said road to any person, persons or corporation having for their object the completion of a railroad to Columbus or Mill's Springs, or may contract with any person, persons or corporation for the completion of a railroad to Columbus or Mill's Springs, and may consolidate with any railroad company

for the purpose of completing or extending said road or facilitating the operation thereof.

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

Payment of stock.
Condemnation of land.

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

Certificates of stock.

Gauge.

SEC. 9. That this corporation shall have power from time to time to borrow such sums of money as may be necessary for the completing and furnishing or operating their said road, and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchise to secure the payment of any debt so contracted by the said company for the purpose aforesaid. The said mortgage when duly executed shall be registered in the register's office of the county of Polk, and registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding.

Authorized to borrow money on mortgage.

Registration of mortgage.

SEC. 10. That upon the petition in writing of fifty freeholders of said county of Polk stating the amount they wish subscribed, not to exceed one hundred thousand dollars, the board of county commissioners of said county shall order an election to be held within 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 Polk as to whether they will subscribe the sum mentioned in the petition.

Election in Polk county upon question of subscription.

Election, how held, &c.

SEC. 11. 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."

Ballots.

County commissioners to make subscription on vote of majority of qualified voters.

SEC. 12. That if a majority of the qualified voters shall vote for subscription, then the board of county commissioners of said county or agents appointed by said commissioners shall subscribe to the capital stock of said railroad company the amount mentioned in the petition for said election.

Commissioners to issue coupon bonds.

SEC. 13. That to provide for the payment of said subscription the county commissioners of said county of Polk shall make and issue coupon bonds of said county in denominations of not less than one hundred nor of more than five hundred dollars.

Bonds, how issued, &c.

SEC. 14. That said bonds shall be signed by the chairman of the board of county commissioners of Polk county and countersigned by the register of deeds of said county, and shall bear interest at the rate of six per centum to be paid annually, said bonds to run twenty years from date of issue.

Special tax.

SEC. 15. To provide for the payment of interest on said bonds the board of commissioners of said county shall in addition to the other taxes in each year compute and levy upon all the property in said county a special tax to pay said interest, and the amount of taxes collected for interest shall be paid to the county treasurer and used by him in the prompt and regular payment of the coupons on said bonds; that said coupons shall be receivable in payment of taxes levied under the provisions of this act.

Coupons receivable for special tax.

Special tax to pay principal of bonds.

SEC. 16. That in addition to the taxes levied for the payment of the annual interest on the bonds, the county commissioners are authorized to levy a tax not to exceed five thousand dollars in any one year for the purpose of paying the principal of the bonds at maturity, said tax to be levied at such time as the commissioners may deem

best, and the levy and collection to be suspended in any year or years that the commissioners may deem best, keeping in view the redemption of the bonds and the financial condition of the tax-payers of the county.

SEC. 17. 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. 1887.

CHAPTER 135.

An act to raise revenue.

The General Assembly of North Carolina do enact :

SCHEDULE A.

SECTION 1. That the taxes hereinafter designated are payable in existing national currency and shall be assessed and collected under the rules and regulations prescribed by law and 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 centum consolidated debt of the state.

Assessment of taxes.

How applied

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of sixty 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 the state.

Poll tax.

How applied.

SEC. 3. There shall be levied and collected annually an *ad valorem* tax of twenty 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

Ad valorem tax, twenty cents.

Limitation of taxing power of municipal corporations.	act to provide for the assessment of property and collection of taxes;" subject to exemptions made by law; and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof except by special authority from the general assembly.
Taxes on bank stock, &c.	SEC. 4. The taxes imposed for state purposes 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 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.
How paid.	
On failure to pay, state treasurer to institute action.	
Stock of residents.	The board of commissioners in the county in which such bank is located shall assess against the value of shares of stock only the tax imposed for school purposes and those imposed for county purposes which shall be paid to the sheriff of the county; and the value of shares of stock in national banks held by non-residents shall not be deducted from the aggregate value of the shares but such deductions shall be made in the case of banks organized under the laws of this state.
Stock of non-residents.	
Tax on incomes, &c., derived from property not taxed.	SEC. 5. On the incomes and profits derived from any property not taxed during the year preceding the first day of June in each year, there shall be a tax of one per centum without exemption. On incomes derived from salaries or fees during the same time there shall be a tax of one-half of one per centum. The tax-payer in returning his salary or fees shall be allowed to deduct one thousand dollars as necessary expenses for conducting his business or for support of his family.
On incomes, derived from salaries or fees.	
Deduction.	
Corporations.	SEC. 6. 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 hun-

dred 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 taxation except property belonging to the state and municipal corporations and property held for the benefit of churches, religious societies, associations or organizations, and property held for the benefit of charitable, literary or benevolent institutions or orders and also cemeteries.

Exceptions.

SCHEDULE B.

SEC. 7. 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.

License tax.

SEC. 8. 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; under five thousand inhabitants and not less than twenty-five hundred, fifty dollars; less than twenty-five hundred inhabitants and over one thousand, twenty-five dollars; less than one thousand inhabitants, fifteen dollars. The licenses under this section shall be issued by the sheriff, and said halls shall not be liable to any other license tax by the county, but the said tax shall be divided and one-half paid to the state and one-half to the county. Companies or individuals performing or exhibiting in halls licensed in this section shall not be required to pay a tax either state or county.

Tax on theatres, halls, &c., graded according to population.

Sheriff to issue license.

Tax divided between state and county.

Companies, &c., exhibiting in licensed halls, &c., not required to pay any tax.

SEC. 9. On every travelling 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 exhibiting in halls not licensed.

Concerts, &c., in
halls not
licensed.

SEC. 10. On each concert or musical entertainment for profit not given in a hall licensed as provided in section seven of this act, except the same be given exclusively for religious or charitable purposes, three dollars.

Lectures.

SEC. 11. On each lecture for reward three dollars, unless the same be given exclusively for religious, educational or charitable purposes or in a licensed hall.

Museums, &c.

SEC. 12. On museums, wax-works or curiosities of any kind, natural or artificial, on each day's or night's exhibition three dollars, except for religious, charitable or educational purposes exclusively.

Circuses, &c.

SEC. 13. 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, and on every show given under canvass in which dogs and trick horses are exhibited and trapeze and juggling performances are given, for each day or part of a day fifty dollars, whether free or otherwise; and the counties shall levy not less than the same amount.

Side shows, &c.

County tax.

Other exhibi-
tions.

SEC. 14. On all companies or persons whatever who exhibit or give entertainments for amusement of the public or for reward otherwise than is mentioned in the five preceding sections five dollars for each exhibition or performance. Exhibitions or entertainments given for the exclusive benefit of religious, educational or charitable objects shall be exempt from taxation: *Provided*, no part or clause of this section shall be so construed as to exempt from taxation persons claiming to be spiritualists or mediums of communication between the material and immaterial worlds and giving public exhibitions.

Proviso.

Gift enterprises.

SEC. 15. 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

Lotteries.

Itinerant dealers
in prizes, &c.

in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such persons or establishments from any penalties incurred by a violation of the law. Tax, how paid.

SEC. 16. On each billiard table kept for public use, whether in connection with or separate from any place where liquor is sold, twenty dollars. Billiard tables.

SEC. 17. 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. Bowling alleys, &c.

SEC. 18. On public ferries, bridges and toll gates across highways five dollars, and one half of one per centum on gross receipts. Public ferries, &c.

SEC. 19. On every itinerant dentist, medical practitioner, optician, portrait or miniature painter, daguerrean artist, photographer and every person taking or enlarging likenesses of the human face ten dollars in every county in which he carries on his business, one-half to be paid to the state and one-half to the county: *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 the portion of the above tax due the state. Itinerant dentists, photographers, &c. Proviso.

SEC. 20. On every commission merchant, agent or dealer buying or selling for another one per centum on his commissions. License from state treasurer. Commission merchants.

SEC. 21. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name or description not spe- Merchants, &c., license tax.

cially 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 days of January and July in each year deliver to the clerk of the board of county commissioners a sworn statement of the total amount of his purchases for the preceding six months ending on the thirty-first day of December or the thirtieth of June. The sheriff shall require every transient dealer to furnish him with a statement of his purchases as often as may be necessary to secure the immediate payment of the tax on said purchases, and the sheriff shall collect said tax without delay. The sheriff shall furnish the statement to the clerk of the board of county commissioners who shall record the same in the book kept as required in this section. Any agent or commission merchant making such purchases shall for his principal make and deliver the statement as herein required: *Provided*, that the persons mentioned in this section, except transient dealers, may make out in writing a list of their purchases and swear to them before any justice of the peace for their county and return the same list to the clerk of the board of county commissioners. The clerk 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 clerk as aforesaid the taxes embraced therein. The board of county commissioners shall have power to require the merchant or dealer making his statement to submit his books for examination to them, and the board may also require any and all persons who shall

Sworn statement
of purchases.

Duty of sheriff.

Agent, &c., to
make statement
for principal.

Proviso.

Duty of clerk of
board of commis-
sioners.

Duty of sheriff.

Commissioners
empowered to
require produc-
tion of books.

have knowledge or information upon this subject to make his statement or exhibit his books for examination by them. And every merchant or dealer 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 chairman of the board of county commissioners to prosecute every merchant or dealer refusing as aforesaid to the end of obtaining such information and compelling payment of the proper tax. For the services required of the clerk of the board of county commissioners in this section he shall receive twenty-five cents from each person making his first return of purchases for each year, also fifteen cents for each subsequent return, which shall be allowed by the board of county commissioners and paid by the county treasurer. A merchant or dealer paying a drummer's tax prescribed in section twenty-five of this act shall have a rebate of the amount of his state purchase tax for the time his drummer's license operates, said rebate to be allowed by the sheriff at the time he collects the purchase tax. A manufacturer paying a drummer's tax shall have a rebate of the amount of the state taxes paid by him on his property used in his business which may become due during the time his drummer's license operates.

Merchant failing to produce books guilty of misdemeanor.

Penalty.

Duty of chairman to prosecute.

Compensation of clerk.

Rebate allowed merchants and dealers paying drummer's tax.

Rebate allowed manufacturers paying drummer's tax.

SEC. 22. Every person who shall buy for the purpose of selling spirituous liquors, vinous or malt liquors, shall in addition to his *ad valorem* tax on his stock pay as a license tax one-half of one per centum on the total amount of purchases in or out of the state for cash or on credit, whether such person shall purchase as principal or through an agent or commission merchant, to be returned and collected as prescribed in the preceding section.

Liquor dealers.

SEC. 23. Every person, a citizen of the United States, authorized to do business in this state, who as principal

Peddlers.

or agent peddles drugs, nostrums, medicines or goods, wares or merchandise of whatever name or description shall pay a license tax as follows, to-wit: Each peddler on foot twenty-five dollars for every county; each peddler with one horse or mule with or without a vehicle fifty dollars for every county; each peddler with two or more horses or mules with or without a vehicle seventy-five 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; every itinerant salesman 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 board of county commissioners of the county in which he proposes to peddle or sell for a license and the board of county commissioners may issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date: *Provided*, it shall be discretionary with the board of county commissioners whether they issue license or not. The license issued as herein provided shall not be valid until it shall be exhibited to and countersigned by the clerk of the board of county commissioners, by whom a permanent record of all such licenses shall be kept. Any person may sell under this section, without payment of tax as peddler, salt, vegetables, chestnuts, peanuts, fruits, or other products of the farm or dairy, oysters, fish, books or printed music: *Provided*, this exemption shall not apply to fruit trees, grape vines, ornamental shrubbery

Itinerant retail merchants, &c.

"Cheap John merchants."

Commissioners to issue license in advance.

Proviso.

Clerk to countersign.

Exceptions.

Proviso.

and plants, dealers in which shall pay a tax of five dollars in each county in which they may sell or solicit orders by retail, and every such dealer paying a drummer's tax shall be allowed to employ an unlimited number of agents. Any nurseryman may also sell trees of his own growth without tax at his nursery. 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 clerk of the board of county commissioners 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: *Provided*, that this section shall not apply to persons who sell goods of their own manufacture within the state, printers soliciting orders, spirituous liquors excepted.

License to be exhibited on demand of constable, &c.

Failure to do so presumptive evidence of peddling without license.

Duty of constable, &c., to arrest.

Exemptions by county commissioners.

Fee of clerk.

Proviso.

Dealers in sewing machines.

Auditor to countersign license.

Duty of state treasurer.

SEC. 24. 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, and all licenses provided for in any part of this act shall be countersigned by the state auditor, and shall not be valid unless so countersigned. It shall be the duty of the state treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued. 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 parties obtaining 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 sheriff and applied as directed in section twenty-five.

This section shall not apply to merchants who buy and sell sewing machines on which a license tax has been paid as herein provided, and who keep the said machines in their general stock of merchandise and sell and deliver them at their place of business.

Sub-agents.

Exempt from other tax.

Penalty.

Section not applicable to certain merchants.

Drummers.

SEC. 25. 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. All licenses issued under this section shall be countersigned by the state auditor as prescribed in section twenty-four of this act. The tax on each license for selling or offering to sell any spirituous, vinous or malt liquors by wholesale in the manner prescribed in this section shall be two hundred dollars, and no tax on said license shall be imposed by any county, city or town government. This section shall not apply to any person who sells only wines of his own manufacture. Any person violating the provisions of

License for sale of liquors.

Exception.

Misdemeanor.

this section shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid into the state treasury as other taxes. In addition to the said fine or imprisonment, any person violating the provisions of this section shall pay a penalty to the officer making the arrest of two hundred dollars, one hundred dollars thereof to be paid into the treasury as other taxes and one hundred dollars to the officer making the arrest.

Fines payable into state treasury. Additional penalty.

It shall be the duty of all county, town and township bonded 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 serve warrants under this section and collect the fine and penalty, which shall be applied as hereinbefore provided. 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 the same time, and shall be in the possession of the person while doing business under this section in this state to secure his protection. A merchandise broker who shall engage in business in the manner indicated in this section shall before soliciting orders pay to the state treasurer one hundred and fifty dollars for each county in which he may conduct his business and present to the auditor a receipt therefor, and the auditor is directed to issue to said merchandise broker a license which shall operate one year from its date, and he shall be subject to all the penalties and restrictions provided in this section.

Duty of officers to prosecute.

Penalty.

Justices of the peace, &c., empowered to serve warrants, &c.

SEC. 26. Every company of gypsies or strolling company of persons or any person who make a support by pretending to tell fortunes one hundred and 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

Licenses not transferable.

How used.

Merchandise brokers.

Gypsies, &c.

be so construed as to exempt them from indictment or penalties imposed by law.

Itinerant lightning-rod dealer.

SEC. 27. On every itinerant who deals in or puts up lightning rods twenty-five dollars annually for each county in which he carries on business.

Itinerant peddler of clocks, &c.

SEC. 28. On every itinerant person or company peddling clocks, 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.

Insurance companies.

SEC. 29. 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 centum upon the amount of its gross receipts in this state: *Provided*, 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 statement of loans secured by mortgage to citizens of this state of an amount equal to one-half of such gross receipts the tax shall be only one per centum thereon. No county or corporation shall be allowed to impose any additional tax license or other fee. The license fee and taxes imposed in this section shall be paid to the secretary of state.

Tax reduced on companies investing one-half their gross receipts in this state.

Exempt from other taxes.

Tax payable to secretary of state.

Banks, brokers, &c.

SEC. 30. 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.

Penalty.

SEC. 31. Every person, company or firm for selling spirituous, vinous or malt liquors or medicated bitters shall pay a license tax semi-annually in advance on the first day of January and July, as follows: first, for selling in quantities of one quart or less forty dollars for each six months, 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; second, for selling in quantities of one quart and less than five gallons twenty-five dollars for each six months, 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 one hundred dollars for each six months, to be collected by the sheriff and paid to the treasurer of the state; fourth, for selling malt liquors exclusively ten dollars for each six months, 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. No license taken out under this section shall authorize any sale of any greater or less quantity than specified in said license. Nothing in this section contained shall prevent any person selling wines of his own manufacture at the place of manufacture, or any person from selling spirits or wines, the products of his own farm, in quantities of not less than one quart. 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 com-

Liquor dealers.

Selling in quantities of one quart or less.

Tax applied to county school-fund.

Selling in quantities of one quart and less than five gallons.

Tax applied to county school-fund.

Selling in quantities of five gallons or more.

Tax payable to state treasurer.

Selling malt liquors.

Tax applied to county school-fund.

Exemptions.

Sheriff to issue license on order of county commissioners.

missioners 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 as much tax as the state under the provisions of this section. All persons taking out license to sell by retail or wholesale spiritous, vinous or malt liquors under the provisions of this section shall post up in some public part of their place of business the license issued to them with a revenue stamp attached thereto. The license and stamp shall be printed in such form as the treasurer of the state may prescribe and furnished by the register of deeds to the sheriff without extra compensation. Any person failing to post up the license and stamp as provided in this section shall be considered as doing business without license.

County taxes.

License to be posted at place of business.

License and stamp, how furnished.

Penalty.

Auctioneers.

SEC. 32. 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."

Tobacco warehouses.

SEC. 33. On every tobacco warehouse where tobacco is sold or exhibited for sale the annual tax shall be, where sales exceed annually two hundred thousand pounds and do not exceed five hundred thousand pounds, ten dollars; over five hundred thousand pounds and not exceeding one million pounds, twenty-five dollars; over one million pounds and not exceeding two million pounds, fifty dollars; over two million pounds, seventy-five dollars.

Sworn statement to be made to clerk of commissioners.

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 clerk of the board of county commissioners a sworn statement of the total amount of his or their sales for the preceding six months ending on the thirtieth day of April and thirty-first day

of October. The sheriff shall collect the tax without delay.

SEC. 34. Every person required in this act to pay a tax on purchases or sales shall list on oath to the clerk of the board of county commissioners, on the first day of January and July in each year, the amount of purchases or sales for the preceding six months, and the clerk shall keep a record of the same in a book kept for that purpose. The clerk 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 purchases or sales as required in this section shall be subject to a double tax, to be charged against him by the clerk and collected by the sheriff. And it shall be the duty of the sheriff to report all persons to the clerk who fail to list as required by law. The board of county commissioners shall have the same power to compel such persons to submit their books for inspection as is conferred upon them in section twenty-one of this act in respect to merchants, etc., and the same penalties prescribed in said section twenty-one of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books for inspection when demanded.

Purchases and sales to be listed on oath to clerk of commissioners.

Duty of clerk.

Duty of sheriff.

Penalty for failure to list.

Commissioners empowered to compel production of books.

Penalty for refusal.

Penalty for failure to obtain license.

How recovered.

How accounted for.

SEC. 35. 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 punished by fine not exceeding fifty dollars or imprisoned not exceeding thirty days, and shall also forfeit and pay a penalty of fifty dollars, which penalty the sheriff of the county in which it has occurred shall cause to be recovered before any justice of the peace of the county; and one-half shall be accounted for by the sheriff as required by law and the other half to the officer making the arrest.

SCHEDULE C.

- Privilege tax. SEC. 36. The taxes embraced in this schedule 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.
- Railroads, steamboats and canals. SEC. 37. Every railroad, steamboat or canal company incorporated under the laws of this state or doing business in this state 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, 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 state treasurer, with an addition of ten per centum thereto, shall be collected for the use of the state: *Provided*, that when a line of railroad or canal belonging to any company liable to this tax lies partly in this state and partly in an adjoining state or states the part or share of such earnings of the company only shall be subject to the tax as will be in that proportion to the whole receipts which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. No railroad or canal company shall be liable to this tax if its property is taxed, but every railroad or canal company incorporated under the laws or doing business in this state which is liable to a tax upon the value of shares of capital stock 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 a tax upon said
- Semi-annual statement of gross receipts to be made to state treasurer.
- Penalty.
- Railroad or canal lying partly within and partly without state.
- Exemption.
- Additional tax on companies whose real estate is exempt from taxation.

corporation equal to one-half of one per centum upon the gross receipts of said company.

SEC. 38. When a railroad is operated in this state by a corporation, person or persons by virtue of a lease or other contract, the aforesaid tax shall be paid by the lessee of such railroad or holder of such contract as the case may be, and the said tax shall be charged against and deducted from any payments due or to become due the lessor of such railroad or person or corporation granting such contract as the case may be, on account of such lease or contract, unless in the provisions of such lease or contract it is stipulated otherwise.

Tax payable by lessee, &c., of railroad.

How collected.

SEC. 39. 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 the state within ten days after the first day of January, April, July and October, of the amount of 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 such return. It shall be the duty of each sheriff to report to the treasurer any such company doing business in his county. In case of default of such return and payment of tax the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the treasurer of state shall designate, by distress or otherwise.

Express, telegraph and telephone companies.

Duty of sheriffs.

Penalty for failure to pay tax.

SEC. 40. 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 the cases of express, telegraph and telephone companies.

Sleeping and parlor car companies.

Tax on seals.

SEC. 41. Whenever the seal of the state, of the treasury department or other public officer required by law to keep a seal, not including clerks of courts, other county officers and notaries public, 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 on any commission one dollar, except judges' and magistrates' commissions, which shall be without fee, to be collected and paid into the treasury by the private secretary of the governor, and no other tax or fee shall be charged on such commission; 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. 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.

Accounts to be kept.

Tax on scrolls.

Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. 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 of law, or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the auditor.

What seals exempt.

Officer's fees.

Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required shall be fined not more than five hundred dollars or imprisoned in the state prison in the discretion of the court.

Penalty.

Marriage licenses.
Duty of register.

SEC. 42. On each marriage license fifty cents. 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 sheriff.

SEC. 43. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials, malt or spirituous liquors and auctioneers, he shall within thirty days after such reception or collection pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for common schools in such county. Fines, &c., to be paid to treasurer of county board of education. ✓

SEC. 44. Any officer convicted of violating the preceding section or of appropriating to his own use the state, county, school, city or town taxes, shall be guilty of embezzlement, and may be punished not exceeding five years in the state prison at the discretion of the court. Embezzlement. Penalty. ✓

SEC. 45. 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 laws so far as they relate to the taxes listed, or which ought to or would have been listed or which may be due previous to the ratification of this act. Repealing clause. Proviso.

SEC. 46. That the auditor of this state shall not make or cause to be made any headings or blanks to or on the forms which he is required to supply to the several counties of this state other than such as are required and are indispensably necessary under the provisions of this act or as may be hereafter required by law, nor shall any taxes be levied directly or indirectly by the said auditor, any law heretofore passed to the contrary notwithstanding; and if the auditor shall be guilty of any violation of this section he shall on conviction be punished in the discretion of the court. Duty of auditor. Penalty.

Auditor empowered to reject returns of sheriffs believed to be incorrect and to make investigations.

SEC. 47. That the auditor of the state is hereby authorized to reject the annual returns of any sheriff when he has good reason 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.

Treasurer authorized to expend not exceeding \$2,500 to secure proper and prompt collection of taxes.

SEC. 48. A sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated to be expended by the treasurer of the state as he may deem best and necessary to secure the proper and prompt collection of the taxes.

SEC. 49. 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. 1887.

CHAPTER 136.

An act to amend section three thousand and eighty of The Code, so as to authorize the United States to acquire title to lands on which are to be erected certain public buildings.

The General Assembly of North Carolina do enact:

Section 3080, Code, amended. United States authorized to acquire land in this state for purpose of building, &c.

SECTION 1. It shall be lawful for the United States to purchase or otherwise acquire title to any tract or parcel of land in the State of North Carolina for the purpose of erecting thereon any custom-house, court-house, post-office or other building, including light-house, light keeper's dwellings, life saving stations, buoys and coal depots and buildings connected therewith.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 137.

An act to provide for the assessment of property and the collection of taxes.

The General Assembly of North Carolina do enact:

POLL TAX.

SECTION 1. The board of commissioners of the several counties 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 person has been once exempted he shall not be required to renew his 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 the person to whom it was issued shall be required to list his poll; but upon exhibition of such certificate, the list taker shall annually enter in the column intended for the poll the word exempt, and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff if he can find no property of the person liable sufficient to satisfy the same to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz: "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

Exemption from poll tax.

Certificate.

Poll to be listed.

Duty of list taker on exhibition of certificate.

Collection of poll tax by attachment.

Form

poll (or property) 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.”

Fees.

For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.

LIST TAKERS AND ASSESSORS.

Township assessment.

SEC. 2. The board of commissioners of each county shall at their session held in the month of April, one thousand eight hundred and eighty-seven and every fourth year thereafter, appoint three discreet freeholders in each township who shall list and assess the real and personal property in said township for taxation. The list takers and assessors shall ascertain the true value in money of every tract or parcel of land or other real estate, with the improvements thereon, and personal property, and assess the same in accordance with said valuation. Said board of list takers and assessors shall meet at some place in their respective townships on or before the second Monday in May and elect one of their number chairman. The board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships, so as to secure a proper assessment of said property. The assessment when made shall be in force until altered as may be provided by law.

Duty of list takers.

Authorized to administer oaths.

SEC. 3. The board of county commissioners shall have power to appoint one or more list takers and assessors for years in which there shall be an assessment of property for any town or city in their respective counties having more than two thousand inhabitants and one or more list takers for such town or city for the years in which there shall not be an assessment of property.

List takers for towns and cities having more than 2,000 inhabitants.

SEC. 4. The board of county commissioners shall, at the time of the appointment of the list takers and assessors, issue a notice to them summoning them to meet at the county seat on the first Monday in June for consultation with the board of commissioners for the purpose of taking such action as will secure uniformity in the assessment of the real and personal property throughout the county.

Joint meeting of commissioners and list takers on first Monday in June.

SEC. 5. Each township board of list takers and assessors shall advertise in five or more public places in the township immediately after their appointment, notifying all tax payers to return to said list takers and assessors all the real and personal property which each tax payer shall own on the first day of June, requiring said return to be made to said list takers and assessors during the month of June, under the pains and penalties imposed by law. Each of said list takers and assessors shall attend at two or more places in the township for the purpose of listing and assessing the property.

List takers to give notice to tax payers.

To attend at two or more places in township to list property, &c.

SEC. 6. The board of list takers and assessors shall make return of their assessments to the board of county commissioners on or before the first Monday in July, and annex the following affidavit subscribed and sworn to before a justice of the peace who shall certify the same:

Returns of assessments to be made on or before first Monday in July.

“ We, the list takers and the assessors of township of county, make oath that the foregoing list contains to the best of our knowledge and belief all the real and personal property required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real and personal property at

Affidavit.

its true value in money, and have endeavored to do equal justice to the public and to the tax payers concerned.”

County board of equalization.

SEC. 7. The chairman of the board of list takers and assessors of the several townships shall compose a board of equalization for the county and shall meet on the first Monday in July. The chairman of the board of county commissioners shall be chairman of said board of equalization, and shall lay before the board of equalization the returns of the list takers and assessors. Said board shall equalize the valuations so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules :

Chairman.

Board to equalize valuations.

Increase of valuation.

1st. They shall raise the valuation of such tracts or lots of real property or article of personal property as in their opinion have been returned below their true value to such price or sum as they may believe to be the true value thereof.

Reduction of valuation.

2nd. They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value as compared with the average valuation of real or personal property of such county. In regard to real property they shall have due regard to the relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot.

Real property.

Aggregate value.

3rd. They shall not reduce the aggregate value of the real or personal property of the county below the aggregate value thereof, as returned by the assessors.

Compensation of list takers.

SEC. 8. The board of county commissioners shall allow each list taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall

Compensation of board of equalization.

deem just and proper, and in addition thereto, mileage at the rate of five cents for each mile necessarily traveled in attending the meeting of the board of equalization. The per diem and mileage allowed as provided in this section shall be paid by the county. How paid.

SEC. 9. The board of county commissioners shall annually at their April session, except in the year when there shall be an assessment of property, appoint one 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 such compensation for their services as the board shall deem just and proper for the number of days actually employed or engaged, to be paid by the county. List takers in years where there is no assessment. Compensation.

SEC. 10. Each township list taker appointed under the authority of the preceding section, shall advertise in five or more public places within the township, immediately after his appointment, notifying all tax payers to return to him all the real and personal property which each tax payer shall own on the first day of June, and said returns shall be made to the list taker during the month of June under the pains and penalties prescribed by law. Each list taker shall attend at two or more places in each township for the purpose of taking a list of property for taxation. List taker to give notice to tax payers. To attend at two or more places, &c.

SEC. 11. Every person required to list property shall make out and deliver to the 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, and the value of improvements on real estate since the same was assessed, 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 verified statement of taxable property.

When and by whom list to be given in.

Agents.

Property of corporation, by whom listed.

Real property, farming stock, &c., where listed.

Separate entries when ownership of fee is in one and of mineral rights in another.

Other property, where listed.

Residence of corporation, &c.

Bank stock.

SEC. 12. The list shall be given in by the person charged or his agent, during the month of 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. 13. All real property and all stock, 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. Where the fee of the soil of any track, 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 interest respectively.

SEC. 14. All other personal property whatever, including money, 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 shares of capital stock and other 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. Persons owning shares in banks and other incorporated companies taxable by law are not required to

deliver to the list taker a list thereof, but the president or other chief officer of such corporation shall deliver to the list taker a list of all shares of stock held therein and the value thereof. The tax assessed on shares of stock embraced in said list shall be paid by the corporations respectively.

SEC. 15. 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.

Tax payer to list property on oath.

Form of oath.

Perjury.

Trust property, &c., to be returned on separate list.

SEC. 16. The list shall state all the property of the person giving in, and also the age of the party with reference to his liability to a poll tax, and shall refer to the first day of June in that year:

What tax list shall state.

(1). The quantity of land owned in the township; the land shall be described by name if it has one, otherwise in such way that it may be identified.

Land.

(2). The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof.

Live stock.

(3). Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire arms, libraries and

Farming utensils, furniture, &c.

scientific instruments without specifying the articles, at the true value thereof.

Money on hand. (4). Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever.

Solvent credits. (5). The amount of solvent credits, including accrued interest uncollected owing to the party, whether in or out of the state, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, or whether owing by any state or government, county, city, town or township, individual, company or corporation; any certificate of deposit in any bank whether in or out of the state, and the value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the state, shall be deemed solvent credits within the meaning of this act. If any credit be 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.

Deductions. (6). Money, investments, credits and stocks mentioned in section fourteen of this act.

Investments, stocks, &c.
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 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. 17. 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 person on oath, &c.

Commissioners to consult state treasurer as to doubtful questions.

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. Every list taker and chairman of the board of county commissioners shall have power to send for persons and papers, and to examine witnesses and to administer oaths.

Refusal of taxpayer to answer questions a misdemeanor.

Duty of list taker to prosecute.

Authorized to send for persons and papers.

SEC. 19. Each list taker shall correct any parcel of real property on which any structure of over one hundred dollars in value may have been erected, or on which any structure of the like value shall have been destroyed, agreeably to the return made in accordance with the provisions of this act.

List taker to correct real estate on which buildings have been erected or destroyed.

SEC. 20. 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

Franchise of railroads, &c.

How assessed.

Tax, how collected.	<p>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 <i>prima facie</i> 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. 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.</p>
Valuation, how fixed.	
Duty of assessors, on failure of officer of company to return valuation, &c.	
Exemptions.	<p>SEC. 21. The property mentioned in this section shall be exempt from taxation, to-wit:</p>
Public property.	<p>(1). That belonging to the United States or this state, or to any county or incorporated town and used for public purposes.</p>
University, colleges, benevolent societies, schools, churches, &c.	<p>(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:</p>
Proviso.	<p><i>Provided</i>, that any such property is used exclusively for religious, charitable or educational purposes.</p>

(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.

Grave yards.

(4.) Twenty five dollars of personal property of each individual tax payer.

Twenty-five dollars of personal property.

SEC. 22. 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 list takers and assessors 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.

Auditor to provide forms, &c.

How often furnished.

SEC. 23. 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 takers to return tax list to clerk of commissioners before first Monday in July and a list of property and polls not given in.

Returns open to inspection.

SEC. 24. 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

Oath of list taker.

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.

Perjury.

Commissioners
to revise tax list
after notice.

SEC. 25. 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.

Tax payer may list before commissioners.

Increase of tax.

SEC. 26. 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 of 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 the sheriff with the overcharge in his settlement for that year.

Complaints of over valuation or excessive taxation.

SEC. 27. 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

Application for relief after settlement of sheriff.

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. 28. The chairman of the board of county commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in with the name of the persons supposed to be liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of county commissioners on or before the first Monday in October, and all persons who are liable for a poll tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed before the list taker or the board of commissioners, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not more than thirty days. The list taker shall report to the chairman of the board of county commissioners any changes he may make to the tax list as to real estate as provided in this section, and the chairman shall note such changes in a book to be kept for that purpose.

Misdemeanor.

Duty of list taker.

Unlisted land.

SEC. 29. 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

Back taxes.

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. Assessment.

SEC. 30. 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; and also in separate columns the total amount of school poll tax levied by the general assembly and county authorities due by each tax payer. One of said copies shall remain in the office of the clerk of the commissioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year and he shall receipt for the same: *Provided*, that the copy prepared for the sheriff shall only contain the names of tax payers arranged alphabetically by townships, the amount of state, school and county taxes and the total tax of each tax payer. 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: Copies of revised tax list, how distributed.
Auditor to prepare form.
Copy delivered to sheriff.

“STATE OF NORTH CAROLINA,.....COUNTY, Order of collection to sheriff.
OFFICE BOARD OF COMMISSIONERS, County. Form of order.

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 on
real estate.

SEC. 31. The taxes assessed on real property shall be a lien thereon from and including the first day of June in the year in which they are levied until the same are paid.

Lien of taxes on
personal prop-
erty.

SEC. 32. The taxes assessed upon personal property shall be a lien upon the personal property of the person assessed from and after the time of actual levy by the sheriff or collector.

Lien in favor of
agent, &c., pay-
ing tax.

SEC. 33. When property is assessed to any person as agent for another, or in a representative capacity, such person shall have a lien upon such property or any property of his principal in his possession until he is indemnified against the payment thereof, or if he has paid the tax until he is reimbursed for such payment.

Abstract of tax
list to be return-
ed to auditor by
clerk of commis-
sioners on or be-
fore first Monday
in November.

SEC. 34. The clerk of the commissioners on or before the first Monday in November, after the lists are completed by the commissioners and deposited with him, shall return to the auditor an abstract of the same showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount of state and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars' value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Penalty for de-
fault of clerk to
perform duties.

SEC. 35. 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 one hundred and twenty-three 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 one hundred and twenty-seven of this act. The register of deeds shall transmit to the auditor annually a copy of the bond of the clerk of the superior court.

Duty of auditor.

Duty of superior court clerk.

Duty of register.

SEC. 36. 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.

How valuation of land apportioned in case of division.

Proviso.

SEC. 37. 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 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

Taxes, when due.

Sheriff to give receipt, when paid.

- Misdemeanor. 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, and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. 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 receipts 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.
- Proviso.
- Sheriff to produce receipts for previous year before receiving tax list.
- On failure tax collector to be appointed.
- Oath of deputy sheriffs.
- Misdemeanor.
- When and where sheriff to attend for collection of taxes.
- Notice.
- Proviso.
- SEC. 38. 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. No costs shall accrue or fees collected by sheriffs or tax collectors, except in case of advertisement or levying and selling property, under penalty of removal from office of any sheriff or tax collector for collecting such costs or fees, except in case of actual levy and sale.

SEC. 39. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows:

How sheriff to collect.

(1). If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same as he is required to sell other property under execution, and his fees for such levy or sale shall be the same as on other executions

Sale of personal property.

(2). And no taxes due from insolvents 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.

Insolvent taxes, when and how allowed sheriff.

SEC. 40. Every bank (not incorporated), banker, broker or stock-jobber, shall at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing: First, the amount of property on hand or in transit; second, the

Banks, brokers, &c., to furnish sworn statement.

What statement to show.

amount of funds in the hands of other banks, bankers, brokers or others subject to draft; third, the amount of checks, or other cash items, the amount thereof not being included in either of the preceding items; fourth, the amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable, and interest accrued but not due and interest due and unpaid; fifth, the amount of bonds and stocks of every kind, state and county warrants, and other municipal securities, and shares of capital stock of joint-stock or other companies or corporations, held as an investment, or any way representing assets; sixth, all other property appertaining to said business other than real estate (which real estate shall be listed and assessed as other real estate is listed and assessed under this act); seventh, the amount of deposits made with them by other parties; eighth, the amount of all accounts payable, other than current deposit accounts; ninth, the amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

How listed.

Pawnbrokers to return value of property pledged, &c.

SEC. 41. Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawner or pledger, shall be held to be a pawnbroker, and shall at the time required by this chapter return under oath the value of all property pledged and held by him as a

pawnbroker, on hand on the first day of June annually, and taxes shall be charged upon the fair cash value of such property to such pawnbroker the same as other property.

LISTING PROPERTY OF CORPORATIONS.

SEC. 42. Bridge, express, ferry, gas, manufacturing, mining, savings' bank, stage, steamboat, street railroad, transportation and all other companies and associations incorporated under the laws of this state, except insurance companies, shall in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly: first, the name and location of the company or association; second, the amount of capital stock authorized and the number of shares into which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market value, or if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property (which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this chapter). The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder if any shall be listed by the list taker in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement from the best information which he can obtain.

Corporations to furnish statement of capital stock.

What statement to show.

How listed.

Duty of list taker.

STATE AND NATIONAL BANKS.

SEC. 43. The stockholders in every bank located within this state, whether such bank has been organized under the laws of this state or of the United States, shall be assessed and taxed on the value of the shares of stock therein in the county, town, precinct, village or city where

Stockholders in banks, where taxed.

such bank or banking association is located and not elsewhere, whether such stockholders reside in such place or not. Such shares shall be listed in the name of the corporation, as heretofore directed in section forty-two (except that the portion of shares of stock in national banks held by non-residents shall not be deducted) and assessed with regard to the value thereof on the first day of June annually, subject, however, to the restriction that taxation of such shares shall not be at a greater rate than is assessed upon any other moneyed capital in the hands of individual citizens of this state in the county, town, precinct, village or city where such bank is located.

RAILROADS.

Board of appraisers for railroads. SEC. 44. The chairman of the board of county commissioners of the several counties in this state in which any railroad company now has or hereafter may have its track and roadway, or any part thereof, shall constitute a board of appraisers and assessors for such railroad company; any railroad company having its road or any part thereof in one county only, the board of county commissioners of such county shall constitute such board. And in case the person appointed from any county cannot attend he shall select some competent citizen of his county to attend such meeting.

President of board. SEC. 45. The chairman of the board of county commissioners of the county containing the town or city having the largest population on the line of the railroad shall be president of said board, whose duty it shall be to appoint the time and place for the meeting of such board, and notify other members at least five days before the time appointed for such meeting. In the absence or inability of the president the board shall appoint one of its members president *pro tempore*. In all meetings of any such board a majority shall constitute a quorum, and decide all questions submitted. Each board shall appoint a secretary, and full minutes of its proceedings shall be kept.

Duties.

President *pro tem*.

Quorum.

Secretary.

SEC. 46. The president, secretary, superintendent, or other principal accounting officers within this state, of every railroad company, whether incorporated by any law of this state or not, when any portion of the property of said railroad company is situated in more than one county, shall list and return to the board above provided for, for assessment and taxation, verified by the oath or affirmation of the person so listing, all the following described property belonging to such corporation on the first day of June of the year in which the assessment is made within this state, viz: The number of miles of such railroad line in each county in this state, and the total number of miles in the state, including the road bed, right of way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, rolling stock and personal property necessary for the construction, repairs, or successful operation of such railroad lines: *Provided, however,* that all machine and repair shops, general office buildings, storehouses, and also all real and personal property, outside of said right of way and depot grounds as aforesaid, of and belonging to any such railroad and telegraph companies, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list takers of the county where said real or personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property.

President or other officer to make returns to board, when any portion of property is situated in more than one county.

What property to be listed.

What property to be listed with county list takers.

SEC. 47. The movable property belonging to a railroad company shall be denominated for the purpose of taxation "rolling stock." Every person, company or corporation, owning, constructing or operating a railroad in this state shall in the month of June annually return a list or schedule to the board above provided for, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining

Rolling stock, when and how listed.

cars, express cars, baggage cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars and all other kinds of cars and the value thereof.

Schedule.

And a statement or schedule as follows: first, the amount of capital stock authorized and the number of shares into which such capital stock is divided; second, the amount of capital stock paid up; third, the market value or if no market value then the actual value of the shares of stock; fourth, the length of line operated in each county and the total in the state; fifth, the total assessed valuation of all its tangible property in this state. Such schedules shall be made in conformity to such instructions and forms as may be prescribed by the auditor of state and with reference to amounts and values on the first day of June of the year for which the return is made.

Instructions and forms to be provided by auditor.

Method of valuation by board.

SEC. 48. The said board shall first determine the value of railroad track, as defined in section forty-six, and then the value of rolling stock. The aggregate value of the capital stock shall then be determined, from which shall be deducted the total assessed value of all real and personal property, "railroad track" and "rolling stock," and the proportion of such stock after such deductions held by non-residents or by said company as a sinking-fund to meet its indebtedness. The aggregate value of "railroad track," "rolling stock" and "shares of capital stock" as thus determined, shall be apportioned in the same proportion that the length of such road in each county bears to the entire length thereof, and the board shall certify to the chairman of county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town, and the board shall make and forward a like certificate, together with all the reports of the various railroad officers and other papers and evidence which formed the basis of their valuation to the auditor of the state. All taxes

Duty of board.

Taxes, how paid.

due the state from any railroad company except [the

tax imposed for school purposes shall be paid by the treasurer of each company directly to the state treasurer within thirty days after the first of July in each year, and upon failure to pay the state treasurer as aforesaid he shall institute an action to enforce the same in the county of Wake or any county in which such railroad is located. The board of county commissioners of each county through which such railroad passes shall assess against the same only the tax imposed by the state for school purposes and those imposed for county purposes.

Assessment by county commissioners.

SEC. 49. When any railroad has part of its road in this state and part thereof in any other state the proper board shall ascertain the value of railroad track, rolling stock and shares of capital stock of such company and divide it in the proportion the length of such road in this state bears to the whole length of such road, and determine the value of such railroad track, rolling stock and shares of capital stock in this state accordingly.

Railroad partly in this state and partly in another state, how assessed, &c.

SEC. 50. Any railroad company claiming exemption from taxation under this act by reason of any contract with the state, shall, together with and in addition to the return required by the last section, make a further return specifying the act or acts of the general assembly by which such contract is claimed to have been created, and also specifying what portion of the property of said railroad company is claimed to be exempt from taxation under this act, and the particulars as to character, location and value of property, if any, admitted to be liable under this act. Such return shall be in no manner conclusive as to any of the facts therein stated, but said board shall investigate and determine whether any, and if any what portion of the property of such company is beyond the power of the state to tax under this act; the residue of said property after deduction of that which is exempt shall be taxed pursuant to the provisions of this act.

Railroads claiming exemption from taxation, to make returns, &c.

Duty of board.

SEC. 51. If the property of any railroad company be leased or operated by any other corporation, foreign or

Leased roads, how assessed.

domestic, the property of the lessor, or company whose property is operated, shall be subject to taxation in the manner hereinbefore directed, and if the lessee, or operating company, being a foreign corporation, be the owner or possessor of any property in this state other than that which it derives from the lessor or company whose property is operated, it shall be assessed in respect of such property in like manner as any domestic railroad company.

Officer failing to attend before board, &c., guilty of misdemeanor.

SEC. 52. Any president, secretary, receiver or accounting officer, servant or agent of any railroad company having any portion of its roadway in this state, who shall refuse to attend before the proper board of appraisers or assessors when required to do so, or refuse to submit to the inspection of said board any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said board or its order touching the business, property, moneys and credits, and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days and be fined in any sum not exceeding five hundred dollars and cost; and any president, secretary, receiver, accounting officer, servant or agent as aforesaid so refusing as aforesaid, shall be deemed guilty of contempt of such board, and may be confined by order of said board in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Penalty.

Contempt.

Penalty.

Canal company, how assessed.

SEC. 53. The value of the shares of capital stock of any canal company in this state over and above the value of its real and personal property shall be assessed as above provided for railroads; and the real and personal property as other property in this state is assessed. In case any officer fails to return the property as provided in this section the board of assessors shall ascertain the length

On failure of officer to make returns, board to assess, &c.

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.

SEC. 54. Whenever any sheriff or tax collector shall be credited on settlement with any tax or taxes by him returned as 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 post insolvent list at court house door.

Publication in newspaper.

Misdemeanor.

SALE OF REAL ESTATE.

SEC. 55. On the first Monday of February in each year between the hours of nine o'clock A. M. and four P. M. the sheriff or tax collector is directed to offer at public sale at the court house or place of holding court in his county all lands on which the taxes levied for state, county, township, village, city, school district or any other purpose for the previous year still remain unpaid, and he may adjourn the sale from day to day until the lands and lots, or blocks, have been offered, and the sheriff shall give notice of such sale of real property by publication thereof once a week for four consecutive weeks, commencing the first week in January preceding the sale, in a newspaper in his county having a general circulation therein, which newspaper shall be designated by the board of county commissioners; and if there be no newspaper published in his county, he shall give notice of such sale by a written or printed notice posted on the

Sale of real estate by sheriff for taxes.

Notice of sale.

door of the court-house or building in which the courts are commonly held, for four weeks previous to the sale, commencing on the first week in January prior thereto. The notice shall contain a notification that all lands on which the taxes of the preceding year, naming it, remain unpaid will be sold, and the time and place of the sale, and said notice must contain a list of the lands to be sold and the amount of taxes due thereon. The sheriff shall add to each description of land so advertised the sum of twenty cents other than town lots, and for each town lot the sum of ten cents, to defray the expenses of advertising, which sums shall be added to the amount due on said land or town lot for taxes and collected in the same manner as the taxes. And all delinquent taxes in any city or town where the tax payers own real estate in the county shall be certified by the mayor of such city or town from the tax list to the sheriff on or before the first day of January in each year.

What notice to contain.

Expenses of advertisement.

Delinquent taxes in city or town to be certified to sheriff by mayor.

Purchaser to pay taxes and costs forthwith.

SEC. 56. The person purchasing any parcel or portion thereof shall forthwith pay to the sheriff the amount of taxes and costs charged thereon, and on failure to do so the said parcel shall at once again be offered as if no such sale had been made.

Sheriff to keep sale book

SEC. 57. The sheriff shall keep a sale book showing the land sold, the name of the purchaser, and the sums for which each tract was sold, and on or before the first Monday of March following the sale of real property, he shall file in the office of the clerk of the board of county commissioners a return thereof as the same shall appear on said sale book; and such certificate shall be evidence of the regularity of the proceedings.

To file returns with clerk of commissioners.

Sheriff authorized to sell at private sale real estate remaining unsold for want of bidders.

SEC. 58. After the tax sale shall have been closed, and after the sheriff has made his return thereof to the clerk of the board of county commissioners as provided in the preceding section, if any real estate remain unsold for the want of bidders therefor, the sheriff is authorized and required to sell the same at private sale at his office to

any person who will pay the amount of the taxes, penalty and cost thereof for the same, and to make out duplicate receipts for the taxes on such real estate and deliver one to the purchaser and the other to the clerk as hereinbefore provided, (with the additional statement inserted in the certificate of sale that such lands have been offered at public sale for taxes, but not sold for want of bidders), on which he is required to write "sold for taxes at private sale;" and the sheriff is further authorized and required to sell as aforesaid all real estate in his county on which taxes remain unpaid and delinquent for any previous year or years.

Duty of sheriff.

Sale for taxes of previous years.

SEC. 59. If any sheriff shall fail to attend any sale of lands as required by this act, either in person or by competent deputy, he shall be guilty of a misdemeanor and liable to a penalty of three hundred dollars, to be recovered by an action in the superior court against the sheriff and his bondsmen. And if such officer or deputy shall sell or assist in selling any real property, knowing the same to be not subject to taxation, or that the taxes for which the same is sold have been paid, or shall knowingly and wilfully sell or assist in selling any real property for payment of taxes to defraud the owner of such real property, or shall knowingly or wilfully execute a deed for property so sold, he shall be liable to a fine of not less than one thousand nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment, and to pay the injured party all damages sustained by any such wrongful act, and all such sales shall be void.

Sheriff failing to attend sale guilty of misdemeanor.

Penalty.

Penalty for selling real estate not subject to taxation, &c.

Damages.

Sales void.

SEC. 60. If any sheriff shall hereafter be either directly or indirectly concerned in the purchase of any real property sold for the payment of taxes he shall be liable to a penalty of not more than one thousand dollars, to be recovered in an action in the superior court brought in the name of the county against such sheriff and his bondsmen, and all such sales shall be void.

Penalty for sheriff being interested in purchase of real estate sold for taxes.

Sales void.

How tax on personal property charged against real estate.

SEC. 61. When it becomes necessary to charge the tax on personal property against real property, the sheriff or collector shall select for that purpose some particular tracts or lots of real property owned by the person owing such personal property tax; and in his advertisement for sale shall designate the particular tract or lots of real property against which sum personal property tax is charged.

Advertisement.

Purchaser entitled to certificate.

SEC. 62. The purchaser of any tract of land sold by the sheriff for taxes will be entitled to a certificate in writing, describing the land so purchased, the sum paid and the time when the purchaser will be entitled to a deed, which certificate shall be signed by the sheriff in his official capacity, and shall be presumptive evidence of the regularity of all prior proceedings. The purchaser acquires a perpetual lien of the tax on the land, and if after the taxes become delinquent he subsequently pays any taxes levied on the same, whether levied for any year or years previous or subsequent to such sale, he shall have the same lien for them and may add them to the amount paid by him in the purchase, and the treasurer of the county shall make out a tax receipt and duplicate for the taxes on the real estate mentioned in such certificate, the same as in other cases, and shall write thereon "sold for tax at public sale," or "sold for tax at private sale," as the case may be. If any person shall become the purchaser of more than one parcel of property, he may have the whole included in one certificate, but each parcel shall be separately described, and the amount paid may be entered in gross in said certificate. Such certificate shall be substantially in the following form, to-wit:

Presumptive evidence.

Lien on land.

Tax receipt.

Purchase of more than one parcel of land.

CERTIFICATE OF TAX SALE.

STATE OF NORTH CAROLINA, County, ss:

Form of certificate.

I, , sheriff of the county of , in the state of North Carolina, do hereby certify that the following described real estate in said county and state, to-wit: (describing the same) was on the day of , 18....., duly sold by me in the manner provided by law for the delinquent taxes for the year 18..... thereon, amounting to dollars, including interest and penalty thereon, and the costs allowed by law to for the said sum of dollars, he being the highest and best bidder for the same; (or such lands having been offered at public sale for taxes and not sold for want of bidders). And I further certify that unless redemption is made of said real estate in the manner provided by law, the said , heirs or assigns, will be entitled to a deed therefor on and after the day of , A. D. 18..... , on surrender of this certificate.

In witness whereof, I have hereunto set my hand, this day of , A. D 18

..... , Sheriff.

SEC. 63. The certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee or his legal representative all the right and title of the original purchaser; and the statement in the sheriff's deed of the fact of the assignment shall be presumptive evidence of such assignment.

Certificate assignable.

Presumptive evidence.

SEC. 64. The sheriff is authorized to demand fifty cents for each deed or certificate made by him on such sale, together with his other fees, but any number of parcels of land bought by any one person may be included in one deed as may be desired by the purchaser, and whenever the sheriff makes a deed to any land sold for taxes he shall enter an account thereof in the sale book opposite the description of the land conveyed.

Sheriff's fees.

Sheriff to make memorandum of deed in sale book.

REDEMPTION.

Redemption of
land sold for
taxes.

SEC. 65. The owner or occupant of any land sold for taxes, or any person having a lien or interest thereon, may redeem the same at any time within one year after the day of such sale by paying the sheriff for the use of such purchaser, his heirs or assigns, the sum mentioned in his certificate, with interest thereon at the rate of twenty per centum per annum from the date of purchase, together with all other taxes subsequently paid, whether for any year or years previous or subsequent to said sale, and interest thereon at the same rate from the date of such payment; and the sheriff shall enter a memorandum of the redemption in the list of sales, and give a receipt therefor to the person redeeming the same, for which he may charge a fee of twenty-five cents, and shall hold the redemption money paid subject to the order of the purchaser, his agent or attorney: *Provided*, that infants, idiots and insane persons may redeem any land belonging to them from such sale within one year (after the expiration of such disability, on like terms as if redemption had been made within one year) from the date of said sale and from the date of each subsequent payment of taxes thereon at the rate of twenty per centum per annum on the several amounts so paid by the purchaser until redemption. Any redemption made shall insure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefited.

Duty of sheriff.

Redemption of
land of infants,
&c.

To whose benefit
redemption shall
inure.

Effect of second
sale of real estate
for taxes.

SEC. 66. If any purchaser of real estate sold for taxes under the provisions of this act shall suffer the same to be again sold for taxes before the expiration of the last day of the annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of such sale, during which time the land shall be subject to redemption upon

the terms and conditions prescribed in this chapter; but the person redeeming shall be only required to pay for the use of such first purchaser the amount paid by him, with interest at the rate of ten per centum per annum. The second purchaser shall be entitled to the amount paid by him, with interest as provided in the preceding section, and unless paid by the first purchaser he shall forfeit his right to a deed for said land.

SEC. 67. Any person claiming an undivided part of any land sold for taxes may redeem the same on paying such proportion of the purchase money, interest, principal and subsequent taxes as he shall claim of the land sold.

Partial redemption by person claiming an undivided interest.

SEC. 68. In every case of a partial redemption pursuant to the last section, the quantity sold shall be reduced in proportion to the amount paid on such partial redemption, and the sheriff shall convey accordingly.

Effect of partial redemption.

NOTICE TO OWNER.

SEC. 69. Hereafter no purchaser or assignee of such purchaser of any land, town or city lot at any sale of lands or lots for taxes or special assessments due either to the state or any county or any incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or lots so purchased until the following conditions have been complied with, to-wit: such purchaser or assignee shall serve or cause to be served a written or printed, or partly written and partly printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, and also the person in whose name the same was taxed or specially assessed, if upon diligent inquiry he can be found in the county, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, in whose name taxed,

Conditions upon which purchaser may obtain deed.

Notice to be given.

What notice to contain.

the description of the land or lot he has purchased, for what year taxed or specially assessed, and when the time of redemption will expire. If no person is in actual possession or occupancy of such land or lot, and the person in whose name the same was taxed or specially assessed upon diligent inquiry cannot be found in the county, then such person or his assignee shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in the county then in the nearest newspaper that is published in this state or to the county seat of the county in which such land or lot is situated, which notice shall be inserted three times, the first time not more than five months and the last time not less than three months before the time of redemption shall expire.

When and how notice to be published.

Affidavit to be made by purchaser and recorded, &c.

Prima facie evidence.

Perjury.

Register's fee.

Person redeeming to pay for publication of notice.

Fee.

SEC. 70. Every such purchaser or assignee by himself or agent shall before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the foregoing section, stating particularly the facts relied on as such compliance, which affidavit shall be presented to the person authorized by law to execute such tax deed, to be by such officer delivered to the register of deeds and entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. The register shall be entitled to the same fee therefor as allowed by law for recording deeds.

SEC. 71 In case any person shall be compelled to publish such notice in a newspaper, then, before any person who may have a right to redeem such land or lots from such sale shall be permitted to redeem, he shall pay the officer or person who by law is authorized to receive such redemption money, the amount paid for printer's fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid. The fee for

such publication shall not exceed one dollar for each tract or lot contained in such notice.

SEC. 72. At any time within one year after the expiration of one year from the date of sale of any real estate for taxes or special assessments, if the same shall not have been redeemed, the sheriff, on request, and on the production of the certificate of purchase, and upon compliance with the three preceding sections, shall execute and deliver to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate; and in case of the loss of any certificate, on being fully satisfied thereof by due proof the sheriff may execute and deliver the proper conveyance.

When sheriff to execute deed.

TAX DEED AND RIGHTS OF PURCHASERS.

SEC. 73. The deed so made by the sheriff shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns, the title of the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form:

Registration and effect of deed.

STATE OF NORTH CAROLINA, county.

Whereas, at a public sale of real estate for the non-payment of taxes, made in the county aforesaid, on the day of, Anno Domini 18..., the following described real estate was sold, to-wit: (here place description of real estate conveyed); and whereas, the same not having been redeemed of real estate conveyed; and whereas, the same not having been redeemed from such sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of North Carolina necessary to entitle (insert him, her or them) to a deed of said real estate:

Form of deed.

Now therefore, know ye, that I,, sheriff of said

county of, in consideration of the premises and by virtue of the statutes of North Carolina in such cases provided, do hereby grant and convey unto, his heirs and assigns forever, the said real estate hereinbefore described, subject however to any redemption provided by law.

Given under my hand and seal this day of, Anno Domini 18...

..... sheriff, [seal.]

Deed to be presumptive evidence of certain facts.

SEC. 74. Deeds made by the sheriff as aforesaid shall be presumptive evidence in all courts of this state in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the land thereby conveyed of the following facts: (1). That the real property conveyed was subject to taxation for the year or years stated in the deed. (2) That the taxes were not paid at any time before the sale. (3). That the real property conveyed had not been redeemed from the sale at the date of the deed. (4). That the property had been listed and assessed. (5). That the taxes were levied according to law. (6). That the property was sold for taxes as stated in the deed. (7). That notice had been served and due publication had, as required in section sixty-nine of this act, before the time of redemption had expired. And it shall be conclusive evidence of the following facts: (1). That the manner in which the listing, assessment, levy and sale were conducted was in all respects as the law directed. (2). That the grantee named in the deed was the purchaser or his assignee. (3). That all the prerequisites of the law were complied with by all the officers who had, or whose duty it was to have had, any part or action in any transaction relating to or affecting the title conveyed, or purporting to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive, and that all things whatsoever required by law to make a good and valid

sale and to vest the title in the purchaser were done, except in regard to the points named in this section, wherein the deed shall be presumptive evidence only.

And in all controversies and suits involving the title to real property claimed and held under and by virtue of a deed made substantially as aforesaid by the sheriff, the person claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the said real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of this act, and that such redemption was had or made for the use and benefit of persons having the right of redemption under the laws of this state, or that there had been an entire omission to list or assess the property, or to levy the taxes, or to sell the property; but no person shall be permitted to question the title acquired by a sheriff's deed without first showing that he, or the person under whom he claims title, had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person, or the person under whom he claims title as aforesaid:

In controversies concerning title, what person claiming adversely required to prove.

Provided, that in any case where a person had paid his taxes, and through mistake in the entry made in the sheriff's books or in the receipts, the land upon which the taxes were paid was afterwards sold, the sheriff's deed shall not convey the title: *Provided further*, that in all cases where the owner of lands sold for taxes shall resist the validity of such tax title, such owner may prove fraud committed by the officer selling the same or in the purchaser to defeat the same, and if fraud is so established such sale and title shall be void.

Required first to show title at time of sale.

Proviso.

Proviso.

SEC. 75. When by mistake or wrongful act of the sheriff or other officer, land has been sold on which no tax was due at the time, or whenever land is sold in consequence of error in describing such land in the tax

County to hold purchaser harmless in certain cases.

Liability of
sheriff, &c.

receipt, the county is to hold the purchaser harmless by paying him the amount of principal and costs paid, with eight per centum interest thereon, and the sheriff or other officer and their bondsmen will be liable to the county to the amount on their official bond; or the purchaser or his assignee may recover directly of the sheriff or other officer in an action brought to recover the same, in any court having jurisdiction of the amount, and judgment shall be against him and his bondsmen; but the sheriff or other officer and their bondsmen shall be liable only for their own and deputies' acts, and any amount so paid by the county for state taxes shall on proper certificate from the chairman of the board of county commissioners be allowed by the auditor and paid by the state treasurer.

County to have
credit for amount
paid to pur-
chaser.

Duty of sheriff
when land not
subject to taxa-
tion, &c., is sold.

SEC. 76. Whenever it shall be made to appear to the satisfaction of the sheriff, either before the execution of a deed for real property sold for taxes, or if the deed be returned by the purchaser, that any tract or lot was sold which was not subject to taxation, or upon which the taxes had been paid previous to the sale, he shall make an entry opposite such tract or lot on the record of sale that the same was erroneously sold, and such entry shall be evidence of the fact therein stated. And in such cases the purchase money shall be refunded to the purchaser as provided by this act.

Purchase money
refunded.

Action for recov-
ery of real estate
sold for taxes;
within what time
brought.

SEC. 77. No action for the recovery of real property sold for the non-payment of taxes shall lie unless the same be brought within three years after the sheriff's deed is made as above provided: *Provided*, that where the owner of such real property sold as aforesaid shall at the time of such sale be a minor or insane, or convict in the penitentiary, or under any other legal disability, three years after such disability shall be removed shall be allowed such person, his heirs or legal representatives to bring action.

Proviso.

Acts of officers
de facto.

SEC. 78. In all suits and controversies involving the question of title to real property held under and by vir-

tue of a sheriff's deed, all acts of assessors, sheriffs, clerks, supervisors, commissioners and other officers *de facto* shall be deemed and construed to be of the same validity as acts of officers *de jure*.

SEC. 79. No sale of real property for taxes shall be considered valid on account of the same having been charged in any other name than that of the rightful owner, if the said property be in other respects sufficiently described.

Sale not invalid if property charged in other name than that of owner, &c.

SEC. 80. The books and records belonging to the offices of the register or sheriff, or copies thereof properly certified, shall be deemed sufficient evidence to prove the sale of any real property for taxes, the redemption thereof, or the payment of taxes thereon.

Sale, &c., proved by records, &c.

IRREGULARITIES.

SEC. 81. Irregularities in making assessments, and in making the returns thereof in the equalization of property as now provided by law, shall not invalidate the sale of any real estate when sold by the sheriff for delinquent taxes due thereon, nor in any manner invalidate the tax levied on any property or charged against any person.

Sale, &c., not invalidated by irregularities in assessments, &c.

SEC. 82. The following defects, omissions and circumstances occurring in the assessment of any property for taxation, or in the levy of taxes, or elsewhere in the course of the proceeding from and including the assessment and to and including the execution and delivery of the deed of property sold for taxes, shall be taken and deemed to be mere irregularities within the meaning of the preceding section. The failure of the assessor to take or subscribe an oath or attach one to any assessment roll; the omission of a dollar-mark or other designation descriptive of the value of figures used to denote an amount assessed, levied, or charged against any property, or the valuation of any property, upon any record; the failure to make or serve any notice mentioned in this act, except the notice mentioned in section sixty-nine of this

Certain defects, omissions, &c., to be deemed mere irregularities.

act; the failure or neglect of the sheriff to offer any real estate for sale for delinquent taxes thereon at the time provided by law, provided the same be not sold sooner than is provided by this act, and the failure of the sheriff to adjourn such sale from time to time as required by law, or any irregularity or informality in such adjournment; the failure of the sheriff to offer any real estate for sale at public sale, which may afterward be sold at private tax sale, and any irregularity or informality in the manner or order in which real estate may be offered for sale at public sale; the failure to assess any property for taxation, or to levy any tax within the time provided by law, and any irregularity, informality, or omission in any such assessment or levy; any defect in the description upon any assessment book, tax collector's book or other record of any real or personal property assessed for taxation or upon which any taxes levied or which may be sold for taxes, provided such description be sufficiently definite to enable the sheriff, tax collector, or other officer, or any person interested, to determine what property is meant or intended by the description, and in such case a defective or indefinite description on the assessment or collector's book, or in any notice or advertisement may be made definite by the sheriff in the deed by which he may convey such property if sold for taxes, by conveying by a proper and definite description the property so defectively or indefinitely described; any other irregularity, informality or neglect or omission on the part of any officer or in any proceeding, whether mentioned in this section or not; the neglect or omission to tax or assess for taxation any other person or property; the over taxation of persons or property liable to be taxed, including in an assessment a tax for an illegal purpose.

DELINQUENT CORPORATIONS.

SEC. 83. That when any corporation doing business in this state shall fail or neglect to pay any tax assessed or

Corporations
failing to pay
taxes.

charged against it when the same shall become delinquent it shall be lawful for the sheriff to notify any agent or officer of said company in the county where such tax is delinquent that the same is delinquent and the amount due, and shall further notify such officer or agent to pay over all moneys that may be in his hands or that may afterwards come into his hands belonging to such corporation, not exceeding the amount of tax due to such sheriff, and if such agent or officer shall fail to pay over said moneys to the sheriff he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. And if any corporation shall be delinquent for taxes for six months after they become due its charter shall be forfeited and a receiver appointed by the clerk of the superior court to wind up the affairs of such corporation upon suit brought by the attorney general, if such corporation was chartered by the general assembly, and if by letters of incorporation issued from the clerk's office, upon an affidavit made by the sheriff that he cannot collect taxes due, the letters shall be revoked and publication made to that effect, the cost of which shall be paid by the county.

Sheriff to notify agent, &c., to pay over moneys in his hands, &c.

Failure to pay a misdemeanor.

Penalty.

Forfeiture of charter, &c.

INJUNCTION WHEN GRANTED AND SUIT TO RECOVER TAXES.

SEC. 84. No injunction shall be granted by any court or judge in this state to restrain the collection of any tax or any part thereof hereafter levied, nor to restrain the sale of any property for the non-payment of any such tax, except such tax or the part thereof enjoined be levied or assessed for an illegal or unauthorized purpose, nor shall any person be permitted to recover by claim and delivery or other process any property taken or distrained by the sheriff or any tax collector for the non-payment of any tax, except such tax be levied or assessed for an illegal or unauthorized purpose; but in every case the person or

Injunction to restrain collection of taxes, when granted.

When action of claim and delivery will lie against sheriff, &c.

Duty to pay tax claimed to be invalid and afterwards sue for same.

persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of his property is excessive or unequal, who shall pay the same to the tax collector or other proper authority in all respects as though the same was legal and valid, such person may at any time within thirty days after such payment demand the same in writing from the treasurer of the state, or of the county, city or town for the benefit or under the authority, or by the request of which the same was levied; and if the same shall not be refunded within ninety days thereafter, may sue such county, city or town for the amount so demanded, including in his suit against the county both state and county tax; and if upon the trial it shall be determined that such tax or any part thereof was levied or assessed for an illegal or unauthorized purpose, or was for any reason invalid or excessive, judgment shall be rendered therefor with interest, and the same shall be collected as in other cases, and the amount of state tax overpaid or declared invalid certified by the clerk and refunded by the state treasurer.

Duty of treasurer upon any demand for refunding taxes.

SEC. 85. When any demand to refund taxes paid is made upon any treasurer as provided in the preceding section, such treasurer shall transmit a copy of the same to the authorities authorized by law to audit and pay accounts against the state, county, city or town as the case may be, who shall pass upon the same as upon any other claim, but no claim for refunding such taxes shall be paid unless it appears to the satisfaction of such authorities that the same was levied for an illegal or unauthorized purpose, or that the same property has been twice assessed in the same year and taxes paid thereon, or that such property was not liable to taxation, or that said property was valued excessively or unequally.

When claim to be paid.

Counties, &c., not authorized to remit, &c., taxes.

SEC. 86. No county, city council or town commissioner shall have power to lease, discharge, remit or commute any portion of the taxes assessed and levied against any person or property within their respective jurisdictions,

for any reason whatever. And any taxes so discharged, released, remitted or commuted, may be recovered by civil action from the members of any such board, at the suit of any citizen of the county, city or town, as the case may be, and when collected shall be paid into the proper treasury. Nothing in this section contained shall be construed to prevent the proper authorities from refunding taxes paid as provided in the preceding section, nor to interfere with the powers of any officers or board sitting as a board for the equalization of taxes.

Action against board of commissioners, &c.

Exception.

TAXES STRICKEN FROM LIST.

SEC. 87. Whenever it shall appear from the return of the sheriff that any person charged with taxes on personalty has removed out of the county, or has deceased and left no property out of which the taxes can be made, or if from any other cause it be impossible to collect such taxes, it shall be the duty of the county commissioners to cause the same, after the expiration of two years, in which time the sheriff shall use due diligence to collect the same, to be stricken from the tax list, and the clerk of the board of county commissioners shall certify the amount due the state so stricken off to the auditor, who shall credit the county therewith for the taxes due the state, and upon his warrant the same shall be paid by the state treasurer.

Taxes on personal property, not collectible, stricken from tax list.

Credit to be given.

SHERIFF'S DUTIES.

SEC. 88. Each sheriff is required to keep a book called the "warrant book," in which he shall enter every state, county or other warrant or order by him paid or received in payment of taxes from any person, specifying the date at which the same was received and canceled, from whom received, the payee or person in whose favor it was drawn, its number and date, the amount for which it was drawn,

Sheriff to keep "warrant book," &c.

the sum for which it was received and the interest due thereon; and the sheriff shall keep his account of warrants and orders by him received for and on account of taxes, separate and distinct from such as are by him paid in cash.

Duty of sheriff in respect to county warrants paid by him.

SEC. 89. When the sheriff of any county shall pay any county warrant drawn on him by the board of county commissioners, or when he shall take or receive any such warrant in payment for any tax, he shall write on the face of such warrant "redeemed," and the date of redemption, and shall sign his name thereto.

Not lawful for city or town collector to discount county, &c., warrants.

SEC. 90. No city or town collector of taxes shall either directly or indirectly contract for or purchase any warrant or order, or orders, issued by the county or municipal corporation of which he is collector, at any discount whatever upon the sum due on such warrant or order or orders; and if any sheriff or collector of taxes shall so contract for or purchase any such order, or warrant, he shall not be allowed in settlement the amount of said order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action at the suit of proper authority for the use of the school fund of the county, or benefit of such municipal corporation.

Penalty against sheriff or tax collector discounting warrant.

FORECLOSURE.

Owner of certificate of tax sale authorized to bring action to foreclose, &c.

SEC. 91. The owner of any certificate or certificates of tax sale upon any tract of land or town lot shall be deemed to be the assignee and owner of all the liens for taxes of the state, county, city or town for which such tract or lot was sold, and may, instead of demanding a deed therefor as provided in this act, proceed by action at any time before the expiration of two years from the date of such certificate, to foreclose the same, and cause the tract or lot to be sold for the satisfaction thereof, and of all prior and subsequent taxes paid thereon in all

respects as far as practicable, in the same manner and with like effect as though the same were a mortgage executed to the owner of such certificate or certificates for the amount named therein, together with such subsequent and prior taxes paid thereon by the person having or owning the title to said land or lot adverse thereto. More than one certificate on the same property may be included in the same action, but each, together with prior and subsequent taxes paid thereon, shall be deemed and stated as a separate cause of action: *Provided*, that no action to foreclose any such lien shall be maintained unless the owner of any such certificate shall have served notice on the occupant or owner of the land mentioned therein, within the time and in the same manner as provided in section sixty-nine. Proviso.

SEC. 92. If the owner of any such certificate shall fail or neglect either to demand a deed thereon or to commence an action for the foreclosure of the same, as provided in the preceding section, within two years from the date thereof, the same shall cease to be valid or of any force whatever, either as against the person holding or owning the title adverse thereto, and all other persons, and as against the state, county and all other municipal subdivisions thereof. Certificate invalidated if owner fail to demand deed or bring action within two years.

SEC. 93. In any case in which the plaintiff shall recover in an action for the foreclosure of tax liens as provided in this act, he shall be entitled to interest on each amount paid by him and evidenced by his certificates of tax sale and receipts for taxes paid at the rate of twenty per centum per annum from the date of each payment until the rendition of the decree of foreclosure, which decree shall draw interest as in other cases. Interest.

DEFINITIONS.

SEC. 94. The words and phrases following, whenever used in this act, shall be construed to include in their Definitions.

meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act.

- “Banks,” &c. 1st. *Bank—Banker—Broker—Stock Jobber.*—Whoever has money employed in the business of dealing in coin, notes, or bills of exchange, or in any business of dealing in or buying or selling any kind of bill of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants, or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.
- “Collector.” 2d. *Collector—Collectors.*—County, town and deputy collectors, including sheriffs.
- “List taker,” &c. 3d. *List Takers and Assessors.*—Have all authority conferred upon list takers in this act.
- “Credits.” 4th. *Credits.*—Every claim or demand for money, labor, interest, or other valuable thing due or to become due, including money on deposit.
- “He.” 5th. *He.*—Male, female, company, corporation, firm, society, singular or plural number.
- “Real property,” &c. 6th. *Real Property—Real Estate—Land—Tract—Lot.*—Not only the land itself, whether laid out in town or city lots or otherwise, with all things contained therein, but also all buildings, structures and improvements, and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anywise pertaining thereto, except where the same may be otherwise denominated by this act.
- “Shares of stock,” &c. 7th. *Shares of Stock—Shares of Capital Stock.*—The shares into which the capital or stock of every incorporated company or association may be divided.
- “Tax,” &c. 8th. *Tax—Taxes.*—Any tax, special assessments or costs, interest or penalty imposed upon property.

MISTAKES IN ASSESSMENTS.

Correction of errors in assessment roll by county commissioners.

SEC. 95. If on the assessment roll there be an error in the name of the person assessed, or any taxable property

shall not be entered thereon, the name may be changed and the property entered on the list by the assessor after the roll shall be returned to the clerk of the board of county commissioners, such error may be corrected or the omission supplied by the county commissioners. The county commissioners, upon being satisfied of such error or omission, shall, at a regular meeting of the board, make an order requiring the person to be affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied, and his name and the property be entered on the tax list; such order shall be served upon the party, or posted upon the property thirty days before the day appointed therein for showing cause; if no cause, or no sufficient cause be shown to the contrary, the commissioners shall assess such property and order such error corrected or omission supplied, and the name of the person and description of the property entered on the tax list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time the taxes would if regularly assessed have become delinquent.

Notice to person affected.

When proceeding to correct error to be commenced.

PURCHASE AT TAX SALE BY MUNICIPAL OFFICERS.

SEC. 96. That at all tax sales provided for by law the county commissioners of the several counties of this state may purchase for the use and benefit, and in the name of their respective counties, any real estate therein advertised and offered for sale, when the same remains unsold for want of other bidders. The respective sheriffs shall issue certificates of purchase of the real estate sold in the name of the proper county. Such certificates shall remain in the custody of the sheriff, and at any time the county commissioners may assign such certificates of purchase to any person wishing to buy for the amount expressed on the face of the certificate and interest thereon

Commissioners authorized to purchase real estate sold for taxes for use of county, &c.

Certificate of purchase.

Assignment of certificate.

at the rate per centum which the taxes were drawing at the time of purchase, or for the total amount of all tax on such real estate. Such assignment may be made by the endorsement of the chairman of his name on the back of each certificate, and such endorsement shall be made when requested by the county commissioners.

When commissioners may sell and assign tax certificates, &c.

SEC. 97. Whenever the county commissioners of any county in this state have purchased any real estate in two successive years for delinquent taxes, or when there are three years or more of delinquent taxes due on any real estate, and the county commissioners have purchased the same for the delinquent taxes due thereon at a single sale, they may sell and assign the tax certificates issued upon such purchase for an amount not less than fifty per centum of the amount expressed in such certificates:

Lots in cities, &c.

Provided, that if such real estate shall consist of lot or lots in any city, town or village in this state, the taxes upon which have been delinquent for any three years and which so remain delinquent at the time of sale, the county commissioners may purchase such lot or lots at any time for the amount of such delinquent taxes without the interest and may sell and assign the tax certificate therefor for an amount not less than fifty per centum of the amount expressed in such certificate.

Mayors of cities, &c., authorized to purchase, &c.

SEC. 98. That in case such real estate be within the corporate limits of any city or town, the mayor shall have the same power and is authorized to purchase any real estate in such city or town in like manner as the county commissioners may purchase as specified in section ninety-six of this act; and the said mayor may assign such certificate of sale (to be issued to him by the sheriff on request) by the endorsement of his name on the back of each certificate when ordered to do so by the city council or town commissioners, but no such certificate shall be issued to the city or town by the sheriff when a certificate for the same tract or lot has been issued to the county commissioners.

Assignment of certificate.

Exception.

SEC. 99. Whenever real estate is purchased by county commissioners, or by the city or town, the sheriff of the county wherein the real estate is situated shall not be obliged to account to the state treasurer or to any person for the amount of taxes due, until the county commissioners or city or town authorities have sold the certificate or certificates of purchase of the real estate sold. And in all cases where such certificate or certificates of purchase of the real estate sold shall have been sold and assigned by the county commissioners for an amount not less than fifty per centum of the amount expressed in such certificates, and in all cases where real estate has been sold by the sheriff of a county at a minimum valuation, fixed thereon by the county commissioners in cases where the amount of taxes due exceeds the valuation of said real estate, and in all cases where the tax lien is foreclosed by the county commissioners the sheriff shall be required to account to the state treasurer, or any city treasurer or person, for the proportion only of the amount actually received due the state or otherwise, and the sheriff shall receive credit for the full amount of the taxes charged up by the state, or city or town against said real estate.

When and how sheriff required to account to state treasurer for taxes on real estate purchased by county commissioners, &c.

SEC. 100. Whenever there is more than one year's tax due upon city or town real estate, the certificate of purchase may be assigned by the mayor at not less than fifty per centum of the tax due, and when such certificate is assigned by the mayor, and not before, he shall pay to the sheriff the due proportion of the state and county tax, and for the amount of the corporation tax the sheriff or collector may receive the indebtedness of such city or town.

When and how mayor to assign certificate of purchase.

FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

SEC. 101. That in all cases whenever the county commissioners of any county in this state have purchased or

County commissioners authorized to bring suit for foreclosure.

shall hereafter purchase any real estate for taxes of any kind, delinquent for one year or more, and after the time of redemption from such sale has expired, they may in the name of their respective counties proceed by action at any time before the expiration of two years from the date of such sale, to foreclose such certificate or liens in the superior court of such county and to cause the tract or lot to be sold for the satisfaction thereof, and of all prior and subsequent taxes due thereon, in all respects as far as practicable in the same manner and with like effect as though the same were a mortgage executed by the owner or owners of such real estate to the owner and holder of such certificate or liens for the amount therein expressed, together with such subsequent and prior taxes due thereon, and that at such foreclosure sales such county commissioners may if they deem best purchase in the name of their respective counties such real estate.

May purchase at foreclosure sale.

Action to foreclose by assignee of tax certificate.

SEC. 102. That any assignee of such tax certificate or tax lien may foreclose the same in the same manner and with like effect as in cases where such county commissioners may, under the provisions of this act, proceed to foreclose the same, and any person whomsoever may purchase real estate at such foreclosure sale.

Notice to owner of land before action instituted to foreclose.

SEC. 103. That no action to foreclose such liens shall be maintained unless the owner of the land mentioned in such certificate, if a resident of the state or the county, shall be served with personal notice that such action will be commenced, at least three months before the expiration of the time of redemption on such sale, and if a non-resident of the state, by publication for four consecutive weeks, the first time not more than five months and the last time not less than three months before the time for redemption shall expire, and such notice shall contain the same matter which is provided by law shall be embodied in the notice required by statute to be given to the owner or occupant of lands in cases when tax deeds

What notice to contain.

shall be applied for by the purchaser or purchasers of such real estate at such tax sale.

FORECLOSURE OF TAX LIENS BY OWNERS OF CERTIFICATES.

SEC. 104. That any person, persons, or corporation, having by virtue of any provisions of the tax or revenue laws of this state, a lien upon any real property for taxes assessed thereon, may enforce such lien by an action in the nature of a foreclosure of a mortgage for the sale of so much real estate as may be necessary for that purpose and costs of suit.

Action to enforce lien on real estate for taxes by foreclosure.

SEC. 105. That any person, persons, or corporation, holding or possessing any certificate of purchase of any real estate at public or private tax sale, or any tax deed, shall be deemed entitled to foreclose such lien under the provisions of this act within any time not exceeding two years from the date of tax sale (not deed), upon which such lien is based: *And provided*, that the taking out of a tax deed shall in no wise interfere with the rights granted in this act.

Persons holding certificates of purchase entitled to foreclose, &c.

Proviso.

SEC. 106. All petitions for foreclosure or satisfaction of any such tax lien shall be filed in the superior court of the county where the lands are situated.

Petitions to foreclose, &c., when filed.

SEC. 107. Service of process in causes instituted under this act shall be the same as provided by law in similar causes in the superior courts, and where the owner of the land is not known the action may be brought against the land itself, but in such case the service must be as in the case of a non-resident; if the action is commenced against a person who disclaims the land the land itself may be substituted by order of court for the defendant, and the action continued for publication.

Service of process.

Action *in rem*.

SEC. 108. All sales of land under this act, by decree of court, shall be made by a sheriff or other person author-

Sales of land, how made.

ized by the court, in the county where the premises or some part of them are situated.

Execution and effect of deed.

SEC. 109. Deeds shall thereupon be executed by such sheriff or commissioner, which shall vest in the purchaser the same title that was vested in the defendant to the suit, at the time of the assessment of the tax or taxes against the same; and such deed shall be an entire bar against the defendant to such suit, and against all parties or heirs claiming under such defendants; and in case the land itself is made defendant in the suit the deed shall be an absolute bar against all persons, unless the court proceedings are void for want of jurisdiction, the object and intent of this section being to create a new and independent title, by virtue of the sale, entirely unconnected with all prior titles.

Application of proceeds.

SEC. 110. The proceeds of every sale made under a decree by virtue of this act shall be applied to the discharge of the debt adjudged by the court to be due, and of the costs awarded, and if there be any surplus it shall be brought into court for the use of the defendant, or of the person entitled thereto, subject to the order of the court.

Investment of unclaimed surplus.

SEC. 111. If such surplus or any part thereof shall remain in court for the period of three months without being applied for, the court may direct the same to be put out at interest under the direction of the court for the benefit of the defendant, his representatives, or assigns, to be paid to them by the order of the court, the party to whom said surplus shall be loaned to be designated by the court, and the security or sureties upon which said money is loaned to be approved by the judge.

Lands to be sold as upon execution.

SEC. 112. All lands sold by the sheriff or commissioner by decree of court shall be advertised and sold as upon execution, and the title conferred by his deed shall be entitled to all presumptions of any judicial sale.

Presumptions.

Provisions of act in regard to foreclosure, how construed.

SEC. 113. The provisions of this act in regard to foreclosure shall be construed as cumulative and not exclu-

sive in respect to the remedy for enforcing liens and collecting delinquent taxes by sale of property or otherwise, in the cases herein provided for.

SEC. 114. Whenever it shall appear to the county commissioners of any county that any tract of land or town or city lot in such county is of less value than the amount of taxes due upon it, it shall be their duty, at any meeting after said land or lot shall have been offered for sale and not sold for want of bidders, to fix a minimum price for the same, and certify the price so fixed to the sheriff, and such land or lot shall be sold by said sheriff as other lands and lots are sold at "private sale," at not less than said minimum price, irrespective of the amount of taxes due upon it; and such sale shall convey the title to the said tract or parcel of land divested of all liability for any arrearages of taxes or penalty which may remain after applying the amount for which it was held thereon.

Sale of less value than taxes due upon it.

Effect of sale.

SEC. 115. In all lands and lots so sold the purchaser thereof shall acquire title thereto in the same manner as other lands sold at tax sale in this state.

Title acquired.

PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

SEC. 116. That taxes upon any and all railroads in this state, including road-bed, right of way, depots, side tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of June in each current year, against all claims or demands whatsoever of all persons or bodies corporate, except the United States and this state, and the above described property or any part thereof may be taken and held for the payment of all the taxes assessed against said railroad company in the several counties in this state.

Lien of taxes upon railroads, &c.

SEC. 117. The property mentioned in the preceding section is hereby declared to be personal for the purpose of taxation and collection of the same.

Road bed, &c., declared personal property.

Penalty for removing personal property to avoid listment, or refusal to list, &c.

SEC. 118. That any person who shall remove personal property or cause the same to be removed from the precinct of his or her residence or usual place of use or business, or place of keeping or deposit of the same, for the purpose of avoiding listment of said personal property for taxation, or any person who shall fail or refuse to list such personal property as required by law, when the same shall be temporarily removed from the precinct, place of residence of the owner, or other place where the same shall usually be kept or used, said owner or agent of said owner, or either of them, or in case of a corporation the manager or other person in charge or possession of such property, shall on conviction be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Construction of "person" and "his or her" as affecting corporations.

SEC. 119. The words "person" and "his or her," where they occur in the foregoing section, shall be construed, where the same is applicable, to mean any and all corporations who have personal property liable to taxation.

Liability for taxes of life tenant, &c.

SEC. 120. 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. 121. 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 the 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 persons 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

Sale of land.

Estate forfeited to remainderman.

Remainderman may redeem.

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.

Action for damages.

SEC. 122. 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.

Person having a lien on land authorized to pay taxes.

Preferred lien.

SEC. 123. In all cases where any tract of land may be owned by two or more persons, as joint-tenants, as copartners or tenants in common, and one or more of the proprietors shall have paid or may hereafter pay the tax or tax and penalty charged or chargeable on his or their proportion or proportions of such tract, and one or more of the remaining proprietors shall have failed or may hereafter fail to pay his or their proportion of the tax or tax and penalty charged or chargeable on said land, and partition of said land has or shall be made between them, the tax or tax and penalty paid as aforesaid shall be deemed to have been paid on the proportion or proportions of said tract set off to the proprietor or proprietors who paid his or their proportion of said tax or tax and penalty; and the proprietor or proprietors so paying the tax or tax and penalty as aforesaid shall hold the proportion or proportions of such tract set off to him or them as aforesaid free from the residue of the tax or tax and penalty charged on said tract before partition, and the proportion or proportions of said tract set off to the proprietor or proprietors who shall not have paid his or their proportion of said tax or tax and penalty shall be charged with and held bound for the portion of said tax or tax and penalty remaining unpaid in the same manner as if said partition had been made before said tax or tax and penalty had been assessed, and said proportion

Payment of proportionate parts of tax on land by joint-tenant, partner or tenant in common.

Taxes due on land sold at partition sale, &c., to be paid out of proceeds of sale.

Lien of part owner paying tax on whole tract, &c.

or proportions of said tract originally listed for taxation in the name or names of said delinquent proprietor or proprietors, and whenever any lands so held by tenants in common shall be sold upon proceedings in partition, or shall be taken by the election of any of the parties to such proceedings, or where any real estate shall be sold at judicial sale, or by administrators, executors, guardians or trustees, the court shall order the taxes and penalties and the interest thereon against such lands to be discharged out of the proceeds of such sale or election; and any part owner who shall pay the tax on the whole tract or tracts of which he is part owner shall have a lien on the shares or parts of the other part owner of the tax paid in respect of their shares or parts, which, with interest thereon, he shall be entitled to receive on sale or partition of such lands, and the collection of which, with interest, he may enforce like any other lien or charge.

SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

Sheriff to keep record of taxes collected upon unlisted property.

Annual statement to commissioners.

Clerk of commissioners to record statement and send abstract to auditor, &c.

SEC. 124. 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 each person, 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.

Copy to be posted.

SEC. 125. 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 auditor the amount due from such accounting officer, setting forth therein the net amount due to each fund, and the treasurer, upon a statement from the auditor, 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 one hundred and twenty-four 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 the 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.

When and how sheriff to settle state taxes.

Duty of commissioners.

Duty of state treasurer.

How sheriff chargeable.

Duty of auditor.

SEC. 126. 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 the order of the commissioners, to be insolvent and uncollectable.

Insolvent taxes on personal property.

Over payments
in former settle-
ments.

(2). All overpayments made in former settlements, by reason of any error in the clerk's abstract of taxables.

Commissions.

(3). Five per centum commissions on the amount collected.

Compensation of
sheriff for settle-
ment of state
taxes.

SEC. 127. 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.

Failure of sheriff
to settle.

SEC. 128. 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

Duty of auditor.

to the treasurer, the auditor shall forthwith report to the treasurer the account of such sheriff or officer, 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 furnish him with a copy of the official bond of said officer and his sureties, 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

Summary judg-
ment.

Superior court
clerk to furnish
copy of sheriff's
bond to auditor.

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.

Penalty.

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 ninety six of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be sentenced to pay a fine in the discretion of the court and be imprisoned not less than three nor more than twelve months.

Fraudulent failure of sheriff to settle.

Penalty.

SEC. 129. 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

When and how sheriff to settle county taxes.

Penalty.

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

To make monthly verified statement to commissioners.

Monday of February in each year the sheriff shall account with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on

To account with county treasurer.

failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid,

Penalty.

and this shall be continued until final settlement: *Provided*, the board of county commissioners may, in their discretion, relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes.

Proviso.

SEC. 130. The treasurer of the state, with the advice and approval of the attorney general, is hereby authorized, when in the judgment of these officers it may be best to secure the interests of the state, and will not lose any lien held by the state, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the state, and likewise to bid

State treasurer authorized to grant indulgence to defendants, relinquish penalties, &c.

for, in behalf of the state, and purchase property of said defendants where deemed necessary to secure the payment of the public dues.

Account of sheriff for county taxes, how stated.

SEC. 131. The sheriff or tax collector 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 this act in regard to his settlement of state taxes all insolvent and uncollectable poll taxes, and also the amount of county tax on the lands bid off by the county and costs and fees, which 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 or tax collector 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 or tax collector 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 any person suing for the same and the other half to the county in which said sheriff resides.

Extension of time.

Penalty for exhibiting in account money not derived from taxes.

Penalty for using taxes otherwise than as directed by law.

Commissioners to appoint committee to assist at settlement of sheriff.

SEC. 132. The board of county 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 the 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 special 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 settlements, 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.

SEC. 133. 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 same penalties imposed for such criminal defalcation in section one hundred and twenty-eight of this act.

Penalty for failure of sheriff to settle.

Action on bond.

Penalty for fraudulent failure of sheriff to account.

SEC. 134. 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,

When and how other county officers to settle.

Penalty.

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.

Duties of a tax collector.

SEC. 135. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall collect all taxes, have all the emoluments and be subject to all the penalties as provided in the case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Compensation and penalties.

Sureties to collect in case sheriff dies.

SEC. 136. 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.

Powers and liabilities same as sheriff.

Time in which taxes to be collected.

SEC. 137. The sheriff (and in case of his death the 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.

Duty of list takers and assessors.

SEC. 138. List takers and assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath. The assessor shall not be entitled to compensation until he shall have filed the lists, schedules, statements and books appertaining to the assessment of property for such year in the office of the clerk of com-

Compensation of assessor.

missioners, the books to be accurately made and added up. The list takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with law: *Provided*, the county commissioners shall be the judge of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they may deem necessary.

When list taker and assessor entitled to pay.

Proviso.

SEC. 139. Each chairman of the board of county commissioners, for duties performed as a member of a board of equalization or assessment, as authorized in this act, shall be allowed such compensation as the board of county commissioners shall deem just and proper, to be paid by the county treasurer.

Compensation of chairman of commissioners as member of board of equalization.

SEC. 140. All official bonds required by law to be given by any public officer or public employé, including executors, administrators and guardians, in this state, shall be signed and sealed by any said officer, employé, executor, administrator or guardian and his sureties, and acknowledged before some officer authorized by law to take acknowledgments of instruments under seal, which said acknowledgments shall be substantially in the following form:

Bonds of public officers, &c., how executed and acknowledged.

STATE OF NORTH CAROLINA,.....County—ss:

I,, hereby certify that who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Form of acknowledgment.

Given under my hand and seal, this day of, A. D. 18.....

Which acknowledgment shall be deemed and taken as *prima facie* evidence that the instrument was signed,

Force and effect of acknowledgment.

sealed and acknowledged in the manner therein set forth, and such acknowledgments shall have the same force and effect as evidence in all legal proceedings as that given to acknowledgments of deeds of conveyance of real estate. That all public officers or employés who are compelled to give official bonds may be required by the court, officer, or board whose duty it is to take or approve such bonds, to give additional surety or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties or any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employé failing to give bond when required, pursuant to this section, within ten days after he is notified in writing of such request, shall be deemed to have vacated his office.

Additional surety.

Penalty for failure to give bond.

Secretary of state to have 5,000 copies of this act and of revenue act printed for distribution.

SEC. 141. The secretary of state shall have printed five thousand copies of "an act to raise revenue" and "an act to provide for the assessment of property and collection of taxes," and distribute the said acts among all the officers whose duty it is to execute or carry into effect any portion thereof.

Five copies to be printed for each member of general assembly.

SEC. 142. 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.

State treasurer to furnish blanks to county commissioners.

SEC. 143. 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.

Conflicting laws repealed.
Proviso.

SEC. 144. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired, or the collection of any taxes heretofore levied or assessed, or the validity of any sales for

taxes heretofore made, or any right heretofore acquired under any law of this state.

SEC. 145. 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. 1887.

CHAPTER 138.

An act to incorporate the Wilmington Sea Coast Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Iredell Meares, James Sprunt, Thos. W. Strange, L. S. Belden, G. H. Smith, H. B. Short, Wm. H. Green, Wm. Larkins, Hill Bowden and such other persons as may become associated with them as stockholders and their successors be created a body politic and corporate under the name of the Wilmington Sea Coast 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, to purchase or acquire by gift or demise, estate, real, personal or mixed, and to hold, lease or sell the same as the interest of said company may require, and shall make and exercise all such by-laws and regulations for its government as may be necessary or expedient for that purpose not inconsistent with the constitution of the state or of 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 North Carolina, provided that this section shall not be construed to exempt the property of said corporation from being taxed as the property of other railroads is taxed.

Body politic.

Corporate name.

Corporate powers.

Property not exempt from taxation.

- Terminal points.** SEC. 2. That the said company is hereby authorized to construct a railroad of one or more tracks, and of any gauge whatever, from the city of Wilmington in New Hanover county to Wrightsville sound in said county and across either one of the sounds within the counties of New Hanover and Pender to any point upon the beach of the Atlantic ocean, and said company shall further be authorized to extend the line of their road from Wrightsville sound in New Hanover county through any of the counties in the state of North Carolina east of the Wilmington and Weldon Railroad.
- Extension of road.**
- Capital stock.** SEC. 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each. In all meetings of stockholders each share shall be entitled to one vote. The capital stock of said company may be created by subscription, contribution or donation upon the part of individuals, townships, municipal or other corporations, and subscriptions may be paid in money, labor, land, material, stocks, bonds, or other securities as may be stipulated, or in any way that may be agreed upon between the company and the subscribers; and said company may by a concurrence of two thirds in value of all its stock increase its capital stock from time to time to an amount deemed necessary to the interest of said company.
- How created and paid.**
- Increase.**
- Books of subscription.** SEC. 4. Books of subscription may be opened by such corporations or by the directors at such times and places and under such rules and regulations as a majority may determine, 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 centum cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.
- Organization.**
- Certificates of stock.** SEC. 5. 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.

SEC. 6. Said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue coupon or regular 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.

Authorized to borrow money on mortgage.

SEC. 7. The said railroad company shall have the power to cross the tracks of other railroads and to connect with any railroad now or hereafter chartered, and to lay down and to use tracks through any town or city by and with the consent of the corporate authorities of said town or city upon such terms as they may prescribe.

Authorized to cross tracks of other roads, &c.

SEC. 8. The said railroad company shall have power to build branches to the main stem in any direction not exceeding twenty-five miles in length, and may build, purchase and hold, charter or connect with such ocean steamers or vessels, river steamers, vessels or boats as may be desired to run and use from or to the terminal points, or on any water course in connection with the road to be constructed by this company.

Branch lines, &c.

SEC. 9. That said company shall have the right to purchase and hold land at any points on any of its lines or in any of the counties through which any of said lines may pass, and erect hotels or other buildings on said lands; and whenever any lands shall be required for the construction of the road, or for ware houses, water stations, turn-outs, 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

Authorized to purchase land, &c., erect hotels, &c.

Condemnation of land.

sheriff or any justice of the peace, without making any allowance or deduction in determining the value of such land on account of any real or supposed benefits to be derived by the parties in interest from the construction of the proposed railroad; 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.

Appeal.

Width of land condemned.

Counties, &c., authorized to make donation or subscription.

SEC. 10. That any county, city, town or township, through any portion of which the said railroad may pass, may make a donation in money or its equivalent to the said company or a subscription to the capital stock upon such conditions as the corporate authorities of such county, city, town or township and the said company may agree upon: *Provided*, that at an election regularly held and after notice of the holding of such election shall have been given in the usual legal manner, a majority of the qualified voters of the county, city, town or townships wherein the election is held shall vote for the donation or subscription submitted to their vote for acceptance or rejection.

Election.

Vote of majority of qualified voters required.

Authorized to consolidate with other roads, &c.

SEC. 11. 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 its main line or branches thereof 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 manage said line under its own corporate name.

SEC. 12. That said company shall have exclusive right to carry and transport freight and passengers over and along said road and upon vessels and boats run in connection with the 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. 13. 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 Wilmington, North Carolina.

Authorized to construct part of road.

SEC. 14. That 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.

Route.

Authorized to cross navigable streams, &c.

SEC. 15. That the said company is empowered to construct and operate a telegraph or telephone line upon any part of its route.

Authorized to construct telegraph or telephone line.

SEC. 16. 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.

Charter to become void if work is not begun, &c., in five years.

SEC. 17. That this act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 139.

An act to incorporate the Southport Terminal Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That James F. Dane, William R. Wilson, Addison G. Ricaud, Daniel L. Russell and M. C. Guthrie 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 The Southport Terminal 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 this state, and may have and use a common seal and shall be capable of purchasing, holding, leasing and conveying real estate and personal property, 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. 2. That the capital stock of said corporation shall be one hundred thousand dollars, which may be increased to any sum not exceeding two millions of dollars as said corporation may from time to time determine, and may be created by subscriptions on the part of individuals or corporations in shares of one hundred dollars each, which may be made in money, bonds or lands.

How created.

Books of subscription.

Sec. 3. That for the purpose of creating capital of said company, any three of the corporators above named may open books of subscription to such capital stock at such places as they may determine, and keep the same open for such times as they may deem expedient, under such

rules and regulations as a majority of all the corporators may prescribe.

SEC. 4. 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 meeting ten days' notice shall be given to each stockholder, specifying the time and place of said meeting. At said meeting, if a majority of the stock subscribed shall be represented in person or by proxy, the stockholders shall proceed to elect a board of directors to consist of seven stockholders, which may at any time be increased to nine; and the said directors shall thereupon, at said meeting or thereafter, proceed to elect one of their number president, and shall also elect such other officers as the by-laws may prescribe, and may do and perform all other acts necessary to the complete organization of said company.

Organization.

Directors.

Officers.

SEC. 5. The said Southport Terminal Company is hereby authorized and empowered to erect and construct at or near the town of Smithville, in the county of Brunswick, wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal shutes suitable for the accommodation of steam-ships, vessels and boats, and for the convenient loading, unloading, shipping, receiving and storing of all kinds of merchandise and personal property for safe keeping; and may conduct the business usually transacted by warehousemen, wharfingers and lightermen, and may charge and collect compensation for the storage, dockage, wharfage and lighterage, and for all labor incident thereto, including the expense of weighing, insuring, keeping and delivering such merchandise or personal property at such rates and on such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise or property stored or deposited with it for shipment, and for all its

Corporate powers.

charges and expenses incident thereto the said company shall have a preferred lien on said merchandise and property, which shall be paid before the said company shall be required to deliver the same.

Authorized to build lines of railroad.

SEC. 6. That for the convenience of access to such improvements and for the purpose of transacting the business of said company, the said company shall have power and authority to construct, equip and operate all such lines of railroad, with sidings and branches as may be necessary or desirable to connect any or all of said wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal shutes, or which may be necessary to connect said wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal shutes with any and all lines of railway that may hereafter be built to the town of Smithville aforesaid.

Authorized to consolidate, &c., with other railroads.

SEC. 7. The said company shall have power to unite, consolidate, or connect its railways with any line of railway constructed or which may be constructed in this state, upon such terms as may be agreed upon between it and such other railway company, and for this purpose power is hereby granted to it and to any railway company incorporated by this state to make and carry out such contracts by lease, purchase or otherwise as will facilitate and consummate such connection or consolidation.

Other roads authorized to subscribe to capital stock, &c.

SEC. 8. Any railway, steamship or navigation company with which said Southport Terminal Company may connect is hereby authorized to subscribe to the capital stock of said company, and the stock so subscribed shall have the same privileges and powers and be subject to the same conditions and regulations as the stock held by other stockholders therein.

Authorized to subscribe to capital stock of other roads, &c.

SEC. 9. The said company is hereby authorized to subscribe to the capital stock of any railroad company chartered by this state, or by North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama or Mississippi,

which may have been constructed or may hereafter be constructed. It is also authorized to acquire by purchase or otherwise stock or bonds of any such railway company.

SEC. 10. The said company is also authorized from time to time to borrow such sums of money as may be necessary for its purposes, and for such loans to issue its bonds, bearing interest not exceeding seven per centum per annum, to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust or mortgage conveying its works, property and franchises in whole or in part.

Authorized to borrow money on mortgage, &c.

SEC. 11. That whenever any land in or near the town of Smithville shall be required by the said company for the purpose of building the said wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal shutes, and the said railroads, branches and sidings, and for any cause the same cannot be purchased from the owner, the same may be acquired by the board of directors as follows: The sheriff of Brunswick county, on the written petition of the president of said company fully describing said land and asking for its condemnation, shall notify the owner or owners thereof to appear on said land at a time therein mentioned, which shall not be less than three days from the service thereof, and he shall also summon three disinterested freeholders of said county who shall meet on said premises at the appointed time; and after being duly sworn by an officer qualified to administer oaths, to render a true and honest verdict as to the value thereof, they shall proceed to value said lands and premises; and upon the payment or tender by said company of the amount so assessed the title of the property so appraised shall vest in the said corporation: *Provided however*, that this section shall apply to all the real estate in and near the said town of Smithville, except the public streets thereof: *And provided further*,

Condemnation of land.

Provided.

Provided.

Appeal.

that the proper authorities of said town may grant a right of way to said company over such streets as they may designate: *And provided further*, that either party may appeal to the superior court of said county on the question of damages, but such appeal shall not prevent said company from taking possession of said land, provided the amount so assessed shall first be paid into the office of the clerk of said court and a bond with good and sufficient sureties conditioned to pay any additional amount that the superior court may assess also duly filed.

SEC. 12. 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. 1887.

CHAPTER 140.

An act to incorporate the Durham and Northern Railway Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That W. T. Blackwell, Julian S. Carr, W. Duke, E. J. Parish, Eugene Morehead, D. C. Mangum, C. T. Meyer, T. J. Anderson, N. E. Whitehurst, S. Eyre, W. H. Blackford, S. R. Watts, J. O. Shannon, J. H. McLane and W. W. Fuller, their successors, associates and assigns are hereby created and constituted a body politic and corporate, under the name of the Durham and Northern Railway Company, to have perpetual succession, and under such name to sue and be sued and plead and be impleaded in any court in North Carolina. That the said company may have and use a corporate seal, and shall be capable of acquiring by purchase, gift, devise,

Corporate name.

Corporate powers.

lease or otherwise, estate real and personal and mixed, and of leasing or selling the same as the interests of the company shall require, and may make such by-laws for the government of the company as may be deemed proper.

SEC. 2. That the capital stock of the said company shall be ten thousand dollars, with the power from time to time to increase the same to any sum not exceeding five hundred thousand dollars in shares of one hundred dollars each. That it shall be lawful for subscriptions to be made payable in money, land, materials, labor, stocks, bonds or other securities, as may be agreed upon between the company and the subscriber.

Capital stock.

Subscriptions,
how made.

SEC. 3. That book or books of subscription to the capital stock of the said company shall be opened by the coporators or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that as soon as five thousand dollars shall have been *bona fide* subscribed, the said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges and franchises granted by this charter, and the said coporators acting in person or by proxy shall have power to call a meeting of the stockholders for the purpose of organization, giving ten days' notice thereof by publication in some newspaper published in Durham, North Carolina; that at such meeting and at each annual meeting thereafter a president and six directors shall be elected by the stockholders; that they shall hold office for one year and until their successors shall be elected; that the said board of directors may appoint a vice-president, treasurer and such other officers and agents as it may deem proper and fix their duties, and may fill any vacancy occurring in the office of president or director until the next meeting of the stockholders.

Books of sub-
scription.

Organization.

Officers.

SEC. 4. That after the company shall be organized the president and board of directors may from time to time open book or books of subscription to the capital stock

Books of sub-
scription.

- of the company at such times and places and under such rules and regulations as they may prescribe: *Provided*, that no subscription shall be received beyond the limit that may have been fixed by a majority of the stockholders, according to the provisions of this act. That no stockholder shall be responsible for more than the amount of his unpaid subscription.
- Terminal points.** SEC. 5. That this company shall have the power to construct, maintain and operate a line of railway with one or more tracks between Durham and some point in Wake, Franklin or Vance county as shall be determined by the president and directors, with the privilege of extending the road to tide-water or Roanoke river and with the power to build branch roads not exceeding twenty-five miles in length. That this company is authorized to commence work on any part of its line, and upon the completion of any portion or section thereof to maintain and operate the same with all the rights and powers hereby conferred upon this company.
- Extension.**
- Branch roads.**
- Authorized to build and operate part of road.**
- Surveys.** SEC. 6. That in order to carry into effect the purposes of this act, the company may survey one or more routes for such road as may be deemed 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 and convenient for the construction, maintenance 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.
- Condemnation of land.**
- Other roads, &c., authorized to subscribe, &c.** SEC. 7. That any railroad or transportation company incorporated in this or an adjoining state may subscribe to or purchase and own the stock or bonds or both of this company, or may guarantee or endorse the same, or may purchase, lease or use the road, property and franchises

of this company for so long a time and upon such terms as shall be mutually agreed upon between the two companies. That this company may subscribe to or purchase and own the stock or bonds or both of any other railroad company incorporated in this or any other state and may guarantee or endorse such stock or bonds, and may purchase, lease or use the road line, property and franchises of such company on such terms and for such time as may be agreed upon between the two companies: *Provided*, the roads or lines of the two companies shall be connected directly or by means of intermediate railroads.

Authorized to subscribe, &c., to other roads, &c.

Proviso.

SEC. 8. That this company is authorized to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stockholders may determine, and to issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure them by a deed or deeds of trust or mortgage upon the whole or any portion of the road, property and franchise of the company as they may direct or approve. And the said company is hereby authorized to sell its bonds when, where and at such rates and prices as the president and directors shall deem most advantageous to the company.

Authorized to borrow money on mortgage, &c.

Bonds, how negotiated.

SEC. 9. That this company is authorized to consolidate its capital stock, property and franchises with those of any other railroad company or companies incorporated under the laws of this or any other state (and such other railroad company or companies chartered by the laws are hereby authorized to merge and consolidate with this company) whenever the two or more railroads of the companies to be consolidated shall be connected with each other directly or by means of intervening road or roads; and such consolidation may be effected in such manner and on such terms as a majority of the stockholders of each of said companies may determine. That upon the said consolidation being effected, the consolidated company shall have all the rights, privileges and

Consolidation with other roads.

franchises which each of the companies forming it heretofore held and possessed.

Counties, &c., authorized to subscribe to capital stock.

SEC. 10. That it shall and may be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said company such sum or sums in bonds as a majority of all its qualified voters may authorize, said bonds to bear six per centum interest, to be payable forty years after date thereof, and to be of the denomination of one hundred and five hundred dollars, interest payable semi-annually, the bonds to be received by the company at par.

Election, when and how held.

SEC. 11. That upon the petition in writing of fifty resident tax payers of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county, or the municipal authorities of the city or town, shall order and provide for an election to be held within sixty days in said county, township, city or town, of which a notice of at least thirty shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition. That said election when held in and for a county or township shall take place and be conducted in the manner prescribed by the law for electing members of the general assembly. That those who favor said subscription shall vote on a written or printed ballot "For Railroad," and those opposing such subscription shall vote on a written or printed ballot "Against Railroad." That the return of said elections in the counties and townships shall be made to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof. That the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof. That if a majority of all the qualified

Ballots.

Returns, &c.

voters in the county, township, city or town shall vote "For Railroad," then the chairman of the board of commissioners in all cases of county or township subscriptions shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township the sum which has been fixed and named in the said petition; and in case of city and town elections, if a majority of all the voters shall vote "For Railroad," then 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 as the county commissioners are herein required to subscribe in all cases of county and township subscription.

Subscription to be made on vote of majority of qualified voters.

SEC. 12. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners and the said municipal authorities, as the case may be, shall in addition to the other taxes for each year compute and levy on all property and polls in such county, township, city or town a sufficient tax to pay the interest on the bonds as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax lists as the "Durham and Northern Railroad tax," and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town or other officers authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or less than par; but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or below par, he shall invest the same in such solvent bonds or securities as shall be selected and approved by the said county commissioners or corporate authorities.

Special tax.

Special tax for sinking fund.

How invested.

Stock to be issued upon delivery of bonds.

SEC. 13. That upon delivery to the said railroad company of the bonds subscribed by any county, township, city or town, the said company shall issue to said county, township, city or town the amount of its stock equal to the par value of the said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act.

Townships incorporated.

SEC. 14. That all the townships along the line of the railroad or which are interested in its construction are hereby incorporated, and that the county commissioners of the counties in which the said townships are respectively situated are declared to be the corporate agents of the said townships.

Corporate agents

Work to be commenced, &c., within two years.

SEC. 15. That the work on said railroad shall be commenced and prosecuted with vigor within two years from the ratification of this act.

Property not exempt from taxation.

SEC. 16. That nothing in this act shall be deemed or taken to exempt the property or franchises of this company from taxation.

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 2d day of February, A. D. 1887.

CHAPTER 141.

An act to incorporate the Albemarle and Pantego Railroad Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That John L. Roper, John F. Stewart, W. H. White, W. D. Pruden and F. Vaughn and such other

persons as may become associated with them as stockholders and their successors are hereby constituted a body politic and corporate with perpetual succession, under the name and style of the "Albemarle and Pantego Railroad Company," and in that name may sue and be sued, may have and use a common seal, and shall be capable of purchasing and acquiring by gift or devise, estate real, personal and mixed, and of holding or leasing and selling the same as the interest of the 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*, that the same shall not be inconsistent with the constitution of the state or of 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 North Carolina.

Corporate name.

Corporate powers.

Proviso.

SEC. 2. That the said company be and the same is hereby authorized to construct and maintain a railway of one or more tracks, to be operated by steam or other motive power, from some point on Kendrick's creek, at or near Mackey's Ferry in the county of Washington, along such line and course as said company may deem proper, to or near Pantego in the county of Beaufort, and thence to Pungo river; to own and operate in connection with the said railroad or any of its branches steam boats and other means of transportation by water for passengers and freight.

Terminal points.

Steamboats, &c.

SEC. 3. That the said company shall have power to construct and operate by steam or otherwise, when and as it may deem proper, lateral and branch roads in any direction from the main line of road not more than twenty miles long.

Branch roads.

SEC. 4. That the capital stock of the said company shall be one hundred thousand dollars, with power when and as it may deem proper to increase the same to five hundred thousand dollars, vested in the stockholders in

Capital stock.

Subscriptions,
how made.

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.

Organization.

SEC. 5. That whenever the amount of ten thousand dollars shall have been subscribed to the capital stock, the said corporators or a majority of them, may when they deem proper and at any place within or without the state, call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

Condemnation of
land.

SEC. 6. Whenever any lands shall be required for the construction of the road or any of its branches, for right of way or for warehouses, water stations, turn-outs, work-shops, or for other buildings or purpose, and for any cause the company and the owners are unable to agree as to the value of the same, the company may enter upon it in the prosecution of its work, and either party may have the value thereof ascertained as follows: by application in writing to the superior court clerk of the county where the land lies, who upon such application shall direct the sheriff of said county in writing to summon three or five disinterested freeholders to meet on the premises in three days, and after being duly sworn by an officer authorized to administer oaths they shall proceed to assess the damages to the owner caused by the railroad, taking into consideration any special benefit or damage to said land caused by said railroad. Said referees shall make their report in writing to the clerk in ten days thereafter, who shall record the same and file all the papers in the cause in his office, and either party may appeal therefrom to the superior court as in other causes. Upon the payment of the amount thus assessed

Appeal.

to the owner or its deposit in the clerk's office, the title to the land described in the report shall vest in the company.

SEC. 7. The directors shall have power to borrow money upon the bonds of the company, and to secure the same by mortgage, deed of trust, or other legal assurance on such of its property and on such terms as they deem best.

Authorized to borrow money on mortgage.

SEC. 8. Said company shall have the exclusive right to transport freight and passengers over and along said railroad or any branch thereof, at such rates as the directors shall prescribe, and the company may purchase or hold stock in other railroads or in navigation companies and shall have power to buy or lease the same or to contract for the transportation of freight and passengers over their lines.

Exclusive right of transportation.

SEC. 9. That the said company shall have the right to connect the said road or any branch thereof with any railroad or transportation or navigation company that may have been heretofore or that may be hereafter chartered by this or any other state, and to interchange traffic upon such reciprocal terms as may be agreed on by said company, and the said company shall have the right and power to use any section of its said road or any branch thereof before the whole of the same may be completed, and may charge for transportation on said section.

Authorized to connect with other roads, &c.

SEC. 10. That the general meetings of the company may be held annually, and at its first general meeting aforesaid and at each of its annual meetings thereafter a president and four directors shall be chosen of and by the stockholders, to hold office for one year or more and until their successors shall be chosen and qualified, and at the first meeting after their election said board of directors with the president who shall be *ex-officio* a director and entitled to a vote in all meetings of the said board of directors, shall select a vice-president, who may also be treasurer and secretary, and shall hold office for one year or more and until his successor is chosen and qualified:

To use part of road.

Stockholders' meetings.

Officers.

- Proviso.** *Provided*, that in all meetings of stockholders a majority of all the stock subscribed shall be represented either in person or by proxy, and all proxies shall be verified in such manner as may be provided by the by-laws of the company, and each share of stock represented in person or by proxy at any meeting shall be entitled to one vote on all questions. The directors may fill all vacancies that may occur from any cause in their board: *Provided*, that upon the death, resignation or removal of the president during his term of office, the vice-president shall succeed to his place and be president until a successor is elected by the stockholders. At all meetings of the stockholders a majority of the stock shall constitute a quorum for the transaction of business. By laws for the company may be passed at its first general meeting or as early thereafter as may be practicable, but the by-laws may at any meeting after the first be changed, amended or repealed and additional by-laws made. The said directors may whenever they deem it more convenient hold meetings in the city of Norfolk, Virginia.
- Proviso.**
- Quorum.**
- By-laws.**

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. 1887.

CHAPTER 142.

An act to incorporate the Shelby, Glen Alpine Springs and Cranberry Railroad Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That upon compliance with the provisions of this act, A. P. Lighthill, Dr. Johannes De Bui, of Boston, Massachusetts, H. C. Pardee, of New Haven, Con-

necticut, George W. Miller, of Newton, Massachusetts, John F. Boyd, of Brindleton, North Carolina, M. E. Thornton, of Bridgewater, North Carolina, John H. Pearson and Thos. G. Walton, of Morganton, North Carolina, I. Z. Falls, of Fallston, North Carolina, H. F. Schenck, of Cleveland Mills, North Carolina, Joseph Greene, of Casar, North Carolina, and D. D. Lattimore, of Polkville, Cleveland county, North Carolina, be created a body politic and corporate under the name and style of the Shelby, Glen Alpine Springs and Cranberry 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 of 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 million of dollars.

Capital stock.

SEC. 3. That said company shall have the right to construct a line of railway from Shelby, North Carolina, to Cranberry in Mitchell county, and shall also have the right to extend its lines from Shelby, North Carolina, in a southern direction, so as to connect with any railroad which has been or may hereafter be constructed in South Carolina, and also the right to connect with any railroad which has been or may hereafter be constructed from Virginia to the North Carolina line, and shall have power to construct double or single tracks, to adopt any gauge that may be deemed best, to change the gauge adopted at any time, or any part or the whole of the lines herein described, to condemn and hold during the corporate existence of the company all lands within one hundred feet of the centre of the track or tracks of the said company on either side, and to purchase and hold such other tracks of land as may be needed to conduct the business

Terminal points.

Connection with other roads.

Gauge.

Authorized to condemn and hold land, &c.

of the company or to increase the amount of freight shipped over its road.

Condemnation of land.

SEC. 4. That upon the location and construction of any part of the line heretofore described, if no agreement with the owners of the 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 said land and for the recovery of the value by the owners thereof shall be the same as prescribed by the act 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 and valuation of the right of way.

Commissioners to open books of subscription.

SEC 5. That M. R. Simmons, of Boston, H. C. Pardee, of New Haven, Connecticut, John H. Pearson and Robert T. Claywell, of Morganton, North Carolina, M. E. Thornton, of Bridgewater, North Carolina, Avery Connelly and William McCall, of McDowell county, North Carolina, and H. T. Schenck, I. Z. Falls, Sen., L. I. Hoyle, Joseph Greene and D. D. Lattimore, of Cleveland county, and General Pardee, of Mitchell county, are hereby appointed commissioners, and are authorized to open books of subscription to the 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 centum of said amount the said commissioners shall be empowered, after publishing a notice of such a

Organization.

meeting for one month in one or more newspapers published in the counties of Cleveland, Burke, McDowell and Mitchell, to call a meeting of 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 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, &c.

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 already been organized, or may hereafter be organized, or to sell or lease any part or the whole of either of the lines or connections hereinbefore described, to any other company, and the company purchasing shall take the line so purchased with all the franchises herein granted as appurtenant, and may manage said line and its appurtenances under its own corporate name.

Consolidation with other roads, &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 the 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 whereon situated as effectual and valid as if said mortgage deed was registered in every county in which said company holds property, real or personal, or in every county through which said road may pass.

Authorized to issue mortgage bonds.

Registration of mortgage.

SEC. 9. That the said company shall have the power

Subscriptions to capital stock, how made. to take subscription of shares of capital stock either in money, real estate or other valuable property, as well as labor or cross-ties at their value.

Counties authorized to subscribe. SEC. 10. That any county through which any portion of which said railroad 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 the notice of holding such election shall have been given in some newspaper published in said county, or posted in some public place in every township in said county two months, a majority of all the qualified voters of such county shall vote for subscription and that at such election voters who are in favor

Election. 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:" *And provided further*, that the county commissioners of Cleveland

Ballots. county may transfer the stock of said county voted to the Southern and Western Air-Line Railroad Company, amounting to fifty thousand dollars, to the capital stock of this company upon the same terms that the said amount was voted to the Southern and Western Air-Line Railroad Company.

Commissioners of Cleveland county authorized to transfer stock voted to Southern and Western Air-Line Railroad Company to this company.

Corporate powers. SEC. 11. The said company shall have all the franchises and privileges heretofore granted to any railroad company organized under the laws of North Carolina except exemption from taxation, and for the purpose of affording facilities for the transportation of timber or mineral, or developing the resources of any section or locality, they shall be empowered to construct lines connecting with either of the lines described in this act.

Authorized to purchase land, erect hotels, &c.

SEC. 12. That said company shall have the right to purchase and hold lands at any point on lines constructed by said company under this act, or in any of the coun-

ties through which said lines may pass, and erect hotels or other buildings on said lands, and to purchase and hold water-power, establish manufactories, as well as to purchase mineral lands and to work the same in any of the said counties, and to hold shares of stock in any corporation organized for the purpose of hotel keeping, manufacturing or mining.

SEC. 13. That in order to facilitate the completion of the said road the North Carolina Penitentiary authorities shall furnish and cause to be worked upon said line of railroad chartered by this act any convicts not otherwise appropriated or required in 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 per month for every convict worked on said railroad.

Penitentiary authorities authorized to furnish convicts.

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.

Work to be begun, &c., within five years.

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 2d day of March, A. D. 1887.

CHAPTER 143.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Onslow county be and they are hereby authorized and empowered in their discretion, and if deemed by them expe-

Commissioners of Onslow county authorized to levy special tax to build county jail.

dient, to levy a special tax for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, not exceeding two thousand dollars per year, for the purpose of building a county jail.

How levied and collected, &c.

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

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. 1887.

CHAPTER 144.

An act to amend section two thousand eight hundred and sixteen of The Code.

The General Assembly of North Carolina do enact:

Section 2816,
Code, amended.
Fees payable to
impounder of
stock.

SECTION 1. That section two thousand eight hundred and sixteen of The Code be amended as follows: After the word "demand" in line four of said section, strike out "fifty" and insert "ten;" and in line five after the word "and," strike out "twenty-five" and insert in lieu thereof "ten," and by adding after "impounded" in line six the following words: "*Provided*, that it shall be proven that the stock was wilfully let at large."

Not entitled to
fees if stock not
wilfully let at
large.

SEC. 2. That this act take effect and 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. 1887.

CHAPTER 145.

An act for the better protection of laborers.

The General Assembly of North Carolina do enact :

SECTION 1. That in all cases where steam-ships or steam-vessels or vessels of any kind are loaded or unloaded or where any work is done in or about the same by the contractors to do the same known as stevedores or "boss stevedores," who in doing the same shall employ laborers to assist or do the work by the hour, day, week or month, it shall be the duty of the owner or owners, agent or agents of the vessel or vessels aforesaid to see that the laborers employed in or about the same by the stevedore, contractor or "boss stevedore" are fully paid the wages that may be due such laborer before he or they shall make final settlement with the contractor, stevedore or "boss stevedore."

Owners, &c., of vessels to see that laborers employed by stevedores, &c., in loading and unloading vessel are paid, before settlement with stevedores, &c.

SEC. 2. That the said owner or agent, in order to comply with the first section of this act, shall have power to refuse final settlement with the "boss stevedore" or contractor until he or they shall satisfy the said owner or agent, by written oath if necessary, that the same has been done.

Owner, &c., empowered to refuse payment to stevedore until laborers are paid.

SEC. 3. That in order further that the owner or agent may comply with the provisions of this act it shall be lawful for him or them to pay off from time to time such orders for wages as may due and given therefor in favor of the laborers by the contractor or stevedore, which on final settlement may be deducted from the contract price.

Owner, &c., authorized to pay orders for wages, &c.

SEC. 4. Any owner or agent of the vessel or vessels aforesaid who shall neglect or refuse to comply with the provisions of this act shall be liable to such laborers in a civil action for the amount of the wages so due him or them by the contractor, stevedore or "boss stevedore."

Owners, &c., neglecting to comply with this act liable to laborers in civil action.

SEC. 5. Any contractor, stevedore or "boss stevedore" who shall make any false oath or false representation

Misdemeanor for stevedore, &c., to make false oath with intent to wrong laborer.

Penalty.

with intent to wrong, cheat or defraud any laborer as contemplated in the provisions and purview of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished as is now prescribed by law for perjury.

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 2d day of March, A. D. 1887.

CHAPTER 146.

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

The General Assembly of North Carolina do enact:

Chapter 314, laws
1883, amended.

Location of "De
Berry's ferry"
on Great Pee Dee
river.

Condemnation of
land.

SECTION 1. That chapter three hundred and fourteen of the laws of one thousand eight hundred and eighty-three be amended by striking out section four of said chapter and inserting the following in lieu thereof, viz: Section 4. That one landing of said ferry shall be located on the bank of said river in Stanly county, on a tract of land known as the DeBerry mill tract; and the other landing of said ferry shall be located on the bank of said river in Montgomery county, opposite the landing in Stanly county: *Provided*, that if the owner or owners of said ferry shall be unable to obtain the consent of the owner or the person in possession of the land on the Montgomery side of the river as aforesaid to the construction of a landing for said ferry upon said land the said owner or owners of said ferry may file their petition before the board of commissioners of Montgomery county, and upon the filing of such petition it shall be the duty of said board of commissioners to appoint five disinterested freeholders as commissioners to locate said landing, who shall, after being summoned and sworn by the

sheriff to meet on the premises, proceed to locate and fix the same, having first given the owner or occupant of said land ten days' notice of their meeting, and upon such location being made shall proceed to condemn so much of said land to the use of said ferry as may be necessary for said landing, and shall fix a valuation thereof, and said landing shall thereupon be constructed upon the land so condemned, and said land so condemned shall constitute part of the public road leading to said ferry and subject to all the provisions of laws respecting public roads: *Provided further*, that the owner or owners of said ferry shall be liable for the damages assessed upon the condemnation of said land: *And provided further*, that the owner of said land shall have the right of appeal to Montgomery superior court on the question of damages, but such appeal shall not hinder or prevent the immediate construction of said ferry landing if the owner or owners of said ferry shall execute a justified bond in double the sum assessed as damages, conditioned to pay all such damages as may be recovered upon such appeal.

Appeal.

SEC. 2. That section six of the said chapter three hundred and fourteen be and the same is hereby stricken out.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 147.

An act to amend section one thousand two hundred and seventy-six of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. When the mortgagee in a mortgage containing a power of sale shall die before the payment of

Rights of mortgagee dying before payment of

mortgage debt devolve upon his executors, &c.

the debt secured in such mortgage, all the rights, powers and duties of such mortgagee shall devolve upon the executor or administrator of such mortgagee.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 148.

An act to amend an act entitled “an act to incorporate the Oxford and Clarksville Railroad Company,” being chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 116, laws 1885, amended.

SECTION 1. That chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended as follows: In section eight, line twenty-seven, strike out the words “all the votes cast shall be” and insert instead thereof the words “the qualified voters of said township shall have voted.”

Township subscription to capital stock; vote of majority of qualified voters required.

Township donation; vote of majority of qualified voters required.

SEC. 2. In said section eight, line thirty-one, strike out the words “all the votes cast shall be” and insert instead thereof the words “the qualified voters of said township shall have voted.”

Town subscription to capital stock; vote of majority of qualified voters required.

SEC. 3. In section twelve, line twelve, between the word “majority” and the word “shall” insert the words “of the qualified voters of said town.”

May extend road to any point on R. & G. R. R.

SEC. 4. In section sixteen, lines five and six, strike out the words “in Wake or Franklin counties.”

Special tax in townships to create sinking fund.

SEC. 5. In section eleven, lines eight and nine, strike out the words “one thirtieth of the amount of the prin-

cipal thereof” and insert instead thereof the words “after ten years from the issue thereof shall annually levy a tax sufficient to pay one-twentieth of the principal thereof.”

SEC. 6. In section twelve, lines twenty-five and twenty-six, strike out the words “one-thirtieth of the principal,” and insert instead thereof the words “after ten years from the issue thereof shall annually levy a tax sufficient to pay one-twentieth of the principal thereof.”

Special tax in towns to create sinking fund.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 149.

An act to facilitate the building of railroads through the state.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of facilitating and aiding in the construction and building of the South Atlantic and North Western Railroad from the town of Smithville in the county of Brunswick, through this state to the state line of Tennessee, and also the Central and North Western Railroad from some point on the said the South Atlantic and North Western Railroad to the terminal of said Central and North Western Railroad in this state, the board of directors of the penitentiary upon the written application of the board of directors of the South Atlantic and North Western Railroad Company shall furnish, allot and set apart to the South Atlantic and North Western Railroad Company three hundred and fifty able-bodied convicts not otherwise appropriated, and upon the written application of the board

South Atlantic & North Western R. R.

Central & North Western R. R.

Three hundred and fifty convicts to be furnished to the South Atlantic & North Western R. R.

One hundred and fifty convicts to be furnished to the Central & North Western R. R.

Convicts to be paid for, &c.

How convicts to be used.

Not to be used on first one hundred and twenty miles from Smithville.

Deposit to be made with state treasurer.

How payments for convicts to be made.

State to pay expense of guarding, &c.

of directors of the Central and North Western Railroad Company shall allot and set apart to the said the Central and North Western Railroad Company one hundred and fifty able-bodied convicts not otherwise appropriated: *Provided*, that the convicts hereby appropriated shall be paid for by said companies in cash at the rate of ten dollars and fifty cents per month during the time of their employment, which shall continue at the option of said companies for the period of three years unless said roads shall sooner be completed: *And provided further*, that the convicts so furnished shall not be used for any other purpose than clearing and grading of the road beds of said roads: *And provided further*, that the said the South Atlantic and North Western Railroad Company shall not use the convicts which may be furnished it on the first one hundred and twenty miles of its line, beginning at the town of Smithville aforesaid.

SEC. 2. That whenever either of said companies shall apply to the board of directors of the penitentiary for the convicts allotted to it in the foregoing section, the said company shall deposit with the treasurer of the state the sum of fifty thousand dollars in cash or in county bonds as security for the payment of any amount that may become due thereafter for the service of said convicts, and the amount so deposited shall continue and remain with the treasurer during the period of working said convicts.

SEC. 3. That the said companies shall settle and pay into the state treasury every three months the amount that may be due for said convicts' service for the preceding period of three months.

SEC. 4. That the cost of guarding, feeding, clothing and transporting said convicts shall be paid by the state.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 150.

An act amendatory of the act to incorporate the Danville and Carolina Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That nothing contained in the act entitled an act to incorporate the Danville and Carolina Railroad Company shall be taken or construed in any wise to invalidate any township bonds that may be subscribed to the capital stock of the said railroad company in the event that for any cause the taxes levied and collected upon the property and franchise of the said railroad in and for any county in which the township subscribing is situated shall fail to be applied to the payment in whole or in part of the interest accruing or to accrue upon the said township bonds; but upon such failure the said interest shall be paid by and with the taxes that are authorized to be levied and collected by the said act upon property and polls within the township subscribing.

Township bonds not invalidated by any failure to apply taxes collected on property of road to interest on bonds, &c.

Interest, how paid.

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. 1887.

CHAPTER 151.

An act in reference to the stockholders and directors of the Roanoke and Tar River Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That meetings of the stockholders and meetings of the board of directors of the Roanoke and Tar

Stockholders' meetings, &c., may be held in Portsmouth, Va.

River Railroad Company may be held in the city of Portsmouth, Virginia, with the like legal effect as if said meetings were held in the state of North Carolina.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 152.

An act to declare Neuse precinct, in Lenoir county, a township.

The General Assembly of North Carolina do enact:

Neuse precinct,
Lenoir county,
declared a town-
ship.

SECTION 1. That the voting precinct in Lenoir county, on the south side of Neuse river, known as "Neuse," be and the same is hereby declared a township, and shall be known in said county as Neuse Township.

Justices of the
peace.

SEC. 2. That three justices of the peace be appointed or elected as may be prescribed by law.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 153.

An act to authorize the Carolina Central Railway Company to exchange stock for bonds.

The General Assembly of North Carolina do enact:

Authorized to ex-
change its stock
for bonds.

SECTION 1. That the Carolina Central Railway Company be and it is hereby authorized at any time to ex-

change its stock, whether common, preferred or guaranteed, and with or without the power of voting, for its bonds of any issue, upon such terms as it may agree upon with the holders of said bonds; and it shall have the power to increase its capital stock to such extent as may be necessary for this purpose.

Increase of capital stock.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 154.

An act to authorize the commissioners of Caswell county to pay public school claims.

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Caswell 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-five and one thousand eight hundred and eighty-six.

County board of education authorized to pay certain claims of teachers.

SEC. 2. That the same be paid by the county treasurer on the order of the county board of education of said county from any school fund now in hand or which may come into hand not otherwise appropriated: *Provided*, that the sums by this act authorized to be paid shall not exceed two hundred dollars in the aggregate, and shall be taken from the funds of the district where the service was rendered.

Payment, how made.

Proviso.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 155.

An act to amend chapter one hundred and seventeen of the laws of one thousand eight hundred and eighty-three, relating to the Newbern Graded School.

The General Assembly of North Carolina do enact:

Chapter 117, laws 1883, amended.

SECTION 1. That section first of chapter one hundred and seventeen of the laws of one thousand eight hundred and eighty-three be amended by striking out in line three (3), "at the next regular election of councilmen" and inserting in lieu thereof the words "at the regular election of councilmen on the first Monday in May, one thousand eight hundred and eighty-seven."

When election to be held on question of taxation for graded schools.

Limitation of tax.

SEC. 2. That section second of said chapter be amended by striking out the words, in lines fifteen, sixteen and seventeen, "one-third of one per centum" and "one dollar on the poll," and inserting in lieu thereof "one-fifth of one per centum" and "sixty cents on the poll."

Sections 3, 4, 5, 6, 7 and 8 repealed.

SEC. 3. That sections three, four, five, six, seven, eight be stricken out.

Separate schools for white and colored children.

SEC. 4. That the special taxes thus levied and collected shall be expended in keeping up separate graded schools for the white and colored children in said city of Newbern, between the ages of six and twenty-one years, and the schools for each race herein provided for shall have the same length of school terms.

Board of directors.

SEC. 5. That the trustees of the Newbern academy shall constitute the board of trustees for said schools, and said board shall have power to employ and fix the compensation of superintendents for said schools and such teachers as are necessary, and to do all such acts as are necessary to carry on said schools.

Superintendents and teachers.

Application of special tax.

SEC. 6. That the money arising from the special assessment herein provided for shall as soon as collected be paid over to such person or persons as the board of trus-

tees aforesaid shall appoint, and that the public school money which shall from time to time be collected under the general school law for public school purposes and apportioned according to the public school law to children of the legal school age in the city of Newbern shall in like manner be paid over to said board of trustees, and shall be applied for the keeping up of said public graded schools. Public school money.

SEC. 7. That all laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 156.

An act to incorporate the Statesville and Western Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That A. B. Andrews, R. P. Matheson, A. A. Hill, W. E. Anderson, R. Z. Linney, J. E. Stagg, F. H. Busbee and their successors in office be and they are hereby made and declared a body corporate by the name and style of the Statesville and Western Railroad Company for the purpose of constructing and operating a railroad from a point on the Western North Carolina Railroad near the town of Statesville, Iredell county, North Carolina, to a point on the Tennessee line, passing by or near to the towns of Taylorsville, Alexander county, and Wilkesboro, Wilkes county, North Carolina. Body corporate.
Corporate name.
Terminal Points.

SEC. 2. That the said Statesville and Western Railroad Extension of road.

Company may by the consent of the states of Tennessee, Virginia, West Virginia or Kentucky, or any one of them, extend its road into either or all of said states; it may consolidate with any other railroad company, or may purchase the bonds or stocks of any other railroad company, or may farm out or lease its road or transportation over the same, or take a lease from, or right of transportation over any other railroad, so as to facilitate the construction and extension of its road.

Authority to consolidate, lease, &c.

Capital stock.

SEC. 3. That the capital stock of said company may be two millions of dollars in shares of one hundred dollars each; that it may take subscriptions in money, lands or other property; that towns, cities and counties, upon being authorized so to do by a majority of the qualified voters therein, may subscribe to said railroad and pay for the stock in money or bonds as may be agreed upon by the parties; that it may have power to acquire and condemn land for right of way, station houses, section houses, water tanks or other necessary buildings in the manner and to the same extent as is provided in the charter of the Western North Carolina Railroad of February, one thousand eight hundred and fifty-five; that it may have power to condemn the use of any spring or branch or rivulet to supply water to its water tanks and engine houses: *Provided*, that it shall not condemn any spring now in use by any family or person or corporation, the proceedings for the same to be as near as may be to the proceedings to condemn the right of way.

Subscriptions.

Towns, &c., authorized to subscribe.

Condemnation of land, &c.

Proviso.

Authorized to purchase, &c., right of way, &c.

SEC. 4. That it may purchase or receive by gift from any corporation, company or persons any road-bed or right of way or property, real or personal, belonging to it or them which may be required for use as a road-bed, track, right of way or any other appurtenance by the said railroad company, and may, by the permission of the said corporation, company or person enter upon and occupy the same, and any company, persons or corporation having or owning such property are authorized and

empowered to convey the same to the railroad company hereby incorporated.

SEC. 5. That the company may elect not less than five Directors. nor more than nine directors by a majority vote of the stockholders, and such other officers as the company may Officers. deem necessary and proper; that the board of directors may elect a president.

SEC. 6. That said company may issue bonds and execute mortgages or trusts of all its property, rights and franchises, to secure the same on such terms and conditions as may be agreed upon by the parties thereto; that a mortgage or trust executed by the president of the company and sealed with the company's seal shall be deemed and taken to be a lawful execution of said mortgage or trust, and that the registration thereof shall be Authorized to issue mortgage bonds. sufficient in law and equity if registered in the county of Iredell, any other statute to the contrary notwithstanding. How executed.

SEC. 7. That said company shall have all the powers, Registration. privileges and franchises granted by the general provisions of The Code in the chapters entitled "Corporations and Railroads." Corporate powers.

SEC. 8. That this act shall in no way prejudice the right of Robert P. Matheson, Eli M. Stephenson, Romulus Z. Linney, Andrew A. Hill, W. B. Matheson, A. C. McIntosh, Geo. W. Flowers, J. T. McIntosh, E. B. Jones, L. Herman, H. McD. Little, A. H. Matheson, Marcus Lip- Act not to prejudice rights of certain persons in respect to contracts relating to road from Statesville to Taylorsville. pard and E. Hedrick, or either of them, to enforce any contract heretofore made between them or any of them and any railroad company, or the agent of any such company, or any person or persons, or otherwise concerning the construction, ironing, equipping, and the operating of a railroad from Statesville to Taylorsville.

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

Ratified this the 2d day of March, A. D. 1887.

CHAPTER 157.

An act to amend the charter of the Durham and Roxboro Railroad Company.

The General Assembly of North Carolina do enact:

Chapter 341, laws
1885, amended.

SECTION 1. That section three of chapter three hundred and forty-one, of the acts of one thousand eight hundred and eighty-five, be and the same is hereby amended by adding after the word "Granville" in line seven of said section, the words "or Lillington in Harnett county, or Fayetteville in Cumberland county, or Dunn in Harnett county," and by adding in the last line of said section after the word "Bellfield," the words "or to any point on the Raleigh and Augusta Air Line Railroad, between Raleigh and Sanford."

Terminal points.

Merges with
other roads.

SEC. 2. That section six of said act be and is hereby amended by adding after the word "with" in line two of said section, the words "the Roxboro Railroad Company, or the Lynchburg, Halifax and North Carolina Railroad Company or;" and by striking out the words "by the laws of this state," in line three of said section, and by adding to the end of said section after the word "thereof," the words "and power is hereby granted to the Roxboro Railroad Company, or any other railroad company, whether incorporated under the laws of this or any other state, to merge and consolidate its property, franchises and effects, with said Durham and Roxboro Railroad Company."

Authorized to
merge and con-
solidate with any
other road.

Authorized to
change name.

SEC. 3. That said act be further amended by adding after section nine thereof the following section to be called section ten: "Section 10. Said company may change its name at any time it sees fit to do so, without losing any of its powers, and the rights and powers hereby conferred upon said Durham and Roxboro Rail-

road Company shall pass and be vested fully in said newly named company.”

SEC. 4. That section ten of said act be numbered eleven, and section eleven be numbered twelve. How sections numbered.

SEC. 5. That said act is hereby ratified and confirmed in all respects and continued in full force as heretofore, except only as herein specially amended. Former act ratified, &c.

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 2d day of March, A. D. 1887.

CHAPTER 158.

An act to change the name of “Devil Gut Creek” in Moore county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the name of “Devil Gut Creek” in Moore county be and the same is hereby changed to Aberdeen Creek. Name changed to Aberdeen creek.

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. 1887.

CHAPTER 159.

An act to abolish the office of County Superintendent of public instruction in Rockingham county.

The General Assembly of North Carolina do enact :

Office abolished. SECTION 1. That the office of county superintendent of public instruction for Rockingham county is hereby abolished.

County board of education to elect "county examiner." SEC. 2. That the county board of education shall have the authority and are hereby directed to elect a county examiner in the place of said superintendent of public instruction, who shall perform the duties and receive the compensation as provided for in the laws of one thousand eight hundred and eighty-one.

Duties, &c. SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 160.

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

The General Assembly of North Carolina do enact :

White persons living within one mile of Thyatira church, Rowan county, allowed to use portion of school fund apportioned to them, for paying tuition, &c., at Thyatira academy. SECTION 1. That all the citizens of the white race entitled by law to the benefit of the public school fund, living and resident within one and a half miles of Thyatira church, in Rowan county, be and they are hereby allowed and permitted to use and enjoy that portion of the public school fund apportioned to them by law for

the payment of tuition and other expenses in attendance at Thyatira academy, in Rowan 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 2d day of March, A. D. 1887.

CHAPTER 161.

An act to authorize the commissioners of Harnett county to levy a special tax for the purpose of repairing and enlarging the court-house and jail in said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Harnett 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-seven, for the purpose of repairing and enlarging the court-house and jail of said county. That the rate of taxation shall not exceed ten cents on every hundred dollars' worth of property and thirty cents on each poll.

Authorized to levy special tax to enlarge court-house, &c.

Rate of taxation.

SEC. 2. That the commissioners of Harnett county, before levying said tax, shall at any time after the ratification of this act and before the levying of said tax, submit to the qualified voters of Harnett county whether the taxes above mentioned shall be levied under such regulations as said commissioners may prescribe: *Provided*, that thirty days' previous notice of said election shall be published at the court-house and at each voting precinct in said county.

Election to be held in county on question of levying tax.

Proviso.

SEC. 3. That the qualified voters of Harnett county at such election shall vote a ticket on which shall be writ-

Ballots.

Tax to be levied on vote of majority of qualified voters.

ten or printed the words, "tax," or "no tax," and the penalty for illegal voting shall be the same as in other elections. In case a majority of the qualified voters in said election shall favor said tax the same shall be levied and collected as provided by this act.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 162.

An act to prohibit the sale of spirituous, malt and vinous liquors in South Greensboro, Guilford county.

The General Assembly of North Carolina do enact:

Unlawful to sell, &c., liquors within certain boundaries in Guilford county.

SECTION 1. It shall be unlawful to sell or dispose of with a view to remuneration any spirituous, malt or vinous liquors within the boundaries hereinafter named in the county of Guilford, to-wit: beginning at a point, the south-east corner of the corporate limits of the city of Greensboro, running thence east one-half mile; thence south one mile; thence west two miles; thence north one mile; thence east, striking the south-west corner of the corporate limits of the said city of Greensboro, and running along the south boundaries of said city one and a half miles to the place of beginning, the said territory to include the Presbyterian chapel, the Centenary Methodist Episcopal church edifice, the Belleview school-house and the Saint Matthews Methodist Episcopal church in what is known as Warnersville.

Misdemeanor.

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

SEC. 3. All laws and parts of 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 2d day of March, A. D. 1887.

CHAPTER 163.

An act in regard to certain railroad subscriptions.

The General Assembly of North Carolina do enact :

SECTION 1. That nothing contained in the act entitled "an act to amend the charter of the Roanoke and Tar River Railroad Company," shall be taken or construed in any wise to invalidate any township bonds that may be subscribed to the capital stock of the said railroad company, in the event that for any cause the taxes levied and collected upon the property and franchise of the said railroad company, in and for any county in which the township subscribing is situated, shall fail to be applied to the payment in whole or in part of the interest accruing or to accrue upon the said township bonds; but upon such failure, the said interest shall be paid by and with the taxes that are authorized by the said act to be levied and collected upon property and polls within the townships subscribing.

Township bonds in aid of Roanoke & Tar River Railroad Company not invalidated by any failure to apply taxes collected on property or road to interest on bonds, &c.

Interest, how paid.

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. 1887.

CHAPTER 164.

An act to establish Red Springs township in Robeson county.

The General Assembly of North Carolina do enact :

Red Springs
township, Robe-
son county,
established.

SECTION 1. That a new township to be called Red Springs township in the county of Robeson shall be formed from a portion of Smith's township in said county, which shall be bounded and described as the commissioners of Robeson county have heretofore designated for a township by the name of Red Springs.

Boundaries.

Voting places.

SEC. 2. The commissioners of Robeson county shall establish a voting place or places in Red Springs 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 2d day of March, A. D. 1887.

CHAPTER 165.

An act to prevent the throwing of dead stock into the waters of Neuse river and its tributaries.

The General Assembly of North Carolina do enact :

Misdemeanor to
throw dead hogs,
&c., in Neuse
river and tribu-
taries.

Penalty.

SECTION 1. If any person shall throw any dead hog, cattle or horse in the waters of Neuse river or its tributaries he shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars or imprisoned in the county jail not exceeding thirty days.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 166.

An act to give the sheriff of Wilkes county further time to collect and pay over the poor and county taxes.

The General Assembly of North Carolina do enact:

SECTION 1. That Milton McNeil, sheriff of the county of Wilkes, be allowed until the first day of July, one thousand eight hundred and eighty-seven, to settle the poor and county taxes.

Allowed until July 1st, 1887, to settle poor and county taxes.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 167.

An act to regulate the working of public roads in Melville township, Alamance county, by the male residents residing on the east side of Haw river, on the lands owned by the Granite Cotton Mills, and who are liable to road duty.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter the male residents living on the east side of Haw river, on the lands owned by the Granite Cotton Mills, in Melville township, Alamance county, who are now under existing laws liable to road duty, shall not be required to work on any of the public roads of said township and county except the public road leading from Haw river to Back creek, a distance of four miles or more, and known as the old stage road. The said hands are by this act compelled to work as existing laws require from Haw river to Back creek, and shall not be apportioned to any other road or roads in said township or county.

Hands living on certain lands in Melville township required to work only on road from Haw river to Back creek.

Conflicting laws
repealed.

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

SEC. 3. This act shall be in force from and after the first day of May, one thousand eight hundred and eighty-seven.

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 168.

An act to incorporate the Harnett County Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. P. Hodges, N. E. McKoy, M. V. Prince, J. H. Poe, B. F. Williams, Oscar J. Spears, Jos. S. Harrington, B. F. Shaw, Bartlett Johnson, Stephen Braley, W. C. Stronach, Julius Lewis, John S. Pescud, A. P. C. Bryan, T. L. Banks, L. D. Stephenson, B. K. Partin, J. J. S. McCullers, Wm. Utley, G. B. Alford, J. J. Thomas, Jno. Nichols, Sam. Wilder, C. H. Smith, I. Surratt, T. P. Williams, C. W. Barksdale, J. C. Wheaden, J. W. Ashton, J. McCormick, T. T. Hay and T. P. Devereux and their succesors, associates and assigns be and they are hereby constituted and created a body politic and corporate by the name of the Harnett County Railroad Company, and as such shall receive the powers herein granted in perpetuity. That said company may by that name sue and be sued and plead and be impleaded in any court in this state; and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change or alter at pleasure, to acquire by purchase, lease or other-

Corporate name.

Corporate powers.

wise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from the city of Raleigh, North Carolina, to or near the town of Lillington in Harnett county, with the privilege of extending the same either to the line of any railroad located in the county of Harnett or in any adjoining county, or to the town of Fayetteville, and with the privilege of building and operating branch roads not exceeding twenty-five miles in length. That in constructing and operating said branch roads the said company shall have all the rights and privileges granted to it with respect to the main line.

SEC. 3. That the capital stock of said company shall be (\$5,000) five thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine up to five hundred thousand dollars; that the stock of said company shall be in shares of one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscriptions to the said capital stock; that the said corporators or a majority of them, acting in person or by proxy, shall cause a book or books of subscription to be opened by a commissioner or commissioners to be appointed by them or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they or a majority of them may prescribe; that the

Terminal points.

Extension.

Branch roads.

Capital stock.

Certificates.

Stock vote.

Liability of stockholders.

Books of subscription.

Organization.

said corporators or a majority of them acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the stockholders who shall have subscribed to the capital stock for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published in the county of Wake or Harnett; that at such meetings the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Directors.

President.

Subscriptions,
how made.

SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or materials necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company.

Consolidation
with other roads,
&c.

SEC. 5. That said company is hereby authorized and empowered to merge and consolidate the capital stock, estate real and personal and mixed, franchise, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be merged and constructed shall and may form a continuous line of railroad with each other by means of intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.

Other roads au-
thorized to sub-
scribe, &c.

SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other state from time to time to subscribe to or purchase or to hold the stock and bonds, or either, of this company, or to guarantee or endorse such bonds or stock, or either of them; and it shall and may be lawful for any railroad or transportation company or companies

created by the laws of this or any other state to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such companies or company as shall be parties to the contract; that it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property or franchise of any such railroad or transportation company: *Provided*, that the road or line of such company shall be directly or by means of one or more intervening roads or lines connected with the road of this company.

Authorized to
subscribe, &c., to
other roads.

Proviso.

SEC. 7. That meetings of stockholders shall be held annually at such time and place as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president or by a majority of the directors by notice mailed to each stockholder or by publication in one or more newspapers in this state thirty days before said meeting, and notice of annual meetings shall be likewise published.

Stockholders'
meetings.

SEC. 8. That the president and board of directors of this company shall have the power of appointing a treasurer and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders and shall remain in office one year or until their successors are elected, and in case of vacancies by death or resignation in the office of director the same may be filled by the board of directors until the next meeting of the stockholders.

Officers.

Directors.

Vacancies.

SEC. 9. That the president and directors of said company, under authority of the stockholders, shall have

Expenditures,
&c., how made,
&c.

power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Assessments on subscriptions to capital stock.

On failure to pay, stock to be sold, &c.

SEC. 10. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money such advances of money on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee, or the executor or administrator of either of them, at the option of the said company, acting through the president and directors, by civil action in any court having any jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Authorized to construct, &c., telegraph and telephone lines, &c.

SEC. 11. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephones along its lines or line of railway, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and said company may connect said lines of telegraph or telephone with the lines of any other com-

pany in this or an adjoining state, and may lease, rent or sell this right and any telegraph or telephone lines constructed by the company as in the judgment of the president and directors may be advantageous to the company.

SEC. 12. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest not exceeding eight (8) per centum as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debts, in such manner and of such form as may be determined by the president and directors, and to secure such loans both as to principal and interest by such mortgages or deeds of trust on the whole of the property, income and franchises of the company or either or any part thereof. And the said company is hereby authorized to sell its bonds when, where, and at such rates and prices as its president and directors shall deem most advantageous to the company.

Authorized to borrow money on mortgage.

SEC. 13 That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches of the width of sixty feet on each side running from the centre of the said track, 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 the 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.

Condemnation of land.

SEC 14. That for the purpose of aiding in raising the capital stock of said Harnett County Railroad Company, in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad may be located or which is interested in its construction to subscribe to the capital stock of such company such sum in

Counties, &c., authorized to subscribe to capital stock.

bonds as a majority of all their qualified electors may authorize the county commissioners of such county or of the county in which is situated such township or the municipal authorities of such city or town to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding; that the said subscription shall be made in bonds not bearing a greater interest than seven per centum, payable forty years after date thereof, to be received by said company at par, and to be of the denomination of one hundred dollars and five hundred dollars, interest to be paid semi-annually.

Subscriptions to be made in bonds.

Elections, when and how held.

SEC. 15. That for the purpose of determining the amount of such subscriptions, it shall be the duty of the county commissioners of any county interested in the construction of said road, or in which the township interested is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of fifty resident tax payers of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town as the case may be the question of subscription or no subscription to the capital stock of said company, and said county commissioners or municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law; at which said election the ballots shall have written or printed thereon either the word "subscription" or "no subscription;" the said county commissioners and the municipal authorities of said city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election being published for six weeks immediately prior thereto in one or more newspapers published in Wake county. That the said county commissioners or municipal authorities, as the case may be, are hereby

Ballots.

authorized to order a new registration of the qualified voters of the said county, township, city or town for said election.

New registration.

SEC. 16. That all elections under the preceding section shall be held, if for a county, according to the laws and regulations provided for the election of members of the general assembly, and the returns shall be made to and the votes shall be compared by the board of county commissioners, who shall ascertain and declare the result, and make a record of the same. If the elections shall be held for a township, the registrars and judges of election shall make return to the board of county commissioners who shall compare the same and ascertain and declare the result and make a record of the same. If the election shall be held for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen or other proper municipal authorities, shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities, in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made in coupon bonds, bearing a rate of interest not exceeding seven per centum, bonds as aforesaid, with interest payable semi-annually; and all tax levies for the purpose of raising funds to pay said bonds or coupons, shall be made upon the polls and taxable property in such counties, or townships, cities or towns.

Election, how held.

Returns, &c.

Township election.

City or town election.

Subscription to be made on vote of majority of qualified voters.

Bonds.

Tax levies.

SEC. 17. That to provide for the interest on such bonds and their redemption at or before maturity, the board of county commissioners aforesaid or the municipal

Special tax.

authorities of any city or town subscribing, shall in addition to other taxes each year compute and levy on all property and polls of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay interest, and after ten years from date of said bonds, a second additional tax, sufficient to provide each year a sum equal to one-sixtieth 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 officers 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, which shall be cancelled by the county commissioners, or the municipal authorities of the town, as the case may be, but in case said treasurer or other officer shall be unable to invest the sinking fund 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 the proper authorities of any city or town subscribing to the capital stock of said company:

Special tax to create sinking fund.

How collected, &c.

How invested, &c.

Townships incorporated.

Corporate agents.

SEC. 18. That for the purpose of this act all the townships along the line of the railroads or which are interested in the construction as herein provided for, shall be and they are hereby declared to be bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subjected to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of said counties respectively.

SEC. 19. That in all conventions of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates to be appointed for such purposes by the corporate authorities of such towns or the county commissioners of the counties or townships in such counties.

Counties, &c.,
how represented
in stockholders'
meetings.

SEC. 20. That this railroad shall be constructed without the aid of convict labor.

Road to be con-
structed without
aid of convict
labor.

SEC. 21. That the construction of this railroad shall be begun within three years from the date of this act.

Construction to
be begun within
three years.

SEC. 22. 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. 1887.

CHAPTER 169.

An act to incorporate the Hiawassee Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That A. E. Highway of New York city, A. A. Campbell of Marietta, Georgia, Leslie E. Campbell of Murphy, North Carolina, A. G. Keinsey of San Francisco, California, J. W. Cooper, F. P. Axley, R. A. Aiken, J. W. Patton, H. E. Colton, G. G. Whitcomb and Robt. Bruce, Sr., of the county of Cherokee, Wm. H. McClure, George T. Hine, Robert M. Penland, J. S. Anderson and D. W. Killian of the county of Clay, state of North Carolina, H. S. Chamberlain, John A. Hart and Adolph S. Ochs of Chattanooga, Tennessee, and John H. Moore of Nashville, Tennessee, their associates, successors or assigns are hereby created a body politic and corporate under the name and style of the Hiawassee Railroad Company, for the purpose of constructing a main line of railroad with

Body politic.

Corporate name.

- Terminal points. one or more tracks, standard gauge, from some point to be designated by the company on the boundary line between the states of North Carolina and Tennessee to the town of Murphy, North Carolina, up Hiawassee river to or near Hayesville, in Clay county. Thence up the Hiawassee river or one of its tributaries to the Georgia state line,
- Branch lines. with power to build a branch line to the Tennessee state line, near the Ducktown copper mines, and such other local lines or branches as may be deemed necessary to reach mines, quarries or forests with power to construct said railroad in sections and operate the same as constructed
- Capital stock. That the capital stock of said company shall be one million dollars, with the privilege of increasing the same to five millions. That said corporation shall have an existence for a term of ninety-nine years, and by its name may sue and be sued, plead and be impleaded in any court of the state of North Carolina, and may have and use a common seal, shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquire the same by gift or devise, so far as may be necessary for the purposes herein contemplated, and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of North Carolina and the United States. The officers of said corporation are further empowered and authorized to make contracts with any person or association for the construction and equipment of the whole line or any part thereof, such part or the whole sum thereof being taken in stock and bonds of the company; and for the accomplishment of this end the said corporation may authorize, and its agents or officials execute a mortgage, and issue bonds upon the main line and such side lines or branches as may be determined to be constructed, at a rate not to
- Corporate existence.
- Corporate powers.
- Officers authorized to contract for construction, &c., of any part of road.
- Mortgage bonds.

exceed twenty-five thousand dollars of first mortgage bonds to the mile of road determined to be built.

SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal and other corporations in shares of the value of one hundred dollars each.

Subscriptions to capital stock.

SEC. 3. That books of subscription to the capital stock of said company may be opened by the following commissioners, to-wit: at Murphy, North Carolina, by Dr. J. W. Patton, F. P. Axley, J. W. Cooper, G. G. Whitcomb and Robt. Bruce, Esq., at Hayesville by W. H. McCleese, Dr. D. W. Killian and J. S. Anderson, and by such other persons and at such other places as they or a majority of them may direct, and that twenty days' notice of the opening of said books shall be given in one or more newspapers: and furthermore, that the said commissioners or any five of them may at any time after the books have been kept open for thirty days and the sum of fifty thousand dollars has been subscribed to the capital stock of said company and five per centum paid thereon, have power to call together the subscribers to said stock 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 Hiawasse Railroad Company.

Books of subscription.

Commissioners.

Organization.

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 by the stockholders, to hold office for one year or until their successors shall be elected, and any of the 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 the stock is represented in person or by proxy, which said proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote on all questions; that

Stockholders' meetings.

Directors.

Majority of stock to be represented.

Stock vote.

President.	it shall be the duty of the directors to elect one of their
Vacancies.	number as president of the company and to fill all vacancies in the board.
Location of road.	SEC. 5. That after the company shall be organized as aforesaid the board of directors shall proceed to locate and have constituted as speedily as possible on the route they may find most practicable a railroad from and to the points indicated in section one of this act, to be fixed
Exclusive right of transportation.	by them; that said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and product on the said railroad to be by them constructed at such charges as may be fixed by a majority of the directors; that the said company may assign or lease their franchises or their right of transportation on said road to any person or persons or corporation.
Authorized to lease, &c.	
Payment of subscriptions, how enforced.	SEC. 6. That said company shall have the power to use and enforce the payment of stock subscribed as was heretofore granted to the North Carolina Railroad Company by the charter of incorporation, and shall have power to condemn land for the use of the 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 to do by the act of its incorporation.
Condemnation of land.	
Contracts made with president, &c., binding.	SEC. 7. That all contracts made and entered into by the president or superintendent of the company, either with or without seal, shall be binding upon said company, and the president shall under the instructions of the board of directors issue certificates of stock to stockholders, which shall be transferable by the by-laws of the company.
Certificates of stock.	
Consolidation with other roads.	SEC. 8. That after the organization of said company, as provided in section three of this act, a majority of said corporators in order to complete said railroad to the point or points mentioned in section one, may consolidate with any railroad in the state of Tennessee now constructed or company now or hereafter chartered to con-

struct a railroad from any town, city or point on any river or railroad to the boundary line of the states of North Carolina and Tennessee, or the same from any point in the states of Georgia or South Carolina to boundary lines of said states with North Carolina, upon such terms and conditions as will assure the completion of said railroad to the points herein mentioned and place the same under due government and management.

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 3d day of March, A. D. 1887.

CHAPTER 170.

An act to amend the insurance law.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of the insurance law of North Carolina, being section three thousand and sixty-three of The Code, be amended adding at the end of said section the words "and do not solicit business through agents."

Section 3063,
Code, amended.

Act not applica-
ble to benevolent
associations, &c.,
not soliciting
through agents.

SEC. 2. That section three thousand and sixty-nine of The Code be amended by adding thereto the words "and the fees collected under the provisions of this section shall be applied for the purpose of carrying out the provisions of this chapter."

Section 3069
amended.

Application of
fees.

SEC. 3. That section fourteen of said law, being section three thousand and seventy-eight of The Code, be amended by striking out the words "secretary of state" in line seven and inserting in lieu thereof the words "sheriff of the county in which such agent or principal may be found, to the use and benefit of said sheriff," and

Section 3078
amended.

Penalty for viola-
tion of law; by
whom and how
recovered.

by striking out the word "secretary" and inserting "sheriff" at the end of the section

Chapter 178, laws
1885, amended.

SEC. 4. That section four, chapter one hundred and seventy-eight of the laws of one thousand eight hundred and eighty-five, be stricken out and the following inserted in lieu thereof: "That in case a greater amount of insurance is desired on any one risk than can be had in companies authorized to do business in this state, then such excess may be placed in companies not authorized to do business in the state, but the agent, broker or person placing such insurance shall at once make return of his action in this behalf to the secretary of state, with an affidavit that such insurance could not be effected in companies authorized to do business in this state, together with two per centum on the gross premiums received on the insurance so placed."

When insurance
can be placed in
companies not
authorized to do
business in this
state.

Duty of agent, &c.

Tax.

Section 5, laws
1885, repealed.

SEC. 5. That section five, chapter one hundred and seventy-eight, laws of one thousand eight hundred and eighty-five, be repealed.

Conflicting laws
repealed.

SEC. 6. That all laws and clauses of laws coming 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 3d day of March, A. D. 1887.

CHAPTER 171.

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

The General Assembly of North Carolina do enact :

Commissioners
authorized to
borrow not over
\$8,000 to repair,
&c., court-house.

SECTION 1. That for the purpose of repairing and enlarging or rebuilding the court-house of Bertie county the commissioners of Bertie county are hereby author-

ized and empowered to borrow not exceeding eight thousand dollars at a rate of interest not exceeding six per centum per annum and to issue bonds therefor.

Rate of interest.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Bertie county and countersigned by the clerk of said board and authenticated with the seal of said board, and shall express upon their face the purpose for which they were issued, and there shall be attached thereto interest coupons calling for the payment of the interest thereon annually from the date of said bonds.

Bonds, how executed, &c.

Interest coupons.

SEC. 3. That said bonds shall be issued in denominations of one hundred dollars each, and that ten of said bonds shall become due and payable five years after the date thereof, and ten more of said bonds shall become due and payable each succeeding year after the maturity of the first ten bonds until all shall be paid, which times of payment shall be expressed upon the face of said bonds, together with the place where the same shall be payable.

Bonds, how issued, &c.

SEC. 4. That said bonds shall be exempt from all county taxes.

Bonds exempt from county taxes.

SEC. 5. That the commissioners of said county are hereby authorized and required at the time of levying other county taxes to levy annually an additional special tax sufficient in amount to pay the interest upon said bonds and so much of the principal of said debt as may fall due during the next succeeding year after such levy, together with the costs and charges incident to said tax, upon all subjects of county taxation in said county as aforesaid until the final payment of said bonds shall be provided for, maintaining the constitutional rates of taxation between the tax upon property and the poll.

Special tax.

SEC. 6. 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 in like manner as other county taxes are paid.

How collected, &c.

Liability of treasurer.

SEC. 7. That the said treasurer shall receipt for the said taxes and be liable upon his official bond for said taxes as for other taxes and shall use the same for the payment of the 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 payment as aforesaid.

Taxes, how used.

Commissioners to advertise for bids for loan, &c.

SEC. 8. That for the purpose of procuring said loan the said commissioners are authorized to advertise for bids for the whole or for any part thereof and may accept or reject any or all of such bids, or dispose of said bonds in any other way which in their discretion they may deem best for the interest of said county: *Provided, however,* that no bond shall be sold for less than par and accrued interest.

Proviso.

Coupons receivable for county taxes.

SEC. 9. That said coupons shall be receivable in payment of all county taxes.

Duties of clerk to commissioners.

SEC. 10. That the clerk of said commissioners shall keep a book in which he shall keep an account of the number and denominations of said bonds issued as aforesaid, and the persons to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said books the true status of the bonded debt of said county herein provided for may be readily ascertained. Said book shall at all times be open to the inspection of any tax payer of said county.

Account books open to inspection.

Delivery of bonds.

SEC. 11. That as soon as said bonds are issued, signed and countersigned as hereinbefore provided, the said commissioners shall place the same in the hands of the treasurer of said county, who shall countersign the same and deliver them to such purchasers upon their compliance with such terms as may be designated by said board of commissioners by order directed to the treasurer, and said treasurer shall make out and return to said commissioners an accurate account of the number and de-

Duties of treasurer.

nominations of said bonds and where delivered, and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of said board and be responsible for the safe custody and keeping of said proceeds as by law it is now provided he shall be and is responsible for the custody and keeping of the moneys of said county as the treasurer thereof.

Liability.

SEC. 12. 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. 1887.

CHAPTER 172.

An act to build certain roads in the counties of Alleghany, Ashe and Watauga.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of directors of the penitentiary be and it is authorized and it is hereby directed to construct the turnpike road that has been laid out and known as the Worth and Gentry survey from Sparta to the Low Gap in Alleghany county, and immediately after the said work is completed in Alleghany county the said board of directors is hereby authorized and directed to forthwith build a road in Ashe county from the town of Jefferson, by way of the Mineral Springs, and commonly called the "Healing" or Thompson's Springs, and thence on to the Virginia state line the nearest and most practicable route towards Marion, Virginia; and that immediately after the work is done in Ashe county the said board is authorized and directed to forthwith build a road in Watauga county from Henry Taylor's, on

Penitentiary directors authorized to construct road from Sparta to Low Gap.

And from Jefferson to Virginia state line.

And from Henry Taylor's, Watauga county, to Mitchell county line.

Watauga river, by way of Valley Crucis, and thence along and near along the present public road by Dugger's to the Mitchell county line, in the direction of Elk Park in Mitchell county: *Provided*, that the county commissioners in the counties of Ashe and Watauga shall respectively have said road surveyed and located before the said board of directors are authorized to have any work done on said roads in those two counties.

Proviso.

Convict labor; what convicts to be used in building roads.

SEC. 2. That in order to carry into operation the provisions of section one of this act the board of directors of the penitentiary are authorized and directed immediately after the ratification of this act to take from the force of convicts now working on the Cape Fear and Yadkin Valley Railroad in excess of the two hundred and fifty convicts given to said road by an act ratified during the session of the legislature of one thousand eight hundred and eighty-seven, fifty able bodied convicts, and immediately transfer them to Alleghany county and commence the work there, and then to Ashe and then to Watauga respectively, and said board is authorized and directed to keep said force up to fifty at all times, and to keep said force constantly at work on the road provided for in first section of this act: *Provided, however*, that when said force have been worked in Alleghany county for six months the said board of directors of the penitentiary shall immediately transfer them to the said work in Ashe county; and that when the said force has worked on the said road in Ashe county for six months the said board of directors shall immediately transfer said force to Watauga county and work them on the road hereinbefore named in that county for six months: *Provided further*, that if said board is authorized and directed by law so to do it shall take said convict force hereinbefore named in this act to Johnston county and build certain roads there first, and then transfer them to Alleghany county as soon as the work in Johnston county is done as provided by law.

Proviso.

Proviso.

SEC. 3. That nothing contained in this act shall in any way affect, interfere with or diminish any convict force granted or assigned to any railroad or other work of internal improvement, either by contract executed prior to this act or granted or assigned by any prior act of this general assembly.

Existing contracts, &c., in respect to convict labor on railroads not affected by this act.

SEC. 4. 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 3d day of March, A. D. 1887.

CHAPTER 173.

An act to be entitled an act to provide for the election of tax collectors for the counties of Wayne and Mecklenburg.

The General Assembly of North Carolina do enact:

SECTION 1. That tax collectors shall be elected for the counties of Wayne and Mecklenburg at the next regular election for members of the general assembly and every two years thereafter. No person shall be elected for more than two terms in succession and the persons so elected at the next regular election and their successors shall hold office for the terms now regulated by law for sheriffs.

Election of tax collectors in Wayne and Mecklenburg counties.

Term of office.

SEC. 2. That the tax collectors of the counties of Wayne and Mecklenburg elected under section one of this act shall file with the board of county commissioners of the proper county all bonds now required or that may be hereafter required to be filed by the sheriffs for the collection of taxes, said bond to be approved and conform in all respects to the laws relating to the bonds of sheriffs given for the collection of taxes. And in case any person elected tax collector under this act shall fail to file his bonds as required by this act, then the board of

Bond.

On failure to give bond county commissioners to fill vacancy.

county commissioners shall declare the office of tax collector vacant and proceed to fill the same according to the law as it now exist when sheriffs fail to file their tax bonds, and said tax collectors are hereby invested with all the rights and powers prescribed by law for the collection of taxes by sheriffs.

Rights and powers of tax collector.

Commissioners of Wayne county empowered to agree with sheriff to elect tax collector, &c.

SEC. 3. That the present board of county commissioners of Wayne shall have power to mutually agree with John R. Smith, present sheriff of Wayne county, that the office of tax collector for said county be declared vacant for the current term of said John R. Smith's term of office, and in that event the said board of county commissioners and the said John R. Smith, sheriff as aforesaid, shall elect a tax collector for the said county of Wayne for the said current term. And when such tax collector for the said current term shall have filed his bonds and they shall have been approved by the said board of county commissioners, he shall enter upon the duties of said office and shall continue to discharge the same until his successor shall have been duly elected and qualified: *Provided*, that the tax collectors provided for in this section shall only be required to file bonds for the collection of general and special, state, county and school taxes, and all other taxes shall be collected by the sheriff of Wayne county, unless he shall fail to file his bonds for the collection of the same, and in that event the tax collector herein provided for may file his bonds for the collection of said other taxes and he shall collect the same.

How elected.

To enter upon duties of office on filing bond, &c.

Proviso.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 174.

An act to enhance the interest of the state in the North Carolina Railroad and the Atlantic and North Carolina Railroad by building branch roads thereto.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever a county, counties, township or towns along or near the lines of the North Carolina Railroad Company or the Atlantic and North Carolina Railroad Company, or individuals, may be willing to construct a branch railroad to any point on either the said North Carolina Railroad or the Atlantic and North Carolina Railroad, with or without such aid as is hereinafter set forth, either of the said companies shall have the power to survey one or more routes for such branch railroad as the directors of the company may deem practicable, and to buy or receive donations of land and to appropriate and occupy as much land as may be necessary for the construction of such branch railroad of the width of sixty-five feet from the centre of the track on either side, and as much additional land as may be necessary for the construction and maintenance of such branch road, subject to valuation and appraisement as is provided in section forty-nine, volume one, of The Code, entitled "Railroad and Telegraph Companies," and such branch road may have one or more tracks and of such gauge as may be determined on by the board of directors of said company, who may alter the gauge at their pleasure.

Authorized to survey routes, &c., for branch roads whenever counties, &c., are willing to construct same, &c.

Tracks, gauge, &c.

SEC. 2. That whenever such county, counties, township, towns or individuals shall with the consent of the directors of the one of said companies into whose line such branch road is proposed to be built, have proceeded to grade and build said road and furnished the cross-ties therefor, said company may provide and lay the neces-

When company to iron and operate branch road, &c.

sary iron thereon, erect the necessary station houses, depots, bridges and other buildings necessary for operating such branch road, and all engines, cars and other rolling stock necessary for transporting passengers and freight thereon, and proceed to operate such branch road, and such branch road shall belong to said company in like manner as its main line.

To belong to company.

Convicts to be furnished.

Proviso.

Expenses, how paid.

Proviso.

Judges empowered to sentence convicts in counties constructing road to work on same.

Election in counties and townships on question of subscription; when held, &c.

SEC. 3. That the board of directors of the penitentiary are required to furnish the directors of such company, for the purpose of building such branch road, such convicts as may be needed and said directors may from time to time apply for: *Provided*, the said North Carolina Railroad Company shall not have in its employment more than two hundred convicts under the provisions of this chapter at any one time, nor the said Atlantic and North Carolina Railroad Company more than one hundred; the expenses of guarding and maintenance of said convicts shall be defrayed by said county, counties, townships, towns or individuals proposing to build said branch railroad, or by the company as may be agreed on: *Provided*, that in no event shall such expenses be borne by the state.

SEC. 4. That the judges of the superior courts may sentence any person convicted of an offence, other than capital, in such county or counties proposing to construct such branch road, when the sentence of imprisonment shall not exceed one year, to work on such branch road, and the charge of guarding and maintaining such convicts shall be defrayed as aforesaid.

SEC. 5. That the board of commissioners of any county, upon the petition of one fourth of the qualified voters of the county or of a township therein, that a proposition to subscribe a specific sum for the construction of such branch railroad may be submitted to the voters of the county or township, shall cause an election to be held at the different precincts in the county or township, after due notice and publication for thirty days, and submit to the qualified

voters of the county or township the question of subscribing the sum of money mentioned in the petition, at which election those favoring said subscription shall deposit their ballot "for subscription" and those opposed their ballot "against subscription." The return of said election shall be made to and canvassed by the board of commissioners of the county, and if a majority of all the qualified votes shall be "for subscription" then the subscription so authorized shall be made.

Ballots.

Canvass of returns.

Subscription, when made.

SEC. 6. That in payment of any subscription made as provided in the preceding section, the board of commissioners of the county shall have power to issue bonds to an amount not exceeding the sum so authorized to be subscribed; said bonds shall be in denominations not less than one hundred dollars nor more than one thousand dollars, and shall run from ten to thirty years, and shall have coupons attached calling for interest at the rate of six per centum or less per annum, payable semi-annually, on the principal of each.

Commissioners authorized to issue bonds.

SEC. 7. 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 on all taxable property in said county or township, and upon the polls therein, observing the constitutional equation, a sufficient tax to pay the interest on the bonds issued on the subscription aforesaid, and to provide a sum equal to one twentieth of said subscription for a sinking fund, which amount shall annually be paid over to the county treasurer and invested by him in said bonds at par or under if they can be so purchased, and if not in other interest-bearing securities, to be approved by the board of commissioners, for the redemption of said bonds at maturity, and the amount of taxes collected for interest shall be paid to the county treasurer, and by him disbursed in the prompt and regular payment of the coupons upon the bonds issued on account of said subscription.

Special tax.

Tax for sinking fund; how invested.

Interest to be paid promptly, &c.

Elections in towns on question of subscription; when held, &c.

Commissioners of town to issue bonds, &c.

Special tax.

Act not to affect privileges, &c., of companies.

Directors North Carolina Railroad Company not to equip and operate branch roads if expense will reduce dividends, &c.

SEC. 8. In case of petition by one fourth of the qualified voters of a town, the board of commissioners of such town shall cause an election to be held after such notice and publication as aforesaid, by the qualified voters thereof as other elections in such town are held, and said commissioners shall canvass the vote and declare the same; and if the election shall be in favor of "subscription," then the commissioners of such town shall cause its bonds to be issued of like character with those provided for in section six, and a like tax shall be levied on the taxable property and polls thereof for payment of interest and principal and interest of said bonds.

SEC. 9. That this act shall not be construed to affect any privileges and immunities now enjoyed by the said North Carolina Railroad Company and the Atlantic and North Carolina Railroad Company respectively. And the directors of the North Carolina Railroad Company shall not undertake to equip and operate such branch roads if the expenses attending the same will reduce the dividends on the stock below what is now paid thereon.

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 3d day of March, A. D. 1887.

CHAPTER 175.

An act to require banks incorporated within this state and private bankers to make stated reports to the state treasurer.

The General Assembly of North Carolina do enact:

State banks, &c., required to make statement of financial condition to state treasurer when called for, &c.

SECTION 1. That all incorporated banking institutions now organized or that may hereafter be organized under the laws of this state, whether savings or general, and all private bankers shall be required to make to the state

treasurer statements of their financial condition at such times as the treasurer may call for them, not less than twice in each and every year, and also shall publish such statements in condensed form as published by the national banks, in some newspaper published and printed in the city or town where such banking business is carried on, and if none there, then a newspaper published in the town nearest thereto; said statements shall be made in accordance with the form to be prescribed by the state treasurer, and shall be certified under oath by the president or cashier of the bank and attested by at least three of the directors of said bank if the same is incorporated, and if not incorporated by the oath of the chief clerk and attested by the owner or owners thereof.

Publication of statement.

Statement, how made, &c.

SEC. 2. That it shall be the duty of the state treasurer to call upon said banks for the statements hereinbefore mentioned at such times as in his discretion he shall choose, and he shall have prepared such blank forms as may be necessary to carry out the provisions of this act; and whenever calls for said statements are made by him he shall forward to each bank in the state two blank forms, which, after being properly filled out and certified to by the bank to which they are sent, one copy shall be returned to the state treasurer within ten days next succeeding the date of such call, and the other copy filled up in like manner shall be filed in the said bank. The state treasurer shall lay said reports before the general assembly at each regular session. And it shall also be the duty of the state treasurer, upon written application made to him by stockholders representing one fifth of the amount of the capital stock of any banking institution to appoint some one to make special examination in person into the condition of such institution and to report the same to him, and all expenses incident thereto shall be borne by the institution so examined: *Provided*, that this section shall not be construed to authorize such person to examine or report the accounts of any persons,

Treasurer to call for statement.

To furnish forms.

To lay reports before general assembly.

Special examination.

Proviso.

firm or corporation having accounts in such banking institution except the account or accounts of any director or officer of the same.

Penalty against bank for failure to comply with provisions of this act.

SEC. 3. That any banking institution failing to comply with the provisions of this act for a period longer than ten days after being called upon by the state treasurer for a statement shall be subject to a penalty of three hundred dollars, to be recovered by motion in the superior court of the county in which said bank is located, and should failure to render such statement continue for thirty days next succeeding said call from the state treasurer then the institution so in default shall be subject to a penalty of one thousand dollars additional, collectable in like manner, and the state treasurer shall give notice of such default in a newspaper published and located as prescribed in a preceding section of this act, and the officer of any bank who knowingly makes a false statement of the condition of his bank shall be deemed guilty of a felony, and upon conviction shall be fined not less than one hundred dollars, and be imprisoned in the penitentiary not less than one nor more than five years.

Additional penalty.

Officer making false statement guilty of felony.

Penalty.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 176.

An act to authorize the commissioners of Cleveland county to levy a special tax and sell poor-house.

The General Assembly of North Carolina do enact :

Authorized to levy special tax not exceeding \$2,500.

SECTION 1. That the county commissioners of Cleveland county are hereby authorized to levy a special tax

not exceeding twenty-five hundred dollars, to be levied and collected as other taxes are now levied and collected, observing the constitutional equation between property and poll.

SEC. 2. That the above tax when collected shall be paid to the treasurer of the county, and shall be kept separate and apart from the county funds, and shall be expended for the erection of a county poor-house in Cleveland county upon the order of the board of county commissioners, and for no other purpose.

To be expended in erection of poor-house.

SEC. 3. That the county commissioners of Cleveland county may at their discretion sell such old poor-house buildings now standing to the highest bidder, after giving due notice of such sale for four successive weeks in one or more newspapers printed in Cleveland county, and the proceeds arising from such sale shall be applied to building a poor-house.

Commissioners authorized to sell old poor-house buildings, &c.

Proceeds, how applied.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 177.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and nine of the laws of one thousand eight hundred and eighty-five, changing the dividing line between the counties of Wilkes and Ashe, is hereby repealed and the dividing lines as they formerly existed before the passage of said act are hereby restored.

Chapter 109, laws 1885, repealed.

Dividing line between Wilkes and Ashe counties.

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. 1887.

CHAPTER 178.

An act to amend chapter thirty-four, volume two, of The Code of North Carolina, relating to dentistry.

The General Assembly of North Carolina do enact:

Section 3148,
Code, amended.

Unlawful to com-
mence practice of
dentistry with-
out certificate
from board of
examiners, &c.

Certificate to be
registered &c.

Proviso.

Penalty for fail-
ure to register
certificate.

SECTION 1. That section three thousand one hundred and forty-eight of The Code of North Carolina, being chapter thirty-four, volume two, be stricken out and the following inserted in lieu thereof: Hereafter no person shall commence the practice of dentistry who has not obtained a certificate from a board of examiners duly authorized and appointed in accordance with section three thousand one hundred and forty-nine and that part of chapter thirty-four which relates to dentistry, which certificate shall be registered in the office of the clerk of the superior court of the county in which such person proposes to practice, for which the clerk shall receive a fee of fifty cents: *Provided*, that this act shall not apply to any dentist holding a diploma from a chartered dental institution.

SEC. 2. Any failure, neglect or refusal on the part of any person holding such certificate to register the same as above directed for a period of six months shall work a forfeiture of the certificate; and no certificate when once forfeited shall be restored, except upon the payment to said board of examiners of the sum of twenty-five dollars as a penalty for such neglect, failure or refusal.

SEC. 3. In order to provide means for carrying out and maintaining the provisions of this act the said board of examiners may charge a fee of ten dollars for each person applying for a certificate, which in no case shall be returned, and the funds so derived shall be placed in the hands of the secretary to be used in defraying the necessary expenses in conducting the meetings of said board, and under no circumstances shall any part of such expense come out of the treasury of the state.

Fee upon application for certificate.

Funds, how applied.

SEC. 4. Within six months from the time this act takes effect, it shall be the duty of every person who is at that time lawfully engaged in the practice of dentistry in this state to cause his or her name, residence, date of diploma or license and date of commencing the practice of dentistry to be registered with the secretary of the state board of dental examiners authorized and appointed as aforesaid in a book kept for that purpose. The statement of every such person shall be verified on oath before a notary public or justice of the peace in such manner as may be prescribed by the said board of examiners, which shall provide, upon application, blanks for this purpose. It shall be the duty of the secretary of the board to furnish the clerk of the superior court of each county a certified list of the names of all persons in said county who have registered according to the provisions of this act; and it shall be the duty of such clerk to register such names in a book kept for that purpose upon the payment to him of a fee of fifty cents. Any person thus registered can practice in one or more counties upon filing in such county or counties a duly certified transcript of such registration. All persons now practicing who shall fail to register according to the provisions of this act within the time prescribed, and who shall offer to practice dentistry, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than twenty-five dollars for each offence. Any person who shall knowingly and falsely claim or pretend

Duty of persons practicing dentistry to register name, residence, &c., with secretary of state board of examiners.

Verification.

Duty of secretary.

Duty of superior court clerk.

Persons registered authorized to practice in one or more counties, &c.

Penalty for failure to register.

Penalty for falsely, &c., claiming to hold certificate, &c.

to have or hold a certificate of proficiency granted by said board of examiners shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor less than twenty-five dollars for each offence. All fines and penalties so recovered shall be appropriated to the school fund of the county in which the same shall have been recovered.

Appropriation of fines, &c.

Extracting teeth not prohibited.

SEC. 5. Nothing in this act shall be so construed as to prohibit any one from extracting teeth.

Section 3156, Code, not applicable to this act.

SEC. 6. That section three thousand one hundred and fifty-six of said chapter thirty-four is not intended to apply to this act.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 179.

An act in relation to the superior courts of Cumberland county in the seventh judicial district.

The General Assembly of North Carolina do enact:

Chapter 180, laws 1885, amended.

SECTION 1. That chapter one hundred and eighty of the acts of the general assembly of one thousand eight hundred and eighty-five be amended as follows: That part of section one which relates to the courts of Cumberland county in the seventh judicial district be amended as follows: strike out the words "second Monday in March" in the second line thereof, and in third and fourth lines of said section strike out the words "ninth Monday after the first Monday in September," so as to abolish the March and November criminal terms of Cumberland county.

March and November criminal terms abolished.

SEC. 2. That the first three (3) days of the courts of said county, beginning the "ninth (9) Monday after the first Monday in March" and the "tenth (10) Monday after the first Monday in September," known as the May and November civil terms of said county, shall be devoted to the trial of criminal cases, trying those first who may be confined in jail for alleged criminal offences; and no longer time of said civil terms shall be occupied in the trial of criminal offences than three (3) days, unless it be a case of capital felony, the trial of which having been commenced shall proceed to final completion.

First three days of May and November civil terms devoted to trial of criminal cases.

SEC. 3. This act shall go into operation and take effect from and after the first day of August, one thousand eight hundred and eighty-seven.

Act to take effect August 1st, 1887.

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887. ✓

CHAPTER 180.

An act to change the dividing line between the counties of Swain and Jackson.

The General Assembly of North Carolina do enact:

SECTION 1. That the dividing line between the counties of Swain and Jackson be changed from the following point, to-wit: Beginning at the point where the Swain and Jackson line runs to the Tuckasegee river above the mouth of Carley's creek and below the Thomas farm, and thence down the Tuckasegee river as it meanders to the point where the present Swain and Jackson line crosses said river; and all that part of Jackson that is on the west side of the said river and included in said boundary shall be and remain as a part of Swain county.

Line between Swain and Jackson counties changed.

Citizens of that part of Jackson county annexed to Swain county not relieved from taxes due Jackson county.

SEC. 2. This shall not be construed to relieve the parties annexed to Swain by this act from any taxes that they may be due the county of Jackson for the year one thousand eight hundred and eighty-six.

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. 1887.

CHAPTER 181.

An act to prohibit the sale of spirituous and malt liquors within (2) two miles of Fort Barnwell Baptist church in Craven county.

The General Assembly of North Carolina do enact:

Sale of liquor prohibited within two miles of Fort Barnwell church, Craven county.

SECTION 1. That the sale of spirituous and malt liquors shall be prohibited within (2) two miles of Fort Barnwell Baptist church in Craven county.

Misdemeanor.

SEC. 2. Any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (10) dollars or more than twenty-five (25) dollars or imprisonment not less than thirty (30) days in the discretion of the court.

Penalty.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 182.

An act to amend the charter of the Georgia and North Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and sixty-seven of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, being an act entitled "an act to incorporate the Georgia and North Carolina Railroad Company," ratified the thirty-first day of March, one thousand eight hundred and seventy-one, be and the same is hereby amended by adding thereto the following: That said the Georgia and North Carolina Railroad Company shall be and the same is hereby authorized, when in the judgment of the president and directors thereof it becomes desirable so to do, to consolidate with the Marietta and North Georgia Railroad Company, and with any railroad company now existing and organized, or to be hereafter organized or created under the laws of the state of Tennessee. The corporate name of the company after such consolidation or consolidations shall have been effected shall be the Marietta and North Georgia Railway Company: *Provided*, that this act shall not be construed to invalidate or make void any contract heretofore made by the Georgia and North Carolina Railroad Company or the authorities thereof with the Marietta and North Georgia Railroad Company or the authorities thereof, and that said consolidated company, when consolidation shall be effected, shall on their part assume and carry out the contracts of said Georgia and North Carolina Railroad Company heretofore made with the Marietta and North Georgia Railroad Company for the construction of said railroad from the Georgia and North Carolina state line to the town of Murphy in North Carolina.

Chapter 167, laws 1870-1, amended.

Authorized to consolidate with Marietta & North Georgia Railroad Company and with roads in Tennessee.

Corporate name.

Proviso.

Conflicting laws
repealed.

SEC. 2. *Be it further enacted*, that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 183.

An act to amend the charter of the Yadkin Railroad Company, chapter two hundred and thirty-six, laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

The General Assembly of North Carolina do enact:

Chapter 236, laws
1870-1, amended.

SECTION 1. That section four, chapter two hundred and thirty-six, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be amended to read as follows: "Subscriptions may be made by counties, townships, cities or towns to the capital stock of said company upon the proposition of the county commissioners or city or town government, as the case may be, with the approval of a majority of all the qualified voters thereof as prescribed by law, and bonds shall be issued in payment of said subscription and taxes levied to pay the same, principal and interest, according to the terms and conditions of said bonds. The board of commissioners of the county shall issue the bonds and levy the taxes to pay the township subscription.

Subscriptions by
counties, &c.

Bonds.

Special taxes.

County commis-
sioners to issue
bonds, &c.

Capital stock.

SEC. 2. The capital stock of said company may be increased from time to time to any amount not exceeding thirty thousand dollars per mile for each mile of track in running operation.

SEC. 3. The board of directors of said company is authorized to change the name of said company and to build any line or lines of railway from the town of Salisbury in any direction for any number of miles.

Change of name.
Authorized to build roads in any direction from Salisbury.

SEC. 4. The board of directors of said company is authorized to mortgage all its rights, privileges and franchises, and to issue mortgage bonds for the purpose of building any railway authorized by this act.

Mortgage bonds.

SEC. 5. Vacancies in the board of directors shall be filled by the board, and any director so elected shall hold his office until the next regular meeting of the stockholders and until his successor is elected and qualified.

Vacancies in board of directors, &c.

SEC. 6. The following named persons are hereby recognized as having been lawfully elected and qualified as officers of said company, to-wit: President, Theodore F. Kluttz; secretary, Archibald H. Boyden; directors, D. N. Bennett, S. J. Pemberton, Valentine Mauney, W. A. Smith, John S. Henderson, Samuel H. Wiley, Ephraim Mauney, William Smithdeal and H. E. Robertson; treasurer, Valentine Mauney; and the said president, secretary, treasurer and directors shall hold their offices until their successors shall be elected and qualified.

Officers.

SEC. 7. Directors shall attend all regular or called meetings of the board, either in person or by proxy.

Directors to attend meetings.

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

In the general assembly read three times, and ratified thi the 3d day of March, A. D. 1887.

CHAPTER 184.

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

The General Assembly of North Carolina do enact:

SECTION 1. Add at end of section two of chapter one hundred and thirty-one of the laws of North Caro-

Chapter 131, laws 1873-4, amended.

Liability of
Beaver Dam
township, Cum-
berland county,
for *pro rata* share
of indebtedness
of Bladen county;
how ascertained,
collected, &c.

lina, session of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, the following: The chairman of the board of commissioners of the counties of Bladen and Cumberland are appointed commissioners to ascertain said proportion of said indebtedness and report to the board of commissioners of Cumberland county, whose duty it shall be to levy a sufficient tax on the real and personal property and polls to pay off and discharge the amount reported due. Said tax shall only be levied on the property and polls in Beaver Dam township, Cumberland. The sheriff of Cumberland shall collect said tax and pay same to the treasurer of Bladen 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 4th day of March, A. D. 1887.

CHAPTER 185.

An act in regard to certain railroad subscriptions.

The General Assembly of North Carolina do enact:

Taxes collected
on property of
Harnett County
Railroad applica-
ble to payment of
interest on bonds
of township sub-
scribing to cap-
ital stock.

SECTION 1. That when any township shall subscribe its bonds to the capital stock of the Harnett County Railroad Company, the county taxes which shall be annually levied and collected upon the property and franchises of the said railroad company in and for the county in which the said township is situated shall be applied to the payment of the interest on the said bonds to the amount of the said interest so long as the said interest shall accrue, and the excess of the said taxes after paying said interest shall be applied to general county purposes.

SEC. 2. That when more than one township in a county shall subscribe its bonds as aforesaid, the said taxes shall be applied to the payment of the interest on all of the said bonds *pro rata*.

Taxes, how applied when more than one township subscribes.

SEC. 3. That nothing herein contained shall be taken in any wise to invalidate the said bonds should the said taxes for any reason fail to be applied to the payment of the said interest or any part thereof.

Bonds not invalidated if taxes not applied to payment of interest.

SEC. 4. The provisions of this bill shall apply to railroads and townships in Union, Moore and Robeson counties.

Act applicable to railroads, &c., in Union, Moore and Robeson counties.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 186.

An act to provide for the support of the North Carolina Institution for the deaf and dumb and the blind.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of thirty-seven thousand dollars be and is hereby appropriated for the support and repairs of the institution for the deaf and dumb and the blind during the fiscal year beginning December the first, one thousand eight hundred and eighty-six and ending November thirtieth, one thousand eight hundred and eighty-seven, and the same amount is hereby appropriated for the support and repairs of said institution for the fiscal year one thousand eight hundred and eighty-eight.

\$37,000 appropriated for 1887 and 1888, respectively.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the amounts appropriated by section

State treasurer authorized to pay on warrant of trustees or executive committee.

one of this act out of the fund authorized by law to be levied and collected or out of any fund in the treasury not otherwise appropriated, upon the warrant of the board of trustees or of the executive committee.

Chapter 186, laws 1885, repealed.

SEC. 3. That chapter one hundred and eighty-six of the laws of eighteen hundred and eighty-five be and the same is 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 4th day of March, A. D. 1887.

CHAPTER 187.

An act supplemental to an act entitled an "act to regulate freight rates," laws of one thousand eight hundred and eighty-seven and ratified on the first day of February, one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Construction of term "shorter distance" in chapter 42, *ante*.

SECTION 1. That in construing the term "shorter distance" in an act entitled an "act to regulate freight rates," laws of one thousand eight hundred and eighty-seven, and ratified on the first day of February, one thousand eight hundred and eighty-seven, twenty miles shall be construed the unit, and it shall be lawful to collect and receive the same amount for all fractions of said unit as for the unit.

Continuous roads considered as one road.

SEC. 2. That in cases where freight or passengers pass over continuous roads, lines or routes operated by more than one common carrier, such continuous roads, lines or routes may be considered for the purposes of this as one road.

Section 3 of chapter 42; how construed.

SEC. 3. Amend section two of said act by striking out the following, viz: "But this act shall not be construed

to mean that more shall be charged for equal quantities in car loads for a shorter distance than for a longer distance."

SEC. 4. That nothing in said "act to regulate freight rates" shall be construed to require any corporation or combination of corporations to regulate their charges for shorter distances by their proportion of through rates between terminal, junctional or competition points; nor shall anything in said act apply to the carrying of freights which come from or go beyond the boundaries of this state.

Construction of chapter 42 in respect to regulating charges for shorter distances, &c.

Not applicable to freights coming from or going beyond state boundaries.

SEC. 5. That nothing in said act shall apply to the carriage of property at reduced rates for the state or municipal governments, or for charitable and religious purposes, or to or from fairs and expositions for exhibition thereat, or issuance of mileage, excursion or commutation passenger tickets, or to prohibit the giving of reduced rates to ministers of the gospel or for charitable purposes.

Exceptions.

SEC. 6. All laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 4th day of March, A D. 1887.

CHAPTER 188.

An act to regulate the pay of jurors for New Hanover county.

The General Assembly of North Carolina do enact:

SECTION 1. That the pay of jurors of both the superior and criminal courts and officers of these courts in New Hanover county shall be one dollar and fifty cents per day and mileage.

Jurors and court officers to be paid \$1.50 per day and mileage.

Conflicting laws
repealed.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 189.

An act construing section one of chapter two hundred and sixty of acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

The General Assembly of North Carolina do enact:

Jolly's old field,
Pitt county, ex-
cepted from oper-
ation of chapter
260, laws 1876-7.

SECTION 1. That setion (1) one of chapter two hundred and sixty of the acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven shall not be so construed as to prevent the sale or gift of any spirituous liquors, bitters or other intoxicating drinks at Jolly's old field in Pitt 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 4th day of March, A. D. 1887.

CHAPTER 190.

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

The General Assembly of North Carolina do enact:

Authorized to
levy special tax
not exceeding

SECTION 1. That the board of county commissioners of Cleveland county be and they are hereby authorized and

empowered, if they think necessary, to levy a special tax \$3,500 to build bridge across First Broad river. in the year one thousand eight hundred and eighty-seven, or one thousand eight hundred and eighty-eight, or in each of said years, at the same time with the other levies on all subjects of taxation in said county, the special tax to be applied to the erection of an iron bridge across First Broad river at some point above or below the crossing of the C. C. & C. R. R.; the said special tax shall not exceed three thousand five hundred dollars, whether levied in one of the aforesaid years or divided How collected, &c. between the two years, and shall be collected and accounted for by the sheriff or other collecting officers in the same manner and under the same penalties and within the same time as the other taxes levied in said county: *Provided*, the constitutional equation between Proviso. property and poll shall be observed in the levy of said special tax.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 191.

An act to save time and expense in appeals in criminal cases.

The General Assembly of North Carolina do enact:

SECTION 1. In criminal cases an appeal to the supreme court shall not have the effect of vacating the judgment appealed from, but upon perfecting the appeal as now required by law, either by giving bond or in *forma pauperis*, there shall be a stay of execution during the pendency of the appeal. Judgment in criminal cases not vacated by appeal. Stay of execution.

SEC. 2. That the clerk of the superior court, upon the receipt of the certificate of the supreme court, in all Duty of superior court clerk on receipt of certifi-

cate from supreme court of "no error."

Duty of sheriff.

Judgment for fine to be docketed.

Lien.

Stay of execution.

If judgment affirmed execution to issue.

criminal cases, not capital, in which "no error" has been certified, shall forthwith issue to the sheriff of the county an execution embodying the judgment of the superior court appealed from, requiring the sheriff to execute the judgment, which he shall immediately proceed to do.

SEC. 3. When the sentence in whole or in part directs the payment of a fine, the judgment shall be docketed by the clerk and be a lien on the real estate of the defendant in the same manner as judgments in civil actions, and executions thereon shall only be stayed upon, upon an appeal taken by security being given in like manner as is required in civil cases. Should the judgment be affirmed, the clerk of the superior court on receipt of the certificate from the supreme court shall issue execution on such judgment.

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. 1887.

CHAPTER 192.

An act concerning appeals.

The General Assembly of North Carolina do enact :

Judgment not vacated by stay of execution on appeal to supreme court.

SECTION 1. The stay of execution provided for in title thirteen, chapter ten of The Code, shall not be construed to vacate the judgment appealed from, but in all cases said judgment shall remain in full force and effect, and the lien of said judgment shall remain unimpaired notwithstanding the giving of the undertaking or making the deposit required in said title, until the judgment appealed from is reversed or modified by the supreme court.

SEC. 2. That section four hundred and thirty-five of The Code is amended by striking out all after the word "thereupon" in the fourth line from the end of said section and substituting the following: "no execution shall issue upon such judgment during the pendency of said appeal."

Section 435, Code, amended.

No execution to issue on judgment pending appeal, when undertaking given, &c.

SEC. 3. That section nine hundred and sixty two of The Code be amended by adding to the end thereof the following paragraph: "In civil cases, at the first term of the superior court after such certificate is received, if the judgment is affirmed the court below shall direct the execution thereof to proceed, and if said judgment is modified, shall direct its modification and performance. If a new trial is ordered the cause shall stand in its regular order on the docket for trial at such first term after the receipt of the certificate from the supreme court. In criminal cases the clerk of the superior court, in all cases where the judgment has been affirmed, (except where the conviction is a capital felony,) shall forthwith on receipt of the certificate of the opinion of the supreme court notify the sheriff, who shall proceed to execute the sentence which was appealed from. In criminal cases where the judgment is not affirmed the cases shall be placed upon the docket for trial at the first ensuing term of the court after the receipt of such certificate. In all cases of affirmance of a sentence for a capital felony the clerk of the supreme court, at the same time that the decision of the supreme court is certified down to the superior court, shall send a duplicate thereof to the governor, who shall immediately issue his warrant under the great seal of the state to the sheriff of the county in which the appellant was sentenced, directing him to execute the death penalty on a day specified in said warrant, not less than thirty days from the date of said warrant; but this shall not deprive the governor of the power to pardon or reprieve the defendant or to commute the sentence.

Section 962, Code, amended

When judgment is affirmed, execution to be directed at first term after receipt of certificate.

When new trial granted, action to stand for trial at first ensuing term, &c.

In criminal cases (other than capital) when judgment affirmed clerk of superior court to direct sheriff to execute sentence.

When judgment not affirmed, case to stand for trial at first ensuing term.

When sentence in capital felony affirmed, supreme court clerk to send duplicate certificate to governor.

Governor to issue warrant to sheriff to execute death penalty, &c.

Governor not deprived of power to pardon or reprieve.

Section 1234,
Code, amended.

Appeals in criminal cases; judgment not vacated; when stay of execution directed.

Conflicting laws repealed.

SEC. 4. Section one thousand two hundred and thirty-four of The Code shall be amended by adding at the end thereof the following: "but no appeal shall have the effect of vacating the judgment appealed from, but upon perfecting the appeal as required by law, or upon appeal perfected in *forma pauperis*, the judge shall direct a stay of execution during the pendency of said appeal.

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

SEC. 6. 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. 1887.

CHAPTER 193.

An act to promote the efficiency of the state guard.

The General Assembly of North Carolina do enact :

Section 3257,
Code amended.

Detail of officer
for regular duty.

Compensation.

SECTION 1. That The Code, section three thousand two hundred and fifty-seven, be amended by adding in the third line from the bottom, between the words "duty" and "any," the words "or regular duty," and at the end of the section the words: "*Provided*, such compensation shall not exceed four dollars per diem," and by striking out the words "the exigencies of" in the third and fourth lines from the bottom, so that the last clause of the section shall read: "and the governor may, whenever the public service requires it, detail for special duty or regular duty any officer of the state guard, and his expenses and compensation therefor shall be paid upon the approval of the governor and warrant of the auditor: *Provided*, such compensation shall not exceed four dollars per diem."

Section 3289,
Code, amended.
Governor authorized to pay organized companies \$300.

SEC. 2. That section three thousand two hundred and eighty-nine of The Code be amended by striking out "one hundred and fifty" and inserting "three hundred."

SEC. 3. That the commander of each regiment be allowed one hundred dollars per annum with which to provide stationery and postage and to defray other necessary expenses incurred in the discharge of the duties of his office: *Provided*, that said appropriation shall not continue for a longer time than two years from the passage of this act.

Allowance to commander of regiment.

Proviso.

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 take effect from and after its ratification.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 194.

An act to amend section one, chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, and giving additional court facilities to Bertie county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty, section one, of the laws of one thousand eight hundred and eighty-five, be amended by adding after that portion which provides for the court of Bertie county after the words "two weeks," the following: "and on the fourth Monday before the first Monday in March," to continue one week.

Chapter 180, laws 1885, amended.

Additional term Bertie superior 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 4th day of March, A. D. 1887.

CHAPTER 195.

An act authorizing the board of county commissioners of Brunswick county to sell poor-house.

The General Assembly of North Carolina do enact :

Authorized to
sell poor-house
lands, purchase
other lands, &c.

SECTION 1. That the board of county commissioners of Brunswick 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 they are further authorized and empowered to purchase other lands, with or without buildings, for the purpose of a home for the paupers of said county, at such place and price as in their judgment shall seem fit, and if there should be no buildings or a deficiency of buildings upon the lands purchased, then they shall construct such buildings as to them may seem requisite.

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. 1887.

CHAPTER 196.

An act to authorize the board of directors of the penitentiary to furnish stone for the pedestal of Bentonville monument at Smithfield.

The General Assembly of North Carolina do enact :

Penitentiary di-
rectors author-
ized to furnish
stone for pedestal
of Bentonville
monument at
Smithfield.

SECTION 1. That the board of directors of the penitentiary are hereby authorized and directed to furnish at the penitentiary, upon demand, rough stone enough to complete the pedestal of the monument soon to be erected in the town of Smithfield in memory of the soldiers who fell at the battle of Bentonville.

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. 1887.

CHAPTER 197.

An act to create a new township in Columbus county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township, to be called Chad-
 bourn township, is hereby created in the county of Colum-
 bus, to be taken from the townships of Whiteville, Wil-
 liams and Fair Bluff, and bounded as follows: Begin-
 ning at the Summersett mills and running with said
 mill branch to Two Mile branch, then with said branch
 to the Peacock and Sidney road, then with said road to
 where it crosses Beaver Dam swamp, from thence a direct
 line to where the Sidney and Fair Bluff road crosses the
 Wilmington, Chadbourn and Conway Railroad, then with
 said Sidney and Fair Bluff road to the Williams and Fair
 Bluff township line, then with said line to the Stoke road,
 then with said road to Green's branch, then with Green
 branch to the Tatom's township line, then with said line
 to the Whiteville and Lumberton road, then with said
 road to the Peacock and Vale road, then with said road
 to Wolf-trap branch, then with said branch to Juniper
 branch, then with said branch to the beginning.

Chadbourn town-
ship created.

Boundaries.

SEC. 2. That the voting precinct of this township shall
 be at the town of Chadbourn.

Voting precinct.

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. 1887.

CHAPTER 198.

An act to incorporate the East Carolina Land and Railway Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That for the purpose of constructing a railroad from some point on the Atlantic and North Carolina Railroad, or some point on Trent river in Jones county, through White Oak swamp lying in Jones and Onslow counties, to some point on New river in Onslow county,

Terminal points.

Daniel L. Roberts, Joseph M. White, P. M. Persell, James F. Long, Thos. A. Green, George Credel, F. F. Green, Lewis Bynum, J. C. Bynum, F. M. Simmons, E. R. Page, Henry W. Wahab, C. Manly, Thos. Daniels, J. H. Bell, C. E. Foy, Geo. W. Winberry, A. J. Murrell, H. E. King, S. B. Taylor, E. Murrell, J. L. Nicholson, E. W. Ward, John W. Mills, C. H. Foy, Washington Bryan, W. J. Montford, N. N. McMillion, L. W. Humphrey, John Pearce, Cyrus Foscue, Frank Foy, H. C. Foscue, David S. Barnes, Elihu A. White, be and are hereby declared to be a body politic and corporate under the name of the

Corporate name.

East Carolina Land and Railway Company for the term of ninety-nine years; and the said company shall have all the powers, rights and privileges granted by the general law of the state to railroad corporations of North Carolina.

Corporate powers.

SEC. 2. That the capital stock of said company may be two hundred thousand dollars, in shares of one hundred dollars each, which may be subscribed and paid for in money, labor, land, lumber, and other material as may be stipulated.

Capital stock.

Subscriptions, how made.

SEC. 3. That for the purpose of organizing the said company, the said corporators, or a majority of them, shall open books of subscription to the capital stock of the said company at such time and place as they may

Books of subscription.

determine. And when the sum of ten thousand dollars shall have been subscribed by solvent subscribers the said corporators shall call a meeting of said subscribers, who shall elect seven directors. And said directors shall elect one of their number president of the said company. And the said president and directors shall hold their offices for one year and until their successors shall be elected. And the said directors are authorized to re-open the books of subscription from time to time until the whole of the said capital stock shall have been subscribed for and taken.

Organization.

Directors.

President.

Books of subscription may be re-opened.

SEC. 4. That the said East Carolina Land and Railway Company is authorized to construct a railroad from some point on the Atlantic and North Carolina Railroad, or some point on Trent river in Jones county through White Oak swamp, a tract of land belonging to the board of education lying in Jones and Onslow counties, to some point on New river in Onslow county.

Terminal points.

SEC. 5. That for the purpose of aiding in the construction and equipment of the said railroad the said East Carolina Land and Railway Company may issue coupon bonds bearing six per centum interest and payable semi-annually, and make a mortgage to secure the payment of the same on its entire property, road-bed, stock and franchise, not exceeding six thousand dollars per mile, and the same shall be first mortgage bonds.

Authorized to issue mortgage bonds.

SEC. 6. That said mortgage deed when duly executed may be registered in Jones county, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever, and shall give priority and preference over all claims against said corporation created subsequently to such recording, and it shall not be deemed necessary to register or record the same in any other county, any laws to the contrary notwithstanding.

Registration of mortgage.

SEC. 7. Whereas, the construction of said railroad through the said White Oak swamp tract of land, con-

Board of education to convey to company one

half of 80,000 acres
in White Oak
swamp.

taining about eighty thousand acres; land belonging to the board of education, will greatly enhance the value of said land which will become subject to taxation, the said board of education is authorized and directed to execute title in fee simple to the said East Carolina Land and Railway Company for one half of the said tract of land, the same to be laid off in alternate sections of six hundred and forty acres or smaller sections at the option of the said board of education; said sections to be laid off by the said board of education on both sides of said railroad having the line of said railroad as their base, the cost of any necessary surveys to be paid equally by said company and the said board of education, upon the terms and conditions named hereunder. That when the said company shall have constructed the said railroad through the said White Oak swamp tract of land near its centre ready for the cars to run over it, and shall deliver to said board of education twelve thousand and five hundred dollars of the first mortgage bonds of the said company, the said board of education shall execute and deliver title for the said alternate sections of the said tract of land so laid off by the said board of education as aforesaid to the said East Carolina Land and Railway Company.

Cost of survey.

When board of
education to execute
and deliver
title.

Authorized to
purchase other
lands.

SEC. 8. That said company may purchase and hold other lands along the line of its said railroad and adjoining the said White Oak swamp tract.

Taxes against
road in Jones and
Onslow counties,
how collected
and appropriated.

SEC. 9. That all the taxes which may be collected from the said railroad company and its property between its *termini* in Jones and Onslow counties by the sheriffs of Jones and Onslow counties for the state shall be paid over to the treasurer of the state, to be by him held for the said board of education.

Authorized to
build and operate
any part of road.

SEC. 10. That the said East Carolina Land and Railway Company may begin the construction of said railroad at any point or points it may choose, and use any

portion of the same before its completion and charge for transportation and passage thereon.

SEC. 11. That the said company shall have right of way of sixty feet on both sides of its tracks over the lands owned by the state or board of education.

SEC. 12. That said East Carolina Land and Railway Company is authorized to ditch, drain and clear for cultivation the said lands, to rent the same and collect and receive rents, to sell for cash or on time all or any portion of the same and take mortgage to secure the payment of the debt, and in default of payment may foreclose the said mortgage and purchase at such sale.

SEC. 13. That the said East Carolina Land and Railway Company, if it shall so decide, is authorized to change its eastern terminus after building to Trent river, and to extend the construction of its railroad through any of the counties it may choose to locate its route to make more advantageous railroad or water way connections for the delivery of its freight and passengers and conduct of its business; or if it prefer, the said company is authorized to extend the construction of its railroad from its western terminus on or at New river through any counties it may choose to locate its route to make such railroad or water way connections as better to facilitate transportation and delivery of its freight and passenger traffic.

SEC. 14. That to aid the said East Carolina Land and Railway Company to extend the construction and equipment of its said railroad as aforesaid, the said company may re-open books of subscription and increase its capital stock to such an amount as it may determine, and may issue coupon bonds bearing six per centum interest and payable semi-annually and make a mortgage to secure the payment of the same on its entire property, road-bed, stock and franchise not exceeding ten thousand dollars per mile, and the same shall be second mortgage bonds.

SEC. 15. That said mortgage deed when duly executed may be registered in Jones county and have the same

Right of way.

Authorized to drain land, &c.

Authorized to change eastern terminus.

Extension of road.

Books of subscription may be re-opened, &c.

Capital stock.

Mortgage bonds.

Registration of mortgage.

effect as provided for recording the first mortgage bonds.

Authorized to purchase vessels, &c.

SEC. 16. That the said company may purchase and own vessels and boats, to be propelled by steam or otherwise, to be used on the waters of the Trent, New and Neuse and White Oak rivers and their tributaries.

Authorized to lease road.

SEC. 17. That the said East Carolina Land and Railway Company is authorized to lease its railroad and property to the Atlantic and North Carolina Railroad Company, or to the Wilmington and Weldon Railroad Company, or to any other railroad corporation chartered by the laws of this state or any other state, and such railroad company desiring to lease is hereby empowered to lease the railroad of the said East Carolina Land and Railway Company and operate and maintain the same upon such terms and conditions as may be agreed upon by the directors of the respective corporations, the same to be ratified by a majority of the stockholders of each corporation.

Onslow and Jones counties authorized to subscribe to capital stock.

SEC. 18. That said counties of Onslow and Jones may subscribe to the capital stock of the said company to such an amount as a majority of the commissioners of the said counties respectively may determine, subject to the approval of a majority of all the qualified voters of the county, and said commissioners in order to pay the said subscription shall have power to issue bonds bearing interest at the rate of six per centum per annum, said bonds to be issued in such manner and form, payable at such time and place and authenticated in such manner as they may determine.

Commissioners to issue bonds.

Special tax.

SEC. 19. In order to pay the principal and interest on the bonds issued as aforesaid the commissioners of the county subscribing as above-mentioned shall levy and collect annually, in such manner as is directed by law in cases of taxes for other county purposes, a tax sufficient to pay the annual interest, and they may levy and collect a farther tax to be used in extinguishment of the princi-

Tax for sinking fund.

pal or else to be invested as a sinking fund for the ultimate redemption of the principal.

SEC. 20. No subscription shall be made by the commissioners of said county as above-mentioned until the question of approval or disapproval of such subscription, the issue of the bonds and the authority to levy taxes to pay the interest and provide for the payment of the principal of the bonds, shall be submitted to all the qualified voters of the county and shall be approved by a majority of said voters. Thirty days' notice shall be given by advertisement at the court-house door, at each of said election precincts, and shall be published in some newspaper having in the opinion of the commissioners the widest circulation in the county. The advertisement shall state the amount proposed to be subscribed by the commissioners and the amount of bonds proposed to be issued. Those approving the proposition shall deposit in the ballot box ballots with the printed or written word "approved;" those disapproving the same shall deposit ballots with the printed or written words "not approved;" and if a majority shall vote approved, they shall be deemed to ratify and approve the subscription and debt proposed to be made and the tax proposed to be levied.

Election on question of subscription.

Notice of election.

Ballots.

Subscription made on majority vote.

SEC. 21. The commissioners of said counties proposing to subscribe for the stock as aforesaid shall have authority to take all measures consistent with this act and the laws of the state for registration of voters, holding the election and returns of the result of the same; and if said subscription be approved they shall have power to take all measures proper for carrying the same into effect, and it shall be their duty and that of their chairman to make the subscription in behalf and in the name of the said county, and to execute and issue the bonds aforesaid.

Powers of commissioners in respect to election, &c.

SEC. 22. That any town or township in the said counties of Jones or Onslow may subscribe to the capital stock of said company to such an amount as a majority of the commissioners of the county in which it is situated may

Subscription by towns or townships.

determine, upon the application of at least five freeholders of said town or township in writing asking said commissioners to submit the question of said subscription to the voters of said town or township; that no subscription shall be made by any town or township until the question of approval or disapproval of such subscription, the issue of coupon bonds and the levy of taxes to pay the same shall be submitted to all the qualified voters of said town or township and shall be approved by a majority of the said voters. The manner and procedure of calling and holding such elections shall be the same as is provided in this act for election by the counties of Jones and Onlow for a similar purpose, and shall in such cases be under the control and direction of the said commissioners in each and every step as if it were an election by one of said counties. In case any town or township shall in the manner above provided approve of the proposition to subscribe so submitted to them, it shall be the duty of the chairman of the board of commissioners of the county in which the same is situated to make the subscription in behalf of the said town or township and to execute and issue in the name of said town or township the bonds as in case of said counties of said town or township, and the said commissioners shall have the same power to levy and collect taxes of said town or township to pay the interest and principal of said bonds as is herein given them in case of a subscription by the said counties.

Election on question of subscription, &c.

How held.

County commissioners to make subscriptions, issue bonds, &c.

Special tax.

Grant of public highway through White Oak swamp.

SEC. 23. That to further facilitate the construction of the said railroad the county commissioners of Jones and Onslow counties are hereby authorized to grant and transfer the public highway in their respective counties leading through the said White Oak swamp tract of land to the said East Carolina Land and Railway Company upon such terms as the said county commissioners and said East Carolina Land and Railway Company may agree upon: *Provided*, that the assent in writing of the

said board of education shall be first had and obtained for the transfer of said highway.

SEC. 24. *Provided*, that the said East Carolina Land and Railway Company shall begin the construction of its railroad within twelve months and finish the same to New river in Onslow county within four years.

When construction of road to be begun, &c.

SEC. 25. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 4th day of March; A. D. 1887.

CHAPTER 199.

An act to regulate the sale of seed cotton.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to buy, sell, deliver or receive for a price, or for any reward whatever, any cotton in the seed where the quantity is less than what is usually baled, except as herein after provided.

Unlawful to buy, &c., seed cotton in quantity less than is usually baled, except as provided in this act.

SEC. 2. The person so buying or receiving seed cotton as aforesaid shall enter upon a book to be kept by him or her for such purpose the date of such buying or receiving, the number of pounds in each lot, the person or persons from whom bought or received, and the price paid for same per pound, and shall keep said book open to inspection by the public at all business hours of the day.

Purchaser, &c., to keep record of cotton received, &c.

Open to inspection.

SEC. 3. Any person buying or receiving seed cotton, who shall fail to keep the book as aforesaid, or shall fail or neglect to make therein the entries aforesaid at the time of such buying or receiving, shall be guilty of a misdemeanor, and upon conviction be punished by a fine

Penalty for failure to keep record.

not exceeding fifty dollars or imprisoned not exceeding thirty days.

Burden of proof.

SEC. 4. In all prosecutions under this act it shall only be necessary for the state to allege and prove that the defendant bought or received the seed cotton as charged, and the burden shall be upon the defendant to show that the provisions of this act have been complied with.

SEC. 5. 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. 1887.

CHAPTER 200.

An act in regard to certain railroad subscriptions.

The General Assembly of North Carolina do enact :

Tax collected on property of railroads in Union and Moore counties applied to interest on bonds of township subscribing, &c.

SECTION 1. That when any township shall subscribe its bonds to the capital stock of any railroad company to be constructed in Union and Moore counties the county taxes which shall be annually levied and collected upon the property and franchise of said company in and for the said county, shall be applied to the payment of the interest on said bonds to the amount of the said interest so long as the said interest shall accrue, and the excess of said taxes after paying said interest shall be applied to general county purposes.

Excess.

Tax, how applied when more than one township subscribes.

SEC. 2. That when more than one township in said counties shall subscribe its bonds as aforesaid the said taxes shall be applied to the payment of the interest on all of said bonds *pro rata*.

Township bonds not invalidated if tax not applied, &c.

SEC. 3. That nothing herein contained shall be taken or construed in anywise to invalidate the said township bonds in case the said taxes should for any reason fail to

be applied to the payment of the said interest or any part thereof, nor shall such failure invalidate such bonds.

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 4th day of March, A. D. 1887.

CHAPTER 201.

An act to confirm the title to lands of certain parties lying in Columbus county.

The General Assembly of North Carolina do enact:

SECTION 1. That where the state has heretofore issued any grant to any person or persons for any lot or parcel of land which under the general law is not subject to entry, such grant is hereby declared valid: *Provided*, this act shall only effect the title of the state: *Provided further*, that this act shall only apply to lands lying in the county of Columbus.

State grants heretofore issued to land in Columbus county not subject to entry. validated.

SEC. 2. 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. 1887.

CHAPTER 202.

An act for the relief of maimed Confederate soldiers.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-three of the acts of one thousand eight hundred and seventy-

Chapter 193, laws 1879, amended.

Persons who lost one hand and foot entitled to benefits of law.

nine be amended by adding in section two, line three, after the words "both feet," "or one hand and one foot."

SEC. 2. 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. 1887.

CHAPTER 203.

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

The General Assembly of North Carolina do enact :

Chapter 405, laws 1885, repealed. (Chatham county stock law.)

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

Act not applicable to certain territory.

SEC. 2. *Provided*, that this act shall not apply to any territory which has adopted the stock law under the act of one thousand eight hundred and eighty-five, or which has already petitioned under said act for the stock law.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 204.

An act to create a new township in the county of Mecklenburg.

The General Assembly of North Carolina do enact :

Huntersville township created.

SECTION 1. That a new township is hereby created out of portions of Dewese, Lemley's and Long Creek town-

ships, to be called Huntersville township, with the following boundaries, viz: Beginning at the residence of D. A. Caldwell, in Lemley's township, and thence with McDowell's creek to the public bridge near R. A. Torrence's; thence an airline to the Hopewell manse in Long creek township; thence nearly due east to Abner Hunter's, corner of Dewese township; thence with the Mallard creek and Dewese township line to the Cabarrus county line; thence with the Cabarrus county line to the place where said county line crosses the Concord and Batie's Ford public road; thence with the division line between voting precincts numbers one and two in Dewese township to the beginning.

SEC. 2. That the commissioners of Mecklenburg county are hereby authorized and required to create one or more voting precincts in said township for the convenience of the voters 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 4th day of March, A. D. 1887.

CHAPTER 205.

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

The General Assembly of North Carolina do enact:

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

Chapter 329, laws 1885, repealed. (Authorizing commissioners Brunswick county to pay certain school claims.)

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. 1887.

CHAPTER 206.

An act to confirm certain titles in Buncombe county.*The General Assembly of North Carolina do enact :*

Wills admitted to probate before February 4th, 1863, in Buncombe county upon examination of one witness and not contested, declared duly probated.

SECTION 1. That all wills admitted to probate before the fourth day of February, one thousand eight hundred and sixty-three, in the county of Buncombe, upon the examination of a single subscribing witness, and which do not appear upon the record to have been contested, shall be taken and held to have been duly probated, and all such probates shall be taken and held to be good and valid in the same manner as if had upon the examination of two or more subscribing witnesses.

SEC. 2. 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. 1887.

CHAPTER 207.

An act to incorporate the Atlantic, Henderson and Virginia Railroad Company.*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That Wm. H. S. Burgwyn, J. R. Young, D. Y. Cooper, Samuel Watkins, W. S. Parker, James H. Laster, Geo. B. Harris, J. R. Tucker, 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 "Atlantic, Henderson and Virginia Railroad Company," and when organized as hereinafter provided, said corporation

Corporate name.

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, or by public condemnation as provided by law, estate real, personal and mixed, and of holding or leasing and selling the same as the interest of said company may require, and make and exercise all such by-laws and regulations for its government and successful operating as shall be deemed necessary or expedient for that purpose, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company, and especially those granted in the charter of the "Midland North Carolina Railway Company" chartered by act of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter fifty-four, and which shall not be inconsistent with the constitution of this state or of the United States.

Corporate powers.

SEC. 2. That the said company be and the same is hereby authorized to construct a railway of one or more tracks, either of narrow or broad gauge, from the town of Henderson, in the county of Vance, to some point on the Virginia state line, as well as from the said town of Henderson to some point on the eastern coast of the state: *Provided*, the right of way hereby granted to said railroad company shall not exceed sixty-five feet from the center of the track on each side.

Terminal points.

Width of right of way.

SEC. 3. That the capital stock of said company shall not be less than five thousand dollars per mile, with power to increase the same to twenty thousand dollars per mile, 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, municipal or other corporations, public or private.

Capital stock.

SEC. 4. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid at such time and places in the said county of Vance as shall be appointed by the said corporators respectively, and the said corporators or a majority of them may at

Books of subscription.

Organization.

any time after the sum of ten thousand dollars has been subscribed to the capital stock of said company and five per centum cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company, shall elect a president and not less than four nor more than eight directors, who shall constitute a board of directors, who shall have general charge and management of the business of said corporation, with power to appoint all proper officers and agents for transacting the business of the corporation and take security for the faithful performance of the same.

President.

Directors.

Stockholders' meetings.

SEC. 5. That said company shall hold annual meetings of the stockholders, and oftener if necessary, and at its organization as aforesaid and at its annual meetings subsequent thereto not less than four nor more than eight stockholders and a president shall be elected by the stockholders to hold office for one year or until their successors shall be elected. In all meetings of stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in the manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on all questions. Any meeting of the stockholders shall have power to make or alter the by-laws of the company.

Quorum.

Stock vote.

Certificates of stock.

SEC. 6. Said company shall issue certificates of stock to its subscribers which shall be transferable in such manner as may be prescribed by the by-laws of the company.

Authorized to build, &c., part of road.

SEC. 7. That the said company may construct a part of said road without building the entire line, beginning at or near or from either end, and may charge for transportation thereon, subject to the laws of this state.

Subscriptions and donations by counties and townships.

SEC. 8. That the commissioners of Vance county, and of any other county through which the said railroad may pass, shall have full power and authority to make donations to the said company, or to subscribe to the cap-

ital 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 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, township or other corporation 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.

By cities and towns.

Bonds.

Effect of subscription.

Townships, how represented.

SEC. 9. That the board of commissioners of the several counties through which said railroad shall 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 therein within sixty days, after giving thirty days' notice of said election by advertisement at the court-house door of said county, and at four 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

Township election on question of subscription, &c.

When and how held.

Ballots.

be printed or written the words "against donation;" but if the election be to authorize a subscription to the capital stock the ballots shall have written or printed on them the words "for subscription" and "against subscription" in place of the words "for donation" and "against donation," and shall be deposited as aforesaid: *Provided*, that only those who are qualified to vote for members of the general assembly of the state shall be permitted to vote at said election. The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of said election, who shall on that day canvass the same, and if a majority of the qualified voters of said township shall have voted 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 the qualified voters of said township shall have voted "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 the power to order a special registration for the election herein provided for under the law governing elections.

SEC. 10. 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 subscribed, 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 bearing interest at the rate of eight per centum or less per annum, interest payable on the first day of January in each year

Electors.

Returns, how made, &c.

Subscriptions or donations, when made.

Special registration.

Bonds, how issued, &c.

by the treasurer of the county in which said 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.

Bonds, when redeemable.

SEC. 11. That in all cases when a subscription to the capital stock shall be made by a county or township, the county commissioners, and in case when a subscription shall be made by a city or town, the authorities of the municipal corporation, shall have 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 by said authorities for the completion of said railroad.

Subscriptions by counties, &c., how made.

SEC. 12. 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 first pay the interest on said bonds, and the coupons so paid shall be his vouchers and evidences of such payment, and the balance of the money shall be vested by him in the purchase of said bonds not above par, and the bond of said county treasurer shall be liable for the faithful performance of his duties under this act.

Special tax.

How collected.

Duty of treasurer to pay interest and invest balance.

SEC. 13. That the commissioners or municipal authorities of any town in any of the counties through which

Election in towns on question of subscription or donation.

the said railroad may be constructed shall be authorized and required when twenty-five tax payers of such 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 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 in townships, except that the returns of elections shall be made to the commissioners or other municipal authorities of said town, who shall canvass the same, and if a majority of the qualified voters of 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 the authorities of said company, and in payment of any donation or any subscription to the capital stock of said company the commissioners of such town shall issue 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 the interest on said bonds and one thirtieth of the principal. The tax levied under 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 the balance collected on account of said bonds in the purchase of said bonds at par.

How held, &c.

Subscriptions, how made, &c.

Donation.

Bonds.

Special tax.

How collected.

Treasurer to pay interest and invest balance.

SEC. 14. The bonds issued under this act 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.

Bonds, how issued.

SEC. 15. That it may and shall be lawful for the said company to make and issue bonds to any amount not exceeding ten 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 eight per centum per annum, interest to be paid semi-annually and redeemable at any time fixed by the company.

Company authorized to issue bonds.

SEC. 16. That to secure the faithful payment of the said bonds it shall 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 said 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.

Deed of trust, &c.

SEC. 17. That all persons, the commissioners of any county acting for their county or any township thereof, or the chief officer of any incorporated town, shall have and are hereby vested with full power and authority to guarantee the interest on the first mortgage bonds of said railroad company, to the extent they may be authorized to do so by the inhabitants of said county, incorporated town or township, and the commissioners of any county through which said railroad may run and the authorities of any incorporated town of the same are hereby empowered and authorized to levy and collect

Counties, &c., authorized to guarantee interest on first mortgage bonds of company.

such taxes as may be necessary to carry out and execute the provisions and intent of this act.

Election on question of guarantee.

SEC. 18. Upon the petition in writing of twenty-five tax payers of any county, incorporated town or township on or along the line of said company the board of county commissioners acting for their county or any township thereof, or the chief officer or mayor of any incorporated town, shall order and have held within sixty days after the receipt of said petition, and after advertising the same in four public places in every town or township in which said election is to be held in said county, incorporated town or township, an election submitting the question of "guarantee" and "no guarantee" to the qualified voters of said county, incorporated town or township, and if at said election held under the same rules and regulations as prescribed in sections nine and thirteen of this act if a majority of the qualified voters of said county, incorporated town or township vote "guarantee" the chairman of said board of county commissioners or the mayor or chief officer of said incorporated town shall properly evidence said guarantee by signing such an amount or number of the first mortgage bonds of said railroad as he may be authorized by such election to guarantee the interest on.

When and how guarantee to be made.

What petition for election to show.

SEC. 19. That the condition upon which aid is voted to said railroad shall be set forth in all petitions asking elections in aid of the same, and the contracting parties shall be compelled and fully bound thereby.

Other railroads may endorse bonds.

SEC. 20. Any railroad with which said road may connect, or that is crossed by the line of said railroad, may acquire, guarantee or endorse its bonds or buy its stock.

Condemnation of land.

SEC. 21. That said company shall have the right to have land condemned for right of way to the extent of one hundred feet on each side of the main track, measuring from the center of the same, and for necessary warehouses and buildings according to existing laws, and shall also have full power to sell or lease its road-bed,

Sale or lease of road.

property and franchises 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 railroad.

Purchase, &c., of other roads.

SEC. 22. 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.

Authorized to construct and operate any part of road.

Exclusive right of transportation.

SEC. 23. That said company shall have power and are hereby authorized to build branch roads not exceeding fifty miles in length, and to construct and operate telegraph lines along its main line and branches.

Branch roads.

SEC. 24. That the coupons attached to the bonds issued in pursuance of the provisions of this act shall be accepted at maturity at their face value in payment of any taxes due said county or incorporated town guaranteeing or issuing them except school taxes.

Coupons of county, &c., bonds receivable for taxes.

Exception.

SEC. 25. 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.

Authorized to borrow money on mortgage.

SEC. 26. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

Conflicting laws repealed.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 208.

An act to make appropriations for the insane asylums.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of fifty-six thousand dollars (\$56,000) per annum be and is hereby appropriated for

\$56,000 per annum appropriated for support of North Carolina Insane Asylum.

the sustenance and support of the patients in the North Carolina Insane Asylum at Raleigh, and the necessary repairs and improvements to the building.

\$65,000 appropriated for Western North Carolina Asylum for 1887.

SEC. 2. That the sum of sixty-five thousand dollars (\$65,000) for the year one thousand eight hundred and eighty-seven (1887) be and the same is hereby appropriated for the support of the Western Insane Asylum at Morganton, and the necessary repairs and improvements to the buildings. And the sum of eighty-five thousand dollars (\$85,000) for the year one thousand eight hundred and eighty-eight be and is hereby appropriated for the support of the said Western Asylum, and the necessary repairs and improvements to the buildings.

\$85,000 appropriated for 1888.

Appropriations, how drawn, &c.

SEC. 3. That the appropriations herein made for the support and repairs of the asylum at Raleigh and at Morganton shall be drawn out by the auditor upon his warrant, and be placed by the treasurer to the credit of the said institutions for which said appropriations are made respectively.

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. 1887.

CHAPTER 209.

An act to prohibit the sale of spirituous liquors in certain localities.

The General Assembly of North Carolina do enact:

Sale of liquor prohibited within two miles of certain localities.

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of, with a view to remuneration, any spirituous or other intoxicating liquors within two miles of New Salem Presbyterian church, Philadelphia

(colored) Methodist church, Little River Baptist church, Antioch Baptist church, in Alexander county; Union Baptist church, in Alleghany county; Best's Chapel (colored) Methodist church, Savanah Chapel (colored) Methodists church, New Zion (colored) Methodist church, in Anson county; Landmark Baptist church, Greenwood Methodist church, Southerland chapel, Southerland Academy, Brushy Fork church, in Ashe county; Bladen Union Baptist church, in Bladen county; Capehart's church in Bertie county; Mt. Harmony, Warlick's chapel, Friendship chapel and Earney's chapel and St. John's Baptist church, in Burke county; Ball's Creek camp ground, Mt. Zion Methodist camp ground, in Catawba county; Ellis academy, township number three, Pine Grove Methodist church, Mount Sinai Baptist church, Brook's chapel camp ground, Mount Harmony church, Lee's chapel, in Cleveland county; Bethpage (colored) church, in Cabarrus county; Fort Barnewell Baptist church, in Craven county; Valley River Baptist church, Oak Grove Methodist church, Mount Pleasant academy, in Cherokee county; Long Street Presbyterian church, Concord Baptist church, Cedar creek township, Cumberland county; Cape Hatteras camp ground, in Dare county; Pleasant Grove Methodist church, Jackson Hill Methodist church, in Davidson county; Samaria Baptist church, in Durham county; New Providence school-house (River Bend township), Gaston county; Goshen church, in Guilford county; Disciple's church (near Middleton), in Hyde county; Henry's school-house (in Ivy Hill township), Rock Springs Baptist church and Goose Chapel church in Haywood county; Macedonia Indian Baptist church, the Methodist Echoto Mission on Loco creek, Shoal Creek Baptist church, Shoal Creek Methodist church, the John's Creek church, the Webster depot and Sylva Station Baptist college in Hamburg township, in Jackson county; Trinity Lutheran church, in Lincoln county; Jotla Methodist church, Liberty Baptist church and Burningtown

Within two miles.

Within two
miles.

Baptist church, in Macon county; Dysartsville Baptist church, in McDowell county; Dover Baptist church and academy, Sanford Methodist church, in Moore county; Christian church (at Shady Grove), Hunsucker's store, in Montgomery county; Wilson's Grove Baptist church and academy, Paw Creek Presbyterian church, Dows Methodist church, Williams Memorial Presbyterian chapel, Saint Mark's Episcopal church, Trinity Methodist, Mowing Glade (colored) church, in Mecklenburg county; Rose Hill Baptist church, in Onslow county; Smith's Creek Methodist church, in Pamlico county; Big Spring Baptist church, Will Spring (colored) church, in Rutherford county; Bethlehem church, in Rockingham county; Mount Pleasant church, Grant church, Cross Roads school-house (in Steele township), Covington Chapel Methodist church, Bethel church, in Richmond county; Saint Luke's Evangelical Lutheran church, Grace Reformed church, Centenary Methodist church, Oak Grove academy (in Gold Hill township), Rowan county; Level Cross Methodist church, Mount Tabor Methodist church, in Randolph county; Lumber Bridge Baptist church, in Robeson county; Browning's Chapel Methodist church, Roseville (colored) Baptist church, in Sampson county; Pilot Mountain academy, in Surry county; Plank Chapel Methodist church, Island Creek Baptist church, Nut Bush Presbyterian church, Tabernacle Methodist church, Saint John's Episcopal church school house (for colored race) and school-house for white race, both in school district number eleven, in Vance county; Providence Methodist church school-house for white race and school-house for colored race in school district number twenty-three, in Warren county; Howard's Creek, Mount Vernon and Elk Knob Baptist churches, in Watauga county; Rock Ridge academy, New Hope Baptist church and Beaufort chapel, in Wilson county; Swain's church, in Yadkin county.

SEC. 2. It shall be unlawful for any person to sell or dispose of any spirituous or intoxicating liquors, with a view of remuneration, within one and a half miles of Rose of Sharon church, in Durham county.

Within one mile and a half.

SEC. 3. It shall be unlawful for any person to sell or otherwise dispose of, with a view of remuneration, any spirituous or other intoxicating liquors within one mile of Hebron church (in Vance township), and Lonsin Swamp church, in Lenoir county; New Hope Baptist church, Inwood Baptist church, in Wake county; Lebanon Methodist church, in Wilkes county; Fairfield Presbyterian church, in Orange county, and within a half mile of Carr's chapel, in Durham county, and Samaria Baptist church, Wake county.

Within one mile.

Within one half mile.

SEC. 4. That any persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Misdemeanor.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 210.

An act to provide for the support of the penitentiary.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of one hundred thousand dollars per annum for the years ending on the first day of December, one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight,

\$100,000 per annum appropriated for support of Penitentiary.

be and it is hereby appropriated out of any moneys in the public treasury not otherwise appropriated, for the support of convicts and to defray the running expenses of the penitentiary.

Contracts for supplies, how awarded, &c.

SEC. 2. That all contracts for purchasing the staple supplies of food, clothing, hardware, building material, etc., shall be awarded to the lowest bidder, after thirty days' advertising in some newspaper published in the city of Raleigh, unless the purchases are for the support of the convicts working at a distance from Raleigh, in which case, in addition to the advertisement in a newspaper in Raleigh, advertisement shall be made in such other newspaper as the board of directors of the penitentiary may select. The board of directors shall have power to prescribe rules for the making of purchases and awarding of contracts for furnishing supplies under the provisions of this section: *Provided*, that no contract for furnishing supplies shall be awarded for a shorter period than six months nor for a longer period than twelve months, and every person bidding for any contract shall give bond in such an amount as the board of directors shall prescribe, and the board of directors shall have power to reject any or all bids.

Bidders to give bond, &c.

Directors to report itemized statement of purchases, &c.

SEC. 3. That the board of directors are hereby instructed to publish in their reports an itemized statement of all purchases made during the preceding year, the sum paid and the person or firm from whom purchased, and the date of said purchase; also a list of all officers, employees and laborers in the employment of the institution, their duties and their salaries or wages.

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. 1887.

CHAPTER 211.

An act to prohibit the advertising of lotteries and to amend Code, section one thousand and forty-eight.

The General Assembly of North Carolina do enact:

SECTION 1. Any one who by writing or printing or by circular or letter or in any other way advertises or publishes an account of a lottery, whether within or without this state, stating how, when or where the same is to be or has been drawn or what are the prizes therein or any of them or the price of a ticket or any share or interest therein or where or how it may be obtained, is guilty of a misdemeanor.

Misdemeanor to advertise lotteries, &c.; publish reports of drawings, &c.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 212.

An act to alter the constitution of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That article four of the constitution of the state be amended as follows: In section six strike out the word "two" and insert instead thereof the word "four."

Article IV of the constitution amended.

Number of associate justices of supreme court increased to four.

SEC. 2. The said amendment to the constitution of this state shall be submitted to the people on the Tuesday next after the first Monday in November, one thousand eight hundred and eighty-eight.

To be submitted to people at general election of 1888.

SEC. 3. It shall be the duty of the sheriffs in each and every county in the state to open polls at the several elec-

Duty of sheriffs to open polls, &c.

tion precincts in his county on the said Tuesday after the first Monday in November, eighteen hundred and eighty-eight, and the same shall be kept open for one day from the hour of seven o'clock in the morning until sunset of the afternoon, when all persons qualified to vote according to the constitution may vote for or against said amendment, those desiring such amendment to vote with a written or printed ticket "for amendment," those of a contrary opinion to vote with a written or printed ticket "against amendment."

Ballots.

Election, how conducted.

SEC. 4. The election provided for in the preceding section shall be conducted in the same manner and under the same rules and regulations, except as herein otherwise prescribed, as is provided in the law regulating general elections in this state.

Ballot boxes.

SEC. 5. The county commissioners, or upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties a ballot-box in which shall be deposited the ballots for or against said amendment. The ballots so cast shall be counted, returned and canvassed as is provided by law in cases of election for state officers and under like penalties in case of default upon the part of any returning officer, judge of election or county canvasser. Abstracts of the vote upon said amendment shall be filed and another abstract forwarded to the secretary of state at Raleigh in the same manner as is prescribed in regard to the vote for state officers, by the chairman of each board of county commissioners.

Vote, how canvassed, &c.

Board of state canvassers to canvass returns.

SEC. 6. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the election and proceed to compare the votes for and against the amendment, and if it shall appear that a majority of the votes polled are in favor of said amendment, the governor shall forthwith issue his proclamation announcing the result and shall cause to be endorsed on said amend-

Duty of governor if amendment adopted.

ment as enrolled by the two houses of this general assembly or annexed thereto a certificate under his signature declaring that said amendment has been ratified by the people of North Carolina. The secretary of state shall countersign the said certificate and annex thereto the great seal of the state, and the said amendment so enrolled with the certificate aforesaid shall be forever kept among the archives of the state in the office of the secretary aforesaid.

Duty of secretary of state.

SEC. 7. That for the purpose of filling the offices to be created by this act there shall be elected by the people of the state at the next regular election two associate justices of the supreme court under the same rules and regulations as are now provided by law for the election of justices of the supreme court. And if such amendment as is provided for in section first of this act be adopted it shall be the duty of the governor to issue his commission to the persons so elected and they shall be justices of the supreme court and qualify as such; and if the said amendment be not adopted by the people then he shall not issue his commission to such persons so elected and they shall not so qualify.

Election of two associate justices.

To be commissioned, &c., if amendment adopted.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 213.

An act to empower certain trustees in Madison township to transfer a certain railroad subscription.

WHEREAS, the North Carolina Midland Railroad to which the town of Madison was empowered to make subscription have failed to construct said road and for years

Preamble.

have persistently refused to continue work thereon; and whereas, the law authorizing said subscription also authorized said township to subscribe to the capital stock of any other railroad company which may run through said township: therefore,

The General Assembly of North Carolina do enact:

Trustees empowered to transfer subscription voted to Dan Valley & Yadkin River R. R. to a branch road of the Cape Fear & Yadkin Valley R. R.

SECTION 1. That the board of trustees appointed by the commissioners of Rockingham county for the township of Madison in said county, according to the provisions of an act passed the eighth day of February, Anno Domini one thousand eight hundred and seventy-nine, and chapter twenty-three of the laws of one thousand eight hundred and seventy-nine, be and the same are hereby empowered with full and complete authority to change and transfer a certain subscription voted in favor of the Dan Valley and Yadkin Run Railroad to the capital stock of a branch road leading from the town of Madison to some point on the Cape Fear and Yadkin Valley Railroad known and spoken of as the Madison Branch of the Yadkin Valley Railroad, and said trustees shall have full power and authority under this act to issue bonds and to secure the payment of the same as they may have according to law and the acts authorizing the same.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 214.

An act in relation to partition.

The General Assembly of North Carolina do enact:

Under chapter 47, Code, partition of part of land and sale of remainder allowed.

SECTION 1. That in proceedings under chapter forty-seven, volume one of The Code, actual partition may be

made of a part of the land sought to be partitioned and a sale and partition of the remainder, or a part only of any land held by tenants in common may be partitioned and the remainder held in common. Partition of part

SEC. 2. That the existence of a life estate in any land shall not be a bar to a sale for partition of the remainder or reversion thereof, and for the purposes of partition the tenants in common shall be deemed seized and possessed as if no life estate existed. But this shall not interfere with the possession of the life-tenant during the existence of his estate. Sale for partition of remainder or reversion. Possession of life-tenant.

SEC. 3. That in all proceedings for partition of land whereon there is a life estate, the life-tenant may join in the petition or proceeding and on a note, the interest on the value of the share of the life-tenant shall be received and paid to such life-tenant annually; or in lieu of such annual interest, the value of such share during the probable life of such life-tenant shall be ascertained and paid out the proceeds to such life-tenant absolutely. Partition proceedings, where life-tenant joins in petition.

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. 1887.

CHAPTER 215.

An act to amend chapter thirty-two of The Code and for the better protection of liquor dealers.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand one hundred and thirteen of The Code be amended by adding the following clause at the end of said section: "*Provided, that hereafter such elections shall not be held oftener than* Section 3113, Code, amended. Local option election not oftener than once in two years.

once in two years in any one county, city, town or township."

Section 3114
amended.

Board of canvassers.

SEC. 2. That section three thousand one hundred and fourteen of The Code be amended by adding the following at the end thereof: "When such election is held for any city, county, town or township, the board of canvassers shall consist of one member from each ward or precinct, and if there is but one voting place in such city, town or township, no canvass other than that made by the judges appointed to hold the election shall be necessary, but such judges shall make such proclamation of the result of the election as is required of boards of county canvassers in elections for members of the general assembly."

Section 3116
amended.

Upon vote of "no license," unlawful for county commissioners to grant license, &c.

Liquor dealers allowed six months to close business.

Misdemeanor.

SEC. 3. That section three thousand one hundred and sixteen of The Code be stricken out and the following substituted therefor: "If the majority of the votes cast at any such election in any city, county, town or township shall have written or printed thereon the words "no license" it shall not be lawful for the board of commissioners of such county to grant license to any person for the sale of spirituous, vinous or malt liquors or for any person to sell any spirituous, vinous or malt liquors within such county, city, town or township until another election shall be held reversing such election: *Provided*, that liquor dealers holding license shall be allowed six months in which to close out their business if their license shall so long remain in force. If any person shall sell any spirituous, vinous or malt liquors within such city, county, town or township in violation of the provisions of this section the person so offending shall be guilty of a misdemeanor, and fined or imprisoned or both at the discretion of the court."

Sales by druggists.

SEC. 4. No druggist shall sell or otherwise dispose of any spirituous, vinous or malt liquors except for *bona fide* medical purposes and upon the prescription of a practicing physician known to such druggist to be of reputa-

ble standing in his profession or recommended as such by a physician who is so known, which prescription shall be in writing signed by such physician, and shall specify the name of the person to be supplied and quantity of dose, and no physician shall give a prescription to any drug store in which he is financially interested. Any Misdemeanor. and any druggist who shall violate the provisions of this section and any physician or other person who shall give, procure or aid in procuring any false or fraudulent prescription for any spirituous, vinous or malt liquors in violation of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

SEC. 5. All laws in conflict with this act are hereby Conflicting laws repealed. repealed.

SEC. 6. This act shall be in force after the first day of Act in force after July 1st, 1887. July, one thousand eight hundred and eighty-seven.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 216.

An act to establish Cape Fear township in Moore county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be called Cape Fear Cape Fear township, Moore county, established. township in the county of Moore shall be formed from portions of Jonesboro and Sanford townships in said county, which shall be bounded as follows: beginning at Boundaries. a point on the Chatham county line near A. H. Brown's, to run with the Poplar Springs road to John M Oliver's, then to the intersection of the Raleigh and Lillington road near where Ed. Buchannan formerly lived, then with the Cox road to the bridge across Upper Little river

at Cox's mill, then with said river to the Harnett county line, then with Harnett line to the Chatham line, then with the Chatham line to the beginning.

Voting place.

SEC. 2. The commissioners of Moore 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 7th day of March, A. D. 1887.

CHAPTER 217.

An act to enable the townships of Forsyth county to aid in internal improvement.

The General Assembly of North Carolina do enact:

Purposes to act.

SECTION 1. That for the purpose of aiding in extending or building and equipping any railroad or other work of internal improvement in the county of Forsyth, and upon the presentation of a petition signed by at least twenty free holders and resident tax payers of any township in Forsyth county to the board of county commissioners of said county requesting said board of commissioners to submit to the vote of the qualified voters of their respective township a proposition to subscribe a definite sum named in said petition to the capital stock of any certain railroad company or any other internal improvement company to be specifically named in such petition, it shall be the duty of said board of commissioners within sixty days to order an election to be held at the polling place or places in such township and submit to the qualified voters thereof, qualified to vote for members of the general assembly, the question of subscribing to the capital stock of such company the amount specified in said peti-

Election upon question of subscription to any railroad or other internal improvement company; when held, &c.

tion, at which election those in favor of such subscription shall vote "subscription" and those opposed thereto shall vote "no subscription." Ballots.

SEC. 2. Should a majority of the qualified voters of any township vote for "subscription" in any such election, the board of commissioners of the said county shall within twenty days after the ascertainment of the result of said vote subscribe on behalf of such township as set forth in the petition, subject to such conditions as are therein expressed, on behalf of such township to the capital stock of such railroad company or other internal improvement company the said specified amount so authorized to be paid for in the bonds of each township at their full value. Subscription to be made on vote of majority of qualified voters.

Payable in bonds.

SEC. 3. That in case of an election as provided in section one of this act the poll holders shall make return to the board of commissioners of Forsyth county within three days next after such election of the vote as polled, and it shall be the duty of said board of commissioners to canvass the returns and declare the result and enter the same upon their minutes; the said poll holder and the registrar shall be appointed and the election held and the registration of voters taken as prescribed in the election of members of the general assembly. The board of commissioners may in their discretion order a new registration, but if no new registration is ordered the registration books of the next preceding general election shall be used and the registrars shall have the same power to erase the names of each voter as have removed from the township, died or become disqualified and to register all persons qualified to vote and entitled to register as registrars have under the general election laws of the state. Returns of election.

Canvass of vote.

Election, how held, &c.

Registration.

SEC. 4. To provide for the payment of any subscription by any township as provided for in this act the board of commissioners of the county shall issue coupon bonds, signed by the chairman of the board and countersigned by the clerk of the superior court of For- Commissioners to issue coupon bonds.

syth county under the seal of his office. to the amount of the subscription so authorized; said bonds shall upon their face indicate on account of what township they are issued, also the substance of the conditions contained in the petition for an order of the election authorizing their issue; said bonds shall be in denominations of not less than fifty dollars and not more than one thousand dollars and shall run for not exceeding forty years, the time to be specified in the petition and order of election and also in the face of the bonds, to bear interest not greater than six per centum per annum, payable annually or semi-annually at such place as may be designated in said bonds.

Special tax.

SEC. 5. To provide for the payment of the bonds issued under the authority of this act the board of commissioners of Forsyth county shall in addition to the other taxes levied upon the subjects of taxation in any township which has subscribed stock as provided in this act, compute and levy annually at the time of levying other taxes upon the property and polls of said township, without the concurrence of the justices of the peace of the county, a sufficient tax to regulate and promptly pay the interest accruing on said bonds as it will fall due and to provide a sum as a sinking fund sufficient annually to pay off the principal of such bonds as annually fall due under the terms of the subscription until the whole be paid, which tax shall be annually collected by the sheriff or other collecting officers and paid over to the treasurer of the county or to such other officer as may be designated by the board of county commissioners and by them used in the prompt and regular payment of the interest upon said bonds as it falls due and the principal of said bonds as they may mature.

How collected,
&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. 1887.

CHAPTER 218.

An act to prevent the throwing of dead animals in the Cashie river.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to throw any dead animal in the Cashie river. Unlawful to throw dead animals into Cashie river.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars or imprisoned at the discretion of the court. Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 219.

An act to give the county of Harnett an additional term of the superior court of one week.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty, page three hundred and thirty-four of the acts of one thousand eight hundred and eighty-five, be amended by adding to line fourteen: "and the twelfth Monday after the first Monday in September," so as to give the said county of Harnett three terms of the superior court of one week each. Chapter 180, laws 1885, amended.

SEC. 2. That said terms shall be for the trial of criminal and civil causes. Additional term of Harnett superior court.

SEC. 3. That this act shall take effect from and after its ratification. For trial of criminal and civil cases.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 220.

An act to prevent the felling of timber in Alaska creek in Swain county.*The General Assembly of North Carolina do enact :*

Misdemeanor to fell timber in Alaska creek, Swain county, and not remove same in five days.

SECTION 1. That any person felling any timber in Alaska creek in Swain county and not taking the same out within five days, shall be guilty of a misdemeanor and fined or imprisoned or both fined and imprisoned in the discretion of the court.

Adjoining land-owners authorized to float logs down creek.

SEC. 2. That any person owning land on said creek or its tributaries shall have the privilege to float logs down said creek to its junction with the Tennessee river.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 221.

An act in regard to county claims of Hyde county.*The General Assembly of North Carolina do enact :*

County treasurer authorized to pay claims as numbered.

SECTION 1. That the county treasurer of the county of Hyde be and he is hereby authorized and directed to pay the claims against the county accordingly as they have been numbered by him, except the claims for the per diem of the county commissioners.

Exception.

Duty of treasurer to number claims.

SEC. 2. That it shall be the duty of said treasurer and he is hereby directed to number the claims as they have been passed upon by the board of county commissioners, giving the first numbers to the oldest claims unpaid and so on as they have been passed upon as above stated.

SEC. 3. That when a claim shall not have been presented within six months the county treasurer aforesaid shall post up a notice at the court-house door for three months to the effect that said claims have not been presented for payment and notifying persons holding said claims to present them, and at the expiration of three months above stated the claims shall not be presented the said treasurer shall not be required to retain the money for their payment, but if at any time said claims are presented the said treasurer is directed to set aside a sufficient sum for their payment according to the numbers of said claims presented.

Notice to be posted of claims not presented in six months.

If not presented in three months after notice treasurer not to retain money for their payment.
Duty of treasurer when presented.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 222.

An act to amend chapter thirty of The Code of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen hundred and five of The Code of North Carolina be amended by adding these words: "*Provided*, that any party to the proceeding may appeal from the judgment of the court rendered under this section to the superior court of the county at term time, where a trial and determination of all issues raised in the pleadings shall be had as in other cases before a judge and jury."

Section 1305, Code, amended.

Appeal in proceedings to drain into the canal or ditch of another.

SEC. 2. The right of appeal herein granted shall apply to any appeal not already finally disposed of, as well as any subsequent judgment rendered under the said section.

Right of appeal.

SEC. 3. That after section thirteen hundred and nine

Section 1509, Code, amended.

Petition to sur-
render easement
of drainage;
when and how
allowed.

and immediately before section thirteen hundred and ten these words shall be added: "If any person or persons, or those claiming through or under them, who have cut any ditch or canal into which any other person has been permitted to drain land under any proceeding authorized in this chapter shall desire to surrender his or their easement or right in the said ditch or canal and be discharged from any judgment rendered and existing under such proceedings, such person or persons may on motion have such proceeding reinstated for hearing and file a petition therein setting forth such fact or any other grounds for relief thereunder, and upon proof satisfactory to the court that such petitioner or petitioners have cut another ditch or canal which drains his or their lands formerly drained by the first ditch or canal and have abandoned the use of it for any purpose of drainage the court shall adjudge the said easement or right of the petitioner or petitioners surrendered and determined, and from that time the said petitioner or petitioners and their land shall forever be discharged and released from the judgment heretofore rendered in such former proceeding: *Provided however*, that all parties then having an easement or right in such ditch or canal shall be served with notice of such petition twenty days before the hearing thereof."

Proviso.

SEC. 4. This act shall take effect from the ratification thereof.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 223.

An act for the relief of the sheriff of Warren county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty (150) laws of one thousand eight hundred and eighty-three

Chapter 150, laws
1883, amended.

(1883), be amended by adding between the words "Davie" and "be" in second line on page two hundred and thirty-one the words "and Warren."

Sheriff of Warren county allowed until May first to settle with treasurer.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 224.

An act to authorize certain detectives to carry concealed weapons while on official duty.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand and five of The Code is hereby amended by inserting between the word "state" and the word "when" in line next before last in said section the following words, to wit: "nor to the duly commissioned officers of the Pinion Detective Agency within this state."

Section 1005, Code, amended.

Certain detective officers not indictable for carrying concealed weapons.

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. 1887.

CHAPTER 225.

An act to authorize the governor and council of state in conjunction with the warden of the state penitentiary to provide for heating the capitol, supreme court and library buildings, and the introduction therein of a necessary water supply.

The General Assembly of North Carolina do enact:

SECTION 1. That the governor and council of state are hereby authorized and empowered, in conjunction with

Authorized to contract for heating capitol, su-

preme court and library and for water supply, &c.

the warden of the state penitentiary, to provide for the heating of the capitol, supreme court and library buildings and the introduction therein of a necessary water supply, including water closets and laboratories, and shall within ninety days from the ratification of this act and after due advertisement contract with the lowest responsible bidder to heat said capitol, supreme court and library buildings, and supply the same with all necessary water conveniences, including water closets and laboratories, on the best and most approved plan, said work to be completed on or before December, one thousand eight hundred and eighty-eight, and be paid for upon the warrant of the governor out of any moneys belonging to the general fund in the treasury not otherwise appropriated: *Provided*, that the said warden of the state penitentiary shall supervise said work; and no money shall be paid out on the same unless said warden shall certify in writing to the governor that the work has been done in first-class workmanship and of the best materials.

When work to be completed.

How paid for.

Proviso.

Drawings, specifications, &c.

SEC. 2. That the governor and his council with said warden of the state penitentiary shall employ competent person or persons to prepare drawings and specifications and details for said work, the same to be done under the supervision of the said warden and to be paid for as provided in section one of this act.

\$16,000 appropriated.

SEC. 3. That for the purpose of carrying out the provisions of this act the sum of sixteen thousand dollars is hereby appropriated out of the general fund in the treasury as hereinbefore mentioned: *Provided*, that if a less sum shall be found adequate any surplus shall be covered back into the general fund: *And provided further*, that in no case shall the said work cost in the aggregate more than sixteen thousand dollars.

Proviso.

Proviso.

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. 1887.

CHAPTER 226.

An act to protect and prevent injuries to the state canal from New or Alligator lake to Rutman creek in Hyde county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to fell any timber of any kind whatever in the state canal leading from New or Alligator lake to Rutman creek in Hyde county, or to place or cause to be placed any obstructions of any kind whatever in said state canal, or to raft any logs or timber in the waters of said state canal.

Unlawful to fell timber, &c., in canal.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 227.

An act to prohibit the sale of spirituous liquors within two miles of Bascom's chapel Methodist Episcopal church in Moore county.

The General Assembly of North Carolina do enact:

SECTION 1. That the sale and making of spirituous and malt liquors and bitters shall be prohibited within two miles of "Bascom's chapel" Methodist Episcopal church, Sheffield township, in the county of Moore, and within two miles of Windsor Methodist church in Moore county.

Unlawful to sell liquor within two miles of Bascom's chapel and Windsor Methodist church, Moore county.

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 imprisonment not exceeding thirty days.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 228.

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

The General Assembly of North Carolina do enact :

Chapter 261, laws
1883, amended.

Greene county
not liable for in-
juries received in
crossing certain
bridges faster
than a walk.

SECTION 1. That chapter two hundred and sixty-one of the laws of one thousand eight hundred and eighty-three be and the same is hereby repealed: *Provided*, that the county of Greene shall not be liable to any damage to any person for any injury received to person or property, when such injury to person or property was received while crossing any of the public bridges in said county in a faster gate than a walk.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 229.

An act to amend chapter, one hundred and seventy-two, laws of one thousand eight hundred and eighty-five, to relieve Orange county from the operation of the Alexander road law.

The General Assembly of North Carolina do enact :

Chapter 172, laws
1885, amended.

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

five be amended by striking out the word "Orange" in line three of section six of said chapter. Orange county stricken out.

SEC. 2. That the provisions of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five shall not apply to Orange county. Chapter 134, laws 1885, (Mecklenburg road law), not applicable to Orange 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 7th day of March, A. D. 1887.

CHAPTER 230.

An act to amend section three thousand three hundred and seventy-seven of The Code, and to repeal chapter three hundred and six, laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand three hundred and seventy-seven of The Code shall not apply to Brunswick county, and that chapter three hundred and six, laws of one thousand eight hundred and seventy-nine, be repealed. Section 3377, Code, (diamond-back terrapin law) not applicable to Brunswick county, Chapter 306, laws 1879, 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 7th day of March, A. D. 1887.

CHAPTER 231.

An act to amend chapter four hundred and three, laws of one thousand eight hundred and eighty-five, and section three thousand five hundred and seventy-seven of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and three of the laws of one thousand eight hundred and eighty-five Chapter 403, laws 1885, amended.

Excess of fund accruing from taxes applicable to payment of interest on consolidated state bonds; how invested by treasurer.

Sale of bonds to pay interest.

Treasurer authorized to sell any consolidated bonds in which he has heretofore invested surplus, and purchase "construction bonds," &c.

be amended by striking out all of section one after the word "inserting" in line six and inserting the following: "to invest the surplus in such of the consolidated bonds or the state bonds issued in aid of the North Carolina Railroad, known as construction 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. And the treasurer may, with the approval of the governor and auditor, sell any of the consolidated bonds in which he has heretofore invested such surplus and invest the proceeds in the state bonds issued in aid of the North Carolina Railroad, known a construction bonds, to be held by the treasurer for the purpose protecting the interest on the consolidated debt of the state and sold by him if necessary for that purpose."

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. 1887.

CHAPTER 232.

An act to change the time for holding the March term of the superior court for Pender county.

The General Assembly of North Carolina do enact:

Chapter 180, laws 1885, amended.

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, under the division headed "sixth district," in the clause headed "Pender," be amended by striking out the words "second Monday in March" when

March term of Pender superior court abolished and a January term established.

they occur and inserting in lieu thereof the words "seventh Monday before the first Monday in March."

SEC. 2. That this act shall take effect and be in force from and after the second Monday in September, one thousand eight hundred and eighty-seven. Act in force after September 12th, 1887.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 233.

An act to abolish the present free tuition at the University of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand six hundred and thirty-three, two thousand six hundred and thirty-four and two thousand six hundred and thirty-five of The Code be and are hereby repealed. Sections 2633, 2634 and 2635, Code, repealed.

SEC. 2. That the board of trustees of the University are hereby instructed to reduce tuition at the University to sixty dollars per annum, to be paid in cash or by good note, and are further instructed to charge and collect from each student at the beginning of each term an amount sufficient to pay room rent, servant's hire, &c., for the term. Fee for tuition reduced to \$60.00 per annum.

SEC. 3. The board of trustees are further instructed to adopt such rules for the admission of ministers' sons, candidates for the ministry, young men afflicted with bodily infirmity, and students preparing themselves for the purpose of teaching as are adopted by other colleges throughout the state; but all students in the normal department shall receive free tuition in this department: *Provided*, they agree in writing to teach for one year after leaving the University—but shall pay full tuition in all other de- Room-rent, &c.

Rules for admission of ministers' sons, &c., to be adopted by trustees.

Free tuition in normal department. Proviso.

Full tuition to be paid in other departments.

When notes
given.

Proviso.

Conflicting laws
repealed.

partments, and all other students shall be required to give their notes with the understanding that should they become able they shall pay the balance due the University at the time of their graduation in full: *Provided, however,* that no young man of good moral character shall be denied admission because of his inability to pay cash or give a good note.

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

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 234.

An act to extend the time of the Mount Holly and Denver Railroad Company to commence operations.

The General Assembly of North Carolina do enact :

Time provided in
section 1980, Code,
extended for two
years to Mount
Holly & Denver
Railroad Com-
pany.

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 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 Mount Holly and Denver 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 7th day of March, A. D. 1887.

CHAPTER 235.

An act to be entitled an act to compel persons to enclose marl pits.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to open any marl bed without surrounding it with a lawful fence: *Provided*, this act shall not apply to any person whose marl bed is inclosed inside of his own inclosure.

Unlawful to open marl bed without a surrounding fence.
Proviso.

SEC. 2. Any person who violates this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisonment not exceeding 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 7th day of March, A. D. 1887.

CHAPTER 236.

An act supplementary to an act to amend the charter of the South Atlantic and North Western Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, in section three of an act to amend the charter of the South Atlantic and North Western Railroad Company, ratified the twenty-eighth day of January, Anno Domini one thousand eight hundred and eighty-seven, it appears it shall be the duty of the county commissioners by an application from the directors of said railroad stating the amount desired to be subscribed, together with a petition of one fifth of the qualified voters of any town, township or county. Said

County commissioners to appoint day of election upon question of subscription by any county, &c.

Proviso.

commissioners shall appoint a day on which an election shall be held to ratify or reject the required subscription: *Provided*, that the above named part of the above named section of the above named act shall not apply to Shoe Heel township in Robeson 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. 1887.

CHAPTER 237.

An act to complete certain turnpike roads.

The General Assembly of North Carolina do enact:

Directors of penitentiary directed to complete turnpike road across Neuse river bottoms near Smithfield.

SECTION 1. That the board of directors of the penitentiary be and it is hereby authorized and directed to complete the turnpike road across the Neuse river bottoms opposite the town of Smithfield, by raising said turnpike until it is above the high water mark and shall be thirty feet wide on the top, and to complete a turnpike road across the bottom of Swift creek on the Smithfield and Elevation road near W. H. Cullom's on both sides of said creek by building a turnpike high enough to admit the passage of travellers on foot at high water, said turnpike road when completed to be twenty feet wide on the top. Also to grade down the hill on the north side of Black creek near the residence of D. J. Wellom, Esq., as much as practicable so as to be easier of ascent.

And across Swift creek bottom.

And to grade Hill near Black creek.

Fifty convicts to be taken from force working on C. F. & Y. V. Railroad in excess of two hundred and fifty.

SEC. 2. That for the purpose of carrying out the provisions of section one of this act the board of directors of the penitentiary are hereby authorized and directed to take, immediately after the ratification of this act, from the force of convicts now working on the Cape Fear

and Yadkin Valley Railroad in excess of the two hundred and fifty granted to said road by an act ratified during the session of eighteen hundred and eighty-seven fifty able-bodied convicts, and the said board is directed to keep said force up to fifty strong, and to keep said force constantly at work upon the turnpike and work provided for in this act until the said turnpike and work shall have been completed in accordance with the provisions of section one of this act.

SEC. 3. The said convict force shall not be kept upon the works specified in this act longer than six months.

Convicts not to be worked under this act longer than six months.

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. 1887.

CHAPTER 238.

An act to amend chapter two hundred and eighty of the laws of one thousand eight hundred and eighty-five, for better draining of low lands on Reedy Fork and Horsepen creeks in Guilford county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and eighty of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended by adding immediately after section three of said act the following provisional section :

Chapter 280, laws 1885, amended.

“SEC. 2. That any land owner affected by the provisions of this act, either directly or indirectly, who may at his own expense properly clean out and care for any stream embraced in the provisions of this act, either directly or indirectly, which touches or traverses his lands, and who may keep such lands properly drained in a manner to

Land owner keeping any stream affected by act properly drained, to be exempt from assessment, &c.

be approved by the overseer designated herein to exercise supervision over the same, subject to an appeal to the board of commissioners herein above provided for, shall be exempt from assessment, and the payment of the tax provided for in section three of this act does not apply to Reedy Fork and Horsepen creeks."

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. 1887.

CHAPTER 239.

An act to change the times for the courts in the seventh judicial district.

The General Assembly of North Carolina do enact:

Superior courts,
7th district, when
held.

SECTION 1. That the superior courts of the seventh judicial district shall be held at the following times, to-wit:

Anson county.

Anson—Eighth Monday before the first Monday in March; first 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 processes may be returnable to the said criminal terms.

Cumberland
county.

Cumberland—Sixth Monday before the first Monday in March; sixth Monday before 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 for two weeks and to be for the trial of civil cases alone.

Columbus—Seventh Monday before the first Monday in March; fourth Monday after the first Monday in March; fifth Monday before the first Monday in September.

Columbus
county.

Robeson—Fifth Monday before the first Monday in March; eleventh Monday after the first Monday in March; second Monday before the first Monday in September; fourth Monday after the first Monday in September, each to continue two weeks.

Robeson county.

Richmond—Third Monday before the first Monday in March; third Monday in September, each to continue two weeks; thirteenth Monday after the first Monday in March; thirteenth Monday after the first Monday in September.

Richmond
county.

Bladen—Third Monday in March, to continue two weeks; sixth Monday after the first Monday in September.

Bladen county.

Brunswick—Fifth Monday after the first Monday in March; second Monday in September.

Brunswick
county.

Moore—Sixth Monday after the first Monday in March; third Monday before the first Monday in September; seventh Monday after the first Monday in September, each to continue two weeks. And nothing contained in this act shall be construed to interfere with or repeal the provisions of an act of this general assembly in regard to the superior courts of Cumberland county, but said courts shall be held and conducted in conformity with said act.

Moore county.

Act not to interfere with provisions of special act concerning Cumberland county.

SEC. 2. That this act shall go into effect from and after the first day of July, one thousand eight hundred and eighty-seven.

Act to take effect from July 1st, 1887.

In the general assembly read three times, and ratified this 7th day of March, 1887.

CHAPTER 240.

An act to provide for the drainage of Conetoe swamp in Edgecombe county.

The General Assembly of North Carolina do enact :

Commissioners appointed to lay off canal.

SECTION 1. That George T. Dawson, B. H. Taylor, J. H. Clark, Valentine Harrell, John Mays, Jesse Brown and E. C. Knight be and are hereby appointed commissioners to lay off a canal of sufficient width and depth to drain Conetoe swamp in Edgecombe and Pitt counties, beginning at or near Flax ford on Conetoe creek and to run up said creek to the junction of Crisp creek and Big Conetoe creek, and then up each of the last named creeks for the distance of two and a half miles.

Course of canal.

Twenty-five convicts to be furnished by penitentiary directors.

SEC. 2. That upon the application of said commissioners, or as soon thereafter as practicable, the penitentiary board of directors shall detail twenty-five convicts who are allowed by law to be farmed out, to be worked on said canal until completed, under such rules and regulations as may be prescribed by said board.

Hire of convicts.

SEC. 3. That said commissioners shall pay to the state for said convict labor at the rate of one hundred and twenty-five dollars for each convict per annum, the aggregate yearly charge for which shall be paid quarterly, the first payment to be made when the said convicts shall be furnished to said commissioners.

Bond to be given for payment of hire.

SEC. 4. That before the delivery of said convicts the said commissioners shall execute a bond with good security, to be approved of by the attorney-general, in the sum of five thousand dollars, conditioned for the payment to the state of the value of said convict labor.

Commissioners to estimate and report benefits to adjacent lands.

SEC. 5. That after the completion of said canal the commissioners shall meet and estimate the total cost of the same, and after ten days' notice to all persons interested they shall proceed to estimate the benefit which each tract

of land lying on or adjacent to said creeks has or will derive from said canal, a report of which shall be filed with the clerks of the superior courts of Edgecombe and Pitt counties, and if no exception is made thereto within ten days the same shall be entered as a judgment of the superior court, and shall create a lien upon the lands charged in preference to all other liens or incumbrances to the extent of the assessment or charge made by the commissioners, and said liens shall be enforceable by the public sale of the land so charged at the court-house door of the county in which said land lies after public advertisement for four weeks in a newspaper published in said county: *Provided*, that if exceptions are filed to the report of the commissioners by any party affected by the same raising issues of fact the clerk shall place the same on the issue docket to be tried by a jury the next succeeding term of the superior court, and if issues of law are raised thereby the same shall be heard by the judge either at chambers or in term time.

Report to be judgment of court, &c.

Exceptions to report.

SEC. 6. That said commissioners shall have power to fill all vacancies on their board by appointment.

Vacancies.

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

In the general assembly read three times, and ratified this 7th day of March, 1887.

CHAPTER 241.

An act to incorporate the Central and North Western Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building, constructing and operating a railroad from some point in the line

Location of road.

of the South Atlantic and North Western Railroad in the county of Richmond, or from such other point in the line of said railroad as may be selected by the corporation hereinafter named, in and through the counties of Montgomery and Randolph and Guilford or Davidson, and through Forsyth county, and thence continuing on through such counties as said corporation may hereafter determine, until the said line of railroad shall intersect or connect with another railroad in the state, with the right to continue said line of railroad to the state line of Virginia or Tennessee and there connect with any other railroad.

Body politic.

SEC. 2. That James F. Dane, William R. Wilson, Walter G. Curtis, Michael C. Guthrie, D. L. Russell, any 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 the Central and North Western 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 state of North Carolina.

Corporate name.

Corporate powers.

Capital stock.

SEC. 3. That the capital stock of said corporation shall be one million dollars, which may be increased to any sum not exceeding five 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 one hundred

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 above named may open books of subscription to such capital stock, and keep the same open for such time as they may deem expedient, and under such rules and regulations as they may prescribe.

Books of subscription.

SEC. 5. That when the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company, the above named corporators (a majority acting for the whole) shall call a general meeting of the stockholders of said company, of which meeting ten days' notice shall be given to the subscribers to the capital stock, designating the time and place of said meeting; at said meeting if a majority of the stock subscribed is represented in person or by proxy, the stockholders shall proceed to elect a board of directors to consist of not less than seven nor more than nine as may be prescribed by the by-laws of the company, and the said directors shall thereupon at said meeting or at a meeting thereafter proceed to elect one of their number president, and shall 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.

Organization.

Directors.

Officers.

SEC. 6. That the president and directors of said company shall have power at any time when authorized by a majority of the stockholders of said company, to borrow money upon the bonds of the company and to secure the same by mortgage or 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

Mortgage bonds.

Construction bonds, &c.

rules and regulations as the company may from time to time adopt.

Subscriptions by
counties, &c.

SEC. 7. That any county, township, city or town along or near the line of said railroad or at any terminal point thereof, may subscribe to the capital stock of said company such an amount in cash or bonds as may be agreed upon between the said company and the county commissioners or other proper authorities of said county, township, city or town, and as may be ratified by a majority of the qualified voters of said county, township, city or town as hereinafter provided for, and to this end it shall be the duty of the county commissioners and the proper authorities of such city or town, upon the written application of the board of directors of said railroad, stating the amount which it is desired that such county, township, city or town shall subscribe to the capital stock of said company, together with a petition of one fifth of the registered voters of said county, township, city or town, 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 printed or written "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 the terms of payment, whether in cash or bonds, and if in bonds then the time the same are to run, together with the rate of interest thereon, and the name of the company, 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 result declared and certified as prescribed by law in

Election upon
question of sub-
scription; when
and how held.

Ballots.

Notice.

Canvass of vote,
&c.

such other elections, and such results so certified shall be filed with the register of deeds in said county or of the county in which such township, city or town is situate, and shall be taken as evidence of the same in any court of this state.

SEC. 8. That whenever any county, township, city or town shall subscribe to the capital stock of said company any annuity in cash or bonds in conformity with the provisions of the foregoing section, it shall be the duty of the county commissioners in the case of a subscription by a county or township, or of the proper authorities of a city or town so subscribing, to pay over the amount of such cash subscriptions to said company, or to issue the bonds and duly execute and deliver the same to the said company when the said company shall have complied with the terms of its contract with the said authorities under which said subscription was made.

When and how cash subscription to be paid or bonds delivered to company.

SEC. 9. That said company shall have the power and authority to consolidate its said line of railroad with other lines of railroads, connecting with or intersecting it in this state, and also with any lines connecting it at either of its terminal points, and forming a continuous line in and through other states.

Authorized to consolidate with other roads.

SEC. 10. That said company shall have power and authority to build all such branches and connecting lines of railways as may be deemed necessary and advantageous to the extension, completion and successful operation of said railroad, and the provisions of section seven and eight of this act governing subscriptions to the main line shall apply to all branches and connecting lines constructed under this section, and all subscriptions made to said branches or connecting lines in conformity with section second shall be valid.

Branch and connecting lines.

Subscriptions by counties, &c.

SEC. 11. 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 owner of said lands, the same may

Condemnation of land.

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 the said company, serve a notice on the owner or owners of said land to appear on said premises at a time therein named, which shall not be less than three days from the service of said notice, and he shall also summon three disinterested freeholders of his county who shall meet on said premises, and after being duly sworn by an officer qualified to administer oaths, shall proceed to assess the damages to be paid to said owner or owners, and upon the payment or tender by said company of the amount so assessed the title of the property so seized and assessed shall vest in said corporation: *Provided however*, that either party may appeal to the superior court upon the question of the amount so assessed: *And provided further*, that not more than fifty feet on each side of the road measuring from the center shall be condemned, unless it shall be made to appear to said commission or freeholders that more is necessary for the purpose of constructing and operating said road.

Appeal.

Width of land
liable to condem-
nation.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 242.

An act to drain the low lands of Moon's creek in Caswell county.

The General Assembly of North Carolina do enact:

Commissioners
to lay off creek
in sections.

SECTION 1. That William Hodges, Ezekiel Slade, Henry Hodges, John G. Wilson and Samuel Woods be appointed commissioners, whose duty it shall be on or before the first day of August, one thousand eight hundred and

eighty-seven, to lay off Moon's creek in Caswell county, from the juncture of the north and south prongs of said creek to its confluence with Dan river, 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 to which he is appointed overseer.

Overseers.

Term and qualification.

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 Caswell shall, on 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 upon a level with and below high water mark 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 acres, and one for every fraction of five 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 may be recovered by said overseer by warrant as in case of failure to work on public roads.

Duty of commissioners.

Land owners to furnish hands.

Penalty.

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 overseers

Duty of commissioners to distribute labor.

of each section the hands required of the owners of the lands embraced in his section.

Duty and powers 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 discretion order any and all overseers with their respective hands, when deemed necessary, to work at any point on said stream.

Proviso.

Misdemeanor to fell timber into streams, &c.

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 days, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five or 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 offence.

Proviso.

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

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; 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 nor more than twenty dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

Failure of overseer to perform duty a misdemeanor.

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 low lands, by opening the streams as fully as the power given in the foregoing section.

Commissioners empowered to stop washes, &c.

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.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

No exemption 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 7th day of March, A. D. 1887.

CHAPTER 243.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-seven, laws of one thousand eight hundred and eighty-five, be amended by striking out the following words in lines thirty-nine and forty, viz: "Also that portion of Drowning creek called for in this section."

Chapter 367, laws 1885, amended.

Portion of Drowning creek not a lawful fence.

SEC. 2. That this act shall take effect the first day of January, Anno Domini one thousand eight hundred and eighty-eight.

Act to take effect from January 1st, 1888.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 244.

An act to amend chapter one hundred and thirty-six of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven.

The General Assembly of North Carolina do enact:

Chapter 136, laws
1876-7, amended.

SECTION 1. That chapter one hundred and thirty-six of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, be amended as follows: Strike out the words "Burnt chimney" wherever they occur in said chapter and insert in lieu thereof the words "Forest city."

Name of town of
"Burnt Chim-
ney," Rutherford
county, changed
to "Forest City."

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 245.

An act to correct a call in the plat of survey of entry two thousand and ninety-six, being grant number two thousand five hundred and seventy, in district eleven of Cherokee lands, situate in the county of Graham.

The General Assembly of North Carolina do enact:

SECTION 1. That entry number two thousand and ninety-six, being grant number two thousand five hundred and seventy, of Cherokee lands, be and the same is hereby corrected so as to read as follows: Commencing at a chestnut south-east corner of number one thousand nine hundred and forty-nine, runs with that line west four hundred poles to a locust, south-west corner of one thousand nine hundred and forty-nine; then south two hundred poles to a black oak; then east four hundred poles to a

Boundaries of
land corrected.

spanish oak ; then north two hundred poles to the beginning.

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. 1887.

CHAPTER 246.

An act to pay the rent for the governor's residence and other expenses.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of the state is authorized, upon the warrant of the auditor, to pay the sums expended and to be expended by the governor until he shall occupy the governor's mansion, for gas and coal consumed in his residence, together with such rents as the appropriation heretofore made therefor are insufficient to pay.

Expenditures by governor for gas, coal and house-rent to be paid by treasurer.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 247.

An act concerning the superior courts of Pitt county.

The General Assembly of North Carolina do enact :

SECTION 1. That the terms of the superior court to be holden for the county of Pitt on the eighth Monday before the first Monday in March shall be for the trial of

January term to be for trial of criminal cases.

June term for trial of civil cases.

criminal cases only, and the terms of said court to be holden on the fourteenth Monday after the first Monday in March shall be for the trial of civil cases only.

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. 1887.

CHAPTER 248.

An act to establish an oyster measure.

The General Assembly of North Carolina do enact:

Shell-fish commissioners to make a bushel measure for oysters and shell-fish.

SECTION 1. The board of shell-fish commissioners of the state shall make or cause to be made a bushel measure for the purpose of measuring oysters or shell-fish in this state.

To fix proper size of measure.

SEC. 2. The shell-fish commissioners shall ascertain and fix the proper size of said oyster measure, sealed and branded N. C.

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. 1887.

CHAPTER 249.

An act to be entitled an act to create and establish a free school district at Sharpsburg in the counties of Wilson, Edgecombe and Nash.

The General Assembly of North Carolina do enact:

District created.

SECTION 1. That a free school district is hereby created at Sharpsburg in the counties of Wilson, Edgecombe and

Nash, under the name of the Sharpsburg Free School District. The said school district shall be governed by the same laws, rules and regulations as other free school districts in the state: *Provided*, the sum apportioned to the said school district by the three counties (a portion of which is embraced in the district) shall all be paid into the county treasury of Wilson county, who shall become the treasurer of the said school district. The limits of said school district shall be as follows, to-wit: beginning at one hundred and nineteen mile post on Wilmington and Weldon Railroad, thence southerly with the line of said railroad one mile to a stake, thence easterly at right angles with said railroad one mile to a stake, thence northerly at right angles with the last named line and parallel with the said railroad two miles to a stake, thence westerly at right angles with the last named line two miles to a stake, thence southerly at right angles with the last named line and parallel with the railroad two miles to a stake, thence easterly at right angles with the last named line one mile to a stake on Wilmington and Weldon Railroad and intersecting the first line running easterly.

SEC. 2. G. W. Robbins, J. D. Dawes and D. L. Lancaster are hereby appointed and constituted a school committee for the white race. Peter Harris and Irwin Battle are hereby appointed and constituted a school committee for the colored race. The said committees shall hold their office until their successors are elected and qualified: *Provided*, the county board of education of each of the counties of Wilson, Edgecombe and Nash shall elect one committeeman out of the residents of the school district that live in their respective 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 7th day of March, A. D. 1887.

Name.

How governed.

Proviso.

Treasurer.

School limits.

School committee for white race.

Committee for colored race.

Committeemen, how elected.

CHAPTER 250.

An act to be entitled an act to incorporate the Wake Railway Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That for the purpose of constructing and operating a railway in Raleigh township and other townships of Wake county, George M. Snodgrass, V. E. Turner, R. T. Gray, C. G. Latta, F. H. Busbee, R. S. Tucker, N. W. West, J. F. Scott, and such other persons as they may associate with them, are hereby constituted a body politic and corporate under the name and style of "The Wake Railway Company," and by that name may sue and be sued, plead and be impleaded in any court in or out of North Carolina, shall have and use a common seal and alter the same at pleasure. May buy, sell and hold such real and personal estate as it shall deem proper for the carrying on of the business hereinafter mentioned. May make contracts, establish by-laws for its government, and shall have, use and enjoy all other rights, powers and privileges which by law belong to any and all street railway companies in the state.

Corporate name.

Corporate powers.

Authorized to construct, &c., road.

Beginning of line.

To be constructed in Raleigh only by consent of aldermen, &c.

Transportation charge, &c.

SEC. 2. That the said company is hereby authorized to make, construct and maintain a railway with one or more tracks to be used with such motor power as the board of directors may determine through any township in the county: *Provided*, that the line begins in Raleigh township: *And provided further*, that the line of said railway shall be constructed within the corporate limits of the city of Raleigh only by the consent of the board of aldermen of the city of Raleigh, and that it shall not be constructed or operated in any manner to interfere with or abridge the rights heretofore granted to the Raleigh Street Railway Company, but may connect with that or other railway; that such railway shall be for the trans-

portation of passengers and freight, and the charge for the transportation of a single passenger within the limits of Raleigh township shall not exceed ten cents. But no steam-power freight shall be carried within the city limits or steam motive power used within the city limits except with the permission of the board of aldermen of the city of Raleigh.

Steam-power, &c.

SEC. 3. That the amount of capital stock of the company shall be determined by the corporation, not to exceed one hundred thousand dollars. It shall be divided into shares of one hundred dollars each, and the stockholders shall not be individually liable for the debts of the corporation. The persons named as corporators may open books of subscription whenever they deem it expedient, and whenever as much as five thousand dollars shall be subscribed they may proceed to organize the company.

Capital stock.

Stockholders not liable for corporate debts.

Books of subscription.

Organization.

SEC. 4. The company shall have the same power to elect directors, make by-laws, call meetings, condemn lands as has been heretofore granted to Raleigh Street Railway Company by private acts one thousand eight hundred and eighty-one, chapter eighty-three. It shall be empowered to make and execute a mortgage upon its real and personal estate and its franchise and to issue mortgage bonds thereon, to lease the road and franchise of any connecting line of railway and to endorse the bonds thereof, and to make a lease of the road and franchise to any connecting line, and such connecting line, especially the Raleigh Street Railway Company, is hereby authorized to lease the same and to endorse the bonds of the Wake Railway Company if its directors shall so determine.

Corporate powers.

SEC. 5. Any person who shall injure or obstruct the said railway or any part thereof, or any car, fixture, animal or other property of said company, or who shall throw or project any missile at, against or into any car with unlawful intent shall be guilty of a misdemeanor.

Misdemeanor to injure, &c., railway, stone cars, &c.

Powers of conductors, &c.

The conductors, drivers and other agents of the company while in the active service of the company or the discharge of their duties are hereby vested with the same power which belongs to similar officers and agents of railroad companies in this state. In addition to the general power conferred upon such agents and officers they may eject and remove all disorderly, drunken or profane persons from any of the conveyances of the company without liability unless the force be excessive, whether the said disorderly, drunken or profane person has paid fare or not.

Charter in force for ninety years.

SEC. 6. The charter of the Wake Railway Company shall be in force for ninety years from and after its passage: *Provided*, that work shall be begun upon the railway within five years. This act shall be in force from and after its ratification.

Proviso.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 251.

An act to incorporate the Kinston and Snow Hill Railroad Company.

The General Assembly of North Carolina do enact:

Incorporation authorized.
Capital stock.

SECTION 1. That a company may be formed with a capital stock of not more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be known as the Kinston and Snow Hill Railroad Company, for the purpose of constructing a railroad of any gauge from the town of Kinston to the town of Snow Hill by Hookerton, Greene county, with full power to extend said railroad to Stantonsburg or Wilson or Jacksonville, Onslow county, as the directors may see fit,

Corporate name.

Terminal points.

and said company when formed as hereinafter provided, shall have power to receive, own and transfer real and personal property, to have a common seal and to pass such by-laws not inconsistent with the laws of the state as may be necessary to carry out the objects of the corporation, and shall have power and capability to sue and be sued, plead and be impleaded, and shall enjoy all the rights of other railroad corporations under the laws of the state, and have the right to transfer and carry persons and every article of commerce on such road and at such prices as they may fix: *Provided*, that the general assembly shall have power hereafter to change the gauge of said railroad as they may deem necessary for the interest of the state.

Corporate powers.

Proviso.

SEC. 2. That for the purpose of receiving the capital stock of said company, W. H. Dail, D. W. Patrick, J. W. Granger, Dr. S. M. Rountree, L. Harvey, W. H. Worth, J. A. Pridgen, D. Oettinger, A. Oettinger, S. Oettinger, C. Gray and John Murphy are hereby appointed commissioners, any three of whom may act, whose duty it shall be to appoint commissioners to open books of subscription at such times and places as they shall deem best, and order such receipts as they may prescribe; such subscriptions or any part thereof may be received payable in land, money, labor or material necessary in the construction of said road, or bond or stock, valuable credit of any kind, in such manner and on such terms as shall be agreed upon between said company and such subscribers.

Commissioners to open books of subscription.

Subscriptions, how made.

SEC. 3. That whenever ten thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the commissioners above named, or any three of them, to call a general meeting of the stockholders, after giving reasonable notice of such meeting and at such time and place as they shall determine, and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a

Organization.

Quorum.

Pre-sident and directors.

quorum for the transaction of business, and said stockholders at their first general meeting shall elect a president and seven directors for such company, whose term of office shall be for one year and until their successors are chosen; in the election of such officers and the enrolling of such laws for the company as may be necessary, the stockholders shall be entitled to one vote for each share owned by him or them.

Stock vote.

Stockholders to prescribe name and time in which stock subscriptions shall be paid.

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

Powers and duties of president and directors.

SEC. 5. The president and directors shall have the general direction and management of the offices of the company. They shall appoint a treasurer, secretary and engineer, and such other officers as may deem proper, whose term of office shall be fixed by the by-laws of the company, and who shall perform such duties as are ordinarily imposed upon such officers; such directors shall have power to fill any vacancies that may occur in their board until their next regular meeting, and on the absence of the president may elect one of their number to fill his place for the time.

President to make annual report.

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

Condemnation of land.

SEC. 7. That the said company shall have all the rights and powers for the acquisition and condemnation of land for right of way, depots and station-houses as are conferred by the general laws of this state.

Authorized to make mortgage or lease.

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

Authorized to consolidate with other companies.

SEC. 9. That said company shall upon the consent of the stockholders be consolidated with and form one and the same body corporate with any company having or which may hereafter obtain a charter for a railroad in

North Carolina, under such corporate name as may be agreed upon by the stockholders of such corporation.

SEC. 10. That the question of approving the consolidation herein authorized shall be submitted to a meeting of the stockholders of such company upon public notice of one month, and determined in the manner provided in this charter for the discussion of matters upon which it is necessary for the stockholders to act as a company.

Consolidation to be approved by stockholders.

SEC. 11. The charter is granted upon the conditions that any railroad company heretofore or that may be hereafter chartered by the state shall have the right to connect with said railroad, and to the interchange of traffic upon mutually agreed terms.

Other roads to have right of connection, &c.

SEC. 12. *Provided*, that said railroad shall not have for right of way more than sixty five feet on each side from the center of the track of said road.

Width of right of way.

SEC. 13. *Provided*, that nothing in this act shall be construed to exempt said road from taxation.

Not exempt from taxation.

SEC. 14. 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. 1887.

CHAPTER 252.

An act to keep the channel of Big Nutbush creek in Vance county free from fallen timber and drift-wood.

The General Assembly of North Carolina do enact :

SECTION 1. That James Satterwhite, R. B. Henderson, W. H. Boyd, W. H. Burwell and John Hargrave be appointed commissioners, whose duty it shall be on or before the first day of July, one thousand eight hundred and eighty-seven, to lay off Big Nutbush creek in Vance

Commissioners to lay off creek in sections.

- county from the estate of Col. S. S. Royster (deceased) to the Virginia line into sections of a 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 to which he is appointed overseer.
- 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 overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said Vance county shall on application being made appoint commissioners and overseers for the purpose herein mentioned.
- Term and qualification.**
- Chairman.**
- Vacancies.**
- Duty 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 one 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 twenty-five acres, and one for every fraction of five acres in the meaning of this act, and on failure so to do shall forfeit and pay one dollar (\$1.00) 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 road.
- Land owners to furnish hands.**
- Penalty.**
- Duty of commissioners to distribute 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 to allot to the overseer of each section the hands required of the owners of the land embraced in his section.

SEC. 5. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than 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 discretion order any and all overseers with their respective hands when deemed necessary to work at any point on said stream.

Duty and powers of overseers.

Proviso.

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 days, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five (\$5.00) or more than ten dollars (\$10): *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment is made of the same he or they shall not be liable to indictment for such offence.

Misdemeanor to fell timber into stream, &c.

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 shall be fined not less than five (\$5.00) nor more than ten dollars (\$10.00): *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

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

Failure of overseer to perform duty a misdemeanor.

Proviso.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into said stream so as to pre-

Commissioners empowered to stop washes, &c.

vent 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 low lands by opening the streams as fully as the power given in the foregoing sections.

Building of bridges, &c., not prohibited.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream or private bridges or roads by the land owners for their own convenience.

No exemption from work on public roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from 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 7th day of, A. D. 1887.

CHAPTER 253.

An act to renew the charter of the Roxboro Railroad Company.

The General Assembly of North Carolina do enact :

Chapters 39 and 45, laws 1881, and chapter 342, laws 1885, continued in force for two years.

SECTION 1. That chapter forty-five of the laws of one thousand eight hundred and eighty-one and chapter three hundred and forty-two of the laws of one thousand eight hundred and eighty-five and chapter thirty-nine of the laws of one thousand eight hundred and eighty-one be and the same are hereby re-instated and continued in full force and effect for two years from and after the passage of this act: *Provided*, that nothing contained in this act shall in any way interfere with, affect or diminish any convict force granted or assigned to any railroad or other work of internal improvement by any contract or by any prior act of this general assembly.

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. 1887.

CHAPTER 254.

An act to amend section one thousand eight hundred and ten of
The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand eight hundred and ten of The Code of North Carolina be amended by adding thereto the words: "That all marriages between an Indian and a Negro or between an Indian and a person of Negro descent to the third generation inclusive shall be utterly void: *Provided*, this act shall only apply to the Croatan Indians.

Section 1810,
Code, amended.

Marriages be-
tween Indians
and negroes void.

Applicable only
to Croatan In-
dians.

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. 1887.

CHAPTER 255.

An act to establish the dividing line between the counties of Union
and Cabarrus.

WHEREAS, doubts have arisen concerning the location of the dividing line between the counties of Union and Cabarrus, and the citizens living in the immediate vicinity of the line are unable to determine where they shall exercise their rights of citizenship and pay their taxes:

Preamble.

The General Assembly of North Carolina do enact:

Commissioners of Union and Cabarrus counties to appoint one commissioner or surveyor respectively to locate line.

Umpire.

Duties.

Report to be recorded, &c.

On failure to appoint commissioner in May, to be appointed at next meeting of county commissioners.

If commissioners appointed are not surveyors, then surveyors to be employed, &c.

* Compensation.

SECTION 1. That it shall be the duty of the commissioners of the counties of Union and Cabarrus respectively at their meeting on the first Monday in May in the year eighteen hundred and eighty-seven to appoint one commissioner or surveyor from their respective counties, which said commissioners or surveyors shall select a third man from a county other than Union or Cabarrus, who shall proceed to locate the dividing line between the counties of Union and Cabarrus and shall mark the same by permanent monuments, and when they have so determined the proper location of said dividing line they shall make a report of the same under their hands and seals or under the hands and seals of a majority of them to the county commissioners of the respective counties of Union and Cabarrus, who shall cause the same to be recorded in the office of the register of deeds of the said counties, and the said report establishing the said dividing line between the counties aforesaid shall be considered conclusive evidence of the dividing line between said counties in all matters in the several courts of this state.

SEC. 2. That in the event the commissioners of either of the said counties shall fail to appoint the commissioner provided for in the preceding section of this act at the time hereinbefore specified, it shall be the duty of the commissioners so failing to appoint the commissioner or surveyor to appoint the same at the subsequent meeting of the board occurring next after their failure or so soon thereafter as it can be done.

SEC. 3. That in the event the said county commissioners shall appoint as commissioners to locate the said dividing line persons who are not surveyors the said commissioners shall have the authority to appoint or employ a surveyor or surveyors not exceeding two who shall run and establish under the direction of the commissioners the line aforesaid, and for their compensation they shall receive a sum to be allowed by the commis-

sioners of the two counties, which shall not be less than the amount now allowed to county surveyors for similar services or services rendered during the same length of time, the cost of which shall be equally paid to the said surveyors and commissioners by the counties of Union and Cabarrus. 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 7th day of March, A. D. 1887.

CHAPTER 256.

An act to change the time of holding the superior courts in the counties of Franklin and Wilson.

The General Assembly of North Carolina do enact :

SECTION 1. There shall be three terms of the superior court each year in the county of Franklin instead of four as now provided by law, and they shall be held at the following times, to-wit: The sixth Monday before the first Monday in March; the sixth Monday after the first Monday in March, each to continue two weeks; the tenth Monday after the first Monday in September, to continue one week. Three terms of Franklin superior court each year.

When held.

SEC. 2. The term of the superior court held in the county of Wilson under existing law on the sixth Monday after the first in March shall be held on the thirteenth Monday after the first Monday in March, to continue one week. Time of holding spring term Wilson superior court changed.

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

In the general assembly read three times, and ratified this 7th day of March, 1887.

CHAPTER 257.

An act to suspend section twenty-seven hundred and eighty-five of
The Code.

The General Assembly of North Carolina do enact:

Section 2827,
Code, (misde-
meanor for per-
sons living with-
in stock law ter-
ritory to allow
stock to run at
large beyond
limits of territo-
ry), not applica-
ble to certain
persons in
Caldwell county.

SECTION 1. That section twenty-eight hundred and twenty-seven (2827) of The Code shall not apply to persons living within the stock law territory of Caldwell county who are land owners outside of stock law territory in 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. 1887.

CHAPTER 258.

An act for the better preservation of the records in the clerks' offices of the senate and house of representatives and the libraries of the two houses.

The General Assembly of North Carolina do enact:

Librarian to re-
move Senate and
House records to
rooms of superin-
tendent of public
instruction and
library when
they become
vacant.

Records to be
classified, &c.

Librarian to pro-
cure copies of
laws and journals
for use of legisla-
ture.

SECTION 1. That the state librarian be and is hereby directed to have the records in the clerks' offices of the senate and house of representatives removed to the rooms now occupied by the superintendent of public instruction and the state library (when these offices are removed to the supreme court and library building) and properly classified, arranged and labeled.

SEC. 2. That it shall be the duty of the state librarian to procure two (2) copies each of the laws and journals of the general assembly and arrange these books on the

shelves in chronological order for use of the two houses of the general assembly respectively.

SEC. 3. That the librarian is hereby constituted the lawful custodian of the record rooms and libraries of the two houses and shall keep the same locked, and for the faithful performance of his duties as such shall receive as compensation the sum of two hundred and fifty dollars per annum.

Librarian made custodian of rooms, &c.

Compensation.

SEC. 4. 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. 1887.

CHAPTER 259.

An act in regard to certain railroad subscriptions.

The General Assembly of North Carolina do enact:

SECTION 1. That when any township shall subscribe its bonds to the capital stock of the Durham and Northern Railroad Company the county taxes which shall be annually levied and collected upon the property and franchise of said company in and for the county in which the said township is situated shall be applied to the payment of the interest on the said bonds to the amount of the said interest so long as the said interest shall accrue, and the excess of said taxes after paying said interest shall be applied to general county purposes.

County taxes on property of Durham and Northern Railroad Company to be applied to interest on bonds of township subscribing to capital stock.

SEC. 2. That when more than one township in a county shall subscribe its bonds as aforesaid the taxes shall be applied to the payment of the interest on all of said bonds *pro rata*.

When more than one township subscribes taxes to be applied *pro rata*.

SEC. 3. That nothing herein contained shall be taken or construed in anywise to invalidate the said township

Failure to apply taxes not to invalidate bonds.

bonds in case the said taxes should for any reason fail to be applied to the payment of the said interest or any part thereof.

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 7th day of March, A. D. 1887.

CHAPTER 260.

An act supplemental to "an act to authorize the state board of education to construct and complete certain roads and canals in eastern North Carolina," dividing the convict force.

The General Assembly of North Carolina do enact:

Chapter 74, *ante*, amended.

SECTION 1. That subsection four (4) of section twelve (12) of "an act to authorize the state board of education to construct and complete certain roads and canals in eastern North Carolina," ratified at this session of the general assembly, be amended as follows: In line four (4) of said subsection after the word "section" insert the words "and fifty hereby assigned to the county of Brunswick."

Fifty of the convicts assigned to Onslow, to be transferred to Brunswick, after completion of road in Onslow. What work to be done in Brunswick county.

SEC. 2. Fifty of the convict force assigned to the county of Onslow, after the completion of the work in said county of Onslow, shall be immediately transferred and assigned to the county of Brunswick, to construct first the work provided for in subsection eight (8) of section twelve (12) of the said act, and then the work provided for by subsection seven (7) of section twelve (12) of the said act.

Assignment of the fifty convicts after completion of work in Brunswick county.

SEC. 3. The said fifty convicts after the completion of the works in Brunswick county shall be united with the residue of the convict force assigned to the construction of the work provided for in subsections five (5) and six (6) of section twelve (12) of the said act.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 261.

An act to amend section two thousand and thirty-six, chapter fifty of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and thirty-six, chapter fifty of The Code, be amended by adding at the end of said section: *Provided also*, that when any ditch or drain is cut in such way as to turn water into any public road the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may be necessary to take the water from said road.

Section 2036,
Code, amended.

Duty of persons
cutting ditches
that turn water
into public roads
to cut other
ditches to take it
off.

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. 1887.

CHAPTER 262.

An act to authorize the commissioners of Cherokee county to pay Jas. C. Deweese the sum of thirty-seven dollars and fifty cents as teacher of a public school in said county.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Cherokee county be and the same are hereby directed to pay Jas. C.

Authorized to
pay Jas. C.
Deweese \$37.50 for
services as
teacher.

Deweese the sum of thirty-seven dollars and fifty cents for services rendered as a teacher of public school for the year eighteen hundred and eighty-three.

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. 1887.

CHAPTER 263.

An act to protect fish in Potecasi creek, Northampton county.

The General Assembly of North Carolina do enact:

SECTION 1. That no person or persons shall place any obstruction whatever to the free passage of fish in Potecasi creek from its mouth to Deloatche's mill dam in Northampton county, under a penalty of twenty dollars for every day such obstruction is allowed to remain in said creek, one fourth to the party suing for the same and the balance to the school fund of the county in which said obstruction may be placed: *Provided*, this act shall not apply to dams erected for running machinery.

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. 1887.

CHAPTER 264.

An act to amend chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five, it being an act relating to roads and highways.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-three, chapter one hundred and thirty-four of the laws of one thousand eight

Unlawful to obstruct the free passage of fish in Potecasi creek.

Penalty.

Proviso.

Chapter 131, laws 1885, amended.

hundred and eighty-five, be amended by adding to the end of said section thirty-three the words "and Halifax": *Provided*, the board of justices and board of commissioners of said county may adopt the same.

Mecklenburg road law applicable to Halifax county if approved by justices and commissioners.

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. 1887.

CHAPTER 265.

An act to modify the road law so far as applicable to Tyrrell county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the board of supervisors of public roads of Columbia township, Tyrrell county, to exempt from working on the public roads of said township the hands or citizens residing in Scotia and Mills Ridge neighborhoods in said township, so long as they shall keep in proper condition the roads leading from said neighborhoods out to the public road.

Exemptions from road duty in Columbia township, Tyrrell county.

SEC. 2. All persons liable to work on the public roads of Kilkenny and New Lake neighborhoods in Tyrrell county shall be subject to perform as many as ten days' work in any one year on their respective roads if the overseer shall find it necessary in order to put and keep his road in proper order.

Liability of residents of Kilkenny and New Lake townships to road duty.

SEC. 3. No person shall be required to haul dirt or wood for the construction or repair of any public road in said county unless he shall own or have control of such horse, mule or other beast of burden as shall be necessary for that purpose; but a day's work of a horse or mule and cart shall be equal to one day's work of a man, and shall be allowed as such.

Who required to haul dirt or wood.

Day's work of horse, &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 7th day of March, A. D. 1887.

CHAPTER 266.

An act to amend section two thousand and fifty-seven of The Code in reference to cart-ways.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand and fifty-seven of The Code be amended by striking out "bars" in line seven and insert "erect and keep in good repair convenient gates."

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. 1887.

CHAPTER 267.

An act to provide for the draining of low lands.

The General Assembly of North Carolina do enact :

SECTION 1. That upon the petition of three citizens in any county to the county commissioners, petitioning for the draining of any creek, swamp or branch either upon the plea of health or to promote and advance the agricultural interests of the farmers who may own lands

Section 2057,
Code, amended.

"Bars" not allowed across cart-ways, &c.

County commissioners on petition to appoint board of commissioners for draining any creek, &c.

lying on said creek, swamp or branch petitioned to be drained, the county commissioners shall within ten days after the filing of such petition order the county surveyor to summon three disinterested freeholders, good and lawful men of intelligence and discretion, who shall constitute a board, and the county surveyor shall be the chairman of said board; and the chairman shall give all persons who may be interested in having said creek, swamp or branch drained three days' notice of the time and place of the meeting of the board: *Provided*, that the petitioners shall deposit with the county treasurer the sum of twenty-five dollars for the payment of current expenses not otherwise provided for in this act.

Chairman.

Notice of meeting.

Proviso.

SEC. 2. The board provided for in section one of this act shall meet at the call of the chairman and shall proceed to inspect and examine the lands as described in the petition to be drained, and the board shall have power to summon witnesses, administer oaths and take testimony, and if the board decides that the lands specified in the petition shall be drained, either on the plea of health or for the benefit of the farms lying on or contiguous to said water course, then the board shall select a place at which the ditch shall be begun. They shall also decide the depth and width of the ditch to be dug, and shall proceed to survey, locate, lay off and mark the course of the ditch, and the board shall assign to the land owners the amount of labor to be performed and the amount of money to be paid for the purpose of defraying the necessary expenses by each land owner in proportion to the amount of lands drained or *pro rata* benefits received by the drainage of such lands, and the said board shall specify the time in which the work so assigned shall be completed: *Provided*, no one shall be required to commence on the work assigned to him until the person next below him shall have completed his work in accordance with the specification of the board.

Duties of board.

Assignment of labor, &c.

Proviso.

Board to make report.

SEC. 3. The board shall make a written report to

the county commissioners showing all the acts and decisions of the board as to the length, depth and width of the ditch, the names of all the owners of the lands that will be drained and the amount of work to be performed and the amount of money to be paid by each person benefited by such drainage. But in case the board determines that the lands described in the petition shall not be drained then the expenses of the board shall be paid out of the funds deposited with the county treasurer by the petitioners.

Expenses of board, how paid when petition not granted.

Land owners to keep ditches clear.

SEC. 4. All persons whose lands shall be drained under the provisions of this act shall keep the ditch on his land clear of all rafts of logs, brush or any trash that will obstruct the flow of water through the ditch.

Compensation of board.

SEC. 5. The compensation of the board shall be as follows: the county surveyor shall receive three dollars per day and the other members shall receive one dollar and fifty cents per day while engaged in the duties imposed in this act.

Misdemeanor to refuse to serve on board.

SEC. 6. Any person who shall refuse to serve on the board after he has been summoned shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisonment not more than thirty days.

Misdemeanor to refuse to comply with requirements of board.

SEC. 7. That any person who shall neglect or refuse to comply with the requirements of the board as provided in this act shall be guilty of a misdemeanor and fined not more than two hundred dollars or imprisoned not more than two years.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 268.

An act to compel persons to inclose marl pits.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to open any marl beds without surrounding it with a lawful fence: *Provided*, the act shall not apply to any person whose marl bed is inclosed inside of his own inclosure.

Unlawful to open marl bed without a surrounding fence.

Proviso.

SEC. 2. Any person who violates this act 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.

Misdemeanor.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 269.

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

The General Assembly of North Carolina do enact :

SECTION 1. After the word "ascertained" in the second line of section one strike out all to the end thereof and insert in lieu thereof the following: By the coroner and his jury that the deceased may have come to his or her death by some poison, hurtful chemical or other substance, administered by some person other than the deceased, then it shall be the duty of the coroner to summon two physicians, who must have been licensed to practice under the laws of North Carolina, and shall

Chapter 355, laws 1885, amended.

In cases at coroner's inquests of suspected homicide by poison, duty of coroner to summon two licensed physicians to make examination.

have them make in his presence a thorough examination of the body of the deceased, externally and internally, making a *post mortem* examination of such of the vital parts as the heart, brain, stomach, liver, smaller intestines, et cetera, as the said coroner and physicians may deem necessary, and of all clothing, bed-clothing, drugs, discharges, articles of food, utensils, furniture and all other articles which may have been used or have in any way been connected with the case. The said coroner and physicians shall make their report in writing to the coroner's jury, stating whether or not in their opinion the deceased came to his or her death by a poison, hurtful chemical or other substance at the hands of some other person than the deceased; and whenever in the opinion of the said coroner and physicians it is still necessary in order to reach the ends of justice that a chemical analysis of the *viscera* be made, they shall remove the stomach or other parts as they may deem necessary, and shall secure any drugs, food or other articles as aforesaid and shall pack each soft or liquid substance in a separate air-tight vessel and shall seal the same, all three of them being present, and deliver them to the coroner, who shall transmit them himself or by a trustworthy messenger to the chairman of the board of county commissioners, with full reports of their proceedings and conclusions. Whenever a chemical analysis of the articles shall be found necessary as aforesaid the chairman of the board of the county commissioners shall forward by a trustworthy messenger the article or articles taken and sealed as aforesaid and delivered to him by the coroner to the chemist provided in this act, with a certified copy of the report of the coroner and physicians and the coroner's jury as aforesaid, and his certificate that the requirements of this act have been complied with. All expenses in connection with the requirements of this section shall be borne by the county in which the deed was committed.

Coroner and physicians to make report to jury.

When chemical analysis necessary, parts to be sent to chairman of commissioners with report of coroner, &c.

Chairman to forward to chemist at agricultural department with copy of report.

Expenses, how paid.

SEC. 2. Insert at the beginning of section two before the word "that" the following: The governor shall appoint from among the chemists now regularly employed by the department of agriculture a chemist who shall have room, apparatus, chemicals and all needed facilities supplied him by the department of agriculture, and who shall be employed on the work of the department and paid out of their funds when not engaged upon the analysis or poison cases, as provided for in this act. It shall be the duty of said chemist to receive the articles, forwarded and certified to as aforesaid, to safely keep and speedily examine and analyze the same, determining both the kind and the amount of any poisons or other hurtful substances which may have caused the death of the deceased; and shall upon subpoena issued as for other witnesses, attend court and give such evidence relative to the case as the court may require. Insert after the word "except" in line five of section two, these words: "Such as are allowed expert witnesses by the courts under the present laws of the state, and."

Chemist, how appointed, &c.

Duties.

Compensation of chemist for attending court as witness.

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. 1887.

CHAPTER 270.

An act to prohibit the sale of or giving away spirituous liquors, brandy peaches, bitters, &c., within one mile of Cape Hatteras Camp-ground, Dare county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell or give away or otherwise dispose of any spirituous liquors, brandy peaches, brandy cherries, or any medicated bitters, or to sell any confectioneries, beer, lemonade,

Unlawful to sell, &c., liquor, water melons, &c., within one mile of Cape Hatteras Camp Ground M. E. church, while people are assembled for religious services.

watermelons, or any other kind of goods or wares except fresh meats, fish, clams, game and vegetables, or to have any eating saloon or restaurant within one mile of said Cape Hatteras Camp Ground, M. E. church, during the time the people are assembled thereat for religious services, whether actually engaged in religious services at the time or not; and any person violating said prohibition shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for every offence not less than five nor more than twenty-five dollars or imprisoned not more than thirty days: *Provided*, nothing in this section shall prohibit any person from taking boarders at his place of residence.

Misdemeanor.

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. 1887.

CHAPTER 271.

An act for the relief of Kindred Reeves of Haywood county.

The General Assembly of North Carolina do enact :

Treasurer authorized to pay Kindred Reeves \$150 for wood furnished convicts.

SECTION 1. That one hundred and fifty dollars, with accrued interest from July first, one thousand eight hundred and eighty-three, be paid Kindred Reeves, his heirs or administrator, for fire-wood furnished the convicts while at work in Haywood county on the Western North Carolina Railroad in the years one thousand eight hundred and eighty-two and one thousand eight hundred and eighty-three, and that the same be paid out of the treasury upon the warrant of the auditor out of any moneys not otherwise appropriated. That the amount shall be paid out of the appropriation made to the penitentiary.

To be paid out of appropriation to penitentiary.

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. 1887.

CHAPTER 272.

An act to amend sections five hundred and four and five hundred and nineteen of The Code, requiring the transcript of returns of appraisers or assessors of homestead and personal property exemptions to be made to the county from whence the execution issues.

The General Assembly of North Carolina do enact:

SECTION 1. That section five hundred and four (504) of The Code be amended by inserting after the word "county" and before the word "and" in the third line from the last in said section the words "and said officer shall likewise make a transcript of said returns over his hand and return the same without delay to the clerk of the court of the county from whence the execution issues, and said clerk shall likewise file and make minute of the same as above directed."

Section 504, Code, amended.

Register to send certified transcript of homestead returns to clerk of court from which execution issues.

Duty of clerk.

SEC. 2. That section five hundred and nineteen (519) of The Code be amended by adding thereto the following words, viz.: *Provided*, that the (10) ten days and six months respectively shall begin to run from the date of the filing of the return of the valuation and allotment of the appraisers or assessors by the officer with the clerk of the superior court of the county from whence the execution issues as provided in section five hundred and four (504).

Section 519, Code, amended.

Time within which appeal can be taken to begin to run from date of filing transcript of register with clerk.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 273.

An act to allow certain persons to enter vacant lands in the counties of Graham, Cherokee, Clay, Swain, Macon, Jackson and Haywood.

The General Assembly of North Carolina do enact :

Rights of persons who have entered vacant lands in certain counties which have been or may be proven to be covered by prior entries.

SECTION 1. That in all cases where any person or persons have entered vacant lands in the counties of Graham, Cherokee, Clay, Swain, Macon, Jackson or Haywood and executed bonds for the same, which lands have been proven or may hereafter be proven to be covered by prior entry or claim, shall be entitled to enter other vacant lands in lieu of the lands covered by such prior entry or claim, and in case no such vacant land can be found the state's agent or other legal authority having charge of the same or bonds of the same may cancel the same or so much thereof as proven to be covered by such prior entry or claim: *Provided*, the relief asked for in section one of this act shall apply only to residents of the counties in which the lands are entered.

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 7th day of March, A. D. 1887.

CHAPTER 274.

An act for the relief of the tax collectors of Swain county.

The General Assembly of North Carolina do enact :

Commissioners authorized to relieve certain tax collectors from penalties.

SECTION 1. That the commissioners of Swain county be and they are hereby authorized in their discretion to relieve J. A. Franks, J. S. Ellmore, Z. V. Welch, former

tax collectors in and for said county of Swain, of so much of the twenty-four per centum penalty for failure to settle said tax for the respective years for which they were tax collectors on such terms as to them shall seem meet and proper: *Provided*, that the said Franks, Ellmore and Welch pay not less than eight per centum on the amounts that they are due the county and all costs that has or may accrue on the same. And the said J. A. Franks and J. S. Ellmore confess judgment on the amounts due by them at the June term of the superior court for Swain county in the year one thousand eight hundred and eighty-seven and pay one half of the amount due by them at that time and the other half on the first Monday in October, one thousand eight hundred and eighty-seven, and Z. V. Welch make payment in such time and manner as the commissioners in their judgment shall prescribe, and in case said parties fail to make such payment in the time prescribed, then this act to be null, void and of no effect.

Conditions upon which relief to be granted.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 275.

An act for the relief of D. A. Grantham, late sheriff of Wayne county, and the sureties on his official bond.

SECTION 1. That for the purpose of settling and adjusting the indebtedness of said D. A. Grantham, sheriff, as due to the county of Wayne for general and school purposes, the commissioners of Wayne county are required to appoint an arbitrator and the said D. A. Grantham another arbitrator, and the arbitrators so appointed shall

Indebtedness of D. A. Grantham, sheriff of Wayne county, to be settled by arbitration.

select an umpire, and these three shall take into consideration the said indebtedness and all costs of actions and determine the amount due to the general and school fund of Wayne county, and the report so made shall be final and conclusive. In the event the arbitrators chosen shall fail to select an umpire it shall be the duty of the judge of the superior court to select the umpire provided for herein: *Provided*, that the said D. A. Grantham shall deliver to the person hereinafter provided for all the tax books and executions now in his hands or in the hands of any other person for said years, and all moneys in the office of the clerk of the superior court of said county.

Judge to appoint umpire if arbitrators fail to appoint.
Proviso

SEC. 2. That it shall be the duty of the board of commissioners of Wayne county to appoint a special tax collector to collect the taxes above mentioned, and if the said board shall fail to appoint said tax collector or he shall fail to qualify as such then it is hereby made the duty of the sheriff of Wayne county to collect said taxes and account for the same as is now required by law for the collection of other taxes.

Special tax collector.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 276.

An act concerning the practice of the superior court.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any civil action or special proceeding begun before a clerk of any superior court shall be for any ground whatever sent to the superior court before the judge, the said judge shall have jurisdiction; and it shall be the duty of said judge upon the

Judge to have jurisdiction of all civil actions or special proceedings begun before clerk and transferred to court in term time.

request of either party to proceed to hear and determine all matters in controversy in such action, unless it shall appear to him that justice would be more cheaply and speedily administered by sending the action back to be proceeded in before the clerk, in which case he may do so.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 277.

An act to prevent the taking of fish at certain seasons in Currituck sound.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to take, catch or capture with nets or seines or to pound any fish in the waters of Currituck sound, Kitty Hawk bay and tributaries for home or foreign markets, except mullets, herring and shad, between the thirty-first day of March and the fifteenth day of October in each year.

Unlawful to take fish with nets, &c., in Currituck Sound, Kitty Hawk Bay, &c., between March 31st and October 15th.

Exceptions.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than fifty dollars for each and every offence, or imprisoned not less than five days nor more than thirty days.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 278.

An act in relation to the correction of a grant.

Preamble.

WHEREAS, on the twenty-ninth day of December, one thousand eight hundred and sixty, a grant for six hundred and forty acres to Robert Rogers under the great seal of the 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 "west three hundred and twenty poles to a chestnut," when it should read "south sixty-six degrees west three hundred and twenty poles to a chestnut" on other roads, "east crossing said creek three hundred and twenty poles to a white oak on the side of a ridge," when it should read "north sixty-six degrees east crossing said creek three hundred and twenty poles to a white oak on the side of a ridge": therefore,

The General Assembly of North Carolina do enact:

Secretary of state
authorized to cor-
rect boundaries.

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 "south sixty-six degrees west three hundred and twenty poles to a chestnut" in the second line of said plot, and in the fourth line so as to read "north sixty-six degrees east crossing said creek three hundred and twenty poles to a white oak on the side of a ridge," and the register of deeds of Haywood county be and is hereby authorized and instructed to correct the said grant in book "G," page five hundred and six, where the same is registered, so as to conform correction herein authorized to be made by the secretary of state, and correct said registration so as to read "south sixty-six degrees west three hundred and twenty poles to a chestnut" in the second line of said plot, and in the fourth line so

as to read “north sixty-six degrees east crossing said creek three hundred and twenty poles to a white oak on the side of a ridge,” respectively, instead of “west three hundred and twenty poles to a chestnut” in the second line of said plot, and “east crossing said creek three hundred and twenty poles to a white oak on the side of a ridge” in fourth line of said plot.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 279.

An act to prohibit the driving of live stock out of a stock law territory in Buncombe county, into Haywood county.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons who shall drive or cause to be driven any live stock for the purpose of ranging out of a stock law territory in Buncombe county, or from a stock law territory in any other county west of the Blue Ridge, into Haywood, or into any other adjoining county, or into any parts of Buncombe county now exempt or hereafter to be exempt from the operations of the stock law, shall be guilty of a misdemeanor, and fined upon conviction not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that nothing in this act shall be construed so as to prevent any person in said stock law territory from driving his stock on to his own land in the said county of Haywood or other county west of the Blue Ridge.

Misdemeanor to drive stock for purposes of ranging out of stock law territory into Haywood county or other territory exempt from stock law.

Proviso.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 280.

An act to amend chapter two hundred and thirty-seven, section seven, of the laws of one thousand eight hundred and eighty-five, in regard to electing county superintendent of health.

The General Assembly of North Carolina do enact :

Chapter 237, laws
1885, amended.

SECTION 1. That chapter two hundred and thirty-seven, section seven, of the laws of one thousand eight hundred and eighty-five, be amended by striking out "the first Monday in January," and inserting "the first Monday in September."

Time of meeting
of county boards
of health.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 281.

An act to protect the natural oyster-beds of the county of Carteret.

The General Assembly of North Carolina do enact :

Commissioners
authorized to
designate natural
oyster and clam
beds and make
rules for their
protection.

SECTION 1. That the county commissioners of the county of Carteret may designate and define the natural oyster and clam beds of said county, and may make such rules as may be necessary for the protection of said natural beds.

Rules to be pub-
lished.

SEC. 2. The said rules and regulations shall be published at the court-house door of the county and at four other public places in the county, and in some newspaper if there be one published in the county.

Misdemeanor.

SEC. 3. Any person violating any of the said rules and regulations shall be guilty of a misdemeanor, and fined and imprisoned in the discretion of the court.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 282.

An act to authorize townships numbers one and two in Cleveland county to assist in the construction of a railroad.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever a petition signed by one fifth of the qualified voters of township number one and by one fifth of the qualified voters of township number two of Cleveland county, or by one fifth of the qualified voters of either of them asking the commissioners of Cleveland county to submit to the qualified voters of the said township or either of them a proposition to subscribe money or bonds to the capital stock of any railroad company that shall construct a railroad through said townships or either of them, it shall be the duty of the said commissioners to order an election in said townships or either of them, whose voters shall have so petitioned to determine whether the said townships, or either of them, shall subscribe money or bonds to the capital stock of the railroad company mentioned in the petition.

When election to be held upon question of subscription to railroad.

SEC. 2. That the terms of the proposition to be submitted to the qualified voters of the said townships or of either of them, and the amount of stock to be subscribed for by each or either of said townships shall be those mentioned in the petitions or petition signed by one fifth of the qualified voters of each or either of the said townships and presented to the said commissioners: *Provided*, that if more than one petition from each or either township be presented, the terms, conditions and amount of stock to be embraced in said propositions or proposition

Terms and amount to be as set out in petition.

How fixed, when more than one petition.

shall be those contained in that petition from each township which shall be signed by the greatest number of qualified voters of said township, if said petition be signed by not less than one fifth of the qualified voters of the same.

Duty of county commissioners when petition filed.

SEC. 3. That upon receiving a petition or petitions fulfilling the above requirements, it shall be the duty of the commissioners of Cleveland county to frame a proposition or propositions in accordance with the terms of the proper petition or petitions and for not less than thirty days to cause it or them with a notice of election to be advertised in one or more newspapers published in Cleveland county and to be posted in some public place in each township so petitioning and upon the court-house door in Shelby, and to submit the question of subscribing to the capital stock of the railroad company mentioned in the petition in accordance with the terms of the said proposition to the qualified voters of each or either of the said townships, at an election to be held under the laws of this state as to registration and voting and in the same manner as elections for members of the general assembly are held. The ballots shall have written or printed upon them the words "subscription" and "no subscription." The said commissioners shall meet at the court-house at Shelby on the third day after such election and canvass the returns and declare the results.

Notice of election.

Election, how held.

Ballots.

Canvass of vote.

Subscription to be made on vote of majority of qualified voters.

SEC. 4. That if at said election a majority of all the qualified voters of each of the said townships or of either of them shall vote tickets on which shall be written or printed "subscription," then the chairman of the board of commissioners of Cleveland county, for and in behalf of each of the townships in which a majority of the qualified voters shall have voted "subscription" subscribe to the capital stock of the railroad company mentioned in the said proposition or propositions, the amount voted by the qualified voters of that township, said subscription to be governed by the conditions of the proposition submitted to the said voters.

SEC. 5. That the said townships, number one and two, are hereby incorporated for the purposes of this act, and the commissioners of Cleveland county are hereby constituted and appointed the agents of said corporations for the said purposes, and if the said townships or either of them shall vote township bonds in payment for the capital stock of any railroad company the said commissioners shall as agents of said townships or either of them issue said bonds in accordance with the terms of the proposition or propositions adopted by a majority of the voters of the township or townships whose bonds are to be issued.

Townships incorporated.

Corporate agents.

Issuance of bonds.

SEC. 6. That the said commissioners as agents of the said townships or either of them, shall levy upon each township so subscribing special taxes for the payment of the interest, and in proper time of the principal of any bonds voted by that township under this act, and for the payment of any expenses incurred because of elections held under this act, said taxes to be levied at the same time that other taxes are levied.

Special tax.

SEC. 7. That all taxes levied upon railroad property situate in said townships or either of them belonging to any railroad company to whose capital stock said townships or either of them shall have subscribed, shall be paid by the tax collectors to the county treasurer, who shall use the said taxes in payment of the interest and principal of any bonds voted by the township in which said property is situated to the railroad company owning said property, and shall continue so to do until no part of the said principal and interest shall remain unpaid.

Taxes collected on property of railroad in township subscribing to capital stock to be applied to payment of principal and interest of township bonds.

SEC. 8. That all taxes levied under this act shall be collected by the sheriff of Cleveland county or by a legal tax collector and paid to the county treasurer.

Collection of taxes.

SEC. 9. That this act shall take effect from and after the date of its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 283.

An act to amend section thirty-seven hundred and fifty-one of The Code, relating to fees of register of deeds.

The General Assembly of North Carolina do enact :

Section 3751,
Code, amended.

SECTION 1. That section thirty-seven hundred and fifty-one of The Code be amended by striking out after the word "cents" in fifteenth line the following words, viz.: "if over one copy sheet, for every one over ten cents."

Fee for recording
orders of commis-
sioners.

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. 1887.

CHAPTER 284.

An act to amend chapter forty-seven of The Code on the subject of partition.

The General Assembly of North Carolina do enact :

Section 1892,
Code, amended.

SECTION 1. That section eighteen hundred and ninety-two, of chapter forty-seven of The Code be amended by adding to the end thereof the following, to-wit: "If it be made to appear to the court by affidavit or otherwise that there are any person or persons interested in the premises whose names are unknown to, and cannot after due diligence be ascertained by the petitioner or petitioners, the court shall order notices to be given to all such persons by a publication of the petition or of the substance thereof with the order of the court thereon in one or more newspapers to be designated in the order. If after such general notice by publication any person interested in the premises and entitled to notice fails to appear the

Notice to persons
interested whose
names are un-
known.

Court to appoint
disinterested per-
son to represent
unknown owner
of any share, &c.

court shall in its discretion appoint some disinterested person or persons to represent the owners of any shares in the property to be divided the ownership of which is unknown and unrepresented.”

SEC. 2. That section eighteen hundred and ninety-four of said chapter be amended by adding at the end thereof the following: “If there be any of the tenants in common whose names are not known or whose title is in dispute the share or shares of such persons shall be set off together as one parcel.”

Section 1894 amended.

Shares of unknown owners and shares in dispute to be set off in one parcel.

SEC. 3. That section nineteen hundred and eight of said chapter be amended by inserting after the word “state” in line four the words “or when the name of any tenant in common is not known.”

Section 1908 amended.

When land sold for partition, proceeds belonging to person unknown to be invested, &c.

SEC. 4. That the following section be inserted after section nineteen hundred and eight: Section 1908a. If in any partition proceeding two or more appear as defendants claiming the same share of the premises to be divided, or if any part of the share claimed by the petitioner is disputed by any defendant or defendants, it shall not be necessary to decide on their respective claims before the court shall order the partition or sale to be made, but the partition or sale shall be made, and the controversy between the contesting parties may be afterwards decided either in the same or an independent proceeding.

Partition or sale not to be delayed on account of any controversy concerning any share, &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 7th day of March, A. D. 1887.

CHAPTER 285.

An act for the relief of E. R. Outlaw.

The General Assembly of North Carolina do enact:

SECTION 1. That E. R. Outlaw, sheriff and *ex officio* treasurer of Bertie county, is hereby authorized, his sure-

Loss of school fund by failure of Exchange National Bank, how settled.

ties assenting thereto in writing, to adjust and settle any and all loss of the school fund of his county occasioned by the failure of the Exchange National Bank of Norfolk, Virginia, by the payment thereof in five annual and equal installments, the first to be paid on the first of January, one thousand eight hundred and eighty-eight, and the others on the first of each January thereafter until paid.

Duty of board of education.

SEC. 2. The board of education of said county or other proper officer thereof are hereby authorized and directed to accept payment as above in full discharge of all liability by reason of said loss.

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. 1887.

CHAPTER 286.

An act to permit Murfreesboro township, and the town of Murfreesboro, in Hertford county, to vote bonds for the building of a railroad.

The General Assembly of North Carolina do enact:

Township and town of Murfreesboro authorized to subscribe to capital stock of Roanoke & Tar River Railroad Company, or make donation.

SECTION 1. That Murfreesboro township in Hertford county and the town of Murfreesboro in said county, may subscribe to the capital stock of the Roanoke and Tar River Railroad Company, or make donations to said company to be secured by the bonds of said township or said town as the case may be, bearing six per centum interest as hereafter provided, subject to the approval of the qualified voters of said township or said town.

Election in township, when and how held.

SEC. 2. That the board of commissioners of Hertford county are authorized and it shall be their duty whenever twenty-five tax payers in said township in said county

shall petition the same to cause an election to be held in said township at the proper and legal voting place therein after thirty days' notice of said election published in any newspaper published in said county, and at three public places in said township, and to submit to the qualified voters of said township the question of subscribing to the capital stock of said Roanoke and Tar River Railroad Company, or making donations as aforesaid, the sum of money specified in the written request of the said petitioning tax payers, not to exceed the sum of twenty thousand dollars, at which election those in favor of said subscription or donation as the petitioners may request, shall deposit a ballot on which shall be written or printed the words "for subscription," but if the purpose is to make a donation, then in that case, the ballot shall have the words "for donation," and those opposed shall deposit a ballot on which is written or printed the words "against subscription," or "against donation," as the case may be. 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 on which said election is held, who shall on that day canvass the same and declare the result of said election, and if a majority of all the legally qualified voters in said township shall vote "for subscription" or "for donation," then the subscription or donation so authorized shall be made by the chairman of the board of county commissioners. If "for subscription," to the capital stock of said railroad company, and the result of said election is in favor of subscription, then 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 the meetings of said company: this appointment shall be evidenced by the certificate of the

Maximum
amount.

Ballots.

Canvass of vote.

Subscription or
donation to be
made on vote of
majority of qual-
ified voters.

Representation
of township in
stockholders'
meetings.

clerk of the board of county commissioners, countersigned by the chairman, and shall be good for one year and until a successor is appointed; but if such election is "for donation," and the result of said election is in favor of donation, then the chairman of said board of commissioners shall notify said company of the same, and carry the same into effect by delivering the bonds so donated as hereinafter provided.

County commis-
sioners to issue
bonds.

SEC. 3. For the payment of any subscription made or for carrying into effect any donation made as provided in the next preceding section, the board of county commissioners of Hertford county shall issue bonds to the amount authorized to be subscribed or donated payable to bearer, 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 more than one thousand nor less than one hundred dollars, and shall bear interest at the rate of six per centum per annum, the interest payable on the first day of February each successive year by the treasurer of said county. Said bonds shall be due and payable as follows: one thousand dollars in amount ten years after the first day of February succeeding the year in which said bonds are issued, and one thousand dollars each successive year thereafter.

Special tax.

SEC. 4. That to provide for the payment of the interest on said bonds the board of county commissioners shall in addition to other taxes each year compute and levy upon the proper subjects of taxation in said township a sufficient tax to pay the interest on said bonds issued as aforesaid, and in order to pay said bonds as they mature the said commissioners shall at the expiration of ten years from the date of their issue annually compute and levy an additional tax of one thousand dollars until all of said bonds are paid, which taxes shall be collected by the sheriff of Hertford county under the same rules and regulations as are provided for collecting other taxes,

How collected.

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 taxes to the state and county. The said sheriff shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidences of payment, and the balance of the money shall be applied to the redemption of said bonds in the order in which they are payable.

Sheriff to pay interest, &c.

SEC. 5. Said bonds shall be signed by the chairman of the board of county commissioners of Hertford county and the clerk of said board, and the coupons shall be signed by the chairman alone.

Bonds, how issued.

SEC. 6. The coupons on said bonds shall be receivable in payment of the taxes levied under this act, and it shall be the duty of the sheriff to receive them when tendered if they are due and payable.

Coupons receivable for special tax.

SEC. 7. That the board of commissioners of said town of Murfreesboro are authorized and it shall be their duty whenever twenty tax payers in said town shall petition the same, to cause an election to be held in said town at the proper and legal voting place therein after thirty days' notice published in some newspaper published or circulating in Murfreesboro, and to submit to the qualified voters of said town the question of subscription to the capital stock of said railroad company or of making donations to said company the sum of money specified in the written request of said petitioning tax payers not to exceed the sum of twenty thousand dollars. Said election shall in all other respects be conducted and the ballots the same as is provided in this act for an election in Murfreesboro township. The returns of said election shall be made by the judges of said election to the town commissioners on Tuesday next after the day on which said election is held, who shall on that day canvass the same and declare the result of said election; and if a majority of all the legally qualified voters in said town shall have voted "for subscription" or "for donation," then

Election in town when and how held.

Maximum amount.

Canvass of vote.

Subscription or donation to be made on vote of majority of qualified voters.

the subscription or donation so authorized shall be made by the mayor of said town as hereinbefore provided for said township.

Town commis-
sioners to issue
bonds.

SEC. 8. For the payment of any such subscription made, or for carrying into effect any donation made as provided in the next preceding section, the board of commissioners of said town shall issue bonds to the amount authorized to be subscribed or donated, payable to bearer, 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, and shall bear interest at the rate of six per centum per annum, the interest payable on the first day of February of each successive year by the treasurer of said town. Said bonds shall be due and payable as hereinbefore provided in case of township bonds.

Special tax.

SEC. 9. That to provide for the payment of the interest on said bonds, the board of commissioners of said town shall, in addition to other taxes, each year compute and levy upon the proper subjects of taxation in said town, a sufficient tax to pay the interest on said bonds issued as aforesaid, and in order to provide for the payment of said bonds as they mature, the said town commissioners shall at the expiration of ten years from the date of their issue, annually compute and levy an additional tax of one thousand dollars until all of said bonds are paid, which taxes shall be collected by the constable of said town under the same rules and regulations as are provided for the collecting of other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over to the proper officer of the town as other town taxes. The treasurer of said town 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

How collected.

Town treasurer
to pay interest,
&c.

redemption of said bonds in the order in which they are payable.

SEC. 10. That it shall be lawful for the said town or county commissioners, in their discretion, to order a new registration for the said election.

SEC. 11. The bonds issued as aforesaid shall be signed by the mayor of said town and countersigned by the clerk of said board of commissioners of said town, and the coupons shall be signed by the mayor alone.

SEC. 12. The coupons on said bonds shall be receivable in payment of the taxes levied in said town for any purpose, and it shall be the duty of the constable to receive them in payment when tendered, if they are due and payable.

SEC. 13. That it shall not be lawful for said township and said town to have bonds issued under this act amounting in the aggregate to exceed twenty thousand dollars.

SEC. 14. That the bonds of said township and of said town shall only be issued for the purpose of building and constructing, or aiding in building and constructing a branch railroad from the line of the Roanoke and Tar River Railroad Company to the town of Murfreesboro, or near Murfreesboro.

SEC. 15. That if a majority of all the qualified voters of the town or township in any election provided for in this act shall vote "for subscription" or "for donation," the said bonds shall be issued as hereinbefore required, within sixty days after the result of such election is declared. When issued, the bonds, together with all coupons, shall be deposited with some trust company agreed upon by the officers issuing them and the authorities of the Roanoke and Tar River Railroad Company, to be held in trust by said trust company until satisfactory evidence is produced of the completion of said branch railroad to Murfreesboro or to said river near said town, whereupon said bonds and coupons shall be delivered to

New registration.

Bonds, how issued.

Coupons receivable for special tax.

Issue of bonds limited.

Bonds only issued to build branch road to Murfreesboro.

Bonds, when and how issued.

To be held in trust until completion of branch road.

the president of said Roanoke and Tar River Railroad Company or to such person or persons as may be designated by the authorities of said company; that when said bonds are issued, they, with the coupons attached, shall be numbered, and a record kept by the officers issuing them, showing the numbers, amounts and dates of maturity of the same respectively.

Bonds to be numbered, &c.

Township incorporated.

SEC. 16. That for the purposes of this act the township which shall make the said subscriptions or donations is hereby enacted a body politic and corporate with power to carry out the provisions of this act, and the county commissioners of the county in which said township is situated are declared to be the corporate agents of said township.

Corporate agents.

County taxes collected on property of road in township subscribing, to be applied to interest on township bonds.

SEC. 17. When any township shall subscribe its bonds to the capital stock of said railroad company, or donate the same, as provided in this act, the county taxes which shall be levied and collected upon the property and franchise of said company in said township shall be applied in payment of the interest on said bonds to the amount of said interest as long as the same shall accrue, and the excess of said taxes, if any, shall be applied to general county purposes; that when the said interest shall cease to accrue by reason of the payment of said bonds, then said taxes shall be applied to general county purposes.

Company authorized to negotiate its mortgage bonds.

SEC. 18. That the company shall have the right to dispose of, negotiate or sell its bonds secured by a mortgage or deed of trust on the whole or any part of its property and franchise, upon such terms as the president and directors shall deem most advantageous to the company.

Misdemeanor.

SEC. 19. That any officer failing or refusing to perform his duties under this act shall be guilty of a misdemeanor.

SEC. 20. That this act shall be in effect from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 287.

An act to provide for the exchange of coupon bonds for registered bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of state is hereby authorized to issue registered bonds in exchange for and in lieu of any coupon bonds which have been or may be lawfully issued under the acts of March fourth, and March fourteenth, one thousand eight hundred and seventy-nine, providing for the compromise and renewal of certain bonds of the state, upon the surrender to him of said coupon bonds by the holder thereof. The registered bonds so issued shall be of the denomination of one thousand dollars or five hundred dollars as the case may be, bearing the date of the day of their issue, and of the same rate of interest as the coupon bonds for which they were issued in exchange, and from the last date of payment of interest on the coupon bonds surrendered, and maturing on the first day of July, one thousand nine hundred and ten, or the first day of April, one thousand nine hundred and nineteen, corresponding to the bonds surrendered.

Treasurer authorized to issue registered four per cent. bonds in lieu of coupon bonds.

How issued.

SEC. 2. The registered bonds issued under this act shall be in such form as the treasurer may direct, shall be signed by the governor and treasurer and sealed with the great seal of the state, and shall in all respects stand in the place of and be entitled to all exemption from taxation, and have the same terms of any kind which the coupon bonds now have.

Form of bonds, &c.

SEC. 3. Any registered bonds issued under this act may be transferred at the office of the state treasury by the holder or his agent, in a book to be kept for that purpose by the treasurer, on surrendering for cancellation the outstanding bonds, and in such case of transfer a new bond for the same amount shall be issued.

How transferred.

Cancellation of
coupon bonds
surrendered.

SEC. 4. All coupon bonds surrendered for exchange shall be cancelled by the state treasurer and destroyed by him in the presence of the governor and attorney general.

Fee for exchange.

SEC. 5. The holder surrendering any coupon bond for exchange shall pay to the state treasurer a fee of two dollars for every one thousand dollars of said coupon bonds surrendered for exchange under this act, to be applied by the treasurer towards the expense of providing the new registered bonds.

How applied.

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 7th day of February, A. D. 1887.

CHAPTER 288.

An act entitled an act to regulate docketing appeals.

The General Assembly of North Carolina do enact:

Order in which
appeals from 4th
District to be
docketed.

SECTION 1. That it shall be the duty of the clerk of the supreme court of this state to docket appeals from the fourth judicial district in the following order: first appeals from the county of Wayne, next appeals from the county of Johnston, next appeals from the county of Harnett, and last appeals from the county of Wake.

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. 1887.

CHAPTER 289.

An act to allow the treasurer of Haywood county to pay a school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Haywood county is hereby authorized to pay out of any moneys in his hands due district number two to J. H. Hamilton, for services rendered as teacher of white race for said district in the year eighteen hundred and eighty-four, the sum of twenty-four dollars and ninety cents upon the order of the school committee of said district, countersigned by the county superintendent of public instruction.

Authorized to pay J. H. Hamilton \$24.90 for services as teacher.

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. 1887.

CHAPTER 290.

An act in relation to Lumber river and Shoe Heel creek.

The General Assembly of North Carolina do enact :

SECTION 1. That an act to amend chapter two hundred and ninety-six of the laws of eighteen hundred and eighty-five in relation to Lumber river and Shoe Heel creek, ratified twenty-eighth day of February, one thousand eight hundred and eighty-seven, be amended so as to postpone the operation of said act until March first, one thousand eight hundred and eighty-nine.

Chapter 115, ante, amended.

Operation of law postponed until March 1st, 1889.

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. 1887.

CHAPTER 291. •

An act to lay off and construct a road from Daniel Ashe's on the Western North Carolina Turnpike, in Jackson county, to the mouth of Cowee creek, Macon county.

The General Assembly of North Carolina do enact:

Commissioners.

SECTION 1. That E. C. Ashe and James Buchanan, of Jackson county, and J. W. Rickman and Jacob Mason, junior, of Macon county, be and they are hereby appointed commissioners, and they or a majority of them shall have power to survey, locate and establish a public

Location of road.

road from the Western North Carolina Turnpike near Daniel Ashe's, in Jackson county, up Green's creek to the mouth of Bushy creek, thence up Bushy creek the best and most convenient route to the Cowee gap, thence the most convenient route to Jacob Mason's on Cowee creek, the said road to be named "The Cowee Turnpike," and they shall locate and designate said road by stakes and marks, and make a plot of the route of said road and a particular and accurate description thereof, and shall fix and determine what the grade of said road shall be in ascent and descent upon the mountains and hilly parts of said road, and report their proceedings in writing to the board of county commissioners of Jackson and Macon counties, and said commissioners before proceeding to make the survey and locate said road, shall take

Duties of commissioners.

Oath.

an oath before some person authorized to administer oaths faithfully to perform their duties, and shall each be allowed one dollar per day for the time actually employed in making their survey in locating said road, to be paid by the board of commissioners of their respective counties.

Compensation.

Damages to land, how assessed, &c.

SEC. 2. That the county commissioners of each county through which said road runs, when the commissioners hereby appointed shall have made their report, shall, if

any person or persons over whose lands the said road shall have been located deem themselves damaged by reason of making of said road and shall make complaint to the board of county commissioners of the respective counties, shall order a jury to be summoned to view the said lands over which said road may be located in their respective counties and assess the damages sustained by all such persons as claim to be injured by the establishment of said road, and the jury in estimating damages shall take into consideration the actual damages sustained by the parties complaining and shall also take into consideration the benefits, whether special or general, on account of the construction of said road, and the amount so assessed by the jury to any of the parties shall be charged against the county in which the parties reside and be paid by such counties.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 292.

An act to drain the low lands of Country Line creek in Caswell county.

The General Assembly of North Carolina do enact :

SECTION 1. That Livingston Brown, T. J. Womack, William B. Graves, George Williamson, J. M. Long, Thos. L. Lea and Joseph J. Yarborough be appointed commissioners, whose duty it shall be on or before the 1st day of August, 1887, to lay off Country Line creek in Caswell county, from A. S. Williamson's bridge on said creek to its confluence with Dan river, into sections of convenient

Commissioners
to lay off creek
in sections.

- Overseers. 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 to which he is appointed overseer.
- Term and qualification.
- 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 Caswell shall on application being made appoint commissioners and overseers for the purpose herein mentioned.
- Vacancies.
- Duty of commissioners. SEC. 3. That said commissioners shall estimate the number of acres of bottom land upon a level with and below high water mark 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 overseer to furnish, for every ten acres and one for every fraction of five 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 may be recovered by said overseer by warrant, as in case of failure to work on public road.
- Land owners to furnish hands.
- Penalty.
- Duty of commissioners to distribute labor. SEC. 4. It shall be the duty of the 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 and powers 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 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.

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 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 where the offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for such offence.

Misdemeanor to fell timber into stream, &c.

Proviso.

SEC. 7. That all money arising from failure to work on said stream, and all penalties collected under the provision of this act, shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said stream or in 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 nor more than twenty dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

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

Failure of overseer to perform duty a misdemeanor.

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 low land, by opening the streams as fully as the power given in the foregoing section.

Commissioners empowered to stop washes, &c.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across

Building of bridges, &c., not prohibited.

said stream, or private bridges or roads by the land owners for their own convenience.

No exemption from work on public roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 293.

An act for the relief of James M. Watts, of Alexander county, North Carolina, private in company F, fifty-second regiment, North Carolina state troops, in the Confederate army.

Preamble.

WHEREAS, the general assembly of North Carolina by various acts and resolutions has provided a partial support to those of its disabled soldiers who lost limbs in the war, or who by reason of gunshot wounds received in the war have since become disabled ;

AND WHEREAS, James M. Watts, who was a private in company F, fifty-second regiment (of infantry) North Carolina state troops, lost the use of his left arm by reason of a gunshot wound in the elbow-joint (received at Gettysburg, Pennsylvania) ;

AND WHEREAS, his right arm has since become affected and rendered almost useless by reason of the wound received in the left arm, and the said James M. Watts has not had any benefit of said acts or resolutions, for the reason that said arms, useless as they are, remain attached to his body: therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the governor is hereby authorized to cause to be paid to James M. Watts such sum or sums as

Governor authorized to pay J. M. Watts \$120.00 per annum for life.

is designated in section thirty-four hundred and seventy-eight, chapter forty-five, volume two of The Code.

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. 1887.

CHAPTER 294.

An act to permit the county of Chowan to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Chowan county be authorized to levy a special tax, not exceeding fifteen hundred dollars per year, for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, to be applied to the payment of the existing indebtedness of said county.

Authorized to levy special tax not exceeding \$1,500 per annum for two years 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 7th day of March, A. D. 1887.

CHAPTER 295.

An act to be entitled an act to incorporate Big Lick Methodist Episcopal church in Stanly county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to sell any intoxicating liquors within two miles of Big Lick Methodist Episcopal, south, church in Stanly county.

Unlawful to sell liquor within two miles.

Misdemeanor.

SEC. 2. That if any person shall violate the provisions of section first of this act he shall be guilty of a misdemeanor and on conviction therefor shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

In the general assembly read three times, and ratified this 7th day of March, 1887.

CHAPTER 296.

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

The General Assembly of North Carolina do enact:

Authorized to levy special tax for three years to build jail, &c.

SECTION 1. That for the purpose of completing the common jail and buying a site, and erecting thereon the necessary buildings for a county "poor house" in the county of Vance, and to provide for paying the indebtedness of said county, the commissioners for the county of Vance are hereby authorized to levy and collect annually for a term not exceeding three years 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 fifteen cents on every one hundred dollars' valuation thereof and forty-five cents on every taxable poll, at the same time and in the same manner that other county taxes are levied.

Limitation of tax.

How collected.

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

SEC. 3. That for the purpose of fully carrying into effect the object of this act the commissioners for the county of Vance be and they are hereby authorized to issue county bonds or such other evidences of indebtedness under this act as to them shall seem just and reasonable, and to provide for the payment thereof out of the moneys that shall be levied and collected by virtue of this act.

Commissioners
authorized to
issue bonds.

SEC. 4. That chapter four hundred, "Laws of North Carolina, eighteen hundred and eighty-three," entitled "An act to enable the commissioners of Vance county to build a court-house and other county buildings," ratified on the twelfth day of March, Anno Domini eighteen hundred and eighty-three, be and the same is hereby repealed.

Chapter 400, laws
1883, 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 7th day of March, A. D. 1887.

CHAPTER 297.

An act requiring justices of the peace to furnish itemized statements of costs.

The General Assembly of North Carolina do enact:

SECTION 1. That in all trials before justices of the peace it shall be lawful for plaintiff or defendant before payment of costs, to demand of the justice or justices before whom a trial is held an itemized statement of costs, and any justice or justices refusing to furnish such statement shall be guilty of misdemeanor and upon conviction shall be punished at the discretion of the court.

Justices, on demand, to furnish itemized statement of costs.

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 7th day of March, A. D. 1887.

CHAPTER 298.

An act to allow the county commissioners of Clay county to levy a special tax.

The General Assembly of North Carolina do enact:

Authorized to levy special tax of \$4,000 to build court-house.

SECTION 1. That the county commissioners of the county of Clay shall be and they are hereby authorized and empowered to levy and collect a special tax of four thousand dollars, to be levied and collected in the years 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, to be expended for the purpose of building a court-house in Clay county: *Provided*, that not more than twelve hundred dollars shall be levied in any one year mentioned.

Proviso.

How levied and collected.

SEC. 2. That said tax shall be levied and collected as other state and county taxes in said county, observing the constitutional equation between property and polls, and said tax when collected shall only be applied to the building of said court-house.

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. 1887.

CHAPTER 299.

An act supplemental to an act to incorporate the East Carolina Land and Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the following proviso shall be added to an act entitled an act to incorporate the East Carolina Land and Railway Company, viz.: "Provided, nothing in this act shall prevent said company from running said road so it may cross the White Oak river at or near the head of navigation of the same." Chapter 198, ante, amended.

SEC. 2. This act shall be in force from and after the ratification of the same.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 300.

An act to incorporate the French Broad Lumber and Transportation Company.

The General Assembly of North Carolina do enact:

SECTION 1. That George C. Scofield, Henry O. Reed, Calvin M. McCloud, Julius Lipman, J. E. Rankin and M. J. Fagg, and all such other persons who shall or may be associated with them, and their successors and assigns, are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style and title of the "French Broad Lumber and Transportation Company," for the purposes hereinafter named, to have corporate existence for the term of ninety-nine years, and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and Body politic.
Corporate name.
Corporate existence.

equity, may make and use a common seal and alter the same at pleasure.

Free navigation
of French Broad
river, &c.

SEC. 2. That said company is hereby authorized and empowered during the term of its corporate existence to have free and unobstructed use and right to navigate the waters of the French Broad river through the entire length thereof within the boundaries of this state, for the purpose of towing or propelling boats, barges, yachts, vessels, rafts, floats or other water craft by steam or other power; to build, equip, furnish, fit, purchase, charter and navigate vessels, boats, barges, rafts, floats and other craft to be propelled by steam or other power, and operate and employ the same in all lawful commerce and navigation for the carriage, storage, lading or transportation of property, passengers, mails, lumber, freights and merchandise, at such prices or rates as the directors from time to time may establish. And the said company is hereby vested with all powers, privileges and immunities necessary to carry into effect the purposes of this act as herein set forth.

Corporate
powers.

Authorized to
make canals
around obstruc-
tions in river.

SEC. 3. That wherever there are or may be found obstructions in the channel or waters of said river impeding or interfering with the navigation thereof, the said company is hereby authorized and empowered to make channels or canals on and through the land abutting or adjacent to the same in order to pass around such obstructions in the channel of said river, appropriating and condemning the land and materials necessary for such purpose as hereinafter provided; building locks with gates and waste-weirs on such canals or channels as may be determined by such corporation, with the right and privilege of using the waters of said river to fill and flood such canals or channels, which canals or channels shall be the property of said company and under its sole control.

Condemnation
of land, &c.

Corporate
powers.

SEC. 4. That the said corporation shall have power to purchase, hold and convey all such tracts of timber and

other lands as may be deemed expedient or advantageous to its shareholders, to erect mills, factories and machinery to manufacture lumber, laths and shingles for market and sell the same, and to do and perform whatsoever is necessary to be done in and about such business; also to purchase, acquire, hold and use as much real estate as may be necessary for the site or sites of all landings, wharves, docks, abutments, mills, buildings, fixtures, machinery, appurtenances and hereditaments, structures and places for the storage of merchandise, property and otherwise, and for the purpose of opening and maintaining proper avenues and approaches to and from said wharves, landings, piers and docks, by-roads, highways, bridges or other avenues of ingress, egress, regress or passage.

SEC. 5. That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one thousand dollars each. The directors of said company may at any time, with the consent of the shareholders holding a majority of the stock, increase such capital to an amount not exceeding one million dollars; the shares shall be deemed personal property to all intents and purposes, and may be transferred in such manner as shall be provided by the by-laws of this corporation.

Capital stock.

SEC. 6. That the said corporation be and is hereby authorized and empowered to enter upon, purchase, take and hold any land or premises that may be necessary and proper for the construction of canals, locks, docks, depots, piers, wharves, warehouses, sheds and buildings, to be used and employed in connection with the aforesaid transportation business and for the purpose of opening and maintaining avenues and approaches to the same. And in case the owner or owners of such lands or premises and the said company cannot agree as to the value of the premises taken or to be taken for the use of said company as aforesaid, the value thereof shall be determined by the appraisal of three disinterested commis-

Authorized to purchase and hold real estate, &c.

Condemnation of land.

sioners, who may be appointed upon application by either party to any court of record in any county in which the land or premises to be taken lie; the said commissioners shall, before proceeding to perform the duties herein provided, take an oath administered by said court that they and each of them will honestly, fairly and impartially ascertain and determine the amount said company shall pay for the land actually taken; and said commissioners, in their assessment of damages, shall appraise such land or premises at what would have been the value thereof without reference to any prospective enhancement by reason of the construction of any work for which the land is to be taken, and in all such cases the value or damages as aforesaid shall be determined by the actual and true value of the land taken or to be taken. And such commissioners shall return their report signed by them to the court prior to the first day of the term thereafter wherein the proceedings are pending, setting forth therein the amount to be paid for the lands so taken or to be taken by said company. And upon the return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by the said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom and demand a jury of twelve men to estimate the damages sustained, but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction and operation of its aforesaid works. And said party appealing shall give bonds with sufficient surety or sureties for the payment of any costs that may arise upon such appeal, and in case the party appealing does not obtain a verdict more favorable such party shall pay the whole

Appeal.

cost incurred by the appellee, as well as his own, and the payment into court for the use of the owner of said premises taken of a sum equal to that finally awarded shall be held to vest the title of said land and of the right to use and occupy the same for the purposes aforesaid. And in case of any of the lands to be taken as aforesaid shall be held by an infant, *feme covert*, *non compos*, insane person or persons residing outside of this state, or persons subject to any legal disability, the court may appoint a guardian for any party under disqualification to appear in proper person, who shall give bonds with sufficient surety or sureties for the proper and faithful execution of his trust, and who may represent in court the person disqualified as aforesaid from appearing, when the same proceedings shall be had in reference to the appraisal of premises to be taken for the use of said company, with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion or remainder, the value of any such estate less than a fee simple shall be estimated and determined in the manner hereinbefore set forth.

Land held by infants, &c.

SEC. 7. That said company is hereby authorized and empowered to hold, purchase, mortgage or otherwise convey such real and personal estate as it shall at any time acquire.

Authorized to hold, mortgage, &c., real and personal estate.

SEC. 8. That said company shall have power to borrow money from time to time and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted by said company for the purposes aforesaid.

Authorized to borrow money on mortgage.

SEC. 9. That the persons named in the first section of this act shall constitute the first board of directors of

Directors.

the company hereby created and shall hold their places as such until the first Monday of January in the year after the passage of this act and until others shall be elected in their stead; they or a majority of them shall choose from their number a president, secretary and treasurer, and employ such subordinate agents as they may deem necessary, and they may enact by-laws not inconsistent with existing law for the government and conduct of the affairs of said company; that at a meeting regularly called of the shareholders holding a majority of the capital stock of said company the board of directors may be increased to any number not exceeding thirteen; that annual meetings of the stockholders of the said company for the choice of officers (when they are to be chosen) and for the transaction of business shall be held at such time and place and upon such notice as may be prescribed in the by-laws.

Officers.

By-laws.

Annual meetings.

Meeting for organization.

Other meetings.

Domestic corporation.

SEC. 10. That the first meeting of the incorporators named in the first section of this act for the purposes of organization may be held at such place and time as the majority of said incorporators may determine, and all other subsequent meetings of the shareholders and directors of this company and the location of the general officers for the transaction of business shall be determined by the by-laws of the company: but nothing herein contained shall constitute said company a foreign corporation, and for all intents and purposes said company shall be a domestic 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 7th day of March, A. D. 1887.

CHAPTER 301.

An act to amend chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, being an act entitled an act to prohibit the sale of intoxicating drinks within two miles of the court-house in the town of Shelby, Cleveland county.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, be amended as follows: Strike out of section one after the words "court-house," in line twenty-three of said section, the words "and no person shall be allowed to sell the same except practicing physicians for medicinal purposes only." Chapter 139, laws 1873-'74, amended. Physicians not allowed to sell liquor for medicinal purposes.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 302.

An act to redeem certain lands heretofore sold tor taxes.

WHEREAS, heretofore several lots or parcels of land listed by and in the name of the same person have been sold for the taxes due thereon, and the state of North Carolina became the purchaser of all of said parcels of land so listed, and received a deed therefor; and whereas, since said sales some of the said lots or parcels of land have been sold to and purchased by other persons who are anxious to redeem the several pieces so purchased by Preamble.

them and to pay the taxes levied and assessed thereon, together with the percentage and costs due them :

Where several lots of land listed by the same person have been sold for taxes and purchased by State, and afterwards one or more of said lots have been purchased by a third person, the purchaser may redeem by paying taxes, costs, &c., on land so purchased by him.

The General Assembly of North Carolina do enact, That in all such cases as hereinbefore enumerated, any person may pay to the county treasurer of his county all taxes due said county on any tract of land now owned by him, together with the costs allowed the sheriff in settlement with respect thereto, and with ten per centum additional on said taxes and costs; and upon payment to the secretary of state of North Carolina of all taxes due the state of North Carolina on any such tract, together with the costs and ten per centum additional on said taxes and costs, that the secretary of state shall issue to such person a certificate under his hand and official seal in these words: "taxes and costs paid on (specifying the lot or tract of land redeemed with the years in which said land was sold) and delinquent restored to his rights;" and on the presentation of such certificate to the register of deeds of the county where the lands lie, the said register shall record said certificate on the margin of the page of the county records in which is registered the deed made to the state: *Provided, however,* that the time within which the provisions of this act shall apply shall not extend beyond the first day of March, eighteen hundred and eighty-eight.

Duty of register.

Proviso.

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. 1887.

CHAPTER 303.

An act to appoint a cotton weighler for the town of Youngsville, in Franklin county.

The General Assembly of North Carolina do enact:

County commissioners to appoint.

SECTION 1. That there shall be appointed for the town of Youngsville, in Franklin county, 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.

SEC. 2. That it shall be the duty of said weigher to weigh all baled cotton sold in the town of Youngsville at its true weight, making just and proper allowances or deductions for water or damage.

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 Youngsville."

SEC. 4. That said cotton 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.

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 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 sus-

Term.
Vacaney.

Duties.

Oath.

Bond.

Compensation.

Penalty against
other person
weighing cotton.

Exception.

Penalty for abuse
of trust by cotton
weigher.

tained by any party by such wilful or corrupt abuse of trust or power shall be recoverable out of the bond of said cotton weigher.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 304.

An act authorizing and directing the board of directors of the state penitentiary to furnish certain stonework for the purpose of erecting a monument to the Confederate dead at Greensboro, North Carolina.

The General Assembly of North Carolina do enact :

Penitentiary directors directed to furnish stone to "Ladies' Memorial Association of Greensboro" for monument to Confederate dead.

SECTION 1. That the board of directors of the state penitentiary be authorized and directed to furnish as soon as practicable to the "Ladies' Memorial Association of Greensboro," free of cost at the penitentiary or at the quarries of said penitentiary, three solid blocks of cut stone of the following dimensions: one five feet by five feet by two feet six inches, one two feet by four feet by two feet, and one one foot six inches by three feet two inches by one foot six inches, such work to be done by the convicts in said penitentiary, for the purpose of erecting a monument to the Confederate dead buried in Green Hill cemetery, Greensboro, North Carolina.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 305.

An act for the better protection of health in Caldwell county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to throw or otherwise place any dead animal in any of the water-courses of Caldwell county.

Unlawful to place dead animal in any water-course in Caldwell county.

SEC. 2. That all persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace shall be fined not exceeding ten dollars.

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 7th day of March, A. D. 1887.

CHAPTER 306.

An act to amend chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-five, authorizing the commissioners of Beaufort county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and fifty-four of the laws of eighteen hundred and eighty-five, be and the same is hereby amended by striking out the word "two" in line five and inserting in lieu thereof the word "six"; by striking out the word "and" in line six, and by inserting in line six after the word "eighty-six," the following words: "one thousand eight hundred and eighty-seven, one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine and

Chapter 354, laws 1885, amended.

Authority to levy tax extended four years.

Dependent upon approval of voters of Beaufort county.

one thousand eight hundred and ninety": *Provided*, that before the said special tax shall be levied the proposition shall be submitted to the qualified voters of Beaufort county, and be approved by a majority thereof in the manner provided for voting on railroad subscription.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 307.

An act to amend section seven hundred and sixteen of The Code.

The General Assembly of North Carolina do enact:

Section 716,
Code, amended.

SECTION 1. That section seven hundred and sixteen of The Code be and the same is hereby amended by inserting in line seven after the word "county" the words "excluding the justices themselves."

Justice of the peace not eligible to election as county commissioner.

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. 1887.

CHAPTER 308.

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

The General Assembly of North Carolina do enact:

Authorized to levy special tax not exceeding \$2,250 to pay county indebtedness to A. & W. B. Crinkley.

SECTION 1. That the board of commissioners of Warren county be and they are hereby authorized and empowered to levy a special tax in the year one thousand

eight hundred and eighty-seven, or in the year one thousand eight hundred and eighty-eight, 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 to pay a debt of twenty-two hundred and fifty dollars, due by the county of Warren to A. and W. B. Crinkley for money borrowed from them. That said special tax shall not exceed the sum of twenty-two hundred and fifty dollars net, after allowing for cost of collections, whether levied in one of the aforesaid years or divided between the two years, and shall be collected and accounted for by the sheriff or other collecting officer in said county in the same manner and under the same penalties and within the same time as the other taxes levied in said county: *Provided*, the constitutional equa- Proviso. tion between property and poll shall be observed in the levy of said special tax.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 309.

An act in relation to the correction of a state grant.

WHEREAS, on the sixteenth day of February, one thou- Preamble. sand eight hundred and fifty, a grant for fifty acres to William DeHart under the great seal of the 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 plat thereto attached the land is described as being

situated on Tuckasegee river, when it read Tennessee river : therefore,

The General Assembly of North Carolina do enact :

Secretary of state
authorized to cor-
rect grant to
Wm. DeHart.

SECTION 1. That the secretary of state be and is hereby authorized and instructed to correct the said grant and plat so as to read "Tennessee river," and the register of deeds of Macon county be and is hereby authorized and instructed to correct the said grant in book F, page 256, 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 "Tennessee" instead of "Tuckasegee."

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. 1887.

CHAPTER 310.

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

The General Assembly of North Carolina do enact :

Authorized to
levy special tax
for support of
poor.

SECTION 1. That the commissioners of Franklin county be and they are hereby authorized and empowered to levy a special tax at the same time with other levies upon the taxable property and polls of said county annually, beginning with the year one thousand eight hundred and eighty-seven, and apply the same to the support of the poor in said county. The amount of tax to be levied and collected under this act shall be in the discretion of the said board of commissioners: *Provided*, that it shall in no one year exceed three cents on the one hundred dollars' worth of property and nine cents on

Proviso.

the poll: *And provided further*, that the constitutional Proviso.
equation between property and polls shall always be ob-
served in said levy.

SEC. 2. That said tax shall be collected and accounted How collected.
for by the sheriff or tax collector of said county in the
same manner, under the same penalties and within the
same time as other taxes are levied and collected in said
county.

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

In the general assembly read three times, and ratified
this the 7th day of March, A. D. 1887.

CHAPTER 311.

An act to allow the commissioners of Columbus county to sell the
present poor-house and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Colum- Authorized to
sell poor-house.
bus county be and they are hereby authorized and em-
powered to sell and dispose of the present poor-house or
houses and the lands on which the same are located,
either by public auction or private sale, and on such sale
the chairman of the board of commissioners shall make
all necessary deeds of conveyance to secure the title to
the purchaser or purchasers of such property. Deed, how exe-
cuted.

SEC. 2. That the board of commissioners of said county Authorized to
purchase site and
build county
hospital.
are authorized and empowered to purchase a suitable
location and erect thereon suitable buildings for a county
hospital for the poor and indigent of said county, in the
vicinity of Whiteville; said location shall not be further
than one and one half miles from said town of White-
ville.

Authorized to issue bonds to amount of \$3,000 with concurrence of justices.

Proceeds, how applied.

Bonds payable before maturity.

SEC. 3. That the board of commissioners of said county (a majority of the justices of the peace of said county concurring) shall have power, and they are hereby authorized to issue six county bonds of the denomination of five hundred dollars each on the first Monday in June, Anno Domini eighteen hundred and eighty-seven, bearing interest at the rate of six per centum per annum, and be due and payable ten years after the date of their issue, said bonds not to be sold for less than their par value. The proceeds arising from the sale of said bonds shall be applied to the purchase of a suitable site and the erection of suitable buildings for a county hospital for the poor and indigent of said county; said bonds shall be signed by the chairman of the board of commissioners of said county and countersigned by the register of deeds.

SEC. 4. That said bonds, at the option of the board of commissioners of said county, may be called in and settled before maturity thereof.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 312.

An act to enable the Carolina Central Railroad Company to contract with any other railroad company for the joint use of any portion of its own line.

The General Assembly of North Carolina do enact:

Authorized to contract with connecting road for joint use of its own line.

SECTION 1. That it shall be lawful for the Carolina Central Railroad Company and any other railroad company connecting with it to contract with each other for the joint use of any portion of the line of the Carolina

Central Railroad Company for such time and upon such terms as shall be agreed upon by and between the presidents and directors of the respective companies.

SEC. 2. That upon said contract being made it shall be lawful for such other company to use such portion of that road of the Carolina Central Railroad Company during the existence of the said contract as a connecting link between the different portions of its own line, and it shall have the right to construct and operate detached portions of its road: *Provided*, that these detached portions are connected with each other by the line of the Carolina Central Railroad without being required to construct the intervening road, during the continuance of the said contract, anything in the charter of such other company to the contrary notwithstanding.

Rights of connecting road under the contract.

Proviso.

SEC. 3. 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 7th day of March, A. D. 1887.

CHAPTER 313.

An act to better regulate the sale of spirituous liquors in this state.

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 this state outside the corporate limits of the incorporated towns and villages and cities of this state, 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 license to sell liquor outside of incorporated cities, &c., to be granted.

Unlawful to sell liquor without license.

SEC. 2. That in any election held under and by virtue of the provisions of section three thousand one hundred

Local option elections, how decided.

and thirteen of The Code in this state, the question whether or not spirituous liquors shall be sold within the corporate limits of any incorporated village, town or city in this state shall be decided by a vote of the qualified voters residing in the corporate limits of such village, town or city, and if a majority of the votes cast in such an 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 within the corporate limits of any such town until another election 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 any such village, town or city, and not otherwise: *Provided*, the elections shall not be oftener than every two years.

Effect.

Proviso.

Misdemeanor.

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.

Act applicable only to certain counties

SEC. 4. That the provisions of this act shall apply only to the counties of Swain, Greene, Jackson, and to Dare county except Nag's Head hotel.

Exception.

Conflicting laws repealed.

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

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 314.

An act to grade the public road from the terminus of Queen street in the town of Kinston, Lenoir county, to the iron bridge across Neuse river.

The General Assembly of North Carolina do enact :

SECTION 1. The county commissioners of Lenoir county be and they are hereby authorized to grade the public road leading from the south terminus of Queen street in the town of Kinston, Lenoir county, to the iron bridge across Neuse river, and to improve other leading highways in said county of Lenoir. Said commissioners shall have right to condemn a sufficient area of land on each side of said road as may be necessary to make said road such width as said commissioners deem proper, not to exceed the width of said Queen street in said town of Kinston. Should the owner or owners refuse to allow the said commissioners to use a sufficient area of land for the purposes above stated, on application to the clerk of the superior court of said county of Lenoir, it will be his duty, after giving the owner or owners twenty days' notice of such application, the day of hearing to be named in the notice, to appoint five disinterested freeholders to assess the damages of such lands as may be necessary for the purposes above stated, taking into consideration the benefit as well as the injury resulting from the construction of said road. Said freeholders, after being sworn to act impartially, shall proceed to lay off the area of land required and assess the damages, and report the same in writing to the clerk of said county, and when confirmed the said commissioners shall pay the damage so assessed: *Provided*, either party may appeal to the superior court.

County commissioners authorized to grade road from Queen street to iron bridge and improve other roads.

Condemnation of land.

Appeal.

SEC. 2. That on demand made in writing by said commissioners the board of directors of the penitentiary are authorized and shall furnish the said commissioners

Penitentiary directors to furnish twenty-five convicts.

twenty-five able-bodied convicts, who shall be transported, guarded and maintained by the county of Lenoir, to work the said road until completion.

Certain convicts
in Lenoir county
to work on road.

SEC. 3. That all persons who shall be convicted of any criminal offence in any of the courts of Lenoir county, in consequence thereof be sentenced to imprisonment for less time than two years, may, on the application of the county commissioners, be delivered by the sheriff of said county to said commissioners, or their agents or appointees, for the purpose of working on said road; and if any prisoner so delivered shall escape, he shall, on conviction thereof, be fined or imprisoned at the discretion of the court.

Escape.

Persons impris-
oned for non-pay-
ment of costs to
work on road.

SEC. 4. That if any person shall be imprisoned on account of non-payment of costs, it shall be the duty of the court before which such person is tried to fix a price per month, including board, at which such prisoner shall work out the costs on said road incurred up to such time, and if such prisoner escape he shall on conviction be punished as provided in section third of this act.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 315.

An act to protect fish in Wiccacon creek.

The General Assembly of North Carolina do enact:

Unlawful to pre-
vent free passage
of fish in Wicca-
con creek, Hert-
ford county.

SECTION 1. That it shall be unlawful for any person or persons to construct any hedge, weir or seine across the Wiccacon creek in the county of Hertford in such way as to prevent the free passage of fish.

SEC. 2. That it shall be unlawful for any person or persons to catch fish in Bear swamp between the head of Wiccacon creek in the county of Hertford with weir, seine, gill net or net of any description, between the first day of June and the first day of October, and any person violating this or the foregoing section shall be guilty of a misdemeanor, and upon conviction may be fined not more than fifty dollars or imprisoned not more than ten days: *Provided*, that nothing in this section shall be so construed as to prevent the owners of said swamp or persons to whom they may give permission from fishing in any manner, or prevent any one from fishing with hook and line at any time.

Unlawful to catch fish in Bear Swamp with seines, &c., between June 1st and October 1st.

Misdemeanor.

Proviso.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 316.

An act to prevent the felling of timber in Barnes' creek in Montgomery county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to cut or fell timber in or in any way obstruct the channel of Barnes' creek in Montgomery county from Turner Bean's mill in said county to the Randolph line: *Provided, however*, that this act shall not apply to the obstruction by mill dams or fish dams.

Unlawful to fell timber, &c., in Barnes' creek, Montgomery county, between certain points.

Proviso.

SEC. 2. That any person or persons who shall wilfully, wantonly, or maliciously violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding the sum of fifty

Misdemeanor.

dollars or imprisoned not exceeding thirty days, one or both, at the discretion of the court trying the same.

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. 1887.

CHAPTER 317.

An act to levy a special tax in the county of Montgomery for the purpose of building a court-house.

The General Assembly of North Carolina do enact:

Authorized to levy special tax not exceeding \$6,000, to build court-house.

Question to be submitted to voters, &c.

SECTION 1. That the commissioners of Montgomery county be and they are hereby authorized and empowered to levy a special tax not to exceed six thousand dollars for the purpose of building a court-house in the town of Troy in said county: *Provided*, that the said taxes shall not be levied until the question of levying the same shall be submitted to all the qualified voters of said county and until a majority of those voting shall vote in favor of levying the same at an election held for that purpose, said election to be ordered by the commissioners at such time as they may deem proper.

Ballots.

SEC. 2. And that the words on the ballots shall be such as the commissioners may designate.

Tax, how levied.

SEC. 3. That the said tax shall be levied at such times and in such sums as the commissioners may deem proper.

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. 1887.

CHAPTER 318.

An act to appoint a cotton weigher for the town of Whitaker in Edgecombe and Nash counties.

The General Assembly of North Carolina do enact :

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

County commissioners of Edgecombe to appoint.
Term.
Vacancy.

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

Duties.

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

Oath.

SEC. 4. That 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 as cotton weigher; said bond shall be taken by the county commissioners and filed in the office of the register of deeds of said county; said weigher shall be entitled to ten cents per bale for weighing, to be paid one half by the purchaser and one half by the seller.

Bond.
Compensation.

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 Edgecombe county upon conviction of the offender before any justice of said county, except

Penalty against other person weighing cotton.
Exception.

in case of sickness of said weigher, in which case any person agreed upon by said weigher and the buyer and seller of the cotton shall be authorized to act in his place.

Penalty for abuse of trust by cotton weigher.

SEC. 6. Any cotton weigher appointed under this act who shall wilfully and 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.

Jurisdiction of cotton weigher.

SEC. 7. That as the town of Whitaker is situate partly in Nash and partly in Edgecombe counties, the weigher appointed under this act shall weigh all baled cotton sold within the present corporate limits of said town as they now exist, and any justice of the peace resident in said limit is authorized hereby to enforce the penalties imposed by this act for violation of the same.

By whom penalties to be enforced.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 319.

An act for the relief of J. W. Copeland, treasurer of Northampton county.

The General Assembly of North Carolina do enact :

Allowed five years to pay indebtedness due county school fund on account of failure of Exchange National Bank.

SECTION 1. That J. W. Copeland, late treasurer of Northampton, be allowed five years in which to pay the indebtedness due the school fund of Northampton county by reason of the failure of the Exchange National Bank, of Norfolk, Virginia.

SEC. 2. Said sum shall be paid in five equal annual instalments. How payable.

SEC. 3. Before said relief is granted the sureties on the official bond of said treasurer shall consent to such extension of time in writing, under their hands and seals, to be filed with clerk of the superior court of said county. Sureties to consent to extension of time.

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. 1887.

CHAPTER 320.

An act to correct state grant number one thousand five hundred and sixty-four.

The General Assembly of North Carolina do enact:

SECTION 1. That the secretary of state be and he is hereby authorized and directed to correct the calls in said grant so as to read: north forty poles, to a black oak; then west thirty poles, to a hickory; then north twenty-five degrees west sixty poles, to a chestnut oak; then north sixty degrees west one hundred and twenty poles, to a black oak; then south eighty poles, to a chestnut oak; then south sixty degrees east two hundred poles, to a stake in the line of number fifty; then north with that line to the beginning. Secretary of state authorized to correct boundaries.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 321.

An act to amend sections twenty-eight hundred and thirteen and twenty-eight hundred and fourteen of The Code.

The General Assembly of North Carolina do enact:

Sections 2813, 2814,
Code, amended.

Election on ques-
tion of "stock-
law" in township
to be held on pe-
tition of majority
of qualified
voters.

Act applicable
only to certain
counties.

SECTION 1. That sections twenty-eight hundred and thirteen and twenty-eight hundred and fourteen of The Code be amended by striking out the words "one-fifth of the qualified voters," in the first and second lines of sections twenty-eight hundred and thirteen and twenty-eight hundred and fourteen, and inserting in lieu thereof the words, "a majority of the qualified voters."

SEC. 2. The provisions of this act shall apply only to the counties of Jackson, Graham and Clay.

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. 1887.

CHAPTER 322.

An act to establish free ferries across the Cape Fear and Brunswick rivers at Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

Election in New
Hanover and
Brunswick coun-
ties upon ques-
tion of free ferry,
&c., when held.

SECTION 1. That upon the written petition of at least five hundred qualified voters in the counties of New Hanover and Brunswick respectively, made and presented to the board of commissioners of said New Hanover and Brunswick counties respectively on or before the first Monday in May, one thousand eight hundred and eighty-seven, it shall be the duty of said board to submit the question of a free ferry and road across the Cape Fear river

and Brunswick river and over Eagle Island at the site owned and used by the Brunswick Bridge and Ferry Company, to the qualified voters of said counties respectively at a special election to be held for that purpose on the third Thursday in June following.

SEC. 2. It shall be the duty of said board of county commissioners to give thirty days' notice of the time when said election is to be held by causing written or printed notice thereof to be posted at any voting place in said county. At said election each qualified voter shall be entitled to cast a written or printed ticket with the words "free ferry and road" or "no free ferry and road" thereon.

Notice of election.

Ballots.

SEC. 3. That said election shall be held in all respects as elections are held for members of the general assembly, and any person qualified to vote for members of the general assembly shall be qualified to vote at said election.

Election, how held.

Electors.

SEC. 4. That it shall be the duty of the judges of election at each of the several voting places in said county to make due returns of said election to the boards of county commissioners of their respective counties at the next regular meeting held after said election, who shall at said meeting compare the votes and declare the result.

Returns.

Canvass of vote.

SEC. 5. If it shall appear that a majority of the votes cast at such election were for "free ferry and road," then said board of county commissioners shall certify the same to the clerk of the board of justices of the peace of their respective counties within five days after said meeting, and the clerk of said board of justices of the peace shall call a joint meeting of the justices of the peace and commissioners for said counties, to be held on the first Monday of August next following, which meeting shall empower any three of the persons entitled to vote at said meeting to act in concert and in conjunction with three persons similarly appointed by the other county, who shall jointly make such a contract for the purchase of the

On affirmative vote, joint meeting of justices and commissioners to appoint three persons in each county to make contract for purchase of ferries, &c., of Brunswick Bridge and Ferry Company.

Contract to be approved, &c.

Each county to pay one-half of price.

New Hanover county to establish free ferry across Cape Fear river.

Brunswick county to establish free ferry or bridge across Brunswick river.

Commissioners authorized to issue coupon bonds, &c.

ferries, road, bridges and franchises of Brunswick Bridge and Ferry Company as to them shall seem proper, and shall report the same to an adjourned meeting of the aforesaid board of justices of the peace and commissioners, who shall have power to approve the same should the contract price not exceed the sum of eighteen thousand five hundred dollars (\$18,500), and if approved and confirmed, each of the said counties of New Hanover and Brunswick shall pay one half of the purchase price of the same. And at said meeting the said board of justices of the peace and commissioners of New Hanover county shall make or cause to be made such contract or contracts as may be necessary for the speedy establishment and maintenance at the expense of New Hanover county of a free ferry across the Cape Fear river, and a public road over so much of the road across Eagle Island as lies in New Hanover county; and the said board of justices of the peace and commissioners of Brunswick county shall make or cause to be made such contract or contracts for the speedy establishment and maintenance of the expense of said Brunswick county of a free ferry or the building of a free bridge across Brunswick river and a public road over so much of the road across Eagle Island as lies in Brunswick county.

SEC. 6. Should the board of commissioners of said counties respectively deem it best to issue bonds to meet the contracts made in pursuance of the authority conferred by this act, they are hereby empowered to issue coupon bonds of their said respective counties, bearing date the first day of January, one thousand eight hundred and eighty-eight, and due at such times as not to exceed thirty years from date as said county commissioners may think best, which bonds shall be of denominations not less than one hundred dollars (\$100), and not exceeding five hundred (\$500) dollars, shall bear interest not exceeding six per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof; the coupons

on said bonds shall be receivable in payment of all taxes and other claims due to the county so issuing them.

Coupons receivable for county taxes.

SEC. 7. At each annual joint meeting of the board of justices of the peace and commissioners in said counties held for the purpose of levying taxes, for so long a time as may be necessary they shall levy a special tax sufficient to pay the coupons as they become due, which tax shall not be used for any other purpose than that for which it is levied, and shall be collected as all other taxes.

Special tax.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 323.

An act to create and establish Wilson's Mills township, Johnston county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township, to be called Wilson's Mills township, is hereby created in the county of Johnston, to be taken from the townships of Smithfield and Clayton, and bounded as follows: Beginning at Helensworth ford, on Neuse river; thence with the old path to O. L. Dodas place, on the North Carolina Railroad; thence with an old path a straight line to the corner of Smithfield and Clayton townships; thence with said line of said townships to Little creek; thence down said creek to Swift creek; thence down said creek to the mouth of Reedy branch; thence a straight line to ford on Poplar branch on Smithfield and Wilson's mill road; thence down said Poplar branch to Neuse river; thence up said river to the beginning.

Wilson's Mills township, Johnston county, established.

Boundaries.

Voting place.

SEC. 2. That the voting precinct in said township shall be at Wilson's mill.

Powers, &c.

SEC. 3. That said Wilson's Mills township shall have all the rights, powers and privileges now granted to townships by law.

County commissioners authorized to change dividing line between Wilson's Mills and Smithfield townships.

SEC. 4. That the board of commissioners of Johnston county shall have power to change the line dividing Wilson's Mills and Smithfield townships whenever in their discretion such may seem just and advisable.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 324.

An act supplemental to an act passed at the present session of the general assembly entitled "An act for the relief of sheriffs and tax collectors."

The General Assembly of North Carolina do enact :

Chapter 40, *ante*, amended.

SECTION 1. That an act passed at the present session of the general assembly, entitled "An act for the relief of sheriffs and tax collectors," be amended by inserting in the first section of said act after the words "sheriffs and tax collectors of the several counties," and before the words "cities and towns," the words "stock law district."

Sheriffs and tax collectors allowed to collect arrears of taxes in stock law districts from 1881 to 1886, inclusive.

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. 1887.

CHAPTER 325.

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

The General Assembly of North Carolina do enact :

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-seven, for the purpose of paying off the indebtedness of said county. The said tax shall not exceed the sum of three thousand dollars in any one year, and may be less, at the discretion of the commissioners of said county ; said tax to be continued from year to year until the indebtedness of said county is paid, and 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.

Authorized to levy special tax (not exceeding \$3,000 in any one year) to pay county indebtedness.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

 CHAPTER 326.

An act to amend state grant number two thousand three hundred and fifty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That the secretary of state is hereby authorized and directed to correct state grant number two thousand three hundred and fifty-three so as to correspond with the certificate of survey attached, which reads:

Secretary of state directed to correct grant by amending boundaries.

Beginning at a hickory on the north side of said creek, in head of a small branch, runs north ten degrees east twenty poles, to a S. oak, then north forty-five degrees east twenty poles, to a B. oak, then north thirty-one poles, to a pine, then west eighty poles to a chestnut, then south forty-five degrees west forty poles, a pine, then south eighty-nine poles to a chestnut oak, then north sixty-five degrees east one hundred poles, to the beginning.

Register of deeds
to correct record.

SEC. 2. That the register of deeds of the county of Macon is hereby authorized to make the correction in book "J," pages five hundred and twelve and five hundred and thirteen of record of deeds in his office.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 327.

An act to authorize the board of education of Randolph county to pay certain school claims.

The General Assembly of North Carolina do enact:

Authorized to
audit and pay
outstanding
claims of teachers
for 1886.

SECTION 1. The board of education of Randolph county are authorized to audit and pay any school claims outstanding for teachers' services during the year eighteen hundred and eighty-six, payment to be made out of any moneys belonging to the several school districts where said services were performed.

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. 1887.

CHAPTER 328.

An act to amend chapter seventy-three, laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, for the further protection of the fishing interest in Contentnea and Black creeks in Wilson county.

The General Assembly of North Carolina do enact:

That chapter seventy-three of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, be and the same is hereby amended by adding the following as a new section, to be numbered section five, viz.: It shall be unlawful for any person or persons to put in or use any traps, hand-seines, slides, bow or hand nets in the waters of said Contentnea and Black creeks from the first day of June to the first day of January of each and every year, or to obstruct the free passage of fish in said streams by hedging or felling trees or putting in wires or by any other means; and that this act and the act to which it is an amendment shall apply not only to said streams but also to those portions of said streams which have been or may hereafter be diverted by cutting across bends.

Chapter 73, laws
1876-7, amended.

Unlawful to put
traps, &c., or fell
trees, &c., in Con-
tentnea and
Black creeks,
Wilson county.

And that section five and section six of said act shall be numbered section six and seven.

Sections re-num-
bered.

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

Conflicting laws
repealed.

This act shall be in force from and after the fifteenth of March, Anno Domini eighteen hundred and eighty-seven.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 329.

An act to prohibit the sale of intoxicating liquors within two miles of the new Baptist church at Walnut Creek, Madison county.

The General Assembly of North Carolina do enact:

Unlawful to sell liquor within two miles of Walnut Creek Baptist church, Madison county.

SECTION 1. That it shall be unlawful for any person to sell intoxicating liquors within two miles of the new Baptist church at Walnut creek in Madison county, situated at or near Walnut creek.

Misdemeanor.

SEC. 2. That if any one shall violate the provisions of this statute he shall be deemed guilty of 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 imprisonment for more than thirty days.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 330.

An act to incorporate the Raker City and Greensboro Railroad Company.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of North Carolina,* That B. W. L. Holt of Virginia, C. S. Winstead, J. A. Long, Wm. Raker, D. W. C. Benbow, W. L. Rakers, C. A. Tuck, John F. Moody and Thomas B. Keogh of North Carolina, or any three of them, their associates, successors or assigns, are hereby made and declared a body politic and corporate by the name and style of the Raker City and Greensboro Railroad Company, for the purpose of constructing and operating a railroad from

Corporate name.

Raker City, North Carolina, to Greensboro, North Carolina, via Roxboro, or by such other route as may be deemed most suitable by said incorporators. Terminal points.

SEC. 2. Said company shall have perpetual succession and a common seal which it may renew or alter at pleasure, may sue and be sued, plead and be impleaded, contract and be contracted with and make all ordinances, by-laws and regulations not inconsistent with this act and the laws of this state. Corporate powers.

SEC. 3. It shall be lawful for said company to accept and acquire in subscriptions to its capital stock, by donations or otherwise, money, credit, lands, mines, materials or labor. It may unite, consolidate or connect with and receive subscriptions for stock from other companies, associations and corporations of this or any bordering state, and may make such arrangements with the respective boards of directors of such companies, associations and corporations for the indorsement of bonds and sale and exchange of stocks to facilitate the speedy completion and successful operation of the road as may be mutually agreed upon, and said company may lease, sell or otherwise dispose of all lands, mines and other property acquired under this act at its pleasure. Subscriptions to capital stock, how made, &c.

SEC. 4. The capital stock of the company shall not be less than two hundred thousand dollars nor more than one million dollars, unless said amount shall be found inadequate to construct and operate said road, in which case, by a concurrent vote of stockholders representing at least two thirds of all its stock, it may increase its capital sufficiently to raise the amount of money necessary for the purpose aforesaid. 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 may be expressed in dollars or pound sterling, and to secure the payment of such loan or loans said company may ex- Capital stock.

Authorized to issue mortgage bonds.

cute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal and mixed, its charter rights, franchises and income.

Stock vote.

SEC. 5. The shares of stock of said company shall be one hundred dollars each, allowing one vote either in person or by proxy at the meeting of stockholders for any share upon which all assessments due at the time of the meeting have been made.

Gauge.

SEC. 6. Said road to be of the standard gauge with such number of tracks as may be desired, with all necessary depots and other conveniences, and for that purpose said company shall be entitled to acquire title to a continuous line of one hundred feet in width of land, with such additional land as may be necessary for the use of said railroad company.

Right of way.

Branch roads.

SEC. 7. It shall be lawful for said company to construct and operate lateral or branch railroads or tramways of any desired gauge, not exceeding twenty miles in length, which shall have all the rights and powers and be subject to all the restrictions of the main line.

Organization.

SEC. 8. The corporators herein mentioned shall have the powers and authorities of a president and board of directors for the purpose of the organization of said company and for all other purposes until a president and board of directors shall be elected at a meeting of stockholders, and such meeting shall be held upon such notice as the corporators may deem proper, when ten per cent. of the capital stock shall have been subscribed. The said corporators shall 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 and constitute a quorum for the transaction of business.

SEC. 9. This act shall be in force from its passage.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 331.

An act to authorize the register of deeds to administer oaths in certain cases.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever it shall appear to the register of deeds that it is probable there is any legal impediment to the marriage of any person for whom a license is applied for, the said register shall have power to administer to the person so applying an oath touching the legal capacity of said parties to contract a marriage.

Authorized to administer oaths to persons applying for marriage licenses.

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. 1887.

CHAPTER 332.

An act in regard to county commissioners of Jones county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for the county commissioners of Jones county to hold their sessions of court at any other place than the court room in court-house.

Sessions to be held in court room in court-house.

SEC. 2. That any county commissioner violating the provisions of the foregoing section be guilty of a misdemeanor and fined and imprisoned in the discretion of the court: *Provided*, that nothing herein contained shall authorize or direct the said board of commissioners of Jones county to hold their sessions in the court room of the court-house whenever the regular or special terms of Jones superior court are being held.

Misdemeanor.

Provido.

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. 1887.

CHAPTER 333.

An act supplemental to an act passed at the present session of the general assembly in relation to the time of holding the spring term of Watanga superior court.

The General Assembly of North Carolina do enact:

Chapter 7, *ante*,
amended.

SECTION 1. That an act passed at the present session of the general assembly, changing the time of holding the spring term of Watauga superior court, be amended as follows, by adding at the end of the section changing said term from the fourth Monday after the first Monday in March to fifth Monday after first Monday in March: *Provided*, 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 said term of the superior court of said county, as heretofore provided by law, shall be returned, and the return day thereof shall be fifth Monday after first Monday in March, and all persons who have been recognized, bound or summoned, or who shall hereafter be recognized, bound or summoned, to appear on fourth Monday after first Monday in March, as heretofore provided by law, are required to appear on fifth Monday after first Monday in March, as provided in this act.

Process, how
returnable, &c.

Conflicting laws
repealed.

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 7th day of March, A. D. 1887.

CHAPTER 334.

An act to incorporate the Durham and Southern Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That J. S. Carr, W. W. Fuller, Eugene Morehead, T. P. Williams, W. J. Brown, J. Henry Lee, W. F. Lucas, Jr., and J. T. Hill, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate by the name of the Durham and Southern Railroad Company, and as such shall receive the powers herein granted in perpetuity; that said company may by that name sue and be sued and plead and be impleaded in any court in this state, and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal which it may change or alter at pleasure, to acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks between the town of Durham and some point on the Raleigh and Augusta Air-Line Railroad, to be selected by the president and directors of the company hereby incorporated, with the privilege of building and operating branch roads not exceeding twenty-five miles in length; that in constructing and operating said branch roads the said com-

Terminal points.

Branch roads.

pany shall have all the rights and privileges granted to it with respect to the main line.

Capital stock.

SEC. 3. That the capital stock of said company shall be (\$5,000) five thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine up to five hundred thousand dollars. That the stock of said company shall be in shares

Certificates of stock.

of one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscriptions to

Stock vote.

Liability of stockholders.

the said capital stock. That the said corporators, or a majority of them acting in person or by proxy shall cause a book or books of subscription to be opened by a commissioner or commissioners to be appointed by them or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they or a majority of them may prescribe. That

Organization.

the said corporators or a majority of them acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the stockholders who shall have subscribed to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published in the county of Durham. That at such meeting the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Directors.

President.

Subscriptions, how made.

SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or materials necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company and the subscribers.

SEC. 5. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be merged and consolidated shall and may form a continuous line of railroad with each other by means of intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.

Authorized to merge, &c., with other company.

SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other state, from time to time to subscribe to or purchase or to hold the stock and bonds or either of this company, or to guarantee or endorse such bonds or stock or either of them; and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other state to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such other companies or company as shall be parties to the contract; that it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property or franchises of any such railroad or transportation company: *Provided*, that the road or line of such company shall be directly or by means of one or more intervening roads or lines connected with the road of this company.

Other railroad company authorized to subscribe to stock, &c., or to purchase, &c., road.

Authorized to subscribe to stock, &c., or to purchase, &c., other road.

Proviso.

Stockholders' meetings.

SEC. 7. That meetings of stockholders shall be held annually at such time and place as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company; special meetings of the stockholders may be called by the president or by a majority of the directors by notice mailed to each stockholder or by publication in one or more newspapers in this state thirty days before said meeting, and notice of annual meetings shall be likewise published.

Officers.

SEC. 8. That the president and board of directors of this company shall have the power of appointing a treasurer and such other officers and agents as may be necessary for the conducting of the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year or until their successors are elected; and in case of vacancies by death or resignation in the office of director the same may be filled by the board of directors until the next meeting of the stockholders.

Term of office of Directors.

Vacancies.

Authorized to build and operate part of line.

SEC. 9. That the said railroad company is further authorized to commence work on any part of its line, and upon the completion of any portion or section of its road to operate and maintain such portion or section with all the rights, powers and privileges hereby granted to this company, and it shall have the privilege of using under such purchase, lease, agreement or running arrangement as it may from time to time make with any other company in this or in an adjoining state, any line of roads as a connecting link between the different portions of its road.

Running arrangements with other roads.

Expenditures for construction of road, &c.

SEC. 10. That the president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

SEC. 11. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money, such advance of money on their respective shares from time to time as the wants of the company may demand until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may receive the balance of the original subscriber or his assignee or the executor or administrator or either of them, at the option of the said company acting through its president and directors, by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Payment of subscriptions.

Proceedings upon failure of subscriber to pay.

SEC. 12. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephones along its line or lines of railway and to charge and collect such remuneration for messages or despatches as the president and board of directors may determine, and said company may connect said lines of telegraph or telephone with the lines of any other company in this or an adjoining state, and may lease, rent or sell this right in any telegraph or telephone lines constructed by the company as in the judgment of the

Authorized to construct, &c., telegraph and telephone lines.

president and directors may be advantageous to the company.

Authorized to borrow money on mortgage, &c.

SEC. 13. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest not exceeding eight (8) per centum, as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such bonds or loans both as to principal and interest by such mortgages or deeds of trust on the whole of the property, income and franchises of the company or either or any part thereof, and the said company is hereby authorized to sell its bonds when, where and at such rates and prices as its president and directors shall deem most advantageous to the company.

Condemnation of land.

SEC. 14. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, of the width of one hundred feet on each side, measuring from the centre of the said track, and as much additional land as may be necessary for the station house, 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.

Subscriptions by counties, townships, cities and towns.

SEC. 15. That for the purpose of aiding in raising the capital stock of said Durham and Southern Railroad Company in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town, in or through which the said railroad or branches may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum in bonds as a majority of all their qualified electors may authorize the county commission-

ers of such county, or of the county in which is situated such townships or the municipal authorities of such city or town to subscribe; any thing contained in the charter of such municipal corporations to the contrary notwithstanding. That the said subscription shall be made in bonds not bearing a greater interest than seven (7) per centum, payable forty years after date thereof, to be received by said company at par and to be of the denomination of one hundred dollars and five hundred dollars, interest to be paid semi-annually.

How made.

SEC. 16. That for the purpose of determining the amount of such subscriptions it shall be the duty of the county commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of fifty resident tax payers of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "subscription" or "no subscription" to the capital stock of said company. And said county commissioners or municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law; at which said election the ballots shall have written or printed thereon either the word "subscription" or "no subscription;" the said county commissioners or the said municipal authorities of said city or town having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election being published for six weeks immediately prior thereto in one or more newspapers published in Durham county; that the said county commissioners or municipal author-

Election, when and how held.

Ballots.

Notice.

New registration.

ities, as the case may be, are hereby authorized to order a new registration of the qualified voters of the said county, township, city or town for said election.

Election in county, how held, &c.

SEC. 17. That all elections under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the general assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the elections shall be held for a town-

In township.

ship, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result, and make a record of the same. If the election shall be held for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen, or other proper municipal authorities, shall ascertain and declare the result, and make a record of the same. That

In city or town.

Subscription to be made on vote of majority of qualified voters.

in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding seven (7) per cent.; bonds as aforesaid with interest payable semi-annually; and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the polls and taxable property in such counties or townships, cities and towns.

How made.

Special tax.

SEC. 18. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the

municipal authorities of any city or town subscribing, shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and after ten years from the date of said bonds, a second additional tax sufficient to provide each year a sum equal to one-fiftieth (1-50th) part of the principal of said 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, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund 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 the proper authorities of any city or town subscribing to the capital stock of said company.

Sinking fund.

How collected, &c.

Sinking fund, how invested, &c.

SEC. 19. That for the purposes of this act all the townships along the line of the railroad, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, shall have all the rights and be subjected to the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

Townships incorporated.

Corporate agents.

SEC. 20. That whenever any township or townships shall subscribe its or their bonds to the capital stock of

County taxes collected on property of company to be applied to pay-

ment of interest on bonds of townships subscribing.

City or town taxes collected on property of company to be applied to payment of interest on bonds.

Stock of counties, &c., how represented.

Road to be constructed without aid of convict labor.

Construction to be begun within three years.

this company, the county taxes which shall be levied and collected upon the property and franchise of the company in the county in which the township or townships is or are situated shall be applied to the payment of the interest on the said bonds *pro rata* to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes. And the corporate taxes on the property and franchise of said company, levied and collected in and for any city or town subscribing to the capital stock of said company, shall be applied to the payment of the interest on the said bonds subscribed by said city or town.

SEC. 21. That in all conventions of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns, or the county commissioners of the respective counties.

SEC. 22. That this railroad shall be constructed without the aid of convict labor.

SEC. 23. That the construction of this railroad shall be begun within three years from the date of this act.

SEC. 24. 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. 1887.

CHAPTER 335.

An act to change the name of New Salem township in Randolph county to Providence.

The General Assembly of North Carolina do enact:

SECTION 1. That New Salem township in Randolph county, North Carolina, as it is now called, shall be and is

Name changed to Providence township.

hereby changed to and hereafter shall be known and named Providence.

SEC. 2. The name of Bush Hill in said county of Randolph be and is hereby changed to that of Archdale, and shall hereafter be known under and by that name.

Name of Bush Hill changed to Archdale.

SEC. 3. All 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 7th day of March, A. D. 1887.

CHAPTER 336.

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

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the present outstanding indebtedness of the county of Yadkin, the county commissioners of said county are hereby authorized and empowered to levy and collect a special tax not to exceed the sum of thirty-five hundred dollars in any one year, to be levied and collected at the same time and in the same manner as other taxes are levied and collected, observing the constitutional equation between the property and poll.

Authorized to levy special tax not exceeding \$3,500 in any year to pay county indebtedness.

SEC. 2. That the taxes levied and collected under this act shall be applied only to the payment of the present outstanding indebtedness now against said county, and the powers herein conferred shall cease when a sum sufficient to pay said indebtedness has been levied.

Tax, how applied.

When power to levy tax to cease.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 337.

An act to drain the lowlands of Hogan's creek in Rockingham county.

The General Assembly of North Carolina do enact :

Commissioners.

SECTION 1. That James Combs, Jeff. Garrett, John Justice, Smith and Alfred Stanly be appointed commissioners, whose duty it shall be on or before the first day of July, eighteen hundred and eighty-seven, to lay off Hogan's creek in Rockingham county, from and including James Combs' land, and from a point on said creek at the upper end of the James Walker's old tract to the Caswell 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 to which he is appointed overseer.

To lay off part of Hogan's creek in sections.

Overseers.

Chairman.

Vacancies.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of overseer, and in case they 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.

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 in 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 estimates 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 twenty-five acres and one for every fraction of five acres in the mean-

Land owners to furnish hands on notice.

ing of this act; and on failure so to do shall forfeit and pay one dollar (\$1.00) 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.

Penalty for failure.

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 to allot to the overseer of each section the hands required of the owners of the lands embraced in his section.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than 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 discretion order any and all overseers with their respective hands when deemed necessary to work at any point on said stream.

Duty of overseers.

Proviso.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the water in the channel of said stream between points mentioned in section first of this act, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars or 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 offence.

Wilful obstruction of stream a misdemeanor.

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

Money arising from penalties, how expended.

Failure of overseer to perform duty a misdemeanor.

Proviso.

Commissioners empowered to stop washes.

Building of bridges not prohibited.

No exemption from work on roads.

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 five dollars nor more than ten dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

SEC. 8. That the commissioners shall also have power to stop all washes emptying into 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.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges on roads by the land owners for their own convenience.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from work on public roads.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 338.

An act to prevent the poisoning of cattle.

The General Assembly of North Carolina do enact:

Unlawful to throw, &c., mock-orange or other poisonous plant,

SECTION 1. That it shall be unlawful for any person to throw into or leave exposed in any public square, street

lane, alley, or open lot in any city, town or village, or in any public road in this state, any mock orange or other poisonous shrub, plant, tree or vegetable. &c., into any public square, street, road, &c.

SEC. 2. Any person violating the provisions of this act shall be liable in damages to any person injured thereby and shall also be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned at 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 7th day of March, A. D. 1887.

CHAPTER 339.

An act in regard to certain railroad subscriptions.

The General Assembly of North Carolina do enact:

SECTION 1. That if any township shall subscribe to the capital stock of the Durham and Northern Railroad Company, or Durham and Southern Railroad Company, or of the Roanoke and Tar River Railroad Company, in pursuance of any act ratified at this session of the general assembly of North Carolina, and the county taxes levied and collected in and for the county in which the said township is situated upon the property and franchise of the said railroad company shall fail for any cause to be applied to the payment in whole or in part of the interest on the bonds of the township subscribing to the capital stock of the said road, such bonds shall nevertheless be and remain good and valid, and the interest thereon shall be paid by the taxes levied for that purpose upon polls and property within the township subscribing according to law.

Township bonds in aid of Durham & Northern R. R. Co., Durham & Southern R. R. Co., and Roanoke & Tar River R. R. Co., not invalidated by any failure to apply taxes collected on property of road to interest on bonds, &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 day of March, A. D. 1887.

CHAPTER 340.

An act to incorporate the Asheville and Tennessee Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That S. R. Kepler, J. W. Cortland, W. W. Barnard, Natt Atkinson, L. N. Wells, A. J. Gudger, W. W. Rollens, Thos. Garrett, their associates, successors and assigns, are hereby constituted and enacted a body politic and corporate by the name of the Asheville and Tennessee Railroad Company, and by that name and style they and their successors and assigns shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this state or elsewhere; shall have a common seal which it may use and break at pleasure, and they and their successors and assigns by the same corporate name and style shall have the power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and objects of this corporation; that they shall have the power to make such by-laws and regulations consistent with the laws of this state and the United States for their own government and for the due and orderly conducting their affairs and the management of their property.

Corporate name.

Corporate powers.

Location of road.

SEC. 2. That the said company shall have the right to maintain and construct a railroad to be used and operated

by steam between the city of Asheville and such point in the Tennessee line as they may think best, with the right to extend the same to such point on the said line as the said company may determine, and to establish such gauge for said road as they may think proper.

Gauge.

SEC. 3. That the capital stock of said company shall be one million of dollars, with the privilege of increasing the same to five millions of dollars. It shall be divided into shares of one hundred dollars each, and be transferable upon the books of said company as the by-laws may direct.

Capital stock.

SEC. 4. That upon a petition of one fifth of all the qualified voters of any town or township the commissioners shall order an election to be held, and upon a vote of the majority of all the qualified voters living in said township, any town or township through which said road runs shall subscribe the amount voted for to the capital stock of said railroad.

Election in towns and townships upon question of subscription.

SEC. 5. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine, and to that end three of said corporators may by ten days' notice in any newspaper published in the city of Asheville cause a meeting of the said corporators to be held in the city of Asheville.

Books of subscription.

SEC. 6. That as soon as the sum of one hundred thousand dollars shall have been subscribed by solvent subscribers to the capital stock of said company, then it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect a president and vice-president and not less than four or more than fifteen directors, a majority of whom shall be necessary for the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified; and the directors chosen

Organization.

President and vice-president Directors.

at said meeting and annually hereinafter shall elect a treasurer and secretary and such other officers as may be necessary, who shall hold their offices during the pleasure of the said board of directors subject to such rules and by-laws as may be adopted for the government of the said company; that in case of the death or resignation of the president, vice-president or any director such vacancy may be filled for the remainder of the year wherein it may happen by the said board of directors or a majority of them; that at all elections for president, vice-president and directors each share of stock represented in person or by proxy shall be entitled to one vote; the meeting of stockholders shall take place as provided for in said by-laws.

Other officers.
 Vacancies.
 Stock vote.

SEC. 7. That the board of directors shall, as soon after their organization as possible, proceed to locate and have constructed the said railroad on the route they may find most practicable.

Directors to locate road, &c.

Authorized to enter upon lands for purposes of surveying, &c.

SEC. 8. That it shall be lawful for the president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling or laying out the route of said railroad and of locating the same, and to do and to erect all necessary works, buildings, appendages thereof, doing no unnecessary damage to private property, and when the route of said road shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands, and to erect all work necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided, always,* that the payment, or tender of payment, of all damages for the occupancy of all land through which the said railroad may be laid out,

Proviso.

be made before the said company shall enter upon or break ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained.

SEC. 9. That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the clerk of the superior court of the county where some part of the land or right of way is located. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of land, or any special benefit which may arise from the location of a depot or otherwise on said land, or any benefits which may occur in any way whatsoever by the establishment of said railroad or works, and shall state particularly the value and amount of each, and excess of the loss and damage over and above the advantage: *Provided, nevertheless*, that if any person or persons, over whose land the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may be, when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The proceedings of the said commissioners, with a full description of said land or right of way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued, there to remain a matter of

Condemnation of
land.

Proviso.

Appeal.

record, and the land or right of way so valued shall vest in the said company as long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered in case of refusal:

Proviso.

Provided, That upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if they cannot be found, then, that notice of such application has been published for at least thirty days in some newspaper printed as convenient as may be to the courthouse of the county in which the application is to be

Proviso.

made: *Provided, further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oaths may be administered by any clerk of the court, or justice of the peace: *Provided, further*, that the right of condemnation herein granted shall not authorize said company to remove the dwelling-house, yard, garden or burial ground of any individual without his or her consent.

Width of right of way.

SEC. 10. That the right of the said company to condemn in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main tract of the road measuring from the center of the same; and the company shall also have the power to condemn and appropriate lands in like manner for the constructing and building of depots, warehouses, shops and all other necessary buildings, not exceeding two acres in any one lot or station.

Depots, &c.

State lands (not heretofore granted) within one hundred feet of road when located granted to company.

SEC. 11. That all lands not granted to any person heretofore lying within one hundred feet of the center of said road shall vest in the company so soon as the line of the

road is definitely laid out through it, and any grant of said land thereafter shall be void.

SEC. 12. That the directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freights, produce and merchandise as may be authorized and fixed by the said company, not inconsistent with the laws of this state, and may lease and farm out such rights to any person whatsoever: *Provided*, that the said company shall not lease or operate any other railroad in this state until it shall have completed the road herein authorized to be constructed: *Provided, further*, that the said company shall prorate for freight and travel upon mutually reciprocal terms with the company, owners or operators of any other railroad in this state which may connect with said company's road.

Rates of transportation, &c.

Proviso.

Proviso.

SEC. 13. That the said company is authorized if it be found necessary for the construction, improvement or keeping in repair of said road, to issue coupon bonds of such denominations and value, and bearing eight per cent. interest, and payable at such times and places as the president and board of directors may determine, and such other evidences of indebtedness as the president and board of directors may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid and the interest thereon the said Asheville and Tennessee Railroad Company may execute and deliver mortgage deeds or deeds in trust signed by the president and countersigned by the secretary of said company conveying its franchise and property, including its road bed, superstructure, choses in action and real and personal estate of whatever kind, to the holder of said bonds or to such person as the president and directors may select in trust for them; and the deeds so executed and registered in the county of Buncombe shall have priority over all other liens upon said road.

Authorized to issue mortgage bonds.

Registration of mortgage.

Authorized to construct telegraph lines.

SEC. 14. That the said company shall have the right to construct and operate lines of telegraph on the lines of its road.

Penalty for wilful injury, &c., to road, &c.

SEC. 15. That if any person shall wilfully impair, injure, distress or obstruct the use of any railroad constructed under the provisions of this act, or any of the necessary works, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, and further, shall be liable for all damages.

Wilful and malicious damage, &c., to road, &c., a misdemeanor.

SEC. 16. That if any person shall wilfully and maliciously damage or obstruct, or shall counsel or advise any other person or persons to damage, injure or obstruct said railroad, or the bridges, carriages or machines used for transportation on said road, or any water tanks or other property of said company, he shall be guilty of a misdemeanor and upon conviction shall be imprisoned not more than six nor less than one month and fined not less than twenty dollars, at the discretion of the court.

Officers and employees exempt from military, road and jury duty.

SEC. 17. That all the officers of the company and servants and persons in actual employ of the company be and they are hereby exempted from military duty, working on public roads and serving as jurors.

Liability of stockholders.

SEC. 18. That no stockholder shall be liable for any greater sum than the unpaid amount of the stock for which he has subscribed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 341.

An act in regard to leasing iron rails.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any railroad company organized under the laws of this State to lease iron rails to any person or corporation for such time and upon such terms as may be agreed on by the contracting parties, and upon the termination of the lease by expiration, forfeiture or surrender to take possession of and remove the rails so leased as if they had never been laid: *Provided*, it shall be so stipulated in the contract or lease.

Railroad companies organized under laws of this state authorized to lease iron rails.

Right of possession upon termination of lease.

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. 1887.

 CHAPTER 342.

An act to authorize the state board of education to execute certain conveyances.

WHEREAS, about the year one thousand eight hundred and seventy, Samuel T. Carrow and Daniel P. Bible contracted with the state board of education for the purchase of the public lands in the counties of Washington, Hyde, Tyrrell and Dare, and agreed to pay therefor the sum of fifty thousand dollars; and whereas, the said Carrow and Bible after paying the sum of fourteen thousand dollars upon the said contract failed to pay the balance of the purchase money; and whereas, the interests of the said

Preamble.

purchasers have been foreclosed by the state and certain persons now settled upon the said lands under contract with the said Carrow and Bible have lost their title to said lands: therefore,

The General Assembly of North Carolina do enact :

State board of education authorized to execute title to the purchasers from S. T. Carrow and D. P. Bible of certain public lands.

SECTION 1. That the state board of education be and it is hereby authorized and empowered to execute and deliver to the purchasers from the said Carrow and Bible who have actually settled upon and improved the lands bought by them deeds for the tracts occupied and improved: *Provided*, that this act shall not remain in force for a longer period than two years after its ratification.

Proviso.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 343.

An act to prohibit fast driving over Louisburg bridge in Franklin county.

The General Assembly of North Carolina do enact :

Misdemeanor to ride, &c., over bridge faster than a walk.

SECTION 1. That if any person or persons shall ride or drive a horse, mule or any other animal faster than a walk over Louisburg bridge across Tar river at the town of Louisburg in Franklin county, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined not more than ten dollars, and said fine shall inure to the benefit of the public school fund of Franklin county.

County commissioners to make rules, &c.

SEC. 2. The board of commissioners of Franklin county may enact such rules and regulations and publish such

notices as will under the provisions of this act protect said bridge and secure the punishment of those violating the provisions of the same.

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. 1887.

CHAPTER 344.

An act to repeal chapter one hundred and seventy-two of the laws of one thousand eight hundred and eighty-five, known as the Mecklenburg road law, for Granville county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-two of the laws of one thousand eight hundred eighty-five, known as the Mecklenburg road law, so far as it refers to Granville county, be and the same is hereby repealed.

Chapter 172, laws 1885, (Mecklenburg road law) repealed as to Granville county.

SEC. 2. That the road fund in said county shall be applied to the payment of general county expenses.

Application of road fund.

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. 1887.

CHAPTER 345.

An act to drain the lowlands of Hogan's creek in Caswell county.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Ferrill, C. A. Howard, John H. Hunnally, James M. Hodges and G. W. Daniel be ap-

Commissioners to lay off Hogan's creek in sections.

pointed commissioners, whose duty it shall be on or before the fifteenth day of July, one thousand eight hundred and eighty-seven, to lay off Hogan's creek in Caswell county from Walters' mill to Stubblefield's bridge 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 or live upon land on said creek in the section to which he is appointed overseer.

Overseers

Term and qualification.

Chairman.

Vacancies.

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

Duties of commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom lands of each individual on the stream between the points mentioned in 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 of said overseer shall each furnish one sufficient hand with such tools as he shall be required to furnish by overseer for every fifteen acres, and one for every fraction of ten acres in the meaning of this act, and on failure so to do, shall forfeit and pay fifty cents 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.

Land owners to furnish hands.

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 third of this act, as equally as may be, and allot to the overseer

of each section the hands required of the overseer of the land embraced in his section.

SEC. 5. It shall be the duty of each overseer with the hands so provided, to work in each and every year, within the bounds of their respective sections, not less than two 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 discretion, order any and all overseers, with their respective hands, when deemed necessary, to work at any point on said stream.

Duties of overseer.

Powers.

Proviso.

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 days, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five (\$5) nor more than ten (\$10) dollars: *Provided*, That if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed, before a presentment is made of the same, he or they shall not be liable to an indictment for such offence.

Misdemeanor to fell timber into stream, &c.

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.

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

Failure of overseer to perform duty a misdemeanor.

Proviso.

Commissioners
authorized to
stop washes.

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.

Building of
bridges, &c., not
prohibited.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream, or private bridges or roads by the land owners for their own convenience.

No exemption
from work on
roads.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from work on public roads.

Construction of
"bottom land."

SEC. 11. That the words "bottom land," in line three, section three of this act shall be construed to mean only the lands upon a level with and below high water mark, on said stream.

SEC. 12. 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 7th day of March, A. D. 1887.

CHAPTER 346.

An act to incorporate the Salem-Winston and Dan River Railroad Company.

The General Assembly of North Carolina do enact :

Terminal points.

SECTION 1. That for the purpose of constructing and operating a railroad from the towns of Salem and Winston, in Forsyth county, to some point on the line of the Cape Fear and Yadkin Valley Railway, as now located in Forsyth or Stokes county, J. W. Alspaugh, W. L. Brown, J. C.

Body politic.

Buxton, James A. Gray, F. H. Fries, R. J. Reynolds, J. E. Gilmer, C. H. Fogle and R. T. Gray, their associates and successors, are hereby constituted and created a body politic and corporate, with perpetual succession, under the name and style of the Salem-Winston and Dan River Railroad Company, and when organized as hereinafter provided, under that name may sue and be sued, plead and be impleaded in any court in this state, may have and use a common seal which may be altered at pleasure, and may purchase or acquire by gift, devise or otherwise, and hold such real estate and personal property as shall be necessary for carrying out the intent and object of its creation.

Corporate name.

Corporate powers.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, in shares of one hundred dollars each, but the capital stock may be increased by the company to any amount deemed necessary for the construction and operation of said company's road or other purposes of the said corporation. The stock may be subscribed for and paid in money, labor, land or any other thing of value that can be made available for the purposes of the said company.

Capital stock.

Subscriptions, how made.

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. The stockholders shall not be individually liable for the debts, engagements or defaults of said company except to an amount equal to the amount unpaid on the stock held by them respectively.

Stock vote.

By-laws.

Liability of stockholders.

SEC. 4. For the purpose of obtaining subscriptions to the capital stock of said corporation books of subscription may be opened by any five of the corporators aforesaid,

Books of subscription.

Organization.

and from time to time by the authorities of the company after its organization, at such place or places as may be deemed expedient; and whenever the amount of ten thousand dollars shall have been subscribed to the capital stock and five per centum cash paid thereon, the said corporators or a majority of them may call together the subscribers for the purpose of completing the organization of said company.

Directors.

SEC. 5. The stockholders at their first meeting for the purpose of organization shall elect not less than five nor more than eleven directors to manage the affairs of said corporation, and the directors so elected shall hold office for one year and until their successors shall be elected.

Officers.

It shall be the duty of the directors to elect one of their number president of said corporation, and to elect such other officers as shall be provided for by the by-laws of the company, and fill all vacancies that may occur in said board.

Certificates of stock.

SEC. 6. Said company shall issue certificates of stock to its members, and the same may be transferred in such manner as may be prescribed by the by-laws of said company.

Corporate powers.

SEC. 7. The said corporation shall have and is hereby invested with all the rights, powers and privileges conferred by chapter forty-nine, entitled "Railroad and Telegraph Companies" of volume one of The Code of North Carolina of eighteen hundred and eighty-three.

Other corporations authorized to subscribe to capital stock, purchase road, &c.

SEC. 8. Any railroad company or other organization, whether incorporated in this state or under the laws of any other state, shall have the power to subscribe to the capital stock or purchase or endorse the bonds of the corporation hereby created, or to purchase or lease its franchises and property as a whole or in parts, or to consolidate with it upon such terms as may be agreed upon, and in case of such purchase or consolidation the road may be operated under the name of the corporation so purchasing or consolidating with it.

SEC. 9. Said corporation shall have the power to subscribe to the capital stock of any other corporation or corporations having or proposing a connecting line or lines, to purchase or endorse the bonds of said corporation and to purchase or lease their property and franchise and to consolidate with any such corporation, and in case of such purchase or consolidation may operate the road and property so purchased or consolidated with under the name of the corporation hereby created.

Authorized to subscribe to capital stock, purchase, &c., connecting roads.

SEC. 10. Said corporation hereby created shall have the power to sell or lease its franchises and property as a whole or in part to, or to consolidate with the Cape Fear and Yadkin Valley Railway Company or any other corporation or to make such contract for the transportation of passengers and freight as the directors of the two companies may agree upon, and not inconsistent with the laws of the state or the United States.

Authorized to sell to or consolidate with C. F. & Y. V. R. R. Co., or other corporation, &c.

SEC. 11. The board of commissioners of any county through which the line of said railroad authorized to be built by this act, or any of its extensions or branches, shall be projected, located or pass, shall have power to subscribe to the capital stock of said company, to make donation thereto, or to purchase or endorse its bonds; and the commissioners of any county proposing to make such subscription, donation, purchase or endorsement, shall meet and agree upon the amount to be subscribed, and if a majority of the board shall vote for the proposition, this shall be entered on record, which shall show the amount of such proposed subscription, donation, purchase or endorsement; and thereupon the board shall order an election to be held on a notice of not less than thirty days for the purpose of voting for or against the proposition agreed on by the board of county commissioners. And if a majority of the qualified voters of the county shall vote in favor of the proposition, the board of county commissioners through their chairman shall have power to make the donation, subscription, purchase

County subscription or donation, &c.

Commissioners to fix amount of subscription, donation, &c.

Election.

Subscription, &c., to be made on vote of majority of qualified voters.

or endorsement so proposed by them and approved by the people.

Township subscription or donation, &c.

SEC. 12. Upon presentation of a petition signed by at least twenty-five resident tax-payers of any township to the board of commissioners of any county, requesting said commissioners to submit to the vote of the qualified voters of their township a proposition to make a donation of a specified sum of money to, or to subscribe to a specified amount of the capital stock, or purchase or endorse a specified amount of bonds of the corporation hereby created, it shall be the duty of said board of county commissioners, within sixty days, to order an election to be held at the various polling places in the township, and to submit to the qualified voters thereof the question of such donation, subscription, purchase or endorsement; and should a majority of all the qualified voters of any township vote in favor of the proposition so submitted to them, the board of commissioners of the county in which such township is situated, shall, after the ascertainment of the result of said vote, make on behalf of such township such subscription to the capital stock of said corporation, if the proposition voted on shall be for subscription, or deliver to the authorities of the corporation a certificate setting forth the fact that the vote of such township was for a donation to, or purchase or endorsement of the bonds of said corporation, as the case may be, and thereupon such subscription or certificate shall be binding upon the township in which such vote was so taken.

Election.

County commissioners to make subscription, &c., on vote of majority of qualified voters.

Coupon bonds to be issued, &c.

SEC. 13. In payment of any subscription, donation or purchase of bonds made as provided in sections eleven and twelve of this act, the board of commissioners of the county wherein said vote may be taken, shall issue coupon bonds to the amount of the subscription, donation or purchase of bonds so authorized, and in case they are issued on account of any township, said bonds shall upon their face indicate on account of what township they are issued. Said bonds shall be in denominations of not less

Description of bonds.

than one hundred nor more than one thousand dollars, and shall run for twenty years, and bear interest at the rate of six per centum per annum, payable semi-annually at a specified time and place.

SEC. 14. For the payment of the interest on and principal at maturity of any bonds issued by and on behalf of any county, the county commissioners of such county shall provide, as is directed in sections nineteen hundred and ninety-nine and two thousand of The Code of North Carolina, chapter forty-nine, volume one. Special tax.

SEC. 15. To provide for the payment of the interest on and principal at maturity of bonds issued on behalf of any township, as provided for in section thirteen of this act, the board of county commissioners of the county wherein such township is situated, 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 such 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 twentieth of said bonds for a sinking fund, which tax shall be annually paid over by the sheriff or other collecting officer to the county treasurer, and by him used in the prompt and regular payment of the interest on said bonds, and in the purchase or payment of the bonds, and the tax for the payment of the principal shall not be levied longer than sufficient to pay the principal of said bonds. Special tax in township.

SEC. 16. The election provided for in the preceding section shall be held in the same manner as the election 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 Elections, how held, &c.

New registration.

Duty of registrars if no new registration.

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.

Subscription or donation, &c., by cities and towns.

SEC. 17. Any city or incorporated town may subscribe to the capital stock of, or make donation to the corporation hereby created, or may purchase or endorse its bonds, upon the approval of such subscription, donation, purchase or endorsement 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, and to provide for the payment of such subscription, donation or purchase, may issue its bonds as in this act provided for counties and townships, and shall levy a tax for the payment of interest on the same and the principal thereof at maturity.

Election.

Special tax.

Duty of commissioners if county or township vote to endorse bonds.

SEC. 18. In case any county or township shall by a vote of the majority of its qualified voters, determine to endorse the bonds of the said corporation hereby created, the board of commissioners of the county so proposing, or of the county wherein such township so proposing is situate, shall through the chairman of said board and by proper and apt terms endorse upon said bonds a certificate of the fact and date of the election so held and the agreement of the said county or township to guarantee and become surety for the payment of the interest thereon as it shall accrue and of the principal of said bonds at maturity, and thereupon said certificate and endorsement shall become a valid and binding agreement, and in case of default in the payment of the interest as it accrues or of the principal of the bonds at maturity, any holder of any of said bonds shall have the right to proceed in any court of competent jurisdiction against said county, city or town, for the collection of the amount due him. And in case any town or city shall so determine to endorse the bonds of the corpora-

Rights of bondholder.

Duty of corporate authorities if city or town vote to endorse bonds.

tion hereby created, the authorities of said city or town, through the mayor and treasurer, shall make such endorsement and its effect shall be the same, and the same rights shall be enjoyed by the holder of any of said bonds as are above provided for in case of like endorsement by the commissioners of any county.

Rights of bond holder.

SEC. 19. If the Cape Fear and Yadkin Valley Railroad Company shall contract for the building of said company's road, the convicts assigned to said Cape Fear and Yadkin Valley Railroad Company may be used by said Cape Fear and Yadkin Valley Railroad Company in such construction upon the terms and conditions upon which they are worked upon the main line of said Cape Fear and Yadkin Valley Railroad: *Provided*, said convicts shall be a part of the (250) two hundred and fifty convicts assigned to said road: *And provided further*, that the number of convicts to be worked on the Patterson branch shall not be reduced.

Use of convicts if C. F. & Y. V. R. R. contract to build road.

Proviso.

Proviso.

SEC. 20. In all cases where a subscription to the capital stock of said corporation shall be made by a county, township, city or town, the county commissioners or the authorities of the municipal corporation, as the case may be, shall have the authority to contribute or donate the amount of the stock so subscribed if necessary to secure the building of the road.

Power of corporate authorities in regard to subscriptions, &c.

SEC. 21. 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 it. It may also 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.

Construction of part of road.

Branch roads.

SEC. 22. Said company shall have, possess and exercise 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 property of said

Corporate powers.

Proviso.

corporation shall not be exempt from being taxed as that of other railroads are taxed.

Authorized to borrow money on mortgage.

SEC. 23. Said company shall have the right to borrow money for the construction and operation of said railroad and for the purpose 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.

Extension of road.

SEC. 24. Said company shall further have the power and authority to extend the main line of its road from the point of contact with the Cape Fear and Yadkin Valley Railway Company to any point in the direction of or on the Virginia state line, and for such extension shall have the same powers and immunities as hereinbefore granted.

SEC. 25. 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. 1887.

CHAPTER 347.

An act to provide for the drainage of Grindal Swamp, Swift Creek and Clayroot Swamp, Pitt county.

The General Assembly of North Carolina do enact:

Penitentiary directors to furnish fifty convicts, &c.

SECTION 1. That for the purpose of draining Grindal Swamp, Swift Creek and Clayroot Swamp, in Pitt county, the directors of the penitentiary be and they are hereby authorized and directed to furnish, on the first day of June, one thousand eight hundred and eighty-seven, fifty convicts to J. I. Staton, Richard Canon, M. G. Manning, Jesse Brily, Samuel Moore, F. C. Martin, of Grindal Swamp, Abram Cox, Richard Garris, Jesse Cannon, Wil-

liam Worthington, C. L. Patrick, J. S. Hines, Benjamin Smith, J. K. Witherington, of Swift Creek, G. W. Vinters, and others, of Clayroot Swamp, together with the necessary force of guards, overseers and supervisors.

SEC. 2. That said convicts shall be worked under the direction and supervision of J. I. Staton, Richard Canon, M. G. Manning, Jesse Brily, Samuel Moore, F. C. Martin, of Grindal Swamp, Abram Cox, Richard Garris, Jesse Cannon, William Worthington, C. L. Patrick, J. S. Hines, Benjamin Smith, J. K. Witherington, of Swift Creek Swamp, G. W. Vinters, and others, of Clayroot Swamp, who are hereby appointed drainage commissioners for the purpose of this act.

Convicts, how worked.
Drainage commissioners.

SEC. 3. That the said convicts shall be fed and clothed at the expense of the penitentiary, and the commissioners aforesaid shall pay for said convicts, in cash, one hundred and twenty-five dollars *per capita* per annum.

Expenses of convicts.

Hire of convicts.

SEC. 4. That at a point to be designated by the said commissioners the penitentiary authorities shall erect sufficient stockades for keeping said convicts, and the said commissioners shall be permitted to keep said convicts until the drainages of said swamps are completed, when they shall be returned to the authorities of the penitentiary.

Stockades.

How long commissioners to keep convicts.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 348.

An act supplemental to “an act for the relief of sheriffs and tax collectors.”

The General Assembly of North Carolina do enact:

SECTION 1. That all provisions of the act entitled “an act for the relief of sheriffs and tax collectors,” passed at

Provisions of chapter 40, *ante*, applicable to Craven county.

this session of the general assembly, shall be applicable to the county of Craven.

Conflicting laws repealed.

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

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 349.

An act to enforce the better drainage of certain lands in Gaston county.

The General Assembly of North Carolina do enact:

Owners of land contiguous to Big Long creek required to clean out same within forty days, &c.

SECTION 1. That S. M. Best, Michael Best, A. J. Best, E. T. Herron, C. C. Herron, Fanny Best, Lucinda Best, Ann Best, Sarah Best, John Costner, Frances E. Holland, John A. Payne, Michael Kiser, Moses Strump, Jr., H. B. Huffstetler, William L. Huffstetler, Mary A. White, Sarah Deck, W. V. Ramseur, J. A. Lawrence, W. A. Maury, J. L. Phifer, William Arrowood, Susan Ferguson and Sarah H. Ramseur, owning lands contiguous to and lying upon Big Long Creek, be and the same are hereby required, within forty days after the ratification of this act, each at his or her own cost and expense, to clear out said stream or creek, making the channel thereof not less than twelve feet wide, so as to give full for drainage of the adjacent land 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

To keep stream clean.

Proviso.

said stream or creek, and keep the said cleaned out only so far as said stream or creek shall be upon and next to his or her own 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.

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 or she may apply in writing to any justice of the peace in Gaston county setting forth specifically his or her cause of complaint, and thereupon it shall be the duty of said justice of the peace to appoint two disinterested land holders who with himself 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. 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 justice of the peace and said land holders, which estimate shall be in writing with their judgment as before provided. If judgment be for respondent, then it shall be in writing as before provided for. The cost of the proceedings together with the estimate of work shall be paid by the party against whom the judgment is rendered and shall be a lien on the land of the person or persons against whom judgment shall be given. Remedy against land owner fail- to perform duty.

SEC. 3. That this act shall be in force in forty days after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 350.

An act to legalize the marriage of Avery Fry and Maggie Bollinger of Catawba county.

Preamble.

WHEREAS, C. M. Gentry, a minister of the gospel in the Methodist Episcopal Church, south, did unite in marriage Avery Fry and Maggie Bollinger, both of the county of Catawba, as authorized by a marriage license issued by the register of deeds of Catawba county; and whereas, the marriage ceremony was performed beyond the limits of said county and in Lincoln county; and whereas, doubts have arisen as to the legality of said marriage; therefore,

The General Assembly of North Carolina do enact:

Marriage validated.

SECTION 1. That the marriage contracted and solemnized between Avery Fry and Maggie Bollinger of Catawba county, North Carolina, on the thirteenth day of February, eighteen hundred and eighty-seven, at Marion church in Lincoln county, be and the same is hereby declared to be lawful and valid from the date thereof, and that C. M. Gentry, who solemnized the said marriage of Maggie Bollinger and Avery Fry, be and he is hereby released of the penalty prescribed by law for the marriage of the said parties.

Minister solemnizing marriage relieved from 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. 1887.

CHAPTER 351.

An act to be entitled “an act for changing the times for holding the courts of the Fifth Judicial District.”

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty five, fixing the times for holding the superior courts of the Fifth Judicial District, be and the same is amended as follows, to-wit: strike out all after the words “to-wit” and before the word “Granville” and insert in lieu thereof the following :

Chapter 120, laws 1885, amended.

Courts of Fifth District, when held.

Durham—Seventh Monday before the first Monday in March; third Monday after the first Monday in March; thirteenth Monday after the first Monday in March; sixth Monday after the first Monday in September, each to continue two weeks.

Durham county.

Granville—Fifth Monday before the first Monday in March; seventh Monday after the first Monday in March; second Monday in September; twelfth Monday after the first Monday in September, each to continue two weeks.

Granville county.

Chatham—Third Monday before the first Monday in March; ninth Monday after the first Monday in March; fourth Monday after the first Monday in September, the last term to continue two weeks.

Chatham county.

Guilford—Second Monday before the first Monday in March; twelfth Monday after the first Monday in March; first Monday before the first Monday in September; fourteenth Monday after the first Monday in September, each to continue two weeks, except the last terms of the spring circuit.

Guilford county.

Alamance—First Monday in March; eleventh Monday after the first Monday in March; third Monday after the first Monday in September.

Alamance county.

Orange—Second Monday after the first Monday in

Orange county.

March; fourth Monday before the first Monday in September; ninth Monday after the first Monday in September.

Caswell county.

Caswell—Fifth Monday after the first Monday in March; third Monday before the first Monday in September; tenth Monday after the first Monday in September, the first named to continue two weeks.

Person county.

Person—Sixth Monday after the first Monday in March; second Monday before the first Monday in September; eleventh Monday after the first Monday in September.

Conflicting laws repealed.

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

Act to be in force from July 1st, 1887.

SEC. 3. That this act shall be in force from and after the first day of July, one thousand eight hundred and eighty-seven.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 352.

An act to authorize the hiring of convicts to the Charleston, Cincinnati and Chicago Railroad Company.

The General Assembly of North Carolina do enact:

Penitentiary directors authorized to hire convicts to road.

SECTION 1. That the board of directors of the state penitentiary are hereby authorized to hire to the Charleston, Cincinnati and Chicago Railroad Company convicts on such terms as may be agreed upon by them: *Provided*, that the amount to be paid shall be not less than one hundred and twenty-five dollars per convict a year: *And provided*, that said convicts are to be clothed and fed by the state, and to be in charge of a superintendent to be appointed by the board.

Proviso.

Proviso.

Certain convicts in courts of counties through

SEC. 2. That it shall be the duty of the judges of the superior courts of North Carolina holding courts in the

counties through which the line of the Charleston, Cincinnati and Chicago Railroad or any of its branches may run, on application of the president of the Charleston, Cincinnati and Chicago Railroad Company, to send all convicts who shall be sentenced to the penitentiary from said counties direct to the superintendent appointed by the state to work convicts on said railroad, and these convicts are to be subject to the same terms and conditions as those above named.

which road runs to be sent direct to work on road.

SEC. 3. That this act shall not interfere with any allotment of convicts heretofore made for railroad, canal or other works of internal improvement.

Allotments of convicts heretofore made not to be interfered with.

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. 1887.

CHAPTER 353.

An act to provide a November term of the superior court of Johnston county, to continue two weeks.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eighty of the acts of eighteen hundred and eighty-five, be and it is hereby amended in the part thereof relating to the courts of the fourth judicial district, subsection relating to Johnston county, by inserting in said subsection relating to the courts of Johnston county, between the words "September" and "Each" in the second line of said subsection, the following words: "and the tenth Monday after the first Monday in September."

Chapter 180, laws 1885, amended.

Additional term of superior court for 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 7th day of March, A. D. 1887.

CHAPTER 354.

An act to enable the commissioners of Durham county to build a court-house.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas, by chapter one hundred and thirty-eight, section ten, laws of eighteen hundred and eighty one, the county commissioners of Durham county are required to proceed according to existing laws to have a court-house for said county constructed; and whereas, it is by the authorities of said county deemed expedient that the amount necessary for said purpose be raised by issuing and disposing of the bonds of said county, that the commissioners of said county are hereby authorized to issue coupon bonds of said county, in an amount not exceeding twenty thousand dollars, in denominations of not less than twenty-five nor more than five hundred dollars, the numbers of said bonds and the denominations thereof to be in the discretion of the board of county commissioners.

Commissioners authorized to issue bonds, not exceeding \$20,000.

Interest.

SEC. 2. That said bonds shall bear interest at the rate of six per centum per annum, and the coupons attached thereto shall call for the payment of the interest thereon, and such part of the principal thereof as shall be determined by the board of county commissioners, said interest and said part of the principal to be payable on the first day of July and January in each year whilst said bonds are in force.

Coupons.

How signed.

SEC. 3. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by their clerks, and shall be payable as to the principal thereof in not more than twenty years from the date thereof, as shall be determined by the county commissioners: *Provided*, that said bonds may be paid off by means of partial payments of the principal thereof as herein before

When payable.

Proviso.

provided. And each bond shall have printed or written across the face thereof, "This bond is redeemable after five years at the option of the county."

SEC. 4. That the clerk of the board of commissioners shall keep a book in which he shall keep an account of the numbers and denominations of said bonds issued as aforesaid and the persons to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said book the true state of the bonded debt of the county herein provided for may be readily ascertained. Said book shall be at all times open to the inspection of any taxpayer of the county.

Clerk of commissioners to keep account book, &c.

Book open to inspection.

SEC. 5. That said coupons shall be receivable in payment of all county taxes.

Coupons receivable for county taxes.

SEC. 6. That said bonds shall not be disposed of for less than their par value.

Bonds not to be disposed of for less than par.

SEC. 7. That said commissioners and justices, in order to provide for the payment of said bonds and coupons, are hereby authorized and empowered if they shall deem it necessary to levy a special tax of not more than ten cents on the one hundred dollars' worth of property in said county, observing the constitutional equation and limitation in the levy and collection of said tax.

Special tax.

SEC. 8. That said commissioners, if they shall determine that the said bonds shall not be paid by partial payments of the principal thereof by means of said coupons as herein before provided, shall, out of the ordinary revenue and general fund of said county, or out of the amount raised by the levy and collection of said special tax, as the case may be, set aside year by year an amount sufficient in the aggregate thereof for the time during which said bonds are by the terms thereof to run to pay the principal of said bonds, which amount so set aside shall from time to time when opportunity shall offer be applied to the purchase and cancellation of said bonds, and

Sinking fund.

When and how
invested.

in case the said commissioners shall be unable with said amount to purchase said bonds at par then they shall safely invest the said amounts at the best rate of interest obtainable for and on account of the board of commissioners of Durham county.

Bonds, how nego-
tiated.

SEC. 9. That as soon as said bonds are issued, signed and countersigned as herein before provided, the said commissioners shall place the same in the hands of the county treasurer who shall also countersign the same, and the said treasurer shall thereupon under direction and supervision of said commissioners sell and dispose of the same as hereinbefore provided, making out and returning to the said commissioners an accurate account of the number and denominations of said bonds and to whom sold, and thereupon the said treasurer shall receive all the proceeds of the sale of said bonds, hold the same subject to the order and direction of the said board of commissioners and be responsible for the safe custody and keeping of said proceeds as by law is now provided in case of other funds coming into his hands by virtue of his office.

Liability of
treasurer.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 355.

An act to provide for the working of certain convicts upon the public roads of the State.

The General Assembly of North Carolina do enact:

In counties mak-
ing provision for
working convicts:

SECTION 1. That when any county has made provision for the working of convicts upon the public roads, or

when any number of counties have jointly made provision for working convicts upon the public roads, it shall be lawful for, and the duty of the judge holding court in such counties, to sentence to imprisonment and hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jails or in the state prison, the following classes of convicts: first, all persons convicted of offences the punishment whereof would otherwise be wholly, or in part, imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding ten years.

on public roads, certain convicts to be sentenced to imprisonment and hard labor on roads.

SEC. 2. That the convicts sentenced to hard labor upon the public roads, under provisions of section one of this act, shall be under the control of the county authorities, and said county authorities shall have power to enact all needful rules and regulations for the successful working of all convicts upon said public roads: *Provided*, the county commissioners shall have power to work such convicts on the public roads or canalizing the main drains and swamps.

Convicts to be under control of county authorities.

Proviso.

SEC. 3. That nothing contained in this act shall in any way affect, interfere with, or diminish any convicts granted or assigned to any railroad, or other work of internal improvement, either by contract executed prior to this act, or granted or assigned by any prior act of this general assembly.

Convicts assigned to railroads, &c., not to be interfered with.

SEC. 4. That in all cases where the judge presiding shall be satisfied that there is good reason to fear that an attempt to release or to injure any person convicted of any of the offences mentioned in section one of this act, class second, it shall be lawful for the judge to sentence such convicts to imprisonment in the penitentiary, as is now provided by law: *Provided*, that no person who has been convicted and sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson, shall be assigned under this act: *Provided*, that this act

When judge to sentence convicts to imprisonment in penitentiary.

Proviso.

Act not applicable to certain counties.

shall not apply to the counties of Jackson Swain, Macon, Cherokee, Clay and Graham.

Penitentiary directors to furnish convicts to counties.

SEC. 5. That in addition to the convicts mentioned in section one of this act, the board of directors of the penitentiary is authorized and directed to furnish to the authorities of any county within the state, convicts not exceeding twenty-five in number during any one year for the purpose of working the public roads in said county.

Control of convicts.

The said convicts shall be at all times under the supervision and control as to their government and discipline of the penitentiary board as in case of hiring convicts to railroad companies. Any county applying for convicts under this act shall erect suitable stockades for their safe keeping and protection, and shall pay the expense of their transportation from and to the penitentiary.

Stockades, &c.

Counties taking advantage of this act to levy special tax to pay expense of convicts, &c.

SEC. 6. That the board of county commissioners of the several counties in the state taking advantage of this act shall levy a special tax annually as other taxes are levied for the purpose of paying the expenses of said convicts, building of stockades, &c., and the expenses shall be paid by the counties taking advantage of this act.

Act in force from May 1st, 1887.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 356.

An act to establish a reformatory in connection with the North Carolina state penitentiary.

The General Assembly of North Carolina do enact:

Penitentiary directors authorized to establish

SECTION 1. That there may be established in connection with the North Carolina state penitentiary, under

the control and direction of the state board of that institution, a reformatory either within the enclosure of the penitentiary or elsewhere as said board shall deem most practicable and economical, in which reformatory convicts under the age of fifteen years sentenced to the penitentiary shall be confined separate and apart from other convicts.

reformatory for convicts under fifteen years of age.

SEC. 2. That it shall be in the discretion of the aforesaid board to exempt the convicts confined in the said reformatory from the requirement of wearing the usual convict garb.

May be exempted from wearing convict garb.

SEC. 3. That nothing in the above sections shall apply to convicts sentenced for the crimes of murder, arson, rape or burglary.

Act not applicable to certain convicts.

SEC. 4. 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. 1887.

CHAPTER 357.

An act to regulate the catching of oysters in Roanoke and Pamlico Sounds.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-four of the public laws of one thousand eight hundred and eighty-five be and the same is hereby repealed, and the following enacted in lieu thereof.

Chapter 74, laws 1885, repealed.

SEC. 2. That no person or persons shall use, or cause to be used, any scoop, drag or other instrument, except such tongs as are generally used for that purpose, in any of the waters of Roanoke Sound of any depth; and in Pamlico Sound, no person or persons shall use or cause to

Unlawful to use scoop, &c., (except tongs generally used) in Roanoke and Pamlico sounds in less than eight feet of water.

be used, any scoop, drag or other instrument, except tongs for catching oysters, in less than eight feet of water; but any instrument may be used in more than eight feet of water in said sound. There shall be no dredging in Pamlico and Roanoke sounds, or any of the waters of the State, at night.

No dredging at night in any waters in state.

Unlawful to catch oysters in Roanoke and Pamlico sounds between May 1st and September 1st. Exception.

Proviso.

SEC. 3. That no person shall catch or take oysters from any of the waters of Pamlico and Roanoke sounds 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 section shall not prevent the owners or tenants of regularly licensed oyster gardens from catching oysters to plant therein.

Misdemeanor.

SEC. 4. That any person who shall violate any of the provisions of the two preceding sections 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. 5. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 358.

An act directing the trustees of the public library to secure and publish the manuscript of the late John A. Sloan concerning the North Carolina troops in the late war between the states.

Preamble.

WHEREAS, The late John A. Sloan during his lifetime collected and prepared for publication all facts and information then to be obtained which illustrate the part taken by North Carolina troops during the late war between the states and died before publishing the same;

And whereas, unless immediately printed there is great danger that the manuscripts, papers and documents collected and prepared by the said John A. Sloan may be lost or destroyed, and thus no record of the gallant actions and soldierly conduct of our troops will be preserved:

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the public library are hereby authorized to examine said manuscript and if they shall deem it of sufficient importance and value to procure and publish the same as prepared by the said John A. Sloan as aforesaid in a volume of such size and to such a number of copies as to them may seem best.

Trustees of library authorized to publish manuscript if they see fit.

SEC. 2. That after supplying the public libraries and the libraries of the university and colleges of the state with copies, the said trustees shall cause the remaining copies to be sold, and to this end shall have power to employ an agent or agents whose compensation shall be a commission upon the proceeds of sales made by him or them.

Sale.

Agent.

Compensation.

SEC. 3. That in case the library fund shall prove to be insufficient to meet the expenses of carrying out the provisions of this act, the auditor is directed to draw his warrant for such sum as the said trustees shall certify to him to complete the said work.

Expenses of publication.

SEC. 4. That all net proceeds arising from the sale of the said remaining copies shall be paid into the public treasury for the purpose, first of reimbursing the treasury for moneys paid out on the said warrant of the auditor, and second of reimbursing the said library fund.

Application of proceeds.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 359.

An act to amend section three thousand eight hundred and fifty-one of The Code.

The General Assembly of North Carolina do enact:

Section 3851,
Code, amended.

Boundaries of
first wreck dis-
trict.

Second district.

Third district.

Fourth district.

Fifth district.

SECTION 1. That section three thousand eight hundred and fifty-one of The Code be and is hereby amended by striking out all between the word "the" in line five and the word "counties" in lines twelve and thirteen, and inserting in lieu thereof the words "north point of New Inlet; second district to extend from the south point of New Inlet to the South Ground Hill; third district to extend from the South Ground Hill to Long Point; fourth district to extend from Long Point to Crecil's hill; fifth district to extend from Crecil's hill to the dividing line of Dare and Hyde."

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. 1887.

CHAPTER 360.

An act to amend chapter two hundred and forty-five of the laws of one thousand eight hundred and eighty-five, so as to exempt Bertie county from its provisions.

The General Assembly of North Carolina do enact:

Chapter 245, laws
1885, amended.
Act to authorize
county commis-
sioners to in-
crease bonds of
superior court
clerk and register
not to apply to
Bertie county.

SECTION 1. That chapter two hundred and forty-five of the laws of one thousand eight hundred and eighty-five be and the same is amended as follows, to-wit: between the words "Wilkes and counties" in the last line of section one insert the word "Bertie."

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 361.

An act to levy a special tax for the purpose of building a stock law fence in West Fork township of Madison county.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of building a stock law fence the board of commissioners of Madison county are hereby authorized and empowered to levy and collect a special assessment upon all the real property taxable by the state and in West Fork township and Middle Fort township of said county, but no such assessment shall be greater than one fourth of one per centum on the value of said property.

Commissioners authorized to levy special tax in West Fork and Middle Fork townships to build stock law fence.

Limitation of tax.

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. 1887.

CHAPTER 362.

An act to be entitled an act to amend the charter of "The Black Mountain Turnpike."

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and sixty-one of the laws of one thousand eight hundred

Ch. 161, laws of 1881, amended.

Authorized to extend road to Asheville.

and eighty-one, be amended so as to authorize "The Black Mountain Turnpike" to extend its road from any point on the line or route indicated in said section to the city of Asheville.

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. 1887.

CHAPTER 363.

An act to protect fish in Johnston county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to use in the waters of Black creek, Johnston county, any nets, seines, set-downs, fish-traps or any other nets of any description, for the purpose of taking fish from the first day of May to the first day of October in each year, without the permission of the owner of the land whereon the fishing is done.

SEC. 2. That it shall be unlawful for any person or persons to operate or use any seine or drag-net in the waters of Black creek, Johnston county, from the mouth of said creek to the Burwell Barber bridge in said county.

SEC. 3. That any person violating sections one and two 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.

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. 1887.

Unlawful to use nets, &c., in Black creek, Johnston county, from May 1st '0 to October 1st, without permission of owner of adjoining land.

Unlawful to use seine, &c., in creek from mouth to Burwell Barber bridge.

Misdemeanor.

CHAPTER 364.

An act to regulate the sale of dangerous explosives.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any dealer or other person to sell, or keep for sale any dynamite cartridges, bombs, or other combustibles of a like kind, without first having obtained from the board of commissioners of the county where such person or dealer resides a license for that purpose, for which he shall pay to the register of deeds for issuing the same a fee of twenty-five cents.

Unlawful to sell, &c., dynamite, &c., without license from commissioners.

Fee for license.

SEC. 2. That it shall be the duty of every dealer in dynamite cartridges, bombs or other combustibles of a like nature, to keep a record of all sales of such articles, showing the party to whom the sale was made, the purpose for which it is to be used, the date of the sale and the amount sold, which said record of sales shall be at all times during the day open to the inspection of any and all persons who may desire to examine the same.

Dealer to keep record of sales.

Open to inspection.

SEC. 3. That it shall be unlawful for any person to fire off, explode or cause to be fired off or exploded, except for mechanical purposes in a legitimate business, any dynamite cartridge, bomb, or other explosive of a like nature, and any person so doing shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.

Misdemeanor to fire off, &c., any dynamite cartridge, &c., except for mechanical purposes, &c.

SEC. 4. That if any person shall violate the first or second section of this act he shall be guilty of a misdemeanor.

Misdemeanor.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 365.

An act to incorporate the Murfreesboro Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That T. P. Williams, C. W. Barksdale, J. Suratt, C. H. Smith, R. W. Winborne, B. B. Winborne, David A. Barnes, James M. Wynn, Uriah Vaughan, J. B. Brewer, E. F. Rice, and assigns, be and they are hereby constituted and created a body politic and corporate by the name of the Murfreesboro Railroad Company, and as such shall receive the powers herein granted in perpetuity. That said company shall have power and authority to make by-laws and regulations for its government and management, to elect and appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change and alter at pleasure, to acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell, or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purpose of this charter, and to have and exercise all and every other power, privilege, franchise and right, common and necessary to similar corporations, and not inconsistent with the laws of this State or the provisions of this act.

Corporate name.

Corporate powers.

Terminal points.

SEC. 2. That the said railroad company is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks, from the line of the Roanoke and Tar River Railroad to the town of Murfreesboro, or to some point on the Meherrin river, in or near Murfreesboro, with the privilege of building and operating branch roads not exceeding ten miles in length. That in constructing and operating said branch roads, the said company shall have all the rights and privileges granted to it with respect to the main line.

Branch roads.

SEC. 3. That the capital stock of said company shall be (\$3,000) three thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine, up to one hundred thousand dollars. That the stock of said company shall be in shares of one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscriptions to the said capital stock. That the said corporators or a majority of them acting in person or by proxy shall cause a book or books of subscription to be opened by a commissioner or commissioners to be appointed by them or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they or a majority of them may prescribe. That the said corporators or a majority of them acting in person or by proxy, after the sum of three thousand dollars has been subscribed shall call a meeting of the stockholders who shall have subscribed to the said capital stock for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published or circulating in the county of Hertford. That at such meetings the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Capital stock.

Liability of stockholders.

Books of subscription.

Organization.

Notice.

Directors.

President.

SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or materials necessary for the construction or equipment of said road, in lands, stocks, or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company.

Subscriptions, how made.

SEC. 5. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchise, rights, privileges and property with those of any other railroad com-

Authorized to consolidate with other connecting road.

pany or companies chartered by and organized under the laws of this state whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be merged and consolidated shall and may form a continuous line of railroad with each other by means of intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of its stockholders may determine or approve.

Other railroad, &c., company authorized to subscribe to capital stock, purchase road, &c.

SEC. 6. That it shall be lawful for any railroad or transportation company created by the laws of this or any other state from time to time to subscribe to or purchase or to hold the stock and bonds or either of this company, or to guarantee or endorse such bonds or stock or either of them; and it shall or may be lawful for any railroad or transportation company or companies created by the laws of this or any other state to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such company or companies as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road, or line, property or franchises of any such railroad or transportation company: *Provided*, that the road or line of such company shall be directly or by means of one or more intervening roads or lines connected with the road of this company.

Authorized to subscribe to stock, purchase, &c., other road, &c.

Proviso.

Stockholders' meetings.

SEC. 7. That meetings of stockholders shall be held annually at such time and place as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president or by a majority

of directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this state thirty days before said meeting, and notices of annual meetings shall be likewise published.

SEC. 8. That the president and board of directors of this company shall have the power of appointing a treasurer and such other officers and agents as may be necessary for conducting the construction and management of the railroad authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year or until their successors are elected, and in case of a vacancy by death or resignation in the office of director, the same may be filled by the board of directors until the next meeting of the stockholders.

Officers and agents.

Election of directors.

Vacancies.

SEC. 9. That the president and directors of this company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Expense of construction, &c.

SEC. 10. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money, such advances of money on their respective shares, from time to time, as the wants of the company may demand, until the whole of their subscriptions shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors, within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month previous notice of the time and place of sale, in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale, out of the proceeds thereof, to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced,

Payment of subscriptions.

Remedy against stockholder failing to pay, &c.

with the incidental charges attending the sale, the said company may recover the balance of the original subscription from said stockholder or his assignee, or the executor or administrator of either of them, at the option of the said company acting through its president and directors, by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Liability of purchaser of stock.

Authorized to construct telegraph and telephone lines, &c.

SEC. 11. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephones along its line or lines of railway, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and said company may connect said lines of telegraph or telephone with the lines of any other company in this state, and may lease, rent or sell this right, and any telegraph or telephone line constructed by the company, as in the judgment of the president and directors may be advantageous to the company.

Authorized to borrow money on mortgage.

SEC. 12. That authority is given to the said company to borrow money to such extent and in such a manner as may be authorized by its stockholders, and to pay thereon such rates of interest not exceeding eight (8) per cent. as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such loans both as to principal and interest by such mortgages or deeds of trust on the whole of the property, income and franchises of the company, or either or any part thereof, as may be deemed advisable.

Condemnation of land.

SEC. 13. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, of the width of one hundred feet, on each side, measuring from the centre of the said track,

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.

SEC. 14. That Murfreesboro township, in Hertford county, and the town of Murfreesboro in said county, may subscribe to the capital stock of the Murfreesboro Railroad Company, or make donations to said company, to be secured by the bonds of said township or said town, as the case may be, bearing six per centum interest, as hereafter provided, subject to the approval of the qualified voters of said township or said town.

Town and township of Murfreesboro authorized to subscribe to capital stock or make donation to company.

SEC. 15. That the board of commissioners of Hertford county are authorized and it shall be their duty whenever twenty-five tax payers in said township in said county shall petition the same, to cause an election to be held in said township at the proper and legal voting place therein, after thirty days' notice of said election published in any newspaper published in said county and at three public places in said township, and to submit to the qualified voters of said township the question of subscribing to the capital stock of said Murfreesboro Railroad Company or making donations as aforesaid, the sum of money specified in the written request of the said petitioning tax payers, not to exceed the sum of twenty-five thousand dollars, at which election those in favor of said subscription or donation, as the petitioners may request, shall deposit a ballot on which shall be written or printed the words "for subscription"; but if the purpose is to make a donation, then, in that case, the ballot shall have the words "for donation," and those opposed shall deposit a ballot on which is written or printed the words "against subscription" or "against donation," as the case may be. Said election to be held in all respects as required by law for elections of members of the general assembly, except

Election in township on question of subscription or donation.

Not to exceed \$25,000.

Ballots.

Election, how held.

Canvass of vote.

Subscription or donation to be made on vote of majority of qualified voters.

Representation in meetings of stockholders.

Donation, how made.

County commissioners to issue bonds.

as herein otherwise provided. The returns of said election shall be made to the county commissioners on Tuesday next after the day on which said election is held, who shall on that day canvass the same and declare the result of said election; and if a majority of all the legally qualified voters in said township shall vote "for subscription" or "for donation" then the subscription or donation so authorized shall be made by the chairman of the board of county commissioners. If "for subscription" to the capital stock of said railroad company, and the result of said election is in favor of subscription, then 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 the meeting of said company; this appointment shall be evidenced by the certificate of the clerk of the board of county commissioners countersigned by the chairman, and shall be good for one year and until a successor is appointed; but if said election is for and the result of said election is in favor of donation, then the chairman of such board of commissioners shall notify said company of the same, and carry the same into effect by delivering the bonds so donated as herein-after provided.

SEC. 16. For the payment of any subscription made, or for carrying into effect any donation made or provided in the next preceding section, the board of county commissioners of Hertford county shall issue bonds to the amount authorized to be subscribed or donated, payable to bearer, and said bonds shall express on their face by what authority and for what purpose they are issued; said bonds shall be coupon bonds of the denominations of not more than one thousand nor less than one hundred dollars, and shall bear interest at the rate of six per centum per annum, the interest payable on the first day of February each successive year by the treasurer of said

county. Said bonds shall be due and payable as follows: When payable.
 One thousand dollars in amount ten years after the first day of February succeeding the year in which said bonds are issued, and one thousand dollars each successive year thereafter.

SEC. 17. That to provide for the payment of the interest on said bonds, the board of county commissioners shall in addition to other taxes each year compute and levy upon the proper subjects of taxation in said township a sufficient tax to pay the interest on said bonds issued as aforesaid, and in order to pay said bonds as they mature the said commissioners shall at the expiration of ten years from the date of their issue annually compute and levy an additional tax of one thousand dollars until all of said bonds are paid, which taxes shall be collected by the sheriff of Hertford 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 taxes to the state and county. The said sheriff shall first pay the interest on said bonds and the coupons shall be his vouchers and evidences of payment, and the balance of the money shall be applied to the redemption of said bonds in the order in which they are payable.

Special tax for interest and sinking fund.

How collected, &c.

Sheriff to pay interest, &c.

SEC. 18. Said bonds shall be signed by the chairman of the board of county commissioners of Hertford county and the clerk of said board, and the coupons shall be signed by the chairman alone.

Bonds, how signed.

SEC. 19. That nothing herein contained shall be taken or construed in any wise to invalidate the said township bonds in case the said taxes should for any reason fail to be applied to the payment of the said interest or any part thereof.

Failure to apply taxes not to invalidate bonds.

SEC. 20. The coupons on said bonds shall be receivable for taxes under this act, and it shall be the duty of the

Coupons receivable for special tax.

sheriff to receive them when tendered if they are due and payable.

Election in town on question of subscription or donation.

SEC. 21. That the board of commissioners of said town of Murfreesboro are authorized and it shall be their duty whenever twenty tax payers in said town shall petition the same, to cause an election to be held in said town at the proper and legal voting place therein, after thirty days' notice published in some newspaper published or circulated in Murfreesboro, and to submit to the qualified voters of said town the question of subscription to the capital stock of said railroad company or of making donations to said company the sum of money specified in the written request of said petitioning tax payers not to exceed the sum of twenty-five thousand dollars. Said election shall in all other respects be conducted and the ballots the same as is provided in this act for an election in Murfreesboro township. The returns of said election shall be made by the judges of said election to the town commissioners on Tuesday next after the day on which said election is held, who shall on that day canvass the same and declare the result of said election; and if a majority of all the legally qualified voters in said town shall have voted "for subscription" or "for donation," then the subscription or donation so authorized shall be made by the mayor of said town as heretofore provided for said township.

How held.

Canvass of vote.

Subscription or donation to be made on vote of majority of qualified voters.

Town commissioners to issue bonds.

SEC. 22. For the payment of any such subscription made or for carrying into effect any donation made as provided in the next preceding section, the board of commissioners of said town shall issue bonds to the amount authorized to be subscribed or donated, payable to bearer, 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, and shall bear interest at the rate of six per centum per annum, the interest payable on the first day of February of each successive year by the treas-

urer of said town. Said bonds shall be due and payable as herein before provided in case of township bonds. When payable.

SEC. 23. That to provide for the payment of the interest on said bonds, the board of commissioners of said town shall in addition to other taxes each year compute and levy upon the proper subjects of taxation in said town a sufficient tax to pay the interest on said bonds issued as aforesaid, and in order to provide for the payment of said bonds as they mature the said town commissioners shall at the expiration of ten years from the date of their issue annually compute and levy an additional tax of one thousand dollars until all of said bonds are paid, which taxes shall be collected by the constable of said town under the same rules and regulations as are provided for the collecting of other taxes, and he and his sureties shall be liable to the same penalties and subject to same remedies as are now provided by law for the faithful collecting and paying over to the proper officer of the town other town taxes. The treasurer of said town shall first pay the interest on said bonds, 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 in the order in which they are payable. Special tax for interest and sinking fund.

SEC. 24. That it shall be lawful for the said town or county commissioners in their discretion to order a new registration for the said election. How collected.

SEC. 25. The bonds issued as aforesaid shall be signed by the mayor of said town, and countersigned by the clerk of said board of commissioners of said town, and the coupons shall be signed by the mayor alone. Treasurer to pay interest, &c.

SEC. 26. The coupons on said bonds shall be receivable in payment of the taxes levied in said town for any purpose, and it shall be the duty of the constable to receive them in payment when tendered if they are due and payable. New registration.

SEC. 27. That it shall not be lawful for said township and said town to have bonds issued under this act Bonds, how signed.

Coupons receivable for tax.

Bonds not to exceed \$25,000.

amounting in the aggregate to exceed twenty-five thousand dollars.

Bonds of township and town to be issued only for building certain road.

SEC. 28. That the bonds of said township and of said town shall only be issued for the purpose of building and constructing or aiding in building and constructing a railroad from the line of the Roanoke and Tar River Railroad Company to the town of Murfreesboro or to the Meherrin river near Murfreesboro.

Bonds to be issued within sixty days after result of election declared.

SEC. 29. That if a majority of all the qualified voters of the town or township in any election provided for in this act shall vote "for subscription" or "for donation," then said bonds shall be issued as herein before required within sixty days after the result of such election is declared. When issued the bonds together with all coupons shall be deposited with some trust company agreed upon by the officers issuing them and the authorities of the Murfreesboro Railroad Company, to be held in trust by the said trust company until satisfactory evidence is produced of the completion of said railroad to Murfreesboro or to said river near said town, whereupon said bonds and coupons shall be delivered to the president of said Murfreesboro Railroad Company or to such person or persons as may be designated by the authorities of said company. That when said bonds are issued they with the coupons attached shall be numbered and a record kept by the officers issuing them, showing the numbers, amounts and dates of maturity of the same respectively.

To be held in trust until completion of road, &c.

Delivery of bonds.

Coupons to be numbered, &c.

Township incorporated.

SEC. 30. That for the purpose of this act the townships which shall make the said subscriptions or donations are hereby created bodies politic and corporate, with power to carry out the provisions of this act, and the county commissioners of the county in which said township is situated are declared to be the corporate agents of said township.

Corporate agents.

County taxes collected on property of road in township to be applied to pay-

SEC. 31. When any township shall subscribe its bonds to the capital stock of said railroad company or donate the same as provided in this act, the county taxes which

shall be levied and collected upon the property and franchise of said company in said township shall be applied in payment of the interest on the said bonds to the amount of said interest so long as the same shall accrue, and the excess of said taxes if any shall be applied to general county purposes; that when the said interest shall cease to accrue by reason of the payment of said bonds, the said taxes shall be applied to general county purposes.

ment of interest
on township
bonds.

SEC. 32. That this company shall have the right to dispose of, negotiate or sell its bonds, secured by mortgage or deed of trust on the whole or any part of its property and franchise, upon such terms as the president and directors shall deem most advantageous to the company.

Company author-
ized to negotiate
its mortgage
bonds.

SEC. 33. That any officer failing or refusing to perform his duties under this act shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 34. That the railroad authorized by this act shall be commenced within three years from date of ratification.

Road to be com-
menced within
three years.

SEC. 35. That this road shall be built without aid of convict labor.

To be built with-
out convict labor.

SEC. 36. 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. 1887.

CHAPTER 366.

An act to extend the provisions of the Mecklenburg road law to Randleman towship, Randolph county.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of chapter one hundred and thirty-four, laws of one thousand eight hundred and eighty-five, entitled "an act relating to roads and

Chapter 134, laws
1885, applicable
to Randleman
township, Ran-
dolph county.

highways," shall apply to Randleman township, Randolph county : *Provided*, that said act shall not be in force in said township unless a majority of the votes cast at an election to be held as hereinafter provided shall so decide.

Subject to election.

Election, when and how held.

SEC. 2. That the board of commissioners of Randolph county shall order an election to be held at the usual voting place in said township on the day of, 1887, which election shall be held in the same manner and governed by the same rules as elections for county and township officers. At said election all those desiring the provisions of chapter one hundred and thirty-four, laws of one thousand eight hundred and eighty-five, to apply to and prevail in said township shall vote a ticket upon which shall be printed or written the words "for road law," and those opposed thereto shall vote a ticket on which shall be printed or written the words "against road law." If a majority of the votes cast at such election shall be for the road law then all the provisions of chapter one hundred and thirty-four, laws of one thousand eight hundred and eighty-five, applicable to townships, shall apply to and be in force in said township as fully and to the same extent as if said township had been named in and made a part of the said chapter. If a majority of the votes cast at said election shall be "against road law," then the provisions of said chapter, and no part thereof, shall apply to said township.

Ballots.

On majority vote law to be in force in township.

Justices of the peace to organize as provided, &c.

SEC. 3. If the provisions of said chapter shall be adopted in said township by a majority vote at the election herein before provided for, then it shall be the duty of the justices of the peace for said township at once to organize as provided for in said chapter, and enter upon the discharge of their duties as the board of township trustees, as therein provided.

Levy of tax.

SEC. 4. That all taxes levied under the provisions of said chapter shall be levied in accordance with the provisions of the constitution of this state.

SEC. 5. That no citizen or resident of said township shall, if the provisions of said chapter be adopted, be liable to do any road duty, or pay any further or other road tax than that levied and assessed against him under the provisions of said chapter. Exemption from road duty, &c.

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. 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. 1887.

CHAPTER 367.

An act to amend section two thousand eight hundred and thirty-one of The Code in regard to hunting.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand eight hundred and thirty-one of The Code be amended by striking out the words "two or more public places in the county where," and inserting instead thereof the words "three or more places on the land;" also by striking out the words "the person," in lines nine and ten, and inserting instead thereof the words, "all persons;" also by striking out the words "each and every offence," at the end of the section, and inserting in lieu thereof the words "first offence, and upon conviction of a second or subsequent offence, shall be fined twenty-five dollars or imprisoned thirty days at the discretion of the court." Section 2831, Code, amended. Notice forbidding hunting on land, where and how posted. 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. 1887.

CHAPTER 368.

An act to amend section one thousand and two of The Code.

The General Assembly of North Carolina do enact:

Section 1002,
Code, amended.
Wilful killing or
injury of live
stock lawfully
running at large,
&c., punishable
as larceny.
Act applicable
only to certain
counties.

SECTION 1. That section one thousand and two of The Code be amended by adding after the word "misdemeanor," in line seven, the words "and punished as if convicted of larceny: *Provided*, this act shall apply only to the counties of Transylvania, Haywood, Jackson, Graham and Swain.

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. 1887.

CHAPTER 369.

An act to authorize the board of the penitentiary to farm out and hire to the corporate town of Madison and Madison Township fifty convicts.

The General Assembly of North Carolina do enact:

Penitentiary di-
rectors author-
ized to hire
convicts to town
and township of
Madison to grade
railroad, &c.

SECTION 1. That the board of directors of the penitentiary is hereby authorized to farm out and hire to the corporate town of Madison and Madison township not less than fifty convicts, in order to grade a railroad from the town of Madison to some point on the Yadkin Valley Railroad, who shall be supported, clothed, guarded and transported at the expense of the state, and the state shall be reimbursed in cash or town and township bonds subscribing to the capital stock of said road.

Convicts, how
supported, &c.

SEC. 2. The board of directors of the penitentiary is hereby authorized to receive the bonds of said corpora-

Bonds to be re-
ceived in pay-
ment for con-
victs.

tions in the payment for said convicts, and said railroad shall be entitled to said convicts till the road is completed : Road entitled to convicts until completion.
Provided, that this act shall in no wise interfere with the apportionment of convicts to other works made by prior acts. Proviso.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 370.

An act to amend sections two thousand and thirty-four, two thousand and thirty-five, three thousand seven hundred and six and three thousand seven hundred and seven of The Code relating to public roads and bridges and rivers and creeks in Sampson county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and thirty-four of The Code be and the same is hereby amended by striking out all of said section between the word "it" in line two thereof, and the word "the" at the beginning of line four of said section. Section 2034, Code, amended.
County commissioners to contract for building, &c., bridges.

SEC. 2. That section two thousand and thirty-five of The Code be and the same is hereby amended by striking out the letter "s" at the end of the word "boards" in line one of said section and all between the word "of" in line one and the word "county" in line two thereof. Section 2035 amended.
Contracts of commissioners valid against county.

SEC. 3. That section three thousand seven hundred and six of The Code be and the same is hereby amended by adding the letter "s" to the word "board" in line eleven of said section and striking out the words "county commissioners" between the word "of" in said line eleven and the word "shall" in line twelve thereof and inserting in lieu of said words "county commissioners" the words "township supervisors". Section 3706 amended.
Township supervisors of roads to direct what lands to be used by commissioners appointed to examine streams and make improvements.

Section 3707
amended.

Overseers of
streams, how ap-
pointed, &c.

Duties.

Penalty for fail-
ure of duty by
overseer, &c.

SEC. 4. That section three thousand seven hundred and seven of The Code be and the same is hereby repealed, and the following is enacted instead thereof: Every overseer of any river or stream shall be appointed by the boards of township supervisors as the overseers of public roads are appointed; and the overseer and hands upon receiving three days' previous notice from the township supervisors shall proceed to work upon and clear out such river or stream, subject to the same rules and double the penalties imposed upon overseers and hands working upon public roads. And the boards of township supervisors shall annually thereafter appoint overseers and assign such hands as they may judge proper to work on the rivers and creeks, and keep in repair any slopes erected or to be erected, and such overseers and the hands assigned, for a failure of duty, shall be subject to all the penalties imposed upon overseers of roads and the hands liable to work thereon.

SEC. 5. That all laws and clauses of laws be and the same are hereby repealed.

SEC. 6. That the provisions of this act shall apply only to Sampson 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. 1887.

CHAPTER 371.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section one, laws of the special session of one thousand eight hundred and eighty, be amended

Chapter 38, laws
special session
1880, amended.

by striking out in line five the words "Nag's Head hotel," and inserting in lieu thereof "hotels at Nag's Head": *Provided*, that a hotel within the meaning of this act shall be a house capable of entertaining fifty guests.

Sale of liquor permitted at hotels at Nag's Head capable of entertaining fifty guests.

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. 1887.

CHAPTER 372.

An act to limit the sale of Jamaica ginger in Mitchell county.

The General Assembly of North Carolina do enact:

SECTION 1. That any merchant or person who shall in one day sell more than one two-ounce bottle of essence of Jamaica ginger to one person in one day shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than ten dollars at the discretion of the court: *Provided*, this act shall only apply to the county of Mitchell.

Misdemeanor to sell in one day to one person more than one two ounce bottle of Jamaica ginger.

Act applicable only to Mitchell county.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 373.

An act to be entitled an act to authorize the commissioners of Pamlico county to issue bonds to pay off the county debt, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to liquidate the judgment debt of Pamlico county, the commissioners of said county

Authorized to issue bonds not exceeding \$40,000 to pay county indebtedness, &c.

are hereby authorized to issue coupon bonds of the county for an amount not exceeding forty thousand dollars, in denominations of twenty five (\$25.00) dollars, and up to one thousand (\$1,000.00) dollars, to be used for the purpose of discharging the judgment debt now outstanding against the said county, and for creating a sinking fund.

When bonds to mature.

Interest.

Coupons receivable for county taxes.

Coupons, when payable.

Date of bonds.

Bonds, how issued.

Record book.

Commissioners to appoint agent to negotiate bonds.

Compensation.

Duties.

SEC. 2. That said bonds shall mature and be payable in not less than ten nor more than thirty years, and shall bear interest at a rate not exceeding six per centum per annum, and the coupons on the said bonds shall be receivable in the payment of the county tax, and said coupons shall be payable on the first day of July in each and any year at the office of the county treasurer of said county, and said bonds shall bear date of the first of January in the year of their issue.

SEC. 3. That the said bonds and the coupons thereof shall be issued and signed by the chairman of the board of county commissioners and countersigned by the clerk of the board and stamped with the official seal of said county; and the said clerk shall keep a book suitable for the purpose in which he shall keep an account of the number of each bond issued, the amount and to whom issued, when paid and cancelled and to whom paid, and all transactions connected therewith, so that upon an inspection of said book the true state of the county debt may be seen.

SEC. 4. That the board of county commissioners at their first meeting after the ratification of this act hereinafter provided for, or as soon thereafter as shall be practicable, shall appoint some suitable and competent person to act as the agent of the said board for the negotiation of said bonds under control of said board. The said agent shall receive such compensation as the said board shall determine, and shall confer with the judgment creditors of said county and shall report to said board the best terms upon

which the bonds authorized by this act can be exchanged for the judgment debt.

SEC. 5. The county commissioners shall have the privilege to pay off and redeem said bonds or any part of them after the expiration of one year, and to that end may at any time after the expiration of one year issue a call for said bonds by publishing the same in some newspaper published in this state and by mailing a notice to the owner of the bond if his postoffice address be known, setting forth therein that the bond and coupons thereunto attached will be paid on presentation to the office of the county treasurer on a day certain, which day shall not be less than thirty days from the date of said publication, and thereafter the interest on said bond or bonds and coupons shall be stopped. And the said board of county commissioners may in their discretion establish a sinking fund and appoint a suitable person as trustee and commissioner of said fund, who shall before entering upon the discharge of said duty enter into a bond with approved security in such sum as the commissioners of said county shall designate: *Provided*, that said fund shall at all times be under the control of the board of commissioners of the county.

Redemption of bonds.

Sinking fund.

Trustee.

Proviso.

SEC. 6. That for the payment of the principal and interest of said bonds, the commissioners of Pamlico county are authorized to levy the necessary taxes as occasion may require from time to time: *Provided*, That the sum thus levied shall not prevent their levying a sufficient sum for the accruing current expenses of the county.

Special tax.

SEC. 7. That no bonds authorized by this act shall be issued until an election be held in said county under the direction of the county commissioners, and at such time as they may appoint, and at the said election a majority of the votes cast by the qualified voters of said county shall be in favor of the issuing of said bonds for the purposes herein specified; and at such election those favor-

Election, when and how held.

Ballots. ing the issuing of said bonds shall vote a written or printed ticket inscribed with the word "ratification," those opposed with the word "rejection," and that the said election shall be held in the same manner and form, and under the same law as is provided now for the election of members of the general assembly.

Re-assessment of property. SEC. 8. The commissioners of Pamlico county are authorized to re-assess, in the manner provided by law, the real and personal property in such county at such time during the year eighteen hundred and eighty-eight as in their judgment shall be meet and proper, and after such re assessment all taxes for state and county purposes shall be levied according to the same until the next general assessment: *Provided*, that this section shall not be construed to be compulsory on the said board of commissioners unless they shall deem it necessary for the better equalizing the value of taxable property in the said county.

Proviso.

Application of special tax. SEC. 9. The taxes levied and collected by virtue of the powers conferred in this act shall be set apart and applied to the payment of the bonds and coupons issued and the said judgment debt and to create a sinking fund for the payment of said bonds and coupons and the expenses incurred by reason of the issuing of said bonds under this act, and for no other purpose: *Provided*, that this section shall not be construed as preventing the county commissioners or the trustee of the sinking fund from investing the same by order and direction of the board of county commissioners in such securities as to them may seem meet and proper and redound to the best interest of the county.

Proviso.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 374.

An act to amend the charter of the Suffolk Lumber Company Railroad.

WHEREAS, by an act of the general assembly of North Carolina, ratified the third day of March, one thousand eight hundred and eighty-one, the Suffolk Lumber Company was duly incorporated in this state, and by said act of incorporation were "authorized to construct and maintain a narrow gauge railroad from the state line of Virginia, near Somerton in Nausemond county, through the county of Gates to the Chowan river, at a point near Winton in Hertford county;" and whereas, the said company have nearly completed the said railroad to the Chowan river, and desire to extend the same and to have additional corporate powers and privileges: therefore,

Preamble.

Ch. 167, Laws 1881.

The General Assembly of North Carolina do enact :

SECTION 1. That the said Suffolk Lumber Company as at present organized under the aforesaid act, and their assigns, be and they are hereby authorized to widen the gauge of the said railroad and to extend the same, with all the rights, powers and privileges granted under said act of incorporation across the Chowan and Roanoke rivers, through the counties of Hertford, Bertie, Martin, Edgecombe and Wilson to the town of Wilson: *Provided*, that proper and sufficient draws shall be constructed and maintained in the bridges that may be built over the said rivers, or any other navigable stream crossed by the said railroad.

Authorized to widen gauge of railroad, and extend same, &c.

Proviso.

SEC. 2. That in order to carry out the purposes of this act the said company shall have the right to mortgage the said railroad and issue bonds thereon not exceeding (\$20,000) twenty thousand dollars per mile, and shall also have the right to consolidate with any railroad or

Authorized to issue mortgage bonds, and to consolidate with other roads, &c.

other transportation company that may have been heretofore or that may be hereafter chartered in this state; and the said company and its assigns, or any company that may be organized under and by virtue of this act, by consolidation or otherwise, shall have the right to connect the said railroad or any branch thereof with any railroad or other transportation company that may have been or that may be hereafter chartered in this state, and to the interchange of traffic upon reciprocal terms; and any company organized under and by virtue of this act, by consolidation or otherwise, shall succeed to all the rights of the Suffolk Lumber Company granted by this act and by the original aforesaid act of incorporation; and the said the Suffolk Lumber Company or any company organized under and by virtue of this act shall have the exclusive right for the term of ten years to construct and complete the said railroad.

Exclusive right.

Condemnation of land.

SEC. 3. That whenever the word "Gates" appears in section four of the aforesaid act of incorporation, it shall be construed to mean the name of any county traversed by the said 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 7th day of March, A. D. 1887.

CHAPTER 375.

An act to enable townships of Yadkin and Surry counties to vote subscriptions to the capital stock of the North-Western North Carolina Railroad.

The General Assembly of North Carolina do enact:

Purposes of act.

SECTION 1. That for the purpose of aiding in extending or building and equipping the North-Western North

Carolina Railroad from the town or Winston to or near the town of Wilkesboro, in the county of Wilkes, upon the presentation of a petition signed by at least twenty freeholders and resident tax payers of any township or townships in the counties of Yadkin, Surry and Stokes, to the board of commissioners of the respective counties, stating the terms and amount of the subscription, and requesting said board of commissioners to submit to the vote of the qualified voters of their respective townships a proposition to subscribe the sum named in each of said petitions to the capital stock of the North-Western North Carolina Railroad, it shall be the duty of said board of commissioners of each of said counties within ten days from the filing of said petitions to order an election to be held within forty days at the polling place or places in each of said townships, and 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 such subscription shall vote "subscription," and those opposed thereto shall vote "no subscription".

Elections in townships of Yadkin, Surry, &c., counties on question of subscription, where held, &c.

Ballots.

SEC. 2. Should a majority of all the qualified voters of any township in either of said counties vote for "subscription" in any such election, the board of commissioners of the said county shall within twenty days after the ascertainment of the result of said vote subscribe on behalf of such township the amount set forth in the petition, subject to such conditions as are therein expressed on behalf of such township or townships, to the capital stock of said North-Western North Carolina Railroad the said specified amount so authorized, to be paid for in the bonds of such townships at their face value.

Subscription to be made on vote of majority of qualified voters.

Payable in bonds

SEC. 3. That in case of an election as provided in section one of this act the poll holders shall make returns to the board of commissioners of the respective counties within three days next after such election of the vote as polled, and it shall be the duty of said board of com-

Canvass of vote.

Election, how held, &c.

missioners to canvass the returns and declare and adjudge the results and enter the same upon their minutes. The said poll holders and registrars shall be appointed and the elections held and the registration of voters taken as prescribed in the election of members of the general assembly.

County commissioners to issue bonds, &c.

SEC. 4. To provide for the payment of any subscription by any township in said county or counties as provided for in this act, the board of commissioners of said counties in which said townships are situated shall issue coupon bonds signed by the chairman of the board and countersigned by the clerk of the superior court of the respective counties under the seal of his office to the amount of the subscription so authorized in each township. Said bonds shall upon their face indicate on account of what township they are issued and the order of election authorizing their issue. Said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars and shall run for not exceeding thirty years, the time to be specified in the petition and order of election and also on the face of the bonds; to bear interest not greater than six per cent. per annum, payable annually or semi-annually at such place as may be designated in said bonds.

Description of bonds.

Special tax for interest and sinking fund.

SEC. 5. To provide for the payment of the bonds issued under the authority of this act, the board of commissioners of said counties shall, in addition to the other taxes levied upon the subjects of taxation in any township which has subscribed stock, as provided in this act, compute and levy annually, at the time of levying other taxes upon the property and polls of each of said townships, without the concurrence of the justices of the peace of said counties, a sufficient tax to regularly and promptly pay the interest accruing on said bonds as it falls due, and to provide a sum, as a sinking fund, sufficient annually to pay off the principal of such bonds as annually fall due under the terms of the subscription,

until the whole be paid, which tax shall be annually collected by the sheriff, or other collecting officer, and paid over to the treasurer of the county, or to such other officer as may be designated by the board of commissioners, and by him used in the prompt and regular payment of the interest upon said bonds as it falls due, and the principal of said bonds as they may mature.

How collected,
&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. 1887.

CHAPTER 376.

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

WHEREAS, The general assembly of North Carolina at its session of eighteen hundred and eighty-three, did pass an act entitled "an act to empower counties, townships, cities and towns to subscribe to the capital stock of the Albemarle and Raleigh Railroad," it being chapter one hundred and seventy-eight of the acts of eighteen hundred and eighty-three; *And whereas*, pursuant to said act the county commissioners of Nash county did submit to the qualified voters of Jackson's, Ferrell's, Cooper's, Manning's and Nashville townships, whether they should subscribe to the capital stock of said road; *And whereas*, at said election held in Jackson's and Ferrell's townships on the seventh day of July, eighteen hundred and eighty-three, a majority of the qualified voters of each of said townships voted to subscribe ten thousand dollars each to the capital stock of said Albemarle and Raleigh Railroad;

Preamble.

Preamble.

And whereas, at an election held in Cooper's, Manning's and Nashville townships, on the fourteenth day of July, eighteen hundred and eighty-three, a majority of the qualified voters of each of said townships voted to subscribe to the capital stock of said road, as follows: Cooper's township, ten thousand dollars; Manning's township, ten thousand dollars; Nashville township, fifteen thousand dollars; *And whereas*, the board of commissioners of Nash county did, on the seventeenth day of July, eighteen hundred and eighty-three, subscribe to the capital stock of said Albemarle and Raleigh Railroad the sum of ten thousand dollars for Jackson's township, ten thousand dollars for Ferrell's township, ten thousand dollars for Cooper's township, ten thousand dollars for Manning's township, and fifteen thousand dollars for Nashville township; *And whereas*, the general assembly did, at its session of eighteen hundred and eighty-five, chapter one hundred and seventy, section third, enact: "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;" *And whereas*, The said Albemarle and Raleigh Railroad have failed to do work on said road, and have sold out said road to the Wilmington and Weldon Railroad Company, a corporation created by the laws of North Carolina, which said corporation propose, by virtue of its charter, to build a branch road through Nash county, provided said county or the citizens thereof will donate to said company the right of way and standing timber for cross-ties, &c.;

The General Assembly of North Carolina do therefore enact :

SECTION 1. That the townships in Nash county, Franklin county and Wake county which under the acts of one thousand eight hundred and eighty-three voted for the issue of bonds as subscriptions to the capital stock of 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.

Townships in Nash, Franklin and Wake counties voting for subscription to road, released from liability.

SEC. 2. That upon presentation of a petition in writing signed by at least twenty-five resident tax payers of the aforesaid of any township in Nash county to the board of commissioners of Nash county requesting said commissioners to submit to the vote of the qualified voters of this township a proposition to donate a definite sum named in said petition to pay for said right of way and standing timber to build said branch road through said county, it shall be the duty of said board of commissioners within sixty days to order an election to be held at the various polling places in said township, and to submit to the qualified voters thereof the question of donating said sum mentioned in said petition to pay for said right of way and standing timber, at which election those in favor of said subscription shall vote "for donation" and those opposed vote "against donation."

Election in townships in Nash county on question of donation, when held, &c.

Ballots.

SEC. 3. Should a majority of the qualified voters of any of said townships vote for said donation, then the board of commissioners shall in addition to the other taxes levied at the next annual levy, levy said amount so donated upon all the property of such townships as shall vote for said donation. And the sum so levied shall be collected by the tax collector under the same rights, pains and penalties as are now imposed by law for collecting the state and county taxes.

If majority of qualified voters vote for donation, county commissioners to levy special tax, &c.

How collected, &c.

Disbursement of fund.

SEC. 4. That the tax collector shall pay over to the county treasurer of Nash county the funds so collected by him. Said treasurer shall hold said funds separate from the general funds and disburse the same under order of the county commissioners, who shall decide to whom said funds are to be payable.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 377.

An act to restrict the catching of fish in Bynum's mill pond in Edgecombe county.

The General Assembly of North Carolina do enact :

Unlawful to take fish from Bynum's mill pond. Edgecombe county, except by hook and line and by draining pond.

SECTION 1. That it shall be unlawful for any person or persons to take fish from the area of ponded water situated in number ten township, Edgecombe county, and well known as Bynum's mill pond, in any manner, form or way, except with hook and line, or by drawing off the water and taking out the large fish for purposes of improving the fish in the pond.

Misdemeanor.

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

SEC. 3. 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 7th day of March, A. D. 1887.

CHAPTER 378.

An act to be entitled an act to establish Cleveland township in the county of Johnston.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township is hereby created and established in the county of Johnston by the name of Cleveland township, to be carved out of Smithfield, Clayton and Pleasant Grove townships, and bounded as follows: Beginning at Middle creek in the Wake county line and runs with said creek to W. H. Avera's bridge; thence north-east with an old path called old mill path to W. H. Saunders' mill place on Swift creek; thence with said creek to White Oak creek; thence with White Oak creek to Wake county line; thence with said Wake line to the beginning.

Cleveland township, Johnston county, established.

Boundaries.

SEC. 2. That the voting precinct in said new township be and is hereby established at J. D. Parish's gin.

Voting place.

SEC. 3. That the said township shall have all the rights, powers and privileges now granted to other townships by law.

Rights, powers, &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 7th day of March, A. D. 1887.

CHAPTER 379.

An act supplemental to "an act to prohibit mullet-fishing with purse-seines in the waters of Carteret county."

The General Assembly of North Carolina do enact :

SECTION 1. That section one of "an act to prohibit mullet-fishing with purse-seines in the waters of Carteret

Chapter 64, ante, amended.

Unlawful to use a purse seine to catch mullet in waters of Carteret county.

county," passed at the present session, be amended as follows: At the end of line two of said section strike out the letter "s" and the "comma," so that said act shall read "purse-seine or seines."

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. 1887.

CHAPTER 380.

An act to police and protect the watershed of Walnut Creek, near the city of Raleigh, for these purposes.

Preamble.

WHEREAS, The city of Raleigh has passed an ordinance providing for a supply of water for public and domestic purposes to be obtained from Walnut creek in Wake county; and whereas, it is necessary for the protection of the health of the citizens of Raleigh, and the public generally, that the said source of supply shall be kept pure and uncontaminated; therefore,

The General Assembly of North Carolina do enact:

Misdemeanor to wilfully place in Walnut creek, &c., dead animals, filthy matter, &c.

SECTION 1. That any person who shall wilfully place or deposit in Walnut creek, or any of its tributaries, or upon ground drained by them, or either of them, above the road known as the "Raleigh and Fayetteville Road," in Wake county, any dead carcass of any animal, or any filthy or poisonous substance, or any other substance or thing by which the water of said Walnut creek or tributaries above said Raleigh and Fayetteville road shall be rendered or may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor.

SEC. 2. That it shall be unlawful for any person to erect, establish or maintain upon the watershed of Walnut creek, or any tributary thereof above the said Raleigh and Fayetteville road, any establishment, contrivance or works, the effect of which in its operations or use shall be deleterious to the water of said Walnut creek, or tributaries above the point named, and any such establishment, contrivance and works, is hereby declared to be public nuisance.

Unlawful to erect on watershed of creek, &c., any establishment, &c., the use of which will be deleterious to water, &c.

SEC. 3. It shall be the duty of the superintendent of health of Wake county to exercise due surveillance over the watershed mentioned in the preceding section, and to abate the nuisance therein declared and forbidden, in the manner provided by existing laws.

Duty of superintendent of health of Wake county.

SEC. 4. That any person who shall wilfully injure any of the property of the Raleigh Water-works Company, or in any manner wilfully and maliciously interfere with or obstruct the operations of its works, or shall cast, throw, place or deposit any deleterious substance in any of the filters, mains, pipes, tanks, reservoirs, or other receptacle of water connecting with the work of said company, shall be guilty of a misdemeanor.

Misdemeanor to wilfully injure property of Raleigh Water-works Co., &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 7th day of March, A. D. 1887.

CHAPTER 381.

An act to amend the Edenton graded school law.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven of laws of North Carolina for one thousand eight hundred and eighty-five, in-

Chapter 7, Laws 1885, amended.

corporating the Edenton Graded School, be amended as follows, viz. :

When school to be free, &c.

By inserting in section one in line eleven between the word "district" and the word "and" these words, viz. :
"At all times when its expenses are provided for by public or voluntary funds or by both of said funds combined"

Treasurer of board to have charge of all tuition paid for pupils.

Vacancies in board of trustees.

By striking out of section two in line eight the word "non-resident."

By adding at the end of section three these words, viz. : "Provided, that the failure of any trustee to act at three consecutive meetings of said board may be considered a resignation and shall constitute a sufficient cause for said board to declare his place vacant by a majority vote."

Public school funds appropriated to school to be drawn from county treasury at rate of one-eighth per month school may have been in operation.

When board authorized to charge for tuition for pupils.

By striking out of section four in line sixteen the word "tenth," and by inserting instead thereof the word "eighth."

By inserting in section five, between the word "that" in line one and the word "said" in line one these words, viz. : "Whenever the public school funds apportioned to said school together with the voluntary funds secured for it shall be insufficient to maintain said school eight months a year, said board may adopt and collect under rules which it may order and publish before the beginning of each session such graded charges for the instruction of pupils as may be proper and necessary to maintain said school: *Provided first*, that the resident white children of school age of said district who are dependent upon the public funds for education shall be furnished with free scholarships for each session: *And provided second*, that if by accident or other cause any child or children so dependent are not so furnished, then the proper free scholarships shall be issued by said board upon applications setting forth the necessary facts; but every such case shall be liable to investigation, and if error or attempted fraud be shown, the board may with-

Proviso.

Proviso.

hold a free scholarship in any case at its discretion: *And provided third*, that a ratable proportion of the public funds and of voluntary funds received by said school shall be credited to offset charges made for the instruction of every resident child, as may be determined by dividing the whole amount of such funds received from all sources by the total number of resident white children included in the last previous census of said district.”

Proviso.

By striking out of section seven in line two the word “June” and by inserting instead thereof the word “July,” and by striking out of section seven all between the word “contributed” in line thirteen and the word “patrons” in line fifteen, and by inserting instead thereof these words, viz.: “Twelve dollars or more to the support of said school during the year, but not less than ten.”

Annual meeting of patrons of school.

“Patrons” to include resident male parents and guardians, whose children have attended school and who have contributed at least twelve dollars, &c.

By adding at end of section eight these words, viz.: “But nothing in this act shall be construed to exclude any white child of school age from the benefits of said school, or to hinder said board in any proper or legal action for the collection of any claim against any parent or guardian justly responsible for charge for the instruction of a child at said school.”

Not less than ten to constitute quorum.

Construction of act.

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 382.

An act to amend chapter one hundred and eighty-nine of the laws of one thousand eight hundred and eighty-one, relating to the Goldsboro graded schools.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and eighty-nine of the laws of one thousand eight hun-

Chapter 189, laws 1881, amended.

Election on question of taxation to be held on first Monday in May, 1887.

dred and eighty-one be amended by striking out in line five the words "eighty-one" and inserting in lieu thereof the words "eighty-seven."

Special tax not to exceed one-third of one per cent. on property and one dollar on poll.

SEC. 2. That section two of said chapter be amended by striking out the words "one fifth" in line ten and inserting in lieu thereof the words "one third," and by striking out the words "sixty cents" in same line and inserting in lieu thereof the words "one dollar."

Certain sections stricken out.

SEC. 3. That sections three, four, five, six and seven be stricken out.

Special tax, how expended.

SEC. 4. That the special taxes thus levied and collected shall be expended in keeping up separate graded schools for the white and colored children in said township between the ages of six and twenty-one years; and the schools for each race herein provided for shall have the same length of school terms.

Board of trustees.

SEC. 5. That the following persons shall constitute the board of trustees for said graded schools, and shall hold office for the time following their names, to-wit: J. A. Bonitz, W. F. Kornegay and Henry Lee for two years from the date of such election; E. B. Borden, H. L. Grant and D. Creech for four years from said date; and C. B. Aycok, J. W. Bardin and Henry Weil for six years from said date; and all vacancies occurring in said board of trustees from any cause shall be filled by the board of election for Wayne county for the term of six years, except in case of death or resignation, and in either of these cases for the unexpired term of the trustee so dying or resigning. Said board of trustees shall have power to employ and fix the compensation of a superintendent for all or either of said schools, and such teachers as are necessary, and to do all such acts as are necessary to carry on said schools.

Vacancies.

Trustees to employ superintendent and teachers, fix compensation, &c.

Public school money.

SEC. 6. That the public school money of said township which shall from time to time be apportioned shall be paid over to the board of trustees and shall be applied to the purposes of said schools.

SEC. 7. That all laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 383.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-two of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended in the following particulars: In line six, section one, insert the word "Granville." Chapter 172, laws 1885, amended.
"Mecklenburg road law" applicable to Granville county.

SEC. 2. In lines three and four of section six strike out the word "Granville." Provided it is adopted by commissioners and justices.

SEC. 3. 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. 1887.

CHAPTER 384.

An act to repeal the February term of the superior court of Edgecombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That so much of chapter one hundred and eighty of the laws of one thousand eight hundred and Chapter 180, laws 1885, amended.

February term of
Edgecombe super-
ior court abol-
ished.

eighty-five as requires the holding of a term of the superior court for Edgecombe county on the fourth Monday before the first Monday in March be and is hereby repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 385.

An act to incorporate the Roanoke Railroad and Lumber Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That E. A. Buell, B. B. Winborne and R. W. Winborne of North Carolina, and J. W. Perry and J. H. Wemple of Virginia, and Harriet Buell and Ira B. Reed of New York, and their associates and successors, be and they are hereby created and constituted a body politic and corporate by the name of the Roanoke Railroad and Lumber Company, for the purpose of acquiring and owning timber and other 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 timber lands and of cutting, preparing for market and manufacturing pine, oak, gum, cypress, juniper and other timber for home and foreign markets, and by that name and style the said company shall have perpetual succession and all the other powers and privileges of a corporation aggregate at common law not inconsistent with the general law of this state, and shall also have the power of acquiring right of ways as provided in chapter forty-nine of The Code.

Corporate name.

Corporate powers.

Terminal points.

SEC. 2. That said company may build and construct the main line of its railroad from some point on the

✓ Roanoke river, in Washington county, to some point
 ✓ on the Pamlico sound or the Pamlico river, in Beau-
 fort county, and shall have the right to build branch
 roads not exceeding ten miles in length. Branch road.

SEC. 3. The capital stock of said company shall not
 be less than thirty 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 pur-
 pose ; and the said company is hereby authorized to
 subscribe to and hold stock in any other incorporated
 company. Capital stock.
 Authorized to
 subscribe to
 other companies.

SEC. 4. 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 time three hundred thousand acres.
 Authorized to
 hold real estate
 not exceeding
 300,000 acres.

SEC. 5. That said company may extend the main line
 of its railroad through the counties of Bertie, Hertford
 and Northampton to some point on the state line, and
 build such tram-roads and railroads as may be necessary
 and convenient for shipping its timber to market. Extension of
 road.
 Tram-roads, &c.

SEC. 6. 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
 such other officers as may be considered necessary by the
 stockholders ; it shall hold its annual meetings in the
 town of Murfreesboro, in Hertford county, or at such
 other place as may be agreed upon by a majority of the
 directors. The president shall be elected by the stock-
 holders, and shall be *ex officio* a member and chairman of
 the board of directors. The directors, not exceeding
 twelve, shall also be elected by the stockholders at their
 annual meetings. All vacancies shall be filled as pro-
 vided in the by-laws. A treasurer and secretary shall be
 elected by the directors, and one person may be presi-
 dent and treasurer or treasurer and secretary, but no
 By-laws.
 Directors and
 officers.
 Stockholders'
 meetings.
 Election of presi-
 dent, directors,
 &c.
 Vacancies.

Term of office. one person shall be both president and secretary. All officers 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.

Stock vote.

Authorized to purchase, build, &c., necessary railways, canals, &c.

SEC. 7. The said company may contract for and purchase, lay off and construct such railways, canal, and roads as may be necessary for the prosecution of its business.

Authorized to issue mortgage bonds.

SEC. 8. The said company shall have right to issue bonds for the purpose of borrowing money, and to secure the payment thereof by deed of trust or other lien upon its real estate and personal property, not exceeding in amount the paid up capital of the company.

Authorized to purchase real and personal property from other corporations.

SEC. 9. That said company shall have the right to purchase and acquire property, both real and personal, from other corporations chartered under chapter sixteen of The Code and the acts amendatory thereof.

"Roanoke Lumber Company," chartered under general law, declared a legal corporation, &c.

SEC. 10. That the Roanoke Lumber Company, chartered under the general law of the state before the clerk of the superior court of Hertford county, is hereby declared a legally incorporated company, and is hereby authorized and empowered to convey its property to the Roanoke Railroad and Lumber Company.

SEC. 11. 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. 1887.

CHAPTER 386.

An act to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 410, Laws 1885, amended.

SECTION 1. That chapter four hundred and ten of the laws of eighteen hundred and eighty-five be and the

same is hereby amended, by striking out the word "March" in the seventh line of section one of said chapter, and inserting in lieu thereof the words "May first."

Unlawful to drive cattle into Ashe, Alleghany and Watauga counties, between May 1st and Nov. 1st, from certain other sections.

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. 1887.

CHAPTER 387.

An act to abolish the July term of Wayne superior court and to require criminal as well as civil actions to be tried at the April and October terms of said court.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter there shall be no superior court held in the county of Wayne on the sixth Monday before the first Monday in September.

July term of Wayne superior court abolished.

SEC. 2. That hereafter the superior courts to be held for said county on the sixth Monday after the first Monday in March and September shall be held for the trial of criminal as well as civil actions.

April and October terms to be for trial of criminal and civil actions.

SEC. 3. 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. 1887.

CHAPTER 388.

An act to appropriate money to pay Alfred Williams and Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of twenty dollars and fifty cents is hereby appropriated to be paid, by the treasurer

Treasurer directed to pay A. Williams & Co. \$20.50 for goods.

upon the warrant of the auditor, Messrs. Alfred Williams and Company in full of their account for goods furnished the senate at this session.

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. 1887.

CHAPTER 389.

An act to empower clerks to make parties defendant in certain cases.

The General Assembly of North Carolina do enact:

Death of party to action pending in superior court to be suggested before clerk.

SECTION 1. That whenever any party to any action now pending or hereafter brought in the superior courts of this state shall die pending the action, the death of such party may be suggested before the clerk of the superior court where the action is pending during vacation.

Clerk to summon party succeeding to rights or liabilities of deceased defendant.

SEC. 2. That when the suggestion of the death of a party has been made before any clerk, it shall be the duty of such clerk to issue a summons to the party or parties who succeed to the rights or liabilities of the defendant or defendants commanding them to appear before him on a day to be named in said summons, which shall be at least twenty days after the service thereof, and answer the complaint, and the issue or issues joined by the filing of the said answer shall stand for trial at the term of the superior court next following.

Answer to be filed before clerk and case to stand for trial at term next following.

Clerk to notify party succeeding to rights of deceased plaintiff.

SEC. 3. That when the plaintiff or plaintiffs shall die and the suggestion of the death of a party is made, it shall be the duty of the clerk before whom the suggestion is made to issue a notice to the parties or party succeeding to the rights of party deceased who will be necessary

to the prosecution of the action to final judgment to appear and become party plaintiff, and in the event the party made plaintiff shall file an amended complaint, then the defendant shall have twenty days after notice of the amended complaint being filed in which to file an answer thereto, and the issue thus made up shall stand for trial at the succeeding term.

If amended complaint filed, defendant to have twenty days to answer after notice, and case to stand for trial at succeeding term.

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. 1887.

CHAPTER 390.

An act to incorporate the Northern and Southern North Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of constructing a railroad 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 Smithville in the county of Brunswick, or to such point or points on the Atlantic Ocean in the counties of New Hanover or Brunswick as a corporation created by this act may determine. Terminal points.

SEC. 2. That W. T. Daggett, H. G. Lattimer, Josh. T. James, G. D. Parsley, A. G. Ricaud, A. D. King, W. A. McEachern, E. E. Burruss, J. H. Chadbourn, Jr., Gabriel Holmes, E. J. Pennypacker, Samuel Bear, V. V. Richardson, C. P. Lockey, J. A. Brown and such other 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 Body politic.

Corporate name. name and style of Northern and Southern North 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 any court in the state, and may have and use a common seal, and be capable of purchasing, holding, leasing and conveying real and personal estate, and of acquiring the same by gift or devise for the 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.

Capital stock. SEC. 3. That for the purpose of raising the capital stock of said company, which shall not exceed six hundred thousand dollars, the incorporators in the second section named, or any three of them, shall as soon after the passage of this act as may be convenient appoint such commissioners to open books of subscription at such times and places and under such rules as they may prescribe. The capital stock of said company shall be divided into shares of the value of one hundred dollars each, and subscription thereto may be received payable in money, bonds or other valuable securities, lands, labor or any material necessary for the construction or equipment of said road, on such terms and in such manner and conditions as may be agreed upon between said company and such subscribers.

Books of subscription.

Subscriptions, how made.

Organization.

SEC. 4. That whenever the sum of five thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of said incorporators or any three of them to call a meeting of the stockholders, after giving such notice as to them shall seem sufficient, at such time and place as they shall determine, at which meeting as in all general meetings of said stockholders a majority of the stock subscribed must be represented in person or

by proxy, and stockholders shall be entitled to one vote Stock vote.
 for each share held by them in all meetings of said com-
 pany. Said stockholders when so met in general meeting
 shall have power to elect a board of directors to consist of Directors.
 seven stockholders, and the said elected directors shall at
 once elect one of their number president and elect such Officers.
 other officers as the by-laws of said company may pre-
 scribe, and may do and perform all other acts necessary
 to the complete organization of said company and to carry
 into effect the objects of this charter.

✓SEC. 5. That said company shall have power and au- Branch roads, &c.
 thority to build all such branches and lateral roads and
 connecting lines of railway as may be deemed necessary
 and advantageous to the extension, completion and suc-
 cessful operation of said railroad, and they may make
 connections and lay down and use tracks through the city Authorized to
 lay tracks
 through Wil-
 mington.
 of Wilmington to reach the Cape Fear river or to make con-
 nection with the depot of said company within the city
 or the depots of any other railroads leading to said city,
 by and with the consent of the board of aldermen of said Authorized to
 purchase, &c.,
 ocean and river
 steamers, &c.
 city, upon such terms as they may prescribe; and they
 may purchase and hold, build, charter or connect with
 such ocean steamers or vessels, river steamers, vessels or
 boats as may be desired to be run and used from and to
 or to the terminal points or on any water course in con-
 nection with the road to be constructed by this company;
 and this railroad company shall have authority to com- Branch roads, &c.
 mence or to build any branch road to or from either ter-
 minal or to any point where the main line is to be con-
 structed prior to the building of said main line if said
 railroad company so determine or desire, the branch lines
 not to exceed twenty-five miles in length.

✓SEC. 6. That whenever land shall be required for the Condemnation of
 land.
 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 land, the same may be
 acquired by the directors at a valuation to be ascertained

as follows: The sheriff of the county in which 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 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 amount assessed.

Proviso.

Gauge.

SEC. 7. That the gauge of said road shall be fixed by the stockholders.

Authorized to borrow money on mortgage.

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 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.

Exclusive rights.

SEC. 9. That said company shall have the exclusive right to carry and transport freight and passengers over and along said road, and upon all steamers, vessels and boats run in connection with the same, at rates made by said directors, subject to the laws 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 7th day of March, A. D. 1887.

CHAPTER 391.

An act to amend chapter one hundred and seventy-three of the laws of North Carolina, at the session of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and seventy-three (173) of the laws of eighteen hundred and eighty-five, entitled "an act to enforce the collection of taxes due the state on land sold for taxes and purchased by the state," is amended as follows: (1), strike out "eighty-six," in sections one and four, and insert eighty-seven; (2), strike out all of section two, after the word "act," in line seven; (3), strike out the words "owner, mortgagee, judgment creditor, or other person claiming an interest in said lands," in lines one and two of section three; (4), strike out all after the word "shall," in line two of section five, down to and including the word "also," in line seven; strike out the words "in said office," in line eight of said section; and strike out the words "to be paid upon condition," in line ten and insert the word "conditioned," in lieu thereof, in said section; (5), strike out the word "conclusive," in line two of section six, and insert in lieu thereof the words "prima facie;" (6), add at the end of section nine the words, "upon filing the undertaking prescribed in section five of this act;" (7), add at the end of section nine, the words, "The secretary of state is authorized to settle all demands for the taxes aforesaid, upon such terms as he may deem wise, and to execute and deliver all such deeds of conveyance, acquittance and release as may be necessary for that purpose; and where several lots, parcels or pieces of land were listed by or assessed against one person, and conveyed by one deed, the secretary of state may release or convey any part or parcel thereof upon the payment of a proper proportion of the entire taxes due and unpaid as

Chapter 173, laws 1885, amended.

Time for redemption of land sold for taxes and bought by state extended to Jan. 1, 1887.

No notice to judgment creditors, &c.

Notice to be posted and published if delinquent tax payer cannot be found.

Defendant before pleading in action brought by commissioners to file undertaking for costs, &c.

Sheriff's deed *prima facie* evidence, &c.

Powers of secretary of state.

Proviso.

aforesaid: *Provided*, he shall not receive in satisfaction of such demands a sum less than the principal of the taxes due and the costs which may have accrued thereon.”

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 392.

An act to correct state grant number seven thousand six hundred and ninety-four.

The General Assembly of North Carolina do enact:

Secretary of state
authorized to
correct grant.

SECTION 1. That the secretary of state be and he is hereby authorized and directed to correct state grant number seven thousand six hundred and ninety-four, by inserting the name of “Franklin Hasten,” one of the patentees in said grant, so as to read, “Franklin Hasten, and L. H. Enloe, assignee of J. J. Scroggs.”

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. 1887.

CHAPTER 393.

An act to amend chapter forty, laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact:

Chapter 40, laws
1883, and chapter
284, laws 1885,
amended.

SECTION 1. That chapter forty (40), of the laws of eighteen hundred and eighty-three, incorporating the “High-

land Railroad Company," and acts amendatory thereto, being chapter two hundred and eighty-four (284), laws of eighteen hundred and eighty-five, be amended be extending the time therein stated to the ninth (9) day of March, eighteen hundred and eighty-nine (1889).

Time within which work on road shall commence.

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. 1887.

CHAPTER 394.

An act authorizing the commissioners of Haywood county to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Haywood county in joint session with the justices of the peace are hereby authorized, empowered and instructed to levy a special tax on the property and polls of the said county, observing the constitutional equation, for the purpose of building a bridge across Pigeon river at some point between what is known as Dodson's Ford and J. M. Queen's. The levy may provide that one half may be levied and collected in the year eighteen hundred and eighty-seven, and the remainder in the year eighteen hundred and eighty-eight, in the discretion of the said joint board, and shall be under the same rules and regulations as are provided for the collection of other taxes, and under the same regulations. The said joint board may levy a tax in the years eighteen hundred and eighty-nine and eighteen hundred and ninety, for the purpose of building a bridge across the said river at or near the ford of Pigeon.

Commissioners with concurrence of justices authorized to levy special tax in 1887 and 1888 to build bridge across Pigeon river.

Authorized to levy special tax in 1889 and 1890 to build bridge across river near ford of Pigeon.

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. 1887.

CHAPTER 395.

An act for the relief of **D. Spruill**, late sheriff and ex-officio treasurer of Washington county, North Carolina.

The General Assembly of North Carolina do enact:

Allowed time to settle indebtedness for moneys belonging to school fund lost by failure of Exchange National Bank.

SECTION 1. That the time of Dempsey Spruill, late sheriff and ex-officio treasurer of the school fund of Washington county, North Carolina, to settle his indebtedness for moneys belonging to the said fund on deposit in the Exchange National Bank of Norfolk, Virginia, and lost by its failure April second, one thousand eight hundred and eighty-five, be and it is extended, and his said indebtedness shall become due and payable as follows: one third part January first, one thousand eight hundred and eighty-eight, and one third paid on the first day of each succeeding January till the whole is paid: *Provided*, the sureties of the said Spruill on his school bond shall consent in writing to the said extension and file the same with the board of commissioners on or before July first, next.

Proviso.

Act not applicable to dividends already paid or hereafter to be paid by receiver of bank.

SEC. 2. That the provisions of this act shall not apply to any dividends already paid, or hereafter paid by the receiver of said bank to Dempsey Spruill, but the amount so received shall be due and payable at once.

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. 1887.

CHAPTER 396.

An act to amend and modify chapter two hundred and nineteen (219) of the public laws of the session of one thousand eight hundred and eighty-five, entitled "an act to prevent live stock from running at large in Buncombe county."

The General Assembly of North Carolina do enact:

SECTION 1. If a majority of the qualified voters in any one of the following designated townships in the county of Buncombe, viz.: Ivy township, Swannanoa township, Fair View township and Sandy Mush township, shall on or before the first Monday in August next make written application to the board of commissioners for said county, it shall be the duty of the said board to order and provide for an election to be held in said townships or township on the Tuesday after the first Monday in November, one thousand eight hundred and eighty-seven, at which election shall be submitted to the voters the question of "stock law."

Election in certain townships on question of "stock law," when held, &c.

SEC. 2. The election shall be held and conducted in conformity to the rules and regulations prescribed for the election of members of the general assembly, except as herein otherwise provided.

Election, how held.

SEC. 3. The ballots to be voted at such election shall have the words "stock law," or "no stock law" plainly printed or written thereon.

Ballots.

SEC. 4. The board of commissioners in selecting judges of such election shall appoint them not with reference to political parties but having regard for the opinions upon the question to be voted upon, dividing them equally on that basis.

Judges of election.

SEC. 5. The returns of such election shall on or before the second day (Thursday) thereafter be transmitted to and deposited with the clerk of the superior court for said county, and on that day the board of commissioners shall assemble at the court-house in Asheville and together

Canvass of vote.

with the said clerk and the sheriff of said county shall proceed to open and canvass the said returns, declare and publish the result and cause the same to be recorded in the book of elections.

On majority vote in any township for "no stock law" provisions of chapter 219, laws 1885, repealed as to such township.

SEC. 6. If a majority of the votes cast at said election shall be for "no stock law," then from and after the first day of April following the provisions of chapter two hundred and nineteen (219) of the public laws of one thousand eight hundred and eighty-five are repealed as to the township or townships so voting, and immediately upon the ascertainment of the result of such election it shall be the duty of the board of commissioners to cause the public fences to be reconstructed according to the boundaries of the stock law territory in said county as may be rendered necessary by the results of said election, and for that purpose they are hereby directed to levy and collect special assessment upon the real property within the stock law territory, as is now provided in section seven of chapter two hundred and nineteen (219) aforesaid.

Reconstruction of fences.

Special tax.

Fences rendered unnecessary by alteration of boundaries of stock law territory; how disposed of.

SEC. 7. The public fences now constructed and which may become unnecessary by reason of the alteration of the boundaries of the stock law territory in consequence of such election shall if they cannot be utilized in building the new fences be sold in such manner as the commissioners may direct, and the proceeds thereof shall be paid into the county treasury and applied to the support of the common schools in said county.

Act not to be construed to confer power on commissioners or magistrates to put certain territory under operation of stock law.

SEC. 8. That nothing in this act or in the said chapter two hundred and nineteen (219), laws of one thousand eight hundred and eighty-five, shall be construed to confer upon the said board of commissioners or board of magistrates, acting separately or jointly, any power or authority to declare or put under the operations of the stock law Black Mountain township, or any of that portion of Bent or Avery's Creek township, or of Upper Hominy township not now embraced in such stock law territory,

nor any township wherein a majority of the votes cast at the election herein provided for shall be for "no stock law:" *Provided*, any of any said townships or any parts thereof may petition and vote upon the proposition of "stock law" or "no stock law" as provided in chapter twenty, volume two of The Code. Proviso.

SEC. 9. 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. 1887.

CHAPTER 397.

An act in relation to the public schools in the city of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Asheville shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations and at such time within six months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for by this act. At the election held under the provisions of this act, those who favor the levying of such tax shall vote on written or printed ballots, without device, the words "for school," and those who are opposed to the levying of such tax shall vote on written or printed ballots, without device, the words "against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and aldermen of the city of Asheville. The commissioners shall give thirty days' notice of the time of holding said election, in one or more newspapers published in the town.

Election on question of annual special tax for support of schools.

Ballots.

Penalty for illegal voting.

Notice of election.

Canvass of vote.

SEC. 2. The inspectors of said election shall, on the day following the election, certify the number of votes cast and counted for and against school to the commissioners of said town, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax, the same shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected and the tax collector shall be subject to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than sixteen and two thirds cents on the one hundred dollars' valuation of property and fifty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the city of Asheville; and the school committee, whose appointment is hereinafter provided for, may establish one or more graded public schools in the city of Asheville. And the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Tax to be levied on vote of majority in affirmative.

Liabilities of tax collector.

Proviso.

Application of tax.

Graded schools.

City of Asheville a public school district.

School committee.

How appointed.

To be divided into classes.

Terms of office.

SEC. 3. For the purposes and benefits of this act, the city of Asheville shall be and constitute a public school district for both white and colored.

SEC. 4. If this act shall be ratified at the election authorized to be held under it, the school committee of the city of Asheville shall consist of six members instead of three as now required by the general school law of the state, to be appointed by the aldermen of the city of Asheville at their next regular meeting held after the election provided for in this act. The said school committee shall be divided by the said aldermen at the time of their appointment into three classes of two each. The terms of office of the first class shall expire at the end of two years from the date of their appointment, and the term of office of the second class shall expire at the end of four years

from said time of appointment, and the term of office of the third class shall expire at the end of six years from said time. Whenever the term of office of any class shall expire as above provided, their successors shall be appointed for a term of six years by the said aldermen. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Vacancies.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in the city of Asheville, shall prescribe 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 or graded public schools, annually subject to removal by the said committee, shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all children resident in the city of Asheville between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges.

Powers and duties of school committee.

Free tuition.

SEC. 6. The school committee created by this act may elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said schools and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

Duties.

SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Asheville public school district and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall

City treasurer to be treasurer of school committee; to receive all moneys, &c.

be received by the treasurer of the city of Asheville, who shall be *ex officio* treasurer of the said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same; and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants signed by the chairman and countersigned by the secretary of said committee shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually to the board of aldermen a statement in writing of his receipts and disbursements of the school money properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Moneys to be held as a separate fund, &c.

Annual statement.

Proviso.

Bond of treasurer.

Compensation.

Money to be apportioned to white and colored schools without discrimination.

SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount received under this act independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected under this act, and disbursed.

SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the city of Asheville 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 and maintaining the public schools of both races.

SEC. 10. That the said committee shall make to the board of aldermen annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the city of Asheville on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the county of Buncombe. The beginning and ending of the school year shall be fixed by the committee.

Report of school committee.

School year.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of "the school committee of the city of Asheville," and by that name shall 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 hereby created. Conveyance to said school committee shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof, and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or alter at pleasure.

School committee a body corporate.

Corporate powers.

Deeds, how executed.

Corporate seal.

SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 7th day of February, A. D. 1887.

CHAPTER 398.

An act to settle the indebtedness of Madison county.

The General Assembly of North Carolina do enact :

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

SECTION 1. That the board of commissioners of Madison county are authorized, empowered and hereby directed to issue coupon bonds to an amount not to exceed twenty-five thousand dollars, to be due and payable to bearer at First National Bank of Asheville, North Carolina, twenty years from the first day of June, one thousand eight hundred and eighty-seven, and bearing interest at the rate of six per centum per annum, payable semi-annually on the first day of December and June each year, said bonds to be in denominations of five hundred and one thousand dollars. Said bonds shall be signed by the chairman of the board of county commissioners of said county and countersigned by the clerk of the board. The interest or coupons shall be payable at First National Bank of Asheville, North Carolina.

How signed.

Interest, where payable.

Special tax for interest and sinking fund.

SEC. 2. That in order to meet the interest and raise a sinking fund to meet the principal of said bonds at maturity a tax of twelve cents on each one hundred dollars' worth of property and thirty-six cents on each poll shall be levied each year commencing the first day of June, one thousand eight hundred and eighty seven, for the payment of interest on said bonds; and on and after the first day of June, one thousand eight hundred and ninety-seven, there shall be collected in addition thereto each year the sum of twenty-five cents on each three hundred dollars' worth of property and the same amount on each poll, which shall constitute and be held a sinking fund: *Provided*, that in the levy and collection of the same the equation between property and the poll shall be observed; *Provided*, should the amount collected for interest in any one year exceed the sum due for that year, then the

Proviso.

Proviso.

treasurer is directed to cover the same into the general fund in the treasury, to be used as current expenses if necessary.

SEC. 3. The said bonds shall be placed in the hands of the treasurer of the county, whose duty it shall be to advertise the same for sale to the highest bidder, and when sold the money arising from such sales shall be applied to the payment of the outstanding indebtedness of the county of Madison: *Provided*, that said bonds shall not be sold for less than their par value: *And provided further*, that no claim or other indebtedness shall be paid unless the same shall be approved by the present board of county commissioners: *Provided further*, that all parties holding interest-bearing claims shall present them for payment within thirty days after the issuance of said bonds; that those who fail to present their claims within said limit shall not receive any interest on the same; that all parties holding claims against the county and who fail to present the same for payment within six months from issuance of said bonds shall be barred from the collection of the same.

Bonds, how negotiated.

Application of proceeds.

Proviso.

Proviso.

Proviso.

Claims against county to be presented within six months from issuance of bonds.

SEC. 4. That for the faithful performance of the duties required by this act, the treasurer shall execute a bond to be approved by the commissioners in the sum of fifty thousand dollars, which bond shall be discharged when the said twenty-five thousand dollars is disbursed as herein before and hereafter stipulated, and as a remuneration for services the said treasurer shall be allowed an amount not to exceed one per centum of the amount of all disbursements on the said twenty-five thousand dollars.

Bond of treasurer.

Compensation.

SEC. 5. That it shall be the duty of the treasurer to lend the sinking fund created by section two of this act to a responsible person who shall give good security in three times the amount loaned, at a rate of eight per centum interest per annum: *Provided*, that the treasurer shall be

Investment of sinking fund.

Proviso.

responsible for all moneys loaned and the interest on same due and paid, on his official bond.

Record book.

SEC. 6. That the treasurer shall keep a suitable book in which he shall enter the number of said bond, the time and amount of interest paid on the same, and a complete record of the receipts and disbursements under this act, which book shall at all times be open to the inspection of the public.

Conflicting laws repealed.

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

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 399.

An act to amend chapter two hundred and forty-five, laws of eighteen hundred and eighty-five, so as to except Warren county from its provisions.

The General Assembly of North Carolina do enact:

Chapter 245, laws 1885, amended.

SECTION 1. That chapter two hundred and forty-five of the laws of eighteen hundred and eighty-five be and the same is amended, as follows, viz.: between the words "Wilkes" and "counties," in the last line of section one, insert the words, "and Warren."

Law authorizing commissioners to increase bonds of superior court clerk and register not applicable to Warren county.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 400.

An act to establish a normal school in the county of Robeson.

The General Assembly of North Carolina do enact :

SECTION 1. That W. L. Moore, James Oxendine, James Trustees.
Dial, Preston Locklear, and others who may be associated
with them, and their successors, are hereby constituted a
body politic and corporate, for educational purposes, in
the county of Robeson, under the name and style of the
'Trustees of the Croatan Normal School, and by that name Corporate name.
may have perpetual succession, may sue and be sued, Corporate pow-
plead and be impleaded, contract and be contracted with, ers.
to have and to hold school property, including buildings,
lands and all appurtenances thereto, situated in the
county of Robeson, at any place in said county to be
selected by the trustees herein named, provided such
place shall be located between Bear swamp and Lumber
river in said county; to acquire by purchase, donation
or otherwise, real and personal property for the purpose
of establishing and maintaining a school of high grade
for teachers of the Croatan race in North Carolina.

SEC. 2. That the trustees at their organization shall elect President.
one of their own number president of the board of trust-
tees, whose duties shall be such as devolve upon such Duties.
officers in similar cases, or such as shall hereafter be defined
by said trustees.

SEC. 3. That said trustees shall have full power to rent, Powers of trust-
lease, mortgage or sell any real or personal property for tees in respect to
the purpose of maintaining said school, discharging in- maintaining
debtedness or reinvesting the proceeds for a like purpose : school.
Provided, that the liabilities of said trustees shall affect Proviso.
only the property owned by said trustees for educational
purposes and shall not affect the private credit of said
trustees.

Additional trustees.

SEC. 4. That the trustees whose names are mentioned in the first section of this act shall have power to select three additional trustees from the Croatan race in such manner as they may determine.

Employment of teachers.

SEC. 5. That said trustees shall have full power and authority to employ a teacher or teachers in said normal school under such regulations as the said trustees may determine.

Vacancies.

SEC. 6. That said board of trustees shall have full power to fill all vacancies by death, removal or otherwise in said board: *Provided*, a majority vote of all the trustees shall be necessary to a choice.

Proviso.

Appropriation for support of school.

SEC. 7. That the sum of five hundred dollars is hereby appropriated to the support of said school annually for two years, and no longer, commencing with the first day of January, one thousand eight hundred and eighty-eight, said sum to be paid out of the general educational fund: *Provided*, that said sum thus appropriated shall be expended for the payment of services rendered for teaching and for no other purpose; said sum to be paid in semi-annual payments upon warrants drawn by state superintendent of public instruction upon receipt by said superintendent of report of trustees of said school showing the number of teachers employed, the amount paid to each teacher, the number of students in attendance during the term of six months next preceding the first day of July, one thousand eight hundred and eighty-eight, first day of January, one thousand eight hundred and eighty-nine, first day of July, one thousand eight hundred and eighty-nine, and first day of January, one thousand eight hundred and ninety.

How payable.

Proviso.

Property exempt from taxation.

SEC. 8. That all property real and personal acquired by purchase, donation or otherwise, as long as it is used for educational purposes, shall be exempt from taxation, whether on the part of the state or county.

Misdemeanor to sell liquor within two miles.

SEC. 9. That no person shall sell any spirituous liquors within two miles of the location of said school, and any person violating this section shall be guilty of a misde-

meanor and upon conviction 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.

SEC. 10. *Provided*, that no person shall be admitted into said school as a student who has not attained the age of fifteen years; and that all those who shall enjoy the privileges of said school as students shall previously obligate to teach the youth of the Croatan race for a stated period.

Who admissible as students.

Obligation.

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 7th day of March, A. D. 1887.

CHAPTER 401.

An act to be entitled an act to authorize the trustees of the Smithfield Academy, Johnston county, to convey the same in fee simple.

The General Assembly of North Carolina do enact:

SECTION 1. That Jno. B. Beckwith, P. T. Massey, R. D. Luncelford, L. R. Waddell, F. F. Ellis, E. W. Pou, Sr., J. H. Abell, C. Radford, S. R. Morgan, J. G. Rose, L. Eldridge, T. R. Youngblood and A. J. Heath, trustees of the Smithfield academy, Johnston county, are hereby authorized and empowered to convey in fee simple that lot of land known as the Smithfield academy lot and the improvements thereon, held in trust by said trustees, to the school committee of white district number forty, to the use of said committee and their successors in office, to be used for educational purposes only for the education of white children.

Authorized to convey property to school committee of white district No. 40.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 402.

An act to amend chapter seventy-three, acts of eighteen hundred and eighty-three, entitled an act to incorporate the Wilmington, Chadbourn and Conwayborough Railroad Company.

The General Assembly of North Carolina do enact :

- Name changed. SECTION 1. That the name of the Wilmington, Chadbourn and Conwayborough Railroad Company, a corporation chartered by an act of the legislature of North Carolina, ratified on the thirty-first day of January, eighteen hundred and eighty-three, be and it is hereby changed to that of the Wilmington, Chadbourn and Conway Railroad Company, under which name it may exercise all the powers, and shall have all the rights, privileges and advantages conferred by said act of incorporation.
- Corporate powers. SEC. 2. That section one of said act be amended by striking out the words "one hundred," in the twenty-fifth line, and insert "fifty."
- Shares of stock. SEC. 3. That the said railroad company is hereby authorized and empowered to lease, purchase or consolidate with any other railroad in North Carolina or South Carolina.
- Authorized to lease, &c., other road. SEC. 4. That the said railroad company be and the same is hereby authorized to run its railroad in a northerly direction from Chadbourn, one of its present termini, to some point on the line of the Wilmington and Weldon Railroad, and for this purpose the capital stock of said railroad company may be increased to fifteen hundred thousand dollars.
- Extension of road. SEC. 5. That any county, township, city or town along or near the line of said railroad or at any terminal point thereof, or at or near the lines of its branch, lateral or connecting roads, or at their terminal point, may subscribe its bonds to the capital stock of said company, and to this end it shall be the duty of their county commis-
- Increase of capital stock.
- Subscriptions by counties, townships, cities and towns.

sioners and the proper authorities of such city or town, upon the written application of the board of directors of said railroad company, together with a petition of at least one fourth of the qualified voters, to forthwith appoint a day on which an election shall be held in such county, township, city or town, in the manner prescribed by law for holding other elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription, those favoring such subscription on ballots written or printed "subscription," and those opposing on ballots written or printed "no subscription."

Election, when held.

Ballots.

Notice of election.

SEC. 6. Such election shall be held after thirty days' notice posted at the court-house door and at three other public places in each voting precinct in each county, city or town wherein an election is held, by publication for thirty days in some newspaper published in the county; said election shall be conducted at the usual voting places by persons appointed in the manner in which persons are appointed for holding other elections in such county, township, city or town, and the returns thereof shall be made and the results declared and certified as prescribed by law in such other elections, and such results so certified shall be filed with the register of deeds in said county and shall be taken as evidence of the same in any court in this state.

How held.

Canvass of vote.

SEC. 7. That if the result of such election shall show that a majority of all the qualified voters of the county, township, city or town, as the case may be, have voted "for subscription" then the county commissioners or the proper authorities of such county, township, city or town so voting shall appoint a board of trustees consisting of not less than three resident tax payers of the county, township, city or town to the amount so voted for in said election in such forms or denominations and running for such length of time and bearing such rates of interest not exceeding the legal rate as may be determined on by said county commissioners or proper authorities of said

Subscription to be made on vote of majority of qualified voters.

Trustees.

Bonds.

city or town, said interest to be paid semi-annually and evidenced by coupons on said bonds, and said trustees shall deliver said bonds so issued to the president of said railroad company upon receiving therefor for the use and benefit of said county, township, city or town a proper certificate of stock in said Wilmington, Chadbourn and Conway Railroad Company to the amount of the subscription so voted as aforesaid: *Provided*, however, that the said trustees shall deliver said bonds to said company at such times and on such conditions as may be specified in the petitions of one-fourth of the voters requesting the order for election, which shall also be set forth in the order for election, and which order shall form a part of the notice of election as aforesaid.

Trustees to deliver bonds to president.

Proviso.

Special tax for interest and sinking fund.

SEC. 8. That to provide for the interest on said bonds and their redemption at maturity the board of county commissioners aforesaid, or proper authority of any city or town, shall in addition to other taxes each year compute and levy on all property and polls of any such county, township, city or town, preserving the constitutional equality, a sufficient tax to pay said interest, and after ten years a second additional tax sufficient to provide each year a sum equal to one-twentieth part of the principal of said subscription bonds for a sinking fund, which amount shall annually be collected as other taxes, and paid to the county treasurer or other officer of said county, city or town, authorized by law to perform the duties of treasurer, and by him invested in said bonds, and the amount of tax collected for interest shall also be paid to such treasurer or officer and by him used in the prompt and regular payment of the interest coupons on said bonds, but in cases such treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in other solvent bonds or securities to be selected by the board of county commissioners aforesaid or proper authorities of any city or town. And the treas-

How collected, &c.

Investment of sinking fund.

Bond.

urer of any such county, city or town, shall give an official bond each year, in double the amount of the taxes or sinking fund to be received by him, in addition to any other official bond required of him by law.

SEC. 9. That the board of directors of said railroad company shall in their written application for an election provided for in section six of this act specify the amount which it is desired that said county, township, city or town shall subscribe to the capital stock of said company, and in appointing and advertising the election hereunder, the commissioners of any county, or proper authorities of any city or town, shall specify in the notice thereof the amount of such subscription to be voted for, and to what company it is proposed to subscribe.

Amount of subscription to be set out in petition for election and in notice of election.

SEC. 10. That the said railroad company shall have the right to use, for the transportation of freight and passengers, any portion of said railroad when completed.

Authorized to use part of road.

SEC. 11. That section three of said act be amended by striking out the word "forty," in the seventh line of said section and inserting "sixty."

Width of road-bed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 403.

An act to legalize and validate certain acts of the board of commissioners of Cumberland county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the board of commissioners of Cumberland county in the appointment of a county physician or county superintendent of public health be and the same is hereby declared valid and legal.

Appointment of county physician &c., validated.

Commissioners authorized to appoint.

SEC. 2. That the said board of commissioners are hereby vested with and shall have full power and authority to elect or appoint some suitable physician as county superintendent of public health or county physician, upon such terms as may be agreed upon, who shall hold his office for two years, unless the same be revoked by the board of commissioners aforesaid.

Term of office.

Conflicting laws repealed.

SEC. 3. All laws or clauses of laws in conflict with the provisions of 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 7th day of March, A. D. 1887.

CHAPTER 404.

An act to be entitled an act supplemental to an act to amend the charter of the Wilmington, Onslow and East Carolina Railroad Company, ratified the twenty-third day of February, Anno Domini one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Sections 11, 12 and 16, chapter 233, laws 1885, re-enacted.

SECTION 1. That sections eleven, twelve and sixteen of chapter two hundred and thirty-three, laws of one thousand eight hundred and eighty-five, be and the same are hereby re-enacted: *Provided, however,* that convicts shall not be worked on said railroad in the counties of New Hanover or Pender.

Proviso.

County, &c., subscriptions to be void if construction not begun before March 7th, 1888.

SEC. 2. That if the company shall fail to begin the construction of the road within twelve months from the ratification of this act, all county or other municipal subscriptions shall be void.

Section 3, chapter 89, ante, amended.

SEC. 3. That at the meeting of stockholders provided for in section three of the act to which this is a supplement it shall be the duty of the president or directors of

the present existing organization of the Wilmington, Onslow and East Carolina Railroad Company to announce whether said corporation has accepted or rejected the amendments to its charter contained in this act and the act to which it is a supplement, which acceptance or rejection may be decided upon by a majority of the private stockholders of the present corporation at any time before the holding of said meeting, and if the existing organization of the company shall reject the aforesaid amendments to its charter, then all existing stock subscriptions shall be released and discharged and all assets divided among the private stockholders according to their respective interests, subject to the debts or other lawful liabilities of the corporation, and thereupon the existing organization shall cease and determine, but the rights, privileges and franchises of the corporation shall continue, and the county of New Hanover as a stockholder of said corporation shall succeed to such rights, privileges and franchises, and may reorganize the company by electing a board of directors and otherwise perfecting the organization, and may proceed to obtain municipal or private subscription, and to do and perform all other acts and functions authorized by its charter and amendments thereto.

Announcement to be made whether existing organization accepts or rejects amendments to charter.

How decided.

If amendments rejected subscriptions released, &c., and organization to cease.

New Hanover county to succeed to rights, &c.

Re organization.

SEC. 4. All 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 7th day of March, A. D. 1887.

CHAPTER 405.

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

The General Assembly of North Carolina do enact :

Chapter 64, laws
1883, amended.

SECTION 1. That the act to amend the charter of the Atlantic Coast Railway Company, being chapter sixty-four, laws of North Carolina, ratified first day of February, eighteen hundred and eighty-three, be amended by inserting in the seventh line in section one, after the word "Cumberland," " or through the counties of Sampson and Bladen to the South Carolina line."

Extension of
road.

Extension of
time within
which to begin
construction of
road.

SEC. 2. That section seventh of the said act be so amended that the limit within which to begin the construction of the said railway shall be and hereby is extended four years from the ratification of this act.

Conflicting laws
repealed.

SEC. 3. That all laws and 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. 1887.

CHAPTER 406.

An act in regard to subscriptions to the capital stock of the Carolina Central Railroad Company.

The General Assembly of North Carolina do enact :

Subscriptions by
counties, town-
ships and towns.

SECTION 1. That for the purpose of aiding in raising the capital stock of said Carolina Central Railroad Company, in addition to private subscriptions provided for it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be

located or which is interested in its construction to subscribe to the capital stock of such company such sum in bonds as a majority of all their qualified electors may authorize the county commissioners of such county or of the county in which is situated such township, or the municipal authorities of such city or town, to subscribe, anything contained in the charter of such municipal corporation to the contrary notwithstanding; that the said subscription shall be made in bonds not bearing a greater interest than seven (7) per cent., payable forty years after date thereof, to be received by said company at par and to be of the denomination of one hundred dollars and five hundred dollars, interest to be paid semi-annually. How made.

✓ SEC. 2. That for the purpose of determining the amount of such subscriptions it shall be the duty of the county commissioners of any county in which said railroad may be located, or which is interested in the construction of said road, or in which the township in which the road is located, or which is interested in it, is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of twenty-five resident tax payers of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "subscription" or "no subscription" to the capital stock of said company, and said county commissioners or municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law, at which said election the ballots shall have written or printed thereon either the word "subscription" or "no subscription"; the said county commissioners, or the said municipal authorities of said city or town, having first fixed the amount proposed to be subscribed, according to Election, when and how held.

Ballots.

Notice of election.

the request of the petition submitted to them, notice of said election being published for six weeks immediately prior thereto in one or more newspapers published or circulating in the county, township, city or town in which

New registration.

said election is to be held That the said county commissioners, or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of the said county, township, city or town, for said election.

Elections in counties, how held.

SEC. 3. That all elections under the preceding section shall be held, if for a county, according to the laws and regulations provided for the election of members of the general assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record

Canvass of vote.

of the same. If the election shall be held for a township, the registrars and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make

Election in townships.

a record of the same. If the election shall be held for city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen or other proper municipal authorities shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "subscription," then the chairman of the board of county commissioners, in all cases of county or township elections, or the proper municipal authorities, in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, city or town, as the case may be, the sum which may have been named

Election in cities and towns.

in the said petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding seven (7) per centum as aforesaid, with interest payable semi-annually, and all tax levied for the purpose of

Subscriptions to be made on vote of majority of qualified voters.

How made.

Tax levy.

raising funds to pay said bonds or coupons shall be made upon the polls and taxable property in such counties or townships, cities or towns.

SEC. 4. That to provide for payment of the interest on such bonds and their redemption at or before maturity the board of county commissioners aforesaid or the municipal authorities of any city or town subscribing, shall in addition to all other taxes each year compute and levy on all property and polls of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and after ten years from the date of said bonds a second additional tax sufficient to provide each year a sum equal to one fiftieth ($\frac{1}{50}$) part of the principal of said bonds as 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, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund 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 the proper authorities of any city or town subscribing to the capital stock of said company.

Special tax for interest and sinking fund.

How collected, &c.

Investment of sinking fund.

SEC. 5. That for the purposes of this act all the townships along the line of the railroad or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subjected to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of

Townships incorporated.

Corporate agents.

their respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of the said counties respectively.

County taxes collected on property of company to be applied to payment of interest on bonds of townships subscribing.

SEC. 6. That whenever any township or townships shall subscribe its or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon the property and franchise of the company in the county in which the township or townships is or are situated shall be applied to the payment of the interest on the said bonds pro rata to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes. And the corporate taxes on the property and franchise of said company levied or collected in and for any city or town subscribing to the capital stock of said company shall be applied to the payment of said interest upon said bonds of said city or town. That nothing herein contained shall be taken or construed in any wise to invalidate the said township bonds in case the said taxes should for any reason fail to be applied to the payment of the said interest or any part thereof, nor shall such failure invalidate such bonds.

City or town taxes collected on property of company to be applied to payment of interest on bonds.

Township bonds not invalidated by failure to apply taxes to payment of interest.

Representation of counties, &c., in stockholders' meetings.

SEC. 7. That in all conventions of stockholders of said company, such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates to be appointed for such purpose by the corporate authorities of such cities or towns or by the county commissioners of the respective counties.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 407.

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 fund, living and resident within the following prescribed limits in the county of Sampson, to-wit: beginning at a stake in the Johnston county line, near White Oak, and run south six (6) hundred yards to a stake, thence east one thousand yards to a stake, thence north to a stake in the Johnston county line, then with said line to the beginning, 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 in school district number twenty-seven, of Johnston county, or any other convenient school district in said Johnston county.

Citizens living within certain boundaries entitled to use their portion of school fund in paying tuition, &c., in school district No. 27, Johnston county, &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 7th day of March, A. D. 1887.

CHAPTER 408.

An act to increase the appropriations to the normal schools for the colored race.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-six hundred and fifty-two of The Code be and is hereby amended by striking out in line five the word "two," and inserting in lieu thereof "six."

Section 2652, Code, amended. Appropriation increased to \$6,000.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 409.

An act to amend chapter one, volume two of The Code, pertaining to agriculture and geology.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one hundred and eighty-four of The Code be amended as follows, to-wit: In the sixth line after the word "husbandry" strike out all down to and including the word "state" in the eighth line.

SEC. 2. That section twenty-one hundred and eighty-five shall be substituted by the following: The board shall meet for the transaction of business in the city of Raleigh twice each year and oftener when it is deemed necessary, upon the call of the chairman of the executive committee, one of which meetings shall be on the first Wednesday in December, and shall publish a monthly report of the operations of the department, and shall make to each general assembly a full report of their proceedings and plans, together with an itemized account of all the receipts and disbursements of the department. They may set apart such portions of their regular sessions as they may deem expedient for the discussion of topics relative to the material interests of the state, to which discussions all citizens may be invited. They shall receive no compensation except four dollars per day to each member of the board for the days during which he attends the sessions of the board; and also for each meet-

Section 2184,
Code, amended.
President of State
Agricultural So-
ciety and presi-
dent State Agri-
cultural College
not to be mem-
bers of board of
agriculture.

Section 2185,
amended.
Meetings of board
of agriculture.

Monthly report.

Report to general
assembly.

Compensation.

ing of the board he attends ten cents a mile for the distance he travels to and from Raleigh by the usual direct route: *Provided*, the board shall not receive pay for more than twenty-four days during any one year. Proviso.

SEC. 3. That section twenty-one hundred and eighty-six shall be amended by striking out the words "be an agriculturist," and inserting in lieu thereof the words "have a thorough knowledge of practical agriculture." Section 2186 amended.
Qualifications of commissioner of agriculture.

SEC. 4. That section twenty-one hundred and eighty-eight shall be amended by striking out the words "they may prescribe forms for" and inserting in lieu thereof the words "they may furnish printed constitutions and by-laws for agricultural clubs and societies," etc. Section 2188 amended.
Constitutions, &c., for agricultural clubs, &c.

SEC. 5. That section twenty-one hundred and eighty-nine shall be amended as follows: in paragraph four, line four, strike out the words "silk, the sugar beet," and insert the words "truck, market gardens"; in paragraph seven, substitute the word "may" for "shall," in lines four, six, eight, eleven and thirteen; in paragraph eight, substitute the word "may" for "shall" in lines four and six. Add the following paragraphs to this section: Section 2189 amended.
Duties of board.

(10). With such investigations as will best promote the improvement and extension of diversified farming, including the general rotation of crops, the raising of home supplies, vegetables, fruits, stock, grasses, etc. Diversified farming.

(11). The said board shall coöperate and aid in the formation of farmers' institutes in all the counties of the state, and shall send the commissioner of agriculture, the director of the agricultural experiment station, the teachers in the agricultural college, or some other representatives from their body to assist in holding these institutes, at least once in every two years, in every county in this state, in order to instruct the people in improved methods in farming, and to ascertain the wants and necessities of the various farming communities. Farmers' institutes, &c.

(12). They shall publish a monthly bulletin or report of their current work and expenses, which shall not contain any advertisements or Monthly bulletin.

any other matter which would injuriously affect the newspapers of the state; but shall contain reports of analyses and other work, or experiments at the Experiment Station and Agricultural and Mechanical College, the dates of meeting and records of farmers' institutes and similar societies, reports on farm dwellings and buildings suited to our climate and needs, a list of agricultural fairs to be held in the state, reports of experiments, and experiences of farmers, and upon such other matters as are named in this law. (13.) They may employ a geologist, surveyor or engineer for such specific work as may be necessary in the performance of their duty under this law. (14.) They shall keep a museum or collection to illustrate the agricultural and other resources and the natural history of this state.

Geologist, &c.

Museum.

Section 2191 amended.

Sample of fertilizer offered for sale in state to be filed with commissioner.

SEC. 6. That section twenty-one hundred and ninety-one of The Code shall be amended by adding in line five, after the words "commissioner of agriculture," the words "together with a true and faithful sample of the fertilizer which it is proposed to sell."

Section 2196 amended.

Grants of money under act of Congress applied to maintenance of agricultural experiment station.

SEC. 7. That section twenty-one hundred and ninety-six of The Code shall be amended by adding at the close thereof the words "and all the grants of money which may be made to this state by an act of the congress of the United States, entitled "an act to establish experiment stations," etc., are hereby accepted on behalf of this state, and the same shall be devoted, under the direction of the board of agriculture, to the maintenance of the aforesaid agricultural experiment station, under the laws of the United States and this state.

Section 2200 amended.

No immigration agent in foreign country.

SEC. 8. That section twenty-two hundred of The Code shall be amended by striking out the words "or any foreign" in the third line of said section.

Section 2203 repealed.

SEC. 9. That section twenty-two hundred and three shall be and the same is hereby repealed.

Salary and expenses of state geologist.

SEC. 10. That so much of sections twenty-one hundred and ninety-eight, twenty-two hundred and nine, twenty-

two hundred and ten and twenty-two hundred and eleven, twenty-two hundred and twelve, twenty-two hundred and thirteen, pertaining to the state geologist, as requires the department of agriculture to fix the compensation, regulate the expenditures, or pay out of their funds the salary and expenses of the state geologist, shall be and the same is hereby repealed.

SEC. 11. That section twenty-two hundred and six shall be amended by adding at the close of the said section the words: "*Provided*, the board of agriculture is satisfied that the said association is performing the ends for which it was organized, and all games of chance be excluded from their grounds."

Section 2206 amended.

Proviso to appropriation for N. C. Industrial Association.

SEC. 12. That in section twenty-three hundred and nine in line one "may" shall be inserted for "shall."

Section 2309 amended.

Appropriation for capitol square, &c., in Raleigh.

Section 2218 amended.

SEC. 13. That section twenty-two hundred and eighteen shall be amended by adding at the close of the proviso to said section the words "and actually paid out for premiums as provided in section twenty-two hundred and nineteen, or the said society shall be paid a sum not to exceed fifteen hundred dollars as aforesaid, equal to the sum raised and paid out by them, and all games of chance be excluded from their grounds."

Proviso to appropriation to N. C. Agricultural Society.

SEC. 14. That for the purposes named in this act and labor bureau, the department of agriculture is hereby empowered to expend out of the amount arising from taxes on fertilizers an amount not exceeding twenty-one thousand dollars for the fiscal year 1887-8, which shall include the necessary expenses for the completion of the oyster survey, and twenty thousand dollars for the year 1888-9, which shall include all expenses of the board for the fiscal year last named. All other revenue arising from the tax on fertilizers shall be appropriated by the board to the establishment of an agricultural and mechanical college.

Revenue of board of agriculture, how expended, &c.

Ag. Sch

SEC. 15. All expenses incurred after the present fiscal year for the publication of geological reports may be paid out of the agricultural fund.

Expenses for publication of geological reports.

Conflicting laws
repealed

SEC. 16. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 17. 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. 1887.

CHAPTER 410.

An act supplemental to chapter three hundred and eight, laws of eighteen hundred and eighty-five, entitled "An act to establish and maintain an industrial school."

The General Assembly of North Carolina do enact :

Name changed to
The North Caro-
lina College of
Agriculture and
Mechanic Arts.

Location.

Objects of college.

Trustees.

SECTION 1. That the industrial school provided for in chapter three hundred and eight, laws of eighteen hundred and eighty-five, shall be denominated "The North Carolina College of Agriculture and Mechanic Arts," and shall be located on the lands offered to be donated, in accordance with the provisions of the said law, by R. Stanhope Pullen, of Raleigh, Wake county, lying west of and near the city of Raleigh.

SEC. 2. The leading object of this college shall be, without excluding other scientific and classical studies, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

SEC. 3. The management and control of the said college and the care and preservation of all its property shall be vested in a board of trustees to be composed of the

board of agriculture of North Carolina and five other persons, who shall be appointed by the governor by and with the consent of the senate, who shall have power to appoint its president, instructors and as many other officers or servants as to them shall appear necessary and proper, and shall fix their salaries and prescribe their duties; they shall also prescribe rules for the management and preservation of good order and morals at the said college as are usually made in such institutions and are not inconsistent with the constitution and laws of the state; have charge of the disbursement of its funds and have general and entire supervision of the establishment and maintenance of the said college. And the president and instructors in the said college, by and with the consent of the said board of trustees, shall have the power of conferring such certificates of proficiency or marks of merit as are usually conferred by such colleges: *Provided*, that the board of trustees shall be composed half of each political party.

Powers and duties.

Certificates of proficiency, &c.

Proviso.

SEC. 4. The certificates of indebtedness of this state for one hundred and twenty-five thousand dollars, issued for the principal of the land scrip fund to the trustees of the University of North Carolina, and bearing interest at six per centum per annum, shall be transferred on the thirtieth day of June, eighteen hundred and eighty-eight, or as soon thereafter as it shall appear that the agricultural and mechanical college is ready to receive the interest on the land scrip fund, and that the principal of the fund will not in any way be compromised by such a transfer, to the said board of trustees for the benefit of the said North Carolina College of Agriculture and Mechanic Arts, and the interest thereon shall thereafter be paid to them by the treasurer semi-annually on the first day of July and January in each year, for the purpose of aiding in the support of the said college, in accordance with the provisions of the act of congress, approved July second, eighteen hundred and sixty-two, entitled "an act donat-

Transfer of certificates of indebtedness of state issued for land scrip fund, to trustees, &c.

Conditions of transfer.

ing public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts."

Penitentiary directors to furnish brick and convict labor, &c.

SEC. 5. That the directors of the North Carolina State Penitentiary shall be required to furnish all brick and stone requisite for the erection of the necessary buildings of the said college, and to furnish convict labor for preparation of the grounds and the foundations, the erection of the said buildings, and for such other purposes in connection with the establishment of the said college as they may be able; such material and labor to be free of charge to said college: *Provided*, that the work required of the penitentiary shall not interfere with any contracts upon which the penitentiary may be engaged, and that the work by the penitentiary shall be limited to two years from date.

Proviso.

Board of Agriculture to turn over to trustees certain funds, &c.

SEC. 6. That the board of agriculture shall turn over to the board of trustees of said college, as provided in this act, to be applied to the establishment, maintenance and enlargement of the said college, all funds, land, material and other property which have accumulated in their hands for the establishment of an industrial school under chapter three hundred and eight, laws of eighteen hundred and eighty-five, and annually thereafter the whole residue of their funds from licenses on fertilizers remaining over and not required to conduct the regular work of that department. The agricultural experiment and fertilizer control station already established under the management of the said board of agriculture shall be connected with the said college, and the board of agriculture may turn over to the said trustees, in whole or part, for the purposes of the said college, any buildings, lands, laboratories, museums or other property which may be in their possession, as in their judgment may be thought proper. The said board of trustees are empowered to receive any donations of property; real or personal, which may be made to the said College of Agri-

Agricultural experiment and fertilizer control station.

Board of agriculture authorized to turn over to trustees any buildings, &c.

Donations.

culture and Mechanic Arts, and shall have the power to invest or expend the same for the benefit of said college. The said board of agriculture shall have power to accept on behalf of this state donations of property real or personal and any appropriations which may be made by the congress of the United States to the several states and territories for the benefit of agricultural experiment stations, and they shall expend the whole amount so received for the benefit of the aforesaid agricultural experiment station and in accordance with the act or acts of congress in relation thereto.

Appropriations made by Congress.

SEC. 7. The use of the three hundred acres of land, more or less, known as the Camp Mangum tract, belonging to the state of North Carolina, and situated one half mile west of the state fair grounds, is hereby given to said board of trustees for the benefit of said College of Agriculture and Mechanic Arts, or of the experiment station connected therewith.

Use of certain land belonging to state given to trustees.

SEC. 8. The board of trustees shall admit to the benefits of the said college, free of any charges for tuition, upon proper evidence of good moral character and of their inability, or the inability of their parents or guardians to pay their tuition, a certain number of youths, to be determined by them, not to be less than one hundred and twenty, and shall apportion the same to the different counties applying, according to their relative number of members in the house of representatives of North Carolina. The said board are hereby empowered to make the necessary regulations for carrying this into effect and for the admission of other students.

Admission of students free of charge.

Other students.

SEC. 9. Every student in this College of Agriculture and Mechanic Arts shall be required to take a course of manual training or labor, together with the other courses of study and exercise, as the board shall direct.

Course of training and study.

SEC. 10. All laws and sections of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 411.

An act to declare the **Chowan and Southern Railroad Company** a duly incorporated company and to amend and enlarge its charter.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the **Chowan and Southern Railroad Company**, a corporation organized under the general laws of this state by articles of association filed in the office of the secretary of state on the sixth day of July, in the year one thousand eight hundred and eighty-six, and the persons named in and who subscribed the said articles of association, to-wit: Joseph T. Tunis, G. M. Serpell, W. W. Tunis, S. Eccles, Jr., Theophilus Tunis, and others, and such other persons as are now or that may be hereafter associated with them as stockholders in said company, and their successors, are hereby declared a body politic and corporate, under the aforesaid name of the **Chowan and Southern Railroad Company**, for the purpose of constructing, maintaining and operating a railroad within this state, as hereinafter set forth; and by such name the said company may sue and be sued, plead and be impleaded, and shall have all the general powers and be subject to all the general restrictions, except as the same are modified by this charter, provided and imposed by the laws of this state that may have been heretofore or may hereafter be enacted by the general assembly in regard to railroad corporations in the state.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. The said company shall have the right to continue the construction of its railway as already begun or may change the same to a broad or standard gauge from Tunis Landing, on the Chowan river, through the counties of Hertford and Bertie to some point on the Roanoke river, in the county of Bertie; and shall also have the right at any time hereafter to extend the construction and maintenance of said railroad southwardly through any of the counties on the south or west of the Roanoke river in this state to any point on the Tar river or on the Neuse river in either of said counties, and northwardly through the county of Gates to any point on the Virginia state line; and to that end may cross the Chowan and the Roanoke rivers either by bridging the same or by transferring their cars on barges, provided that the navigation of the said rivers is not interfered with; and the said company shall have the right to construct and operate branches or lateral roads from any point on its main line, not to exceed twenty miles in length.

Authorized to continue construction of road.

Gauge.

Route.

Extension.

Branch roads, &c.

SEC. 3. For the purpose of conducting the said road and its branches the said company shall have the right to acquire the land necessary for the right of way thereof, not to exceed one hundred feet in width, except that in deep cuts and fills as much more land as may be reasonably necessary therefor may be also acquired, and for buildings and abutments along its line so much land as may be necessary may be acquired in and through any of the counties aforesaid.

Acquisition of land for right of way.

SEC. 4. If the president and directors of the said company cannot agree on the terms of purchase with those entitled thereto for any lands wanted for the purpose of the company, then the said Chowan and Southern Railroad Company may proceed to the condemnation of so much land as is required for railroad and depot purposes in the manner prescribed by the general law for such purposes.

Condemnation of land.

SEC. 5. The capital stock of the said company may be

Capital stock.

fixed by the board of directors at any sum not less than fifty thousand dollars, and may be increased from time to time as the law allows, and is to be divided into shares of one hundred dollars each.

By-laws, &c.

SEC. 6. The said company may have and make such by-laws, rules and regulations for its government as may have been heretofore or may hereafter be adopted: *Provided*, the same are not inconsistent with the laws of this state or of the United States.

Proviso.

Authorized to borrow money on mortgage.

SEC. 7. The said company shall have the right to borrow money, and to make, issue, negotiate and sell its bonds, either coupon or registered, in such sums and to such amount as the directors may see fit, and to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds in trust on the property, estate, rights and franchises of the company, on such terms and to such trustee or trustees as the directors may think proper.

Authorized to build, &c., vessels, &c.

SEC. 8. The said company shall have the right to build or purchase and own barges, steamboats or other vessels suitable for carrying lumber, merchandise, produce, goods and wares, as well as passengers, and may run and operate the same in connection with the said railroad.

SEC. 9. 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. 1887.

CHAPTER 412.

An act to encourage thrift and economy by the incorporation of institutions for savings and savings banks.

The General Assembly of North Carolina do enact:

Incorporation of savings banks authorized.

SECTION 1. For the encouragement of habits of thrift and economy among the people, any number of persons

not less than ten, for the purpose of receiving savings and investing the same under the supervision and restrictions hereinafter provided, may become incorporated under the name of Institutions for Savings, or Savings Banks, in the manner already provided for the formation of other corporations, except that the clerk of the superior court shall collect from the corporators only the sum allowed him by law for recording the articles of agreement, their publication and the issue of the certificate.

Fees of superior court clerk.

SEC. 2. All institutions for savings or savings banks incorporated under this act may exercise all the powers and shall be governed by the rules and subject to the duties, liabilities and provisions of the following sections: *Provided*, that each corporation may make by-laws not inconsistent therewith.

Powers, &c.

Proviso.

SEC. 3. The general assembly may make other and further regulations for the government of such corporations, or may take away their corporate powers; and every such corporation shall be subject to examination by any committee of the general assembly appointed for the purpose, who may examine into the doings of the corporation and shall have free access to its books and vaults. Any officer of such corporation, or other person having charge of its books and property, who refuses or neglects to exhibit them to such committee, or who in any way obstructs its examination thereof, shall be punished by fine not exceeding ten thousand dollars or by imprisonment not exceeding three years.

Reserved rights of general assembly.

Subject to examination by committee.

Penalty for refusal of officer of corporation to exhibit books, &c.

SEC. 4. Each institution for savings or savings bank organized under this act shall have a commissioner, to be appointed by the governor with the advice and consent of his council, and subject in like manner to removal, who shall be sworn according to law and shall hold his office for four years unless sooner removed. Upon the occurrence of a vacancy before the expiration of a term an appointment shall be made for the remainder of the term. Each commissioner shall be paid by the corpora-

Governor to appoint commissioner for each bank.

Compensation.

tion to which he is appointed the sum of five dollars per diem for a period not exceeding three days in each year.

Duties and powers of commissioner.

SEC. 5. Each commissioner shall visit the bank to which he is appointed once in every year and oftener as he deems expedient. At such visits he shall have free access to all vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporation, and shall make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements and whether it has complied with the provisions of law. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation.

Authorized to summon witnesses, administer oaths, &c.

SEC. 6. Said commissioner may summon all trustees, officers or agents and such other witnesses as he thinks proper in relation to the affairs, transactions and condition of the corporation, and for that purpose may administer oaths, and whoever refuses without justifiable cause to testify when so required or obstructs a commissioner in the discharge of his duty shall be punished by fine not exceeding one thousand dollars or imprisonment not exceeding one year.

Penalty for refusal to testify.

Special examination by commissioner.

SEC. 7. Upon the certificate under oath of any five or more officers, trustees, creditors or depositors of any such corporation setting forth their interests and the reasons for making such examination, directed to the commissioner of said bank and requesting him to examine such corporation, he shall forthwith make a full investigation of its affairs in the manner before provided, and for such extra services he shall be paid by the bank at the rate of five dollars *per diem* for a period not to exceed ten days.

Compensation.

If corporation appears insolvent, &c., commissioner to obtain injunction, &c.

SEC. 8. The commissioner, if upon such examination the corporation appears to be insolvent, or its condition such as to render its further proceeding hazardous to the public or to those having funds in its custody, shall apply, or if such corporation appears to have exceeded its powers, or

failed to comply with any rule, restriction or condition provided by law, he may apply to any judge of the superior court to issue an injunction restraining such corporation, in whole or in part, from further proceeding with its business until a hearing can be had. Such judge may, with or without previous notice, issue such injunction, and after a full hearing, may dissolve or modify it, or make it perpetual, and may make such order and decrees, according to the course of proceedings in equity; to restrain or prohibit the further prosecution of the business of the corporation, as may be needful in the premises; and may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court or judge thereof.

Powers of judge.

SEC. 9. A commissioner, if in his opinion a corporation or its officers or trustees have violated any law in regard to savings banks, shall forthwith report the same, with such remarks as he deems expedient, to the Attorney General, who shall forthwith institute a prosecution for such violation in behalf of the state.

Commissioner to report violations of law.

Attorney-general to prosecute.

SEC. 10. The officers of every such corporation shall consist of a president, one or more vice presidents, a board of not less than nine trustees, a treasurer, clerk and such other officers as it may find necessary for the management of its affairs. The president, vice president and trustees shall be chosen from the members, and no person shall hold any office in two such corporations at the same time. Such officers shall be sworn and shall hold their several offices until others are chosen and qualified in their stead, except in the cases hereinafter provided otherwise.

Officers, &c.

SEC. 11. The treasurer shall give bond for the faithful discharge of his duties to the satisfaction of the trustees, and they shall file a copy of the bond with the commissioner, and shall notify him of any change thereafter made therein. The commissioner shall keep a record

Bond of treasurer.

Commissioner to keep record.

showing when such bonds expire, and the changes so notified, and whenever in his judgment it is necessary for the security of the depositors, shall require a new bond in such amount and with such sureties as he may approve. The treasurer of each savings bank, or institution for savings, shall give a new bond as often as once in five years.

New bond.

Election of officers.

Appointment of treasurer.

Vacancies.

Clerk to notify officers elected.

Publication of list.

Penalties.

SEC. 12. The officers of every such corporation except the treasurer shall be chosen at its annual meetings, to be holden at such time as the by-laws direct. The treasurer shall be appointed by the trustees and shall hold his office during their pleasure. If an office becomes vacant during the year the trustees may appoint a person to fill the same until it is filled at the next annual meeting; and if a person chosen or appointed does not within thirty days thereafter take the oath his office shall thereupon become vacant. The person acting as clerk at such meeting shall within ten days thereafter notify all persons elected to an office, and within thirty days thereafter shall publish in some newspaper published within the county a list of all persons who have taken the oath of office to which they were elected. A clerk neglecting to make such notification or publication, or making a false publication, and any person who knowingly publishes or circulates or knowingly causes to be published or circulated a printed notice containing the name of a person as an officer of any such corporation who has not taken the oath of office shall be liable to a penalty of fifty dollars.

Election of members.

Proviso.

SEC. 13. Every such corporation may at a legal meeting elect by ballot any citizen of this state to be a member thereof: *Provided*, the number of members by election shall never exceed thirty at any one time; and any person may at an annual meeting cease to be a member if he has filed with the treasurer a written notice of his intention so to do three months at least before such meeting. By removal from the state such members lose their

membership. The continuous deposit of one thousand dollars or more for a period over six months previous to an annual meeting shall constitute such depositor a member of the corporation, and his membership shall continue only so long as said sum is on continuous deposit.

Certain depositors to be members.

SEC. 14. A regular meeting of the board of trustees of every such corporation shall be held as often as once in three months for the purpose of receiving the report of its treasurer and for the transaction of other business. A

Meetings of trustees.

quorum shall consist of not less than five trustees, but less than a quorum may adjourn from time to time or

Quorum.

until the next regular meeting. At each regular meeting the trustees shall cause to be prepared a statement showing the condition of the corporation as it appears

Statements.

upon its books, in the form of a trial balance of its accounts, and such statement shall be posted in a conspicuous place in its banking room and there remain until the

next regular meeting of said board. A record shall be made at each meeting of the transactions of the trustees and the

Record.

names of those present. If a trustee fails to attend the regular meetings of the board without proper excuse, or to perform any of the duties devolved upon him as such trustee for six consecutive months, his office shall thereupon become vacant. A record of such vacancy shall be

Penalty for failure of trustee to attend meetings, &c.

entered upon the books of the corporation and a transcript of such record shall be sent by mail to the person whose office is thus made vacant. The trustees of every such corporation shall cause to be published semi-annually in

Publication of names of board of investment.

some newspaper published in the county in which said corporation is located the names of the members of the board of investment or other officers of the corporation charged with the duty of investing its funds. The first publication thereof shall be within thirty days of the election of said officers and the second publication at the expiration of

six months therefrom. Every savings bank or institution for savings incorporated under this act shall carry on its usual business at its banking house only, and no deposit

Place of business.

shall be received nor payment made on its account in any other place than at its banking house, and such banking house shall be kept in the city or town in which such corporation is established.

Deposits.

SEC. 15. Every such corporation may receive deposits from any person until they amount to two thousand dollars, and may allow interest on such deposits and upon the interest accumulated thereon until the principal with the accrued interest amounts to three thousand dollars, and thereafter upon no greater sum than three thousand dollars; but the limitations contained in this section shall not apply to deposits by religious or charitable corporations.

Interest.

Investment of deposits.

SEC. 16. Deposits and the income derived therefrom shall be invested only as follows:

First mortgages of real estate.

First. On first mortgages of real estate to an amount not to exceed fifty per centum of the assessed valuation of such real estate, but not exceeding seventy per centum of the whole amount of deposits shall be so invested; and no loan or mortgage shall be made except upon the report of not less than two members of the board of investment, who shall certify to the value of the premises to be mortgaged, according to their best judgment, and such report shall be filed and preserved with the records of the corporation.

United States and other bonds.

Second. In the bonds of the United States, or of any state in the Union whose bonds are at or above par on the New York Stock Exchange, or in the bonds or notes of any city, county or town whose net indebtedness does not exceed five per centum of the last preceding valuation of the property therein for the assessment of taxes; or in the notes of any person with a pledge of any of the aforesaid securities at no more than seventy-five per centum of their par value. The term "net indebtedness" before mentioned shall be construed to denote the indebtedness of such city or town omitting the debt created for the supplying the inhabitants with water and

deducting the amount of sinking funds available for the payment of such indebtedness.

Third. In the first mortgage bonds of any railroad which has earned and paid the interest thereon regularly for the two years next preceding such investment; or in the notes of any person with a pledge as collateral of any of the aforesaid securities, at no more than seventy-five per centum of the par value thereof; but street railway companies shall not be considered railroad companies within the meaning of this section.

First mortgage
railroad bonds.

Street railway
companies not
railroad com-
panies.

Fourth. In the stock of any bank incorporated under the authority of this state, or the stock of any bank incorporated under the authority of the United States, or in the notes of any person with a pledge as collateral of any of the aforesaid securities at no more than seventy-five per centum of the market value, and not exceeding the par value thereof: *Provided*, that such corporation shall

Bank stock.

Provido.

not hold, both by way of investment and as security for loans, more than one quarter of the capital stock of any one bank, nor invest more than ten per centum of its deposits, nor more than one hundred thousand dollars in the capital of any such bank. Savings banks may deposit sums not to exceed twenty per centum of the amount of their deposits, on call, in the national banks incorporated under the authority of the United States, or banks incorporated under the authority of this state which provide the same security as the aforesaid national banks, and may receive interest on the same.

Deposits in other
banks.

Fifth. In loans upon the personal notes of the depositors of the corporation, but not exceeding one half of the amount of his deposit, to a depositor; and in each case the deposit and the book of the depositor shall be held by the corporation as collateral security for the payment of such loan.

Personal notes of
depositors.

Sixth. If such deposits and income cannot be conveniently invested in the modes herein before prescribed, not exceeding one third part thereof may be invested in bonds or other personal securities, payable and to be

Personal securi-
ties.

Proviso.

paid at a time not exceeding one year, with at least two sureties, if the principal and sureties are all citizens of this state and resident therein: *Provided*, that the total liabilities to any such corporation, of any borrower upon personal security, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, shall at no time exceed five per centum of such deposits and income.

Real estate and buildings for use of bank.

Seventh. Ten per centum of the deposits of any such corporation, but not exceeding twenty-five thousand dollars, may be invested in the purchase of a suitable site and the erection or preparation of a suitable building for the convenient transaction of its business.

Real estate purchased at foreclosure sale, &c.

Eighth. Any such corporation may hold real estate acquired by the foreclosure of any mortgage owned by it, or by purchase at sales made under the provisions of any such mortgage or upon judgments for debts due it, or in settlements effected to secure such debts; but all such real estate shall be sold by it within five years after the title thereto is vested in the corporation.

Officer, &c., not permitted to borrow money, &c.

SEC. 17. No member of a committee or board of investment or officer of such corporation charged with the duty of investing its funds shall borrow or use any portion thereof, be surety for loans to others, or in any manner directly or indirectly be an obligor for money borrowed of the corporation; and if such member or officer becomes the owner of real estate upon which a mortgage is held by the corporation his office shall become vacant at the expiration of sixty days thereafter, unless he has ceased to be the owner thereof or has caused said mortgage to be discharged. Only one of the persons holding the offices of president, clerk and treasurer shall at the same time be a member of the investing committee.

Investing committee.

Fees, commissions, &c., on loans.

SEC. 18. No such corporation nor any person acting in its behalf shall negotiate, take or receive a fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such corporation other

than appears on the face of the note or contract by which such loan purports to be made; but nothing herein contained shall apply to any reasonable charge for services in the examination of titles and preparation of conveyances to such corporations as security for its loans. Whoever violates the provisions of this section shall be punished by fine of not less than one hundred nor more than one thousand dollars. All sums paid for services, fees or otherwise to a member of the board of trustees shall be reported in detail at each regular meeting of the trustees.

Exception.

Penalty.

Report of sums paid for services, &c.

SEC. 19. Every such corporation shall at the time of making each semi-annual dividend reserve as a guaranty fund from the net profits which have accumulated during the six months next preceding not less than one eighth nor more than one fourth of one per centum of the whole amount of deposits, until such fund amounts to ten per centum of the whole amount of deposits, which fund shall thereafter be maintained and held to meet losses in its business from depreciation of its securities or otherwise.

Guaranty fund.

SEC. 20. The income or profit of every such corporation, after a deduction of all reasonable expenses incurred in the management thereof, and the guaranty fund, shall be divided among its depositors or their legal representatives at times fixed by its by-laws in the following manner: Ordinary dividends shall be made every six months and shall not exceed two and one half per centum on all sums which have been on deposit for six months preceding, or one and one fourth per centum on all sums which have been on deposit for three months preceding; and no ordinary dividend shall be declared or paid except as above provided nor upon a deposit of less than six months' standing, and any such corporation may by its by-laws provide that no dividends shall be declared or paid on a less sum than three dollars or on the fractional parts of a dollar.

Dividends.

SEC. 21. If at the time provided by the by-laws for making ordinary dividends the net profits for the six months preceding, over and above the sum to be added

When dividend not to be declared.

to the guaranty fund, do not amount to one and one half per centum of the deposits, no dividend of the profits shall be declared or paid.

Division of net profits.

SEC. 22. Once in every term of three years, if the net profits accumulated over and above said guaranty fund and dividends amount to one per centum of the deposits which have remained in such corporation for one year then next preceding, such net profits shall be divided among the depositors whose deposits have remained therein for one year at least then next preceding, in proportion to the amount of dividends which have been declared on their deposits during the three years then next preceding.

Dividends, when and how declared.

SEC. 23. No dividend shall be declared until the trustees cause an examination to be made, and find that the amount thereof has actually accrued; and no dividend or interest shall be paid unless authorized by a vote of the trustees after such examination.

Withdrawal of deposits.

SEC. 24. The principal deposits in such corporations may be withdrawn at such time and in such manner as the by-laws direct, but the deposits so withdrawn shall be deducted in each case from the amounts last deposited.

Deposits by minor.

Money deposited in the name of a minor may, at the discretion of the trustees or committee of investment, be paid to such minor, or to the person making such deposit, and the same shall be a valid payment.

Proceedings in actions for deposits claimed by others than the plaintiff.

SEC. 25. In actions against any such corporation for money on deposit therewith, if it appears that the same fund is claimed^a by another party than the plaintiff, whether by the husband or wife of such plaintiff or otherwise, the court in which said action is pending, on the petition of the corporation, and on such notice as the court considers proper to the plaintiff and to such claimants, may order the proceedings to be amended by making such claimants parties defendant thereto, and thereupon the rights and interests of the several parties in and to said funds shall be heard and determined. Such

deposits may remain with the corporation until final judgment, and shall be paid in accordance with the order of the court, or may be paid into court to await final judgment; and when so paid into court the corporation shall be stricken out as a party to the action, and its liability for such deposit shall cease. The taxable costs of the corporation in such actions shall be in the discretion of the court and may be charged upon the fund.

Costs.

SEC. 26. When a deposit is made in such corporation by any one in trust for another, the name and residence of the person for whom it is made shall be disclosed, and it shall be credited to the depositor as trustee for such person; and if no other notice of the existence and terms of a trust has been given in writing to the corporation, in the event of the death of the trustee the deposit, with the interest thereon, may be paid to the person for whom such deposit was made or his legal representative.

Deposits in trust.

SEC. 27. The treasurer of every such corporation upon making up each semi-annual dividend shall send written notice by mail to each depositor who for six months then next preceding has not been entitled to a dividend on the whole amount standing to his credit because the same exceeds the amount on which interest is allowed, specifying the amount not entitled to dividend.

Duty of treasurer in respect to dividends.

SEC. 28. The treasurer of every such corporation shall annually within fifteen days after the last business day of October make a report to its commissioner showing accurately the condition thereof at the close of business on said day. The report shall specify the following particulars, namely: Name of corporation and number of corporators; place where located; amount of deposits; amount of each item of liability; public funds, including all United States, state, county, city and town bonds, stating each particular kind, the par value, estimated market value and the amount invested in each; loans on public funds, stating amount on each; bank stock, stating par value, estimated market value, and amount invested

Annual report of treasurer.

in each; loans on bank stock, stating amount on each; railroad bonds, stating par value, estimated market value and amount invested in each; loans on railroad bonds, stating amount on each; estimated value of real estate and amount invested therein; loans on mortgage of real estate; loans to counties, cities, or towns; loans on personal security; cash on deposit in banks, with the names of such banks and the amount deposited in each; cash on hand; the whole amount of interest or profits received or earned, and the rate and amount of each semi-annual dividend for the previous year; the times for dividends fixed by the by-laws; the average annual per centum of dividends for the term ending at the time of and including the last extra dividend; the rates of interest received on loans; the total amount of loans bearing each specified rate of interest; the number of outstanding loans which are of an amount not exceeding three thousand dollars each, and the aggregate amount of the same; the number of open accounts; also the number and amount of deposits received; the number of deposits received of three hundred dollars or more at one time; the number and amount of withdrawals; the number of accounts opened and the number of accounts closed, severally, for the previous year; and the annual expenses of the corporation. All of which shall be certified and sworn to by the treasurer; and five or more of the trustees shall certify and make oath that the report is correct, according to their best knowledge and belief.

This act shall take effect immediately.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 413.

An act in relation to the correction of a grant.

WHEREAS, On the twenty-third day of February, ^{Preamble.} eighteen hundred and seventy-three, a grant for one hundred acres to William DeHart, assignee of Edward Wilson, under the great seal of the state, was issued and duly recorded in the office of secretary of state; *And whereas*, upon the face of said grant there is an apparent error, in that in the body of said grant one of the bearings that is in the plat annexed to said grant is not inserted in the grant, to-wit: north, forty-five degrees east, eighty poles, to a hickory: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the secretary of state be and is hereby authorized and instructed to correct the said grant so as to read in the fourth bearing, "north, forty-five degrees east, eighty poles, to a hickory," and the fifth bearing the same as the fourth now is in the body of said grant; and the register of Macon county be and is hereby authorized and instructed to correct the said grant in book N, on pages thirty-five and thirty-six, 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, "north, forty-five east, eighty poles, to a hickory," in the fourth call, and make what is now the fourth call in the body of said grant the fifth and last call in said grant.

Secretary of state authorized to correct grant.

Register of Macon county authorized to correct record.

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. 1887.

CHAPTER 414.

An act to authorize Alexander county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners authorized to levy special tax not exceeding \$2,000 per annum, to pay interest on bonds and to create sinking fund.

SECTION 1. That the county commissioners of Alexander county are hereby authorized to levy a special tax, not exceeding two thousand dollars for any one year, to be levied and collected as other taxes are now levied and collected, observing the constitutional equation between property and poll, for the year eighteen hundred and eighty-seven, and annually thereafter for a period of thirty years, for the purpose of paying the interest on the bonds of said county owned by the state of North Carolina and by private citizens which have been issued or that may hereafter be issued by authority of an act of the general assembly of North Carolina ratified the twelfth day of March, eighteen hundred and eighty-three, and for the purpose of creating a sinking fund to pay off said bonds at maturity.

To be kept separate from other county funds.

SEC. 2. That the above tax when collected shall be paid to the treasurer of said county and shall be kept separate and apart from other county funds for the purposes mentioned in section one 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 this the 7th day of March, A. D. 1887.

CHAPTER 415.

An act to authorize the commissioners of Transylvania county to levy a special tax for the purpose of building a poor-house.

The General Assembly of North Carolina do enact:

Authorized to levy special tax, not to exceed \$5,000, to build poor-house.

SECTION 1. That the county commissioners of Transylvania county shall be and they are hereby authorized

and empowered to levy a special tax of not exceeding five thousand dollars, one third of which to be levied and collected in the year eighteen hundred and eighty-seven, and one third thereof in the year eighteen hundred and eighty-eight, and one third thereof in the year eighteen hundred and eighty-nine, to be used for the purpose of purchasing land and building a poor-house thereon in said county.

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 property and polls in said county. Levy and collection of tax.

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. 1887.

CHAPTER 416.

An act concerning pilots and pilotage.

The General Assembly of North Carolina do enact:

SECTION 1. That applicants for branches or license to pilot vessels shall not be entitled to the same unless they shall have first served an apprenticeship for at least three years immediately preceding the date of such application under some competent and regularly licensed pilot: *Provided*, this section shall not apply to those who now hold branches or licenses. Qualifications for applicants for licenses as pilots. Proviso.

SEC. 2. That any licensed pilot after being absent exceeding a distance of twenty miles from the port for a period of thirty days shall forfeit his branch or license and be considered on his return to port as an apprentice Forfeiture of license and penalty.

for the term of three years, when he shall receive another branch or license.

Certain vessels compelled to take pilot on being hailed.

SEC. 3. That the commanders of all vessels of sixty tons or more, and all steam or sail yachts of forty tons or more, shall be compelled to take a pilot before crossing the bar upon being hailed by a pilot, and any pilot bringing a vessel or yacht into port shall be compelled and entitled to carry said vessel or yacht out of port and entitled to his pilotage fees for the same, unless for sufficient cause to be adjudged by the commissioners of navigation for the port.

Pilot bringing in vessel compelled and entitled to take it out.

Exception.

Applicant for license to exhibit vessel recommendation and certificate of competency.

SEC. 4. That no applicant for a license to pilot vessels shall be entitled to receive the same unless said applicant shall first exhibit to the board of commissioners of navigation a recommendation as to his good moral character, signed by at least five respectable citizens, also a certificate of competency signed by three competent sea captains or other persons qualified to examine said applicant, who shall be styled a board of examiners, and shall be elected annually by the board of commissioners of navigation.

Board of examiners.

"Beaufort" stricken out of chapter 147, laws 1881.

SEC. 5. That the word "Beaufort" be stricken out wherever it may occur in chapter one hundred and forty-seven, laws of eighteen hundred and eighty-one.

Act applicable only to port of Beaufort.

SEC. 6. That this act shall apply only to the port of Beaufort and the pilots thereof.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of 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 7th day of March, A. D. 1887.

CHAPTER 417.

An act to prohibit the sale of spirituous liquors within two miles of Mount Olivet Baptist church and other churches in Henderson county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within two miles of Mount Olivet Baptist church, Mud Creek Baptist church, Pleasant Hill Baptist church, Flat Rock Episcopal church and Boilston Gold Mine, in Henderson county.

Unlawful to sell liquor within two miles of certain churches in Henderson county.

SEC. 2. That any person or persons so offending shall be deemed guilty of a misdemeanor, and be fined and imprisoned at the discretion of the court.

Misdemeanor.

SEC. 3. 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. 1887.

CHAPTER 418.

An act to protect fish in Sessoms and Evans' mill pond in Hertford county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person except the owners and such persons as may obtain permission from the owners to fish with seine, weir, gill-net, or net of any other description in Sessoms and Evans' mill pond, in the county of Hertford, and any person or persons so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars,

Misdemeanor to fish with seine, &c., without permission in Sessoms and Evans' mill-pond, Hertford county.

Proviso.

or imprisoned not more than ten days: *Provided*, that nothing in this section shall be so construed as to prevent any person at any time from taking fish in said mill pond with hook and line.

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. 1887.

CHAPTER 419.

An act to change the name of a certain creek in Johnston county and to protect fish within the same.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Bowdy Swamp in Johnston county is hereby changed to Border Swamp.

SEC. 2. That it shall be unlawful for any person to catch fish in said Border Swamp between the mills of John R. Creech and W. A. Smith with seine or net or by muddying the waters of said stream without first obtaining the consent of the owner of the land whereon the fishing is done, and any person so offending shall be guilty of a misdemeanor, and upon conviction before any magistrate, shall be fined not less than five dollars nor more than fifty dollars for each offence.

SEC. 3. 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 7th day of March, A. D. 1887.

Bowdy Swamp changed to Border Swamp.

Misdemeanor to catch fish with seine, &c., in Border Swamp without consent of owner of land.

CHAPTER 420.

An act to prohibit the sale of liquors within two miles of Boilston Baptist Church, in Henderson county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to sell or otherwise dispose of any intoxicating liquors of any kind within two miles of Boilston Baptist Church, in Henderson county.

Unlawful to sell liquor within two miles of Boilston Baptist church, Henderson county.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned 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 7th day of March, A. D. 1887.

CHAPTER 421.

An act to allow the town of Madison, Rockingham county, to subscribe to the capital stock of a railroad.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Madison, in Rockingham county, shall have power and authority to subscribe for and take any number of shares of the capital stock of the North Carolina Midland, or any other railroad company which has been or may hereafter be chartered to, through or by said town, which a majority of the legal voters of said town may elect to take therein: *Provided*, that the valuation of the shares so subscribed for shall not exceed five per centum of the taxable property of said town.

Authorized to subscribe to capital stock of N. C. Midland or other railroad.

Proviso.

Election on ques-
tion of subscrip-
tion, when and
how held.

SEC. 2. That upon the written application of twenty residents of said town specifying the amount which it is desired that the said town shall subscribe for in the capital stock aforesaid, subject to the aforesaid limitations, it shall be the duty of the county commissioners to appoint a day on which an election shall be held in said town, in the manner prescribed by law for holding other elections, at which said election the legally qualified voters of said town shall be entitled to vote for or against such subscription, the legally qualified voters favoring subscription to vote ballots written or printed "subscription," and those opposing subscription to vote ballots written or printed "no subscription." The election herein provided for shall be held after thirty (30) days' notice at the court-house door and three (3) other public places in said town, by persons appointed by the county commissioners aforesaid, in the same manner that persons are appointed for holding other elections, and the returns thereof shall be made to the county commissioners aforesaid as in other elections prescribed by law, and who shall examine the same and declare the result, and the commissioners shall meet for this purpose at the court-house on the day after the election or at their next regular meeting.

Ballots.

Notice of election.

Canvass of vote.

Result of election
to be certified to
county commis-
sioners, &c.

SEC. 3. And the result of said election as declared by said commissioners shall be certified to by said county commissioners under their hands and seals, and shall be filed with the register of deeds of said county, and shall be taken as evidence of the same in any of the courts of this state.

On affirmative
vote of majority
of qualified
voters, trustees
to be appointed
to issue bonds.

SEC. 4. If the result of said election shall show that a majority of the qualified voters of said town favor taking the amount of stock voted for in such election, then the said county commissioners shall appoint a board of trustees to be composed of five (5) resident tax payers of said town who shall issue the bonds of said town to an amount not exceeding the amount voted for in said elec-

tion in sums of one hundred (\$100) dollars, and multiples thereof to one thousand (\$1,000) dollars, running thirty (30) years from date and bearing interest at seven (7) per centum, payable semi-annually, evidenced by coupons on said bonds, and said board of trustees may deliver said bonds to said railroad company, or may sell the bonds and deliver the proceeds to said company; the said company in either case issuing to the said trustees for the use and benefit of said town stock in said company to the amount of the subscription aforesaid or any part thereof.

Description of bonds.

Bonds or their proceeds to be delivered to company.

Company to issue stock to trustees, &c.

SEC. 5. That to provide for the interest on said bonds and their redemption at maturity, the board of county commissioners aforesaid shall, in addition to other taxes, each year compute and levy on all property and polls of said town, preserving the constitutional equation, a sufficient tax to pay said interest, and after ten (10) years, a second additional tax, sufficient to provide each year the sum of one thousand dollars for a sinking fund, which amount shall be annually paid to the county treasurer, or other officer authorized by law to perform his duties, and by him invested in said bonds, and the amount of tax collected for interest shall be paid to the county treasurer or other officer as aforesaid, and used by him in the prompt and regular payment of the coupons on said bonds.

Special tax for interest and sinking fund.

SEC. 6. The county treasurer, or other officer acting as such, shall, before buying the bonds with the sinking fund aforesaid, advertise for the purchase of said bonds, and in case none are offered, the town, through the treasurer or other officer aforesaid, shall have power to call in the bonds aforesaid, in whole or in part payment, and in case the treasurer or other officer aforesaid shall buy the said bonds for less than par he shall be entitled to receive only what he actually paid for the same.

Purchase of bonds.

When town authorized to call in bonds.

SEC. 7. The capital stock held by said town, voting as aforesaid, in any such railroad aforesaid, shall be pledged for the redemption of said bonds at maturity, and all

Stock held by town pledged for redemption of bonds.

Dividends, how applied.

dividends declared upon such stock shall be faithfully applied to the payment of the coupons on such bonds, and to the purchase of the same, and be paid by said railroad company directly to the officer acting as county treasurer aforesaid, and by him used for the purposes aforesaid.

What notice of election to contain.

SEC. 8. In advertising the day of election aforesaid the board of commissioners shall specify in such notice not only the amount of the subscription to be voted on, but also in what company it is subscribed for the capital stock aforesaid.

SEC. 9. 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. 1887.

CHAPTER 422.

An act to authorize the town of Warrenton to endorse the bonds of the Warrenton Railroad Company and for other purposes.

The General Assembly of North Carolina do enact:

Commissioners authorized to endorse bonds of Warrenton R. R. Co. to amount of \$10,000.

SECTION 1. That the board of commissioners of the town of Warrenton shall have authority to endorse the bonds of the Warrenton Railroad Company to the amount of ten thousand dollars in the manner and on the conditions hereinafter mentioned, to enable said company to better equip and furnish said road with engines and cars.

Election, when held.

SEC. 2. A majority of said board of commissioners shall within sixty days after the ratification of this act cause an election to be held by the qualified voters of said town of Warrenton, and it shall be the duty of the sheriff of Warren county at the court-house in Warren-

Notice of election.

ton and at three other public places in said town to advertise the object and the day of the election for at least twenty days prior thereto, and on the said day to open and keep open the polls agreeably to the acts regulating the election of members of the general assembly, and all qualified voters for members of the general assembly in said town who have resided therein ninety days before the election favoring the endorsement of the bonds of said company as provided in section one may vote "endorsement," and those opposing the same may vote "against endorsement," and the sheriff of Warren county shall certify to the board of town commissioners at their first meeting thereafter the result of said election.

How held.

Ballots.

Sheriff to certify result.

SEC. 3. If the result of said election shall show that a majority of the qualified voters of said town have voted in favor of endorsing the bonds of said railroad company, then it shall be the duty of the mayor of said town to endorse the said bonds as hereinafter provided.

Mayor to endorse bonds on affirmative vote of majority of qualified voters.

SEC. 4. The said railroad company may issue its bonds payable to the board of commissioners of the town of Warrenton for the amount of ten thousand dollars in such sums as it may think proper and redeemable at a period not exceeding twenty years from the date thereof, the interest to be paid semi-annually at a rate not to exceed eight per centum per annum, and it shall be the duty of the mayor of said town to endorse the same and thereby bind said town as security for the payment thereof; and the bonds to be endorsed as aforesaid are to be under the seal of the said railroad company and signed by the president, to be payable to the board of commissioners of said town of Warrenton and endorsed by the mayor of said town, and said endorsement is to be certified by one of the commissioners, and a record shall be made by said commissioners of all bonds so issued and endorsed.

Railroad company authorized to issue bonds to town to amount of \$10,000.

Mayor to endorse bonds.

SEC. 5. None of said bonds are to be endorsed as aforesaid unless they shall bring at least ninety cents on the

Bonds not to be endorsed unless they bring ninety per cent.

Mayor to make report.

dollar in currency, and the mayor of said town is to make a report to the commissioners from time to time of the amount realized from the negotiation of said bonds to be endorsed as aforesaid.

Special tax.

SEC. 6. It shall be the duty of the board of commissioners of said town regularly to provide the means of meeting the interest of the bonds endorsed by the mayor as aforesaid as the same shall become due, and also the principal of said bonds when it shall become due, by laying such taxes on persons, lands, and other property sufficient for this purpose.

Railroad company to execute mortgage to indemnify town.

SEC. 7. For the purpose of indemnifying and saving harmless the town of Warrenton against loss or damage by reason of the endorsement of the bonds of said company, the said railroad company shall execute a mortgage in favor of the board of commissioners of said town upon all its property, real and personal, and its franchises, with the power of sale, authorizing a sale thereof for cash at the court-house in Warrenton, after an advertisement for sixty days at the court-house aforesaid and at four other public places in said county of Warren, and in some newspaper to be selected by said commissioners, upon default of said company in the payment of principal and interest, or both, due upon said bonds, or either of them, at the several times when they shall become due as aforesaid; and the said commissioners, in the event of a sale, are to have a right to retain out of the proceeds the amount for which said town is responsible by virtue of the endorsement of said bonds, though the whole amount may not be then demandable by the creditors; and the surplus, if any, to be paid to said company within a reasonable time: *Provided, nevertheless*, that no sale shall take place until the expiration of three years from the issue of said bonds or any of them. If a sale shall take place under said mortgage it shall be lawful for the mayor of said town to bid at the sale, and in the event of purchase by him to make title to the board of commissioners;

Foreclosure.

Proviso.

Mayor authorized to purchase.

Provided, further, that the execution of the mortgage in this section mentioned is to be made subject to the provisions of a prior one already made and registered by the said railroad company to the commissioners of said Warrenton. Proviso.

SEC. 8. It shall be the duty of the mayor of said town ten days before said election to open books of registration, and advertise at the court-house door in Warrenton and at four other public places in said town that he will open the same at his office in Warrenton, or at the court-house, ten days before said election, and to register the names of all persons who may have become entitled to vote in said election since the last election of town officers. Registration.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 423.

An act to amend chapter forty-five of the private laws of eighteen hundred and eighty-three, being "An act to incorporate the High Point and Randleman Railroad Company," and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-five of the private acts of eighteen hundred and eighty-three, being entitled "An act to incorporate the High Point and Randleman Railroad Company," be amended to read as follows, viz.: "The first section thereof, 'That for the purpose of effecting a railroad communication between High Point in Guilford county and the town of Ashboro in Randolph county, the formation of a corporate company is hereby authorized under the name and style of the High Point, Chapter 45, private acts 1883, amended.

Incorporation authorized.

Corporate name.

Randleman, Ashboro and Southern Railroad Company, and when formed in accordance with the conditions hereinafter described shall have a corporate existence as a body politic for ninety-nine years with a capital stock of two hundred and fifty thousand dollars, which may be increased at the pleasure of the said company to one million dollars”.

Corporate existence.
Capital stock.

Terminal points.

SEC. 2. That the second section of said act shall be amended to read as follows: “That the said company shall have power to construct a railroad from High Point by way of Randleman to Ashboro, and if it so desires may extend its road in the direction of South Carolina and connect with the railroads of this state. That said railroad company is further empowered to extend this line of road to the towns of Salem and Winston upon such terms as may be agreed upon by the citizens or corporations of the towns named, or the townships of Forsyth county through which the projected line may pass or enter into, and the directors of the said High Point and Randleman Railroad Company.”

Extension of road.

Commissioners to open books of subscription.

SEC. 3. That the third section of said act shall be amended so as to read as follows: That for the purpose of raising the capital stock of said company J. M. Worth, John H. Ferrel, R. P. Dicks, J. A. Blair, J. H. Milhis, A. W. E. Capel, O. R. Cox, Benj. Moffitt, A. J. Tomlinson, J. A. Spencer, W. P. Wood, Joel Ashworth, A. C. McAllister, W. O. Harris and B. W. Steed are appointed commissioners to open books and receive subscriptions to said road; that all subscriptions of stock shall be in shares of fifty dollars each, and may be payable in money, lands or other valuable property.

Subscriptions, how payable.

When incorporation effected.

SEC. 4. That the fourth section shall be amended to read as follows: That when twenty five thousand dollars shall have been subscribed and five per centum thereof paid in, said subscribers, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate under the name and style aforesaid;

and the stockholders may meet and organize the High Point, Randleman, Ashboro and Southern Railroad Company, and elect a president and such other officers and directors as they may think proper, or they may elect a board of directors and delegate to them such powers not inconsistent with this charter as they may deem expedient, and the company shall adopt a corporate seal. Organization.

SEC. 5. That section five shall read as follows: That the company shall have power in its corporate name to sue and be sued, to own real and personal estate, to condemn land for right of way and for depot stations and other like railroad purposes, in the same manner as the North Carolina Railroad Company, and to farm out or lease its railroad to any other person or corporation. Corporate powers.

SEC. 6. That the sixth section of said act shall read: That said company may mortgage its road and other property and issue bonds thereon for the purpose of constructing said road. Authorized to issue mortgage bonds.

SEC. 7. That the seventh section of said act shall read as follows: That said company may enter upon lands to survey its route and locate its road as it thinks proper and beneficial to the company: *Provided*, it does not run through yards, gardens and cemeteries: *And provided*, that when they locate on a highway they shall make another highway equally good, and shall place crossings wherever the road intersects a highway. Entry on land for purposes of survey, &c.
Proviso.

SEC. 8. That the eighth section shall read as follows: That the said company may make by-laws for the government of the company and prescribing the duties of its officers, and the mode in which it may contract and convey property, and in all other matters not inconsistent with the constitution and laws of this state. By-laws, &c.

SEC. 9. That section nine of said act shall read as follows: That the said company may adopt a gauge and change the same at pleasure. Gauge.

Corporate powers.

Election in Randolph county on question of subscription to capital stock, and also to capital stock of C. F. & Y. V. R. R. Co., and also to build bridge over Deep river, and also to company first building road from Ashboro to county line between Randolph and Montgomery counties.

SEC. 10. That section ten shall read as follows: That said company shall have all other rights which appertain to it as a corporation under the laws of North Carolina.

SEC. 11. That said act be and is hereby amended by adding thereto the following, viz.: That upon the application of two or more of the persons whose names are mentioned in the first section of this act, or of the president or any two directors of the Cape Fear and Yadkin Valley Railway Company in writing, to the board of commissioners of Randolph county for that purpose, the said board of commissioners shall within sixty days thereafter submit to the qualified voters of Randolph county the question of subscribing to the capital stock of the High Point, Randleman, Ashboro and Southern Railroad Company the sum of one thousand dollars per mile for each and every mile that said railroad shall run through Randolph county between the towns of High Point and Ashboro; and the further sum of one thousand dollars to the capital stock of the Cape Fear and Yadkin Valley Railway Company for each and every mile of road built between the point to which the branch road, building towards the factories on Deep river, is now under contract, and the town of Ashboro; and the further sum of five thousand dollars by reason of the bridge to be built over Deep river, each of said subscriptions, however, to be conditioned upon the building and completion of said respective roads to the town of Ashboro; and the further sum of one thousand dollars per mile to whichever of the said companies shall first extend, build and complete its road from the town of Ashboro to the boundary line between the counties of Randolph and Montgomery, on the south side of Randolph county, said subscription to be for the sum of one thousand dollars for each and every mile between the town of Ashboro and the said county line, and to be conditioned upon the building and completion of the said railroad to the said county line; at which election those in favor of said subscriptions shall vote a

ticket on which shall be written or printed "for subscription," and those opposed thereto shall vote a ticket on which is written or printed "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 the state.

Ballots.

Election, how held.

SEC. 12. That if a majority of the qualified voters of said county of Randolph shall vote for said subscriptions, the board of commissioners of said county, as soon thereafter as the said railroad companies or either of them shall have caused a survey to be made and the road or roads located to the town of Ashboro, and shall have certified that fact and the distance to the town of Ashboro to said board of commissioners, shall subscribe on behalf and in the name of said county to the capital stock of such company a number of thousands of dollars equal to the number of miles to the town of Ashboro, and in the case of the Cape Fear and Yadkin Valley road, the additional sum of five thousand dollars, by reason of the bridge to be built across Deep River, the entire subscription to be conditioned upon the completion of the respective roads to the said town of Ashboro; and upon an extension and completion of either of said roads from the town of Ashboro to the boundary line between the counties of Randolph and Montgomery, then the said board of commissioners shall in like manner subscribe to the capital stock of the company so extending and completing its road, a number of thousands of dollars, equal to the number of miles length of the road between the town of Ashboro and said county line.

Duty of commissioners on affirmative vote of majority of qualified voters.

SEC. 13. That to provide for the payment of said subscription the board of commissioners of said county of Randolph shall issue coupon bonds to the amount of subscription so authorized, and deliver the same to the respective companies when the said subscriptions shall become absolute, by the performance of the conditions

Commissioners to issue coupon bonds, &c.

Description of
bonds.

in regard to the completion of the railroads to the town of Ashboro, and to the county line as herein before specified, or sell the same at par and pay the subscriptions to the said companies in money, at the option of the said board of commissioners. Said bonds shall be in denominations of one hundred, five hundred, and one thousand dollars, and shall run for twenty-five years, but be redeemable at any time at the pleasure of the county or its board of commissioners, and they shall bear interest at the rate of six per centum per annum, payable semi-annually, and the coupons (when due) attached shall be receivable in payment of county taxes.

Bonds, what to
express; how
signed, &c.

SEC. 14. That the bonds issued in accordance with the preceding section shall express on their face the authority by which and the purpose for which they were issued, and shall be signed by the chairman of the board of county commissioners of Randolph county and the clerk of said board, but the coupons shall be signed by the said chairman alone.

Special tax.

SEC. 15. That to provide for the payment of the interest on said bonds and their redemption at maturity, the board of commissioners of said county shall in addition to other taxes each year compute and levy upon the proper subjects of taxation in said county a sufficient tax to pay the interest on said bonds issued as aforesaid and one twenty-fifth part of the principal of said bonds, which taxes shall be collected by the sheriff of Randolph county under the same rules and regulations as are provided for collecting other county 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 the state and county taxes; and the said sheriff shall first apply the tax herein provided for to the payment of the interest on said bonds, and the coupons shall be his vouchers for the same, and the balance of the money shall be applied to the redemption of said bonds at par, and in case of a contest between holders the bonds

Application of
tax.

to be redeemed to be determined by the county commissioners by lot.

SEC. 16. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 424.

An act in relation to the public school of Reidsville school district, Rockingham county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. The board of education of the county of Rockingham, North Carolina, shall and they are hereby authorized to submit to the qualified voters of Reidsville school district, under such rules and regulations and at such times within six months after the ratification of this act as the said board may prescribe, whether a tax shall be annually levied therein for the support of the schools in said district provided for by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots without device the words "for school," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words "against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the general assembly. The county board of education shall give at least thirty days' notice of the time of holding said election in one or more newspapers published in said district.

Election in Reidsville school district on question of taxation for support of schools.

Ballots.

Penalty for illegal voting.

Notice of election.

SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against school to the county board

Canvass of vote.

Tax to be levied on affirmative vote of majority of votes cast.	of education, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax the same shall be levied by the county commissioners and collected by the sheriff
How collected.	under the same rules and regulations under which other school taxes are levied and collected, and the sheriff shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other school taxes, and shall receive as compensation for such
Proviso.	services two per centum commission: <i>Provided</i> , the special taxes so levied and collected shall not be less than ten cents on the one hundred dollars' valuation of property and thirty cents on the poll, nor exceed twenty cents on the one hundred dollars' valuation of property and
Application of taxes collected.	sixty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the establishment and maintenance of the public schools in said district, and the school committee whose appointment is hereinafter provided for may establish one or more graded public schools in said district, and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.
Graded public schools to be established.	
School committee.	<p>SEC. 3. If this act shall be ratified at the election authorized to be held under it, the school committee of said district shall consist of six members instead of three, as required by the general school law of the state, to be appointed by the county board of education at their next meeting held after the election provided for in this act. The said school committee shall be divided by the said county board of education at the time of their appointment into three classes of two each. The term of office of the first class shall expire at the end of two years from the first Monday of September, eighteen hundred and eighty-seven, and the term of office of the second class shall expire at the end of four years from the first Monday of September, eighteen hundred and eighty-seven, and the term of office of the third class shall expire at the</p>
Terms of office.	

end of six years from the first Monday of September, eighteen hundred and eighty-seven. Whenever the term of office of any class shall expire as above provided their successors shall be appointed for a term of six years by the said county board of education. Whenever any vacancy occurs in said committee except by expiration of the terms of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Vacancies.

SEC. 4. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district, shall prescribe 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 or graded public schools, subject to removal by the said committee, shall make an accurate census of the school population of the district as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interest in said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges: *Provided, further*, the admission of pay students shall be under the direction of the committee.

Powers and duties of school committee.

Proviso.

Proviso.

SEC. 5. The school committee created by this act shall elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children if the same shall be established. The superintendent of said schools shall examine all applicants for teachers' positions in the said schools and issue certificates to the same, which certificates shall be valid for one year from date, and shall do and perform such other duties as may be prescribed by said committee.

Superintendent of schools.

Duties.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the state to said public school district, and moneys to which the said

School fund apportioned to district and other funds including receipts from re-

tail liquor licenses to be applied to use of schools.

County treasurer to be *ex officio* treasurer of school committee.

To disburse funds under direction of school committee.

Annual statement.

Proviso.

Bond of treasurer.

Compensation.

district may be entitled by reason of any special tax, gift, grant, apportionment, or otherwise, also the proceeds of any taxes imposed on licenses to retailers of wines, cordials or spirituous liquors in said district, which taxes shall be collected by the sheriff, as other taxes levied under this act, shall be received by the treasurer of the county of Rockingham, North Carolina, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the county board of education a statement in writing of his receipts and disbursements of the school money, properly and duly credited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the school committee at any time.

SEC. 7. The bond now required of the treasurer of the county to protect public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding two per centum on the funds received from the special taxes levied, collected and disbursed under this act.

SEC. 8. The school committee provided by this act shall apportion the money raised or received for educational purposes in said district 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 and maintaining the public schools of both races.

Apportionment of funds to white and colored schools without discrimination.

SEC. 9. That the said committee shall make to the board of education annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the district, showing the work done and money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the county of Rockingham. The beginning and ending of the school year shall be fixed by the committee.

School committee to make annual report, &c.

School year.

SEC. 10. The school committee hereby created shall be a body corporate by the name and style of the "School Committee of Reidsville School District, Reidsville, North Carolina," and by that name shall 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 hereby created. Conveyances to said school committee shall be to them and to their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

School committee incorporated. Corporate name.

Corporate powers.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws 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 7th day of March, A. D. 1887.

CHAPTER 425.

An act to incorporate the C. E. Graham Manufacturing Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That C. E. Graham, R. L. Graham, E. H. Fulenwider, Wm. E. Breese, W. H. Penland, W. W. Mott and A. A. Shuford, citizens of the state of North Carolina, together with such other persons as now or may hereafter be associated with them, and their successors, be and they are hereby made and created a body politic

Corporate name.

and corporate under the name and style of The C. E. Graham Manufacturing Company, and by said name

Corporate powers.

they are hereby made capable in law to carry on and conduct the business of manufacturing, spinning, dyeing, weaving, printing and finishing, and selling all goods of every kind made of wool or cotton, or of which wool, cotton or other fibrous articles may form a part, and any other articles of like nature and kind whatsoever, which they may from time to time desire; and may erect such mills, buildings, machine shops, stores, dwellings and dye houses, and other works, as may be requisite or necessary to carry on such branches of manufacture and business; and also for the transaction of all business connected with the purposes so recited; and to hold, purchase, receive, work, sell, mortgage, lease, enjoy, and retain, to them, their successors and assigns, lands, tenements, goods and chattels of whatsoever kind as may be deemed by them conducive to the objects and interests of said corporation. The said corporation by its corporate name may sue and be sued, plead and be impleaded in any court of this state, make and use a common seal and alter the same at will and pleasure, make, alter and amend such by-laws and regulations as may be deemed proper by them, not repugnant to the constitution and law of the land.

SEC. 2. The capital stock of said company shall not be less than fifty thousand dollars or more than two hundred thousand dollars, the said stock to be paid for either in money, real estate, leases or machinery. Capital stock.

SEC. 3. Said stock shall be divided into shares of one hundred dollars each, shall be deemed personal property and be transferable upon the books of said corporation, and no part of the same shall at any time or upon any pretence whatever be loaned or divided among the stockholders until all the liabilities of the company are lawfully paid, and no dividends shall be declared or paid except from the net earnings of the company. Shares.
Stock not to be loaned, &c., to stockholders until corporate liabilities paid.
Dividends.

SEC. 4. The stockholders shall be individually liable for twenty-five per centum more than amount of stock held. Liabilities of stockholders.

SEC. 5. This act shall be deemed and taken as a public act and shall continue in force for the term of thirty years and until the next meeting of the general assembly thereafter. Act a public act, &c.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1887.

Resolutions requesting our senators and representatives in the congress of the United States to use their best efforts to obtain appropriations for, and the establishment of, additional stations of the life-saving service and signal service on our North Carolina coast.

WHEREAS, there are comparatively few stations of the life-saving service and signal service on our North Carolina coast, and whereas, these stations are a great protection to human life and to commerce; therefore,

Preamble.

Resolved by the House of Representatives, the Senate concurring: That our senators and representatives in the congress of the United States be and they are hereby requested to use every exertion in their power to obtain appropriations from the congress of the United States for, and the establishment of, additional stations of the life-saving service and signal service on our North Carolina coast.

Senators and congressmen requested to use every exertion to establish additional stations of life saving service and signal service on the coast of this state.

That a copy of this resolution be mailed by the secretary of state to each of our senators and representatives in congress.

Copies to be sent each senator and member.

Ratified this the 18th day of January, A. D. 1887.

Resolution of request.

Resolved by the House of Representatives, the Senate concurring: That our members of the house of representatives of the congress of the United States be requested to use their influence and vote for the bill now pending before the house known as the "Blair bill."

Congressmen requested to support the "Blair bill."

Resolved further, That a copy of this resolution be sent to each one of our representatives in Washington.

Copies to be sent to each member.

Ratified this the 18th day of January, A. D. 1887.

Resolution requesting the secretary of state to furnish each member of the general assembly with a copy of the Colonial Records.

Secretary of state requested to furnish each member of general assembly with copy of Colonial Records.

Resolved by the Senate, the House of Representatives concurring: That the secretary of state be requested to furnish each member of the general assembly with a copy of the Colonial Records.

Ratified this the 18th day of January, A. D. 1887.

Resolution directing the keeper of the capitol to close up temporarily the aperture in the rotunda of the capitol.

Keeper of capitol directed to temporarily close aperture in rotunda.

Resolved by the Senate of North Carolina, the House of Representatives concurring: That the keeper of the capitol be authorized and directed to close the aperture in the rotunda of this capitol with some temporary structure.

Ratified this 19th day of January, A. D. 1887.

Resolution of instruction to the secretary of state.

Secretary of state directed to forward certain laws passed at this session to judges and solicitors.

Resolved by the Senate, the House of Representatives concurring: SECTION 1. That the secretary of state is hereby directed to forward by mail or otherwise to the superior court judges and solicitors certified copies of all laws passed at this session of a public nature creating new offences, changing statutes of any kind of a public nature, and amending The Code or acts of eighteen hundred and eighty-five, in relation to the courts, immediately after their enrollment and ratification.

Ratified this the 24th day of January, A. D. 1887.

Resolution for the relief of Wallace Brothers.

Preamble.

WHEREAS, David Wallace, Isaac Wallace, Jacob Wallace and William Wallace, under the firm name of Wallace Brothers, merchants, of the county of Iredell, 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 one hundred and fifty dollars, and for the year one thousand eight hundred and eighty-four the sum of one hundred and twenty-five dollars, merchants' tax, although they had for the aforesaid years paid one hundred dollars for a drummer's license for each of said years, their purchases

for each of said years having exceeded 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 Wallace Brothers were entitled to a rebate of their said merchants' tax to the amount of one hundred dollars for each of the aforesaid years; 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 Senate, the House concurring: That the treasurer of the state be authorized and directed to refund to said Wallace Brothers the sum of two hundred dollars out of any moneys in the treasury not otherwise appropriated.

State treasurer directed to refund to Wallace Bros. \$200 inadvertently paid as merchants' tax.

Ratified this the 24th day of January, A. D. 1887.

Resolution in favor of G. W. Stanton, contestant.

Resolved by the Senate of North Carolina, the House of Representatives concurring: That the contestant, G. W. Stanton, in the contest of G. W. Stanton against W. W. Farmer, be allowed per diem up to date of report of committee, as the amount appropriated under this resolution, to be paid out of any money of the state not otherwise appropriated.

G. W. Stanton, contestant for seat in House, allowed per diem up to date of report.

Ratified this the 29th day of January, A. D. 1887.

A resolution in favor of Samuel G. Brim, contestant from Surry county.

Resolved by the House of Representatives, the Senate concurring: That Samuel G. Brim, contestant from Surry county, be allowed mileage and per diem to date, excluding four days that he served as assistant clerk to the house.

S. G. Brim allowed mileage and per diem to Feb. 5th, 1887.

Ratified this the 5th day of February, A. D. 1887.

Resolution in favor of S. A. Ashe, postmaster, Raleigh, N. C.

Resolved by the House of Representatives, the Senate concurring: That the doorkeeper of the house be directed to draw upon the treasurer for an amount sufficient to pay the box rent at the postoffice in Raleigh for the two houses of the general assembly.

Payment of post-office box-rent authorized.

Ratified this the 8th day of February, A. D. 1887.

Resolution asking congress to provide support for the widows of the keepers of life-saving stations and surfmen who die in the line of duty.

Congress asked to provide support for widows of keepers of life-saving stations, &c.

Asked to thank supt. 6th life-saving district, &c., for heroic efforts.

Resolved, That our senators and representatives in congress are requested to urge upon congress the necessity of providing support for the widows of all keepers of life-saving stations and surfmen who die in the line of duty.

That they ask congress to pass a vote of thanks to the superintendent of the sixth life-saving district, and the keeper and crew of Dane Neck Mill and Little Island station for heroism in their efforts to save the officers and crew of the German ship Elizabeth.

Ratified the 17th day of February, A. D. 1887.

Resolution of instruction to the adjutant-general in regard to the Mexican war pensioners.

Adjutant-general to prepare roster of soldiers in Mexican war.

Compensation.

Resolved by the Senate, the House of Representatives concurring: That the adjutant-general of the state is authorized and instructed to prepare and publish a roster of the officers and enlisted men from North Carolina who were in the service of the United States in the war with Mexico, and that a copy of the same be furnished to the clerk of the superior court for each county, and that he be allowed therefor such reasonable compensation as the governor may deem just.

Ratified this the 19th day of February, A. D. 1887.

Resolution instructing the secretary of state to furnish the road law in pamphlet form to the overseers of public roads as amended by this legislature.

Secretary of state to furnish copies of road law for distribution among overseers.

Resolved by the Senate, the House of Representatives concurring: That the secretary of state be and is hereby instructed to furnish the register of deeds of each county in the state with two hundred and fifty (250) copies of the road law as amended by this legislature, in pamphlet form, within thirty days after its adjournment, to be distributed among the overseers of the public roads.

Ratified this the 19th day of February, A. D. 1887.

Resolution that the General Assembly adjourn on the 7th day of March, eighteen hundred and eighty-seven.

Resolved by the Senate of North Carolina, the House of Representatives concurring therein: That the general assembly of North Carolina do adjourn without day at twelve o'clock M. on Monday, the seventh day of March, A. D. eighteen hundred and eighty-seven.

Adjournment on March 7th, 1887.

Ratified this the 19th day of February, A. D. 1887.

Resolution requesting our senators and representatives in congress to obtain appropriations for work on Beaufort harbor and the Newbern and Beaufort canal route.

Resolved by the House of Representatives, the Senate concurring: That our senators and representatives in congress be and they are hereby requested to use their best efforts to obtain from the congress of the United States adequate appropriations for the continuance of the improvement of the harbor of Beaufort, Bogue sound and Carrat Island channel leading into Core sound, and for the continuance of the work of opening a short water route of inland navigation between the waters of Neuse river and Beaufort harbor, known as the Newbern and Beaufort canal route.

Members of Congress requested to use efforts to obtain appropriations for Beaufort harbor, &c.

Ratified this the 23d day of February, A. D. 1887.

Resolution in favor of the penitentiary.

Resolved by the Senate of North Carolina, the House of Representatives concurring: That the state treasurer be authorized to advance the sum of fifteen thousand dollars on the appropriation for the support of the penitentiary for the year one thousand eight hundred and eighty-seven, to meet current expenses for the month of January, one thousand eight hundred and eighty-seven.

Appropriation of \$15,000 for current expenses of penitentiary.

Ratified this the 24th day of February, A. D. 1887.

Resolution to print copies of the report of the state board of health.

The General Assembly of North Carolina do resolve, That for the use of the state board of health five hundred copies of the report of the North Carolina Board of Health to the present session of the general assembly, and ten thousand copies of the appendix thereto for general distribution under the direction of said board, be printed at the expense of the state as other public documents.

Five hundred copies of report of N. C. Board of Health to be printed for use of State Board of Health.

SEC. 2. This resolution takes effect from its ratification.

Ratified this the 1st day of March, A. D. 1887.

Resolution to pay certain expenses incurred in the investigation of contested election cases before the committee on privileges and elections.

Treasurer authorized to pay certain expenses in contested election cases.

Resolved by the House of Representatives, the Senate concurring:
That the treasurer pay upon the warrant of the auditor the following bills incurred in the investigation of the contested election cases from the counties of Wilson, Craven and Surry:

Representative McMillan, expenses to Newbern to take testimony as sub-committee.....	\$ 7 50
Representative Oakley's expenses to Newbern to take testimony as sub-committee and telegrams.....	8 13
F. P. Clarke, clerk to sub-committee in Newbern.....	5 00
W. J. Herman, stenographer in Craven case.....	25 00
J. C. Birdsong, clerical service in the Wilson, Craven and Surry cases	35 00
	\$80 63

Ratified the 3d day of March, A. D. 1887.

Resolution in favor of W. V. Clifton.

Treasurer directed to pay W. V. Clifton, door-keeper of Senate, \$19.25 for executing subpoenas in contested election case of Green vs. Clark.

Resolved by the Senate, the House of Representatives concurring:
That the treasurer upon the warrant of the auditor pay W. V. Clifton, door-keeper of the senate, nineteen dollars and twenty-five cents, expenses incurred in executing subpoenas in Craven county in the contested election of C. C. Clark by Geo. Green, Jr.

Ratified this the 4th day of March, A. D. 1887.

Resolution in favor of Pages.

Pages and certain other employees allowed \$10.00 for extra services.

Resolved by the House of Representatives, the Senate concurring:
That the pages (except Higgs and Horton) be paid ten dollars each for extra services, and the same compensation shall be given to the pages of the Senate, the special messenger of the Senate and laborers of the Senate and House of Representatives, and F. S. Strong, the Janitor of the Capitol.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of the engrossing clerks of the general assembly.

Resolved by the House of Representatives, the Senate concurring: Engrossing
That the engrossing clerks of the general assembly be allowed each \$100.00 for extra
one hundred dollars for extra work, and the auditor shall draw a warrant.
warrant, and the treasurer shall pay the same immediately after the
adjournment of the general assembly.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of Thos. A. Haughton and Sherwood Higgs.

Resolved by the House of Representatives, the Senate concurring: Thos. A. Haught-
That Thos. A. Haughton, who has acted in the capacity of clerk to on and Sherwood
the committee on propositions and grievances, in addition to Higgs allowed
valuable assistance rendered as page and copyist in the office of the \$20.00 for extra
engrossing clerk, be paid the sum of twenty dollars out of any money work.
in the treasury not otherwise appropriated, and that the same amount
be in like manner paid to Sherwood Higgs.

Ratified this the 7th day of February, A. D. 1887.

Resolution in favor of the reading clerks of the general assembly.

Resolved by the House of Representatives, the Senate concurring: Reading clerks
That W. G. Burkhead, reading clerk of the House, and D. B. Nicholson allowed \$100.00
reading clerk of the Senate, be allowed each one hundred dollars extra compensation.
extra compensation, and the auditor will draw his warrant for
and the treasurer will pay the same immediately upon the adjourn-
ment of the general assembly.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of the assistant enrolling clerks.

WHEREAS, doubts have arisen as to the legality of allowing the Preamble.
assistant enrolling clerks mileage; therefore,

Resolved by the Senate, the House of Representatives concurring: Assistant enroll-
That the assistant enrolling clerks be allowed mileage as is allowed ing clerks al-
by law to the principal clerks, and that the auditor is instructed to lowed mileage.
draw his warrant on the treasurer to pay the same.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of M. R. Haynes for fifteen dollars and fifty cents.

M. R. Haynes allowed \$15.50 for making doors to rotunda.

Resolved by the House of Representatives, the Senate concurring: That M. R. Haynes be paid the sum of (\$15.50) fifteen dollars and fifty cents, for putting doors to east and west doors of rotunda.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of B. L. Barkley, watchman of the capitol.

B. L. Barkley allowed \$23.00 for salary forfeited by sickness.

Resolved, That B. L. Barkley, watchman for the capitol, be paid from the public treasury the sum of twenty-three dollars, a part of his salary forfeited by sickness during the last two years of his service.

To be paid by treasurer.

2d Resolved, That said amount be paid by the public treasurer upon a warrant approved by the auditor.

Ratified this the 7th day of March, A. D. 1887.

Resolution to distribute The Code.

Preamble.

WHEREAS. There are several hundred copies of The Code of North Carolina yet on the hands of the secretary of state which have not been sold, and probably never will be, they are therefore a burden on his hands and ought to be distributed among the people of the state, to the end that the laws thereof may be better understood; therefore,

Each member of general assembly allowed to retain copy of Code.

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 his possession, by resolution of this general assembly.

Ratified this the 7th day of March, A. D. 1887.

Joint resolution to pay clerks to committee on appointment of justices of the peace.

F. A. Olds, clerk to committee on justices of the peace, allowed \$80.00.

Minnie E. Bagley, assistant clerk, allowed \$48.00.

Resolved by the Senate, the House concurring: That the treasurer of the state pay upon the warrant of the auditor to Fred. A. Olds, clerk to the committee on the appointment of justices of the peace, eighty dollars, and to Minnie E. Bagley, assistant clerk, forty-eight dollars, for sixteen days' employment.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of M. R. Haynes, pay, &c.

Resolved by the Senate, the House of Representatives concurring: M. R. Haynes allowed \$45.05 for repairing furniture.
That the treasurer pay M. R. Haynes forty-five dollars and five cents, for repairing desks and furniture of senate chamber.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of M. R. Haynes.

Resolved by the House of Representatives, the Senate concurring: M. R. Haynes allowed \$76.80 for repairs to Hall, &c.
That the amount of (\$76.80) seventy-six dollars and eighty cents be paid out of the treasury to M. R. Haynes for repairs of the hall, chairs, &c.

Ratified this the 7th day of March, A. D. 1887.

Resolution directing the mode of distributing the Colonial Records of North Carolina.

Resolved by the House of Representatives of North Carolina, the Senate concurring: That the trustees of the public libraries are hereby instructed to distribute the Colonial Records of North Carolina as follows: To the governor, lieutenant governor, treasurer, attorney-general, secretary of state, auditor, superintendent of public instruction, superintendents of the several insane asylums, and of the deaf and dumb asylum, each clerk of the superior court to be kept in his office, to each representative and senator of the general assembly, to each representative and senator in congress from North Carolina, and to each judge of the supreme and superior courts and to the clerk of the supreme court one copy each, to the libraries of the senate and house of representatives and of the supreme court five copies each, to the libraries of the University, of Davidson College, Trinity College and Wake Forest College three copies each, and to such other town, city or collegiate libraries in the state as the said trustees may designate, two copies each.

Ratified this the 7th day of March, A. D. 1887.

Resolution concerning captions.

Resolved by the House of Representatives, the Senate concurring: Secretary of state directed to have fifty copies of annotated captions prepared for each member.
That the secretary of state is hereby authorized and directed to have fifty copies of annotated captions of all bills and resolutions passed

at this session of the general assembly printed, and mailed to each member as soon as practicable after adjournment.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of the First National Bank of Asheville, North Carolina.

Preamble.

Resolved by the House of Representatives, the Senate concurring:
WHEREAS, The First National Bank of Asheville, North Carolina, is the owner of three four per centum bonds of the state of North Carolina, numbers one thousand and ninety-eight, fifteen hundred and nine, and thirteen hundred and ninety-four; and whereas, the coupons due January first, eighteen hundred and eighty-seven, detached from said bonds, were destroyed accidentally by fire:

Treasurer directed to pay interest on certain four per cent. bonds, coupons having been destroyed by fire.

Resolved, That the state treasurer be and he is hereby directed, upon affidavit of the president or cashier of said bank 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 the said president or cashier the interest due upon said bonds as represented by said coupons so destroyed by fire, to-wit: sixty dollars.

Ratified this the 7th day of March, A. D. 1887.

Resolution to pay W. H. & R. S. Tucker for certain merchandise.

W. H. & R. S. Tucker allowed \$14.83 for merchandise.

Resolved by the Senate, the House of Representatives concurring:
That the state treasurer pay, upon the warrant of the auditor, the sum of fourteen dollars and eighty-three cents to W. H. & R. S. Tucker for merchandise used in making storm doors to close rotunda, &c.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of the North Carolina Industrial Association.

Treasurer directed to pay N. C. Industrial Association \$1,000.00.

Resolved by the House of Representatives, the Senate concurring:
That the public treasurer be and he is hereby directed to pay the sum of one thousand dollars (\$1,000) upon the warrant of the auditor approved by the governor to the treasurer of the North Carolina Industrial Association, to aid in paying the premiums and the necessary incidental expenses of said association at their annual fair for the year eighteen hundred and eighty-seven: *And provided,* that all

Proviso.

contracts for expenditures under this act cannot be considered binding unless the same are approved by the governor.

Ratified this the 7th day of March, A. D. 1887.

Resolution concerning paving of streets around capitol square.

Resolved by the House of Representatives, the Senate concurring: Penitentiary directors authorized to pave one half of streets around capitol square.

That the board of directors of the penitentiary are hereby authorized and directed to cause one half of the streets around the capitol square to be paved with stone to be quarried from the penitentiary quarry, or other convenient quarry, and in such manner as the warden may deem best and most suitable, whenever the same may be done without undue interruption of the work on the penitentiary building; *Provided*, that the city of Raleigh shall have the other half paved at the same time, and *provided further*, that whenever the property on both sides of the street is owned by the state, the whole of the street shall be paved by the penitentiary authorities as aforesaid. *Provided.*

Ratified this the 7th day of March, A. D. 1887.

A resolution for the benefit of D. W. McIntosh.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of this state is hereby authorized and empowered to issue to Daniel W. McIntosh, of Chatham county, a license exempting said McIntosh from paying tax as a travelling daguerrean artist, on account of physical disability incurred as a soldier in the confederate army. Treasurer authorized to issue D. W. McIntosh license exempting him from tax as traveling daguerrean artist.

SEC. 2. That said license shall not extend for a longer period at any one time of more than two years, unless said McIntosh proves to the satisfaction of said treasurer that his disability continues to exist. Extension of license.

SEC. 3. That this resolution 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. 1887.

Resolution in favor of John Sanders and E. W. Kerr.

Resolved by the House of Representatives, the Senate concurring: John Sanders, chairman House committee to examine insane asylums, allowed \$25.85.

That the treasurer is hereby authorized upon the warrant of the auditor to pay John Sanders, chairman of the house branch of the committee appointed to investigate the Western and Eastern insane

asylums, the sum of twenty-five dollars and eighty-five cents; and E. W. Kerr, chairman of senate branch, the sum of thirty dollars and thirty-seven cents, actual expenses of said committee.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of George K. Pritchard and W. H. Furman.

Assistant clerks allowed \$100.00 for extra work.

Resolved by the Senate, the House of Representatives concurring: That George K. Pritchard, assistant clerk of the house, and W. H. Furman, assistant clerk of the senate, are hereby allowed the sum of one hundred dollars each as an extra allowance for services rendered the general assembly, and the auditor is hereby directed to draw a warrant for, and the treasurer to pay the sum herein set forth.

Ratified this the 7th day of March, A. D. 1887.

Resolution in regard to the proper representation of this state in the centennial celebration of the adoption of the constitution of the United States.

Preamble.

WHEREAS, The state of North Carolina, as one of the thirteen original states of this Union, should be properly represented in the centennial celebration of the adoption of the Constitution of the United States; and whereas, this state has been urged by the governors of the colonial states to meet them in the celebration of this centennial anniversary of the constitution to be held in the city of Philadelphia on the seventeenth September, eighteen hundred and eighty-seven, and the governor of this state has recommended the taking of such steps as will insure a proper representation of this state: therefore,

Governor authorized to secure suitable representation of state.

Resolved by the House of Representatives, the Senate concurring: That the governor of this state be and is hereby authorized to take such steps as will secure to our state a suitable and proper representation in said centennial celebration as in his judgment may seem most suitable and creditable and fitting for the occasion, and to that end, for the purpose of defraying the expenses of the same, is authorized to expend an amount not exceeding five hundred dollars, to be paid by the treasurer upon the warrant of the auditor, who is directed to draw his warrant upon the treasurer upon the order of the governor, not exceeding the amount herein appropriated.

Allowed \$500.00.

Ratified this 7th day of March, A. D. 1887.

Resolution in favor of Louis D. Bulla and Robert L. Cooper, assistant principal clerks.

Resolved by the House of Representatives, the Senate concurring: That Louis D. Bulla and Robert L. Cooper, assistant principal clerks, be allowed 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.

Assistant principal clerks allowed \$100.00 for extra work.

Ratified this the 7th day of March, A. D. 1887.

Resolution requesting the senators and members of congress to use their efforts to secure an increase of pay for keepers and crews of the life-saving service and establish a pension law for the same.

Resolved by the House of Representatives, the Senate concurring: 1. That our senators and members of congress are hereby requested to use their utmost effort to secure an increase of pay for the keepers and crews of the life-saving service.

Senators and representatives requested to make effort to obtain increase of pay for keepers and crews of life-saving service.

2. To establish a permanent pension law for said service.

3. That copies of this resolution be sent to each senator and representative in congress.

Ratified this 7th day of March, A. D. 1887.

Resolution to pay Messrs. W. H. & R. S. Tucker & Co. fourteen dollars and ten cents for material furnished for heating the capitol during the session of one thousand eight hundred and eighty-seven.

Resolved by the Senate of North Carolina, the House of Representatives concurring therein: That the auditor of the state issue a warrant on the state treasurer for the sum of fourteen dollars and ten cents, amount of material furnished for the heating of the capitol, under a contract made by the senate committee, the said amount is due the firm of W. H. & R. S. Tucker & Co., of Raleigh, North Carolina.

W. H. & R. S. Tucker & Co. allowed \$14.10 for material furnished for heating capitol.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of J. M. Brown, enrolling clerk.

Resolved by the Senate, the House of Representatives concurring: That J. M. Brown, enrolling clerk, be allowed one hundred dollars extra pay for services in his office, out of the treasury on the auditor's warrant.

J. M. Brown, enrolling clerk, allowed \$100.00 extra pay.

Ratified this the 7th day of March, A. D. 1887.

Resolution in favor of D. R. Julian and W. V. Clifton.

Doorkeepers allowed \$50.00 for extra services.

Resolved by the House of Representatives, the Senate concurring:
That D. R. Julian and W. V. Clifton, principal door-keepers of the House and Senate, be allowed for extra service the sum of fifty dollars each, 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 7th day of March, A. D. 1887.

PRIVATE LAWS

OF THE

State of North Carolina,

SESSION 1887.

CHAPTER 1.

An act to incorporate Blackwell's Durham Co-operative Tobacco Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Julian S. Carr, of Durham, North Carolina, Marcellus E. McDowell, Samuel H. Austin, Jr., and John A. McDowell, of Philadelphia, Pennsylvania, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "Blackwell's Durham Co-operative Tobacco Company," with a capital stock of two million dollars (\$2,000,000), which shall be divided into eighty thousand (80,000) shares, of the par value of twenty-five dollars (\$25.00) each, with power to increase the said capital stock at any time or from time to time, to any sum not exceeding in the aggregate four million dollars, (\$4,000,000).

Body politic.

Corporate name.

Capital stock.

SEC. 2. The said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the business of manufacturing, buying and selling tobacco; and said corporation may buy, sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure.

Corporate powers.

SEC. 3. That said corporation shall have power to lease, purchase, hold, sell and convey real estate, and to purchase personal property of any kind and description necessary for its business, and to issue the whole or any part of its capital stock in payment therefor; and to borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects, or otherwise, and it may make such bonds or other evidences of its indebtedness convertible, and provide for their conversion into the capital stock of said corpora-

Corporate powers.

tion at such rate of interest and upon such terms as to said corporation may seem best.

By-laws, &c.

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and transaction of its business; they shall have power to elect, in such manner as a majority of the stock may prescribe, such officers as they deem necessary, prescribe their duties, compensation and 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.

Common seal.

SEC. 5. As such corporation, they may have a common seal, which they may break or alter at pleasure.

No notice of first meeting required.

SEC. 6. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the corporators waive such notice or publication, in writing, and fix a time for the first meeting of said corporation.

Proviso.

Stockholders not individually liable for corporate debts.

SEC. 7. That the corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible for the debts, liabilities, contracts, engagements or torts of the corporation.

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 January, A. D. 1887.

CHAPTER 2.

An act to incorporate the Concord Female Academy.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Elam King, R. W. Allison, D. F. Cannon, J. W. Cannon, P. B. Fetzer, A. B. Young, W. G. Means, W. R. Odell, J. M. Odell, C. G. Montgomery, Wm. M. Smith, D. R. Hoover, G. M. Lore, J. S. Fisher, R. A. Brown and their associates and their successors, are hereby created a body corporate and politic by the name and style of the "Concord Female Academy," for the purpose of maintaining a non-sectarian school in the town of Concord, Cabarrus county, North Carolina, for white females; and if the stockholders shall at any time by a majority of stock so declare, for white males, not over the age of twelve years: 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, to contract and

Corporate name. Purposes of corporation.

Corporate powers.

be contracted with, and to enjoy any and every right and privilege incidental and belonging to corporate bodies according to the law of this state.

SEC. 2. The officers of this corporation shall be a president, vice-president, secretary and treasurer, to be elected annually by the stockholders of said corporation on the first Monday of June of each year in the manner hereinafter provided. The first election under this section shall be held on the first Monday of March, eighteen hundred and eighty-seven, and the officers then elected shall hold office till the first Monday of June, eighteen hundred and eighty-seven.

Officers.

First election.

SEC. 3. The stockholders of said corporation shall elect nine trustees for the following terms: Three for the term of three years, three for a term of two years, and three for a term of one year. The first election to be held on the first Monday of March, eighteen hundred and eighty-seven, 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.

Trustees.

Election.

Term of office.

SEC. 4. In the election of officers and trustees above provided for, and in all matters of business, every white person owning fifty dollars of stock in said "Concord Female Academy" shall be entitled to one vote, and one vote for every fifty dollars owned, and the officers of the corporation are hereby authorized to issue certificates of stock to all persons owning stock in said corporation, fifty dollars to constitute a share. The certificates shall be signed by the president and secretary.

Stock vote.

Certificates of stock.

SEC. 5. There shall be an annual meeting of all the stockholders of the "Concord Female Academy" on the first Monday in June and at such other times as a majority of the stock may appoint, at which meeting or meetings all regulations that may be deemed necessary for the welfare of said female academy may be made.

Annual meeting.

SEC. 6. A majority of the stock of the corporation shall constitute a quorum for the transaction of business.

Quorum.

SEC. 7. The president shall preside at the meetings of the stockholders, and in his absence the vice-president shall preside; the secretary shall keep the records of the meetings, and the treasurer the funds of the company; and the officers aforesaid shall have full power to represent the corporation in all things, subject to the rules and regulations the stockholders may make.

Duties of officers.

SEC. 8. It shall be the duty of the trustees to hold annual meetings or as often as they deem necessary, to attend to all matters entrusted to them by the stockholders, and to make report of all their transactions to the company at its annual meetings, and to enforce the rules and regulations prescribed in section five.

Duties of trustees.

SEC. 9. The said corporation shall have a seal.

Corporate seal.

Stockholders not individually liable for corporate debts.

SEC. 10. That the stockholders shall not be individually liable for the debts of the corporation.

In the general assembly read three times, and ratified this the 14th day of January, A. D. 1887.

CHAPTER 3.

An act to incorporate the North Carolina Phosphate Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Charles H. Bennett, of Philadelphia, and Thomas D. Hogg, W. J. Hawkins, Bennehan Cameron, Peter M. Wilson, A. B. Andrews, I. F. Dortch, M. J. Hawkins, A. H. A. Williams, S. P. Arrington and C. M. Hawkins, of North Carolina, and such other persons, companies or corporations as may hereafter be associated with them, and their successors and assigns, are hereby created a body politic and corporate, by the name of "North Carolina Phosphate Company," by which name said company and their successors shall have perpetual succession and all rights and privileges conferred upon corporations by chapter sixteen, sections six hundred and sixty-three and six hundred and sixty-four of The Code of North Carolina.

Corporate name.
Corporate powers.

SEC. 2. That said company is hereby authorized and empowered to purchase, hold, grant, sell, lease, mortgage or otherwise convey and dispose of any real or personal estate; to borrow money and make and issue bonds and promissory notes or any other evidence of its indebtedness, and secure the payment of the same by mortgage or otherwise as it may deem best.

Corporate powers.

Capital stock.

SEC. 3. The capital stock of said company shall not be less than two hundred thousand dollars, and may be increased to such further sum, in such manner and upon such terms not exceeding five hundred thousand dollars as the stockholders of said company may from time to time determine. The capital stock shall be divided into shares of one hundred dollars each: and at all meetings of stockholders of said company each share of stock shall entitle the holder thereof to one vote either in person or by proxy.

Stock vote.

Corporate powers.

SEC. 4. That said company is hereby authorized and empowered to manufacture fertilizers and chemicals, of any character and description, from materials or substances of any kind whatsoever: to buy, sell and deal in marls, phosphate rock and all kinds of materials used in the manufacture of fertilizers, and to mine and work the necessary ores; to catch fish, extract the oil therefrom and prepare the same for fertilizing purposes; to manufacture bags, barrels, and such other things as may be deemed necessary or in any way incident to

the manufacture or the sale of fertilizers and chemicals; to engage in and conduct any kind of agricultural or manufacturing business or enterprise: to own, build, employ, and use vessels or any other boats, equip with rolling or any other stock, and operate on rail, tram, turnpike or other road connecting its mines, phosphate deposits, factories, works, buildings and premises with other roads of any and all kinds: and may dig canals and erect such buildings and conveniences as it may desire for the carrying on of its enterprises, or for the uses, conveniences or habitation of its employees, at Castle Haynes, in the county of New Hanover, or elsewhere, as may hereafter be designated by the directors of said company. ✓

SEC. 5. Subscriptions to the capital stock of this company may be payable in cash or in real or personal estate of any kind; but no certificate of stock shall be issued except by the consent of a majority of the stockholders. Subscriptions to capital stock, how made.

SEC. 6. The owners of stock in this company shall not be individually liable for any contract, indebtedness, nor liabilities of any kind whatsoever, of said company. Stockholders not individually liable for corporate debts.

SEC. 7. Within thirty days after the ratification of this act the corporators or any three of them may call a general meeting of the stockholders in the city of Raleigh, and as soon as the sum of fifty thousand dollars shall have been subscribed to the capital stock of said company, proceed to organize in accordance with this act. Organization.

SEC. 8. 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. 1887.

CHAPTER 4.

An act to amend chapter forty-seven of the private acts of eighteen hundred and eighty-one.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-seven (47) of the private acts of eighteen hundred and eighty-one (1881) be amended by striking out the word "one" between "exceeding" and "hundred" in the eighth (8) line of section five (5) of said act and inserting in lieu thereof the word "five," so that the paragraph shall read: "1st. On all licensed retailers of spirituous, alcoholic or malt liquors, a tax not exceeding five hundred dollars." Chapter 47, section 5, private laws 1881, amended.

SEC. 2. That this act shall be in force from and after its ratification. Tax upon retail liquor dealers in town of Monroe. ✓

In the general assembly read three times, and ratified this the 24th day of January, A. D. 1887.

CHAPTER 5.

An act to repeal chapter four of private laws of eighteen hundred and eighty-five, entitled "an act to appoint a cotton weigher for the town of Newton, Catawba county."

The General Assembly of North Carolina do enact :

Chapter 4, private laws 1885, repealed.

SECTION 1. That chapter four of the private laws of eighteen hundred and eighty-five, entitled "an act to appoint a cotton weigher for the town of Newton, Catawba county," be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 26th day of January, A. D. 1887.

CHAPTER 6.

An act to incorporate the "Carolina Insurance Company," of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

Corporate name.

Corporate powers.

SECTION 1. That Donald MacRae, W. H. Sprunt, D. L. Gore, Roger Moore, John H. Hanby, G. H. Smith, B. H. J. Ahrens, M. S. Willard, Thomas F. Bagley and all other persons who may hereafter be associated with them, in the name and style of "The Carolina Insurance Company," are hereby constituted a body politic and corporate, to have succession for ninety-nine years, and by that name to sue and be sued, appear, prosecute and defend in any court of record or other court or places whatsoever, and may have and use a common seal, and may hereafter break and renew the same at will, and may purchase and hold such real and personal estate as may be deemed necessary to effect the objects of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state and of the United States, as may be necessary or convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.

Board of directors.

SEC. 2. That the affairs of this company shall be governed and managed by a board of directors to consist of not less than three nor more than seven members or stockholders, as may be regulated by the by-laws of the company; and the president and two directors

shall constitute a quorum for the transaction of business. Said directors shall be elected at the regular annual meeting of the stockholders and shall hold office for one year and until others shall be chosen to supply their places. The board of directors shall have power to fill vacancies created by death, resignation or otherwise.

Vacancies.

SEC. 3. That the capital stock of the said corporation shall be one hundred thousand dollars, with full power and authority to increase the same from time to time as may be deemed expedient by the stockholders, to the maximum of five hundred thousand dollars; said stock shall be divided into shares of ten dollars each, and shall be payable by each subscriber in the manner and form prescribed by the president and directors of said corporation.

Capital stock.

SEC. 4. That the board of directors shall have full power to invest the capital paid in and all moneys coming into the possession of the company in real estate or personal estate, bonds, mortgages, gold, silver, stocks, or securities of any description, and have power to sell and convey the same or change the character of investments from time to time as the interest of the company may require.

Investment of capital stock.

SEC. 5. That this company may issue policies of insurance, duly signed by its president and secretary, against loss or damage by fire, lightning, wind or tornado, or any other insurance whatsoever that the directors may deem proper, including life and accidental insurance, and this company is hereby vested with all the power that any insurance company has or may have, to transact business in this state; and they may charge such premiums as may be agreed upon by this company and the parties insured.

Authorized to issue policies of insurance against fire, &c., and also life and accidental policies.

Corporate powers.

SEC. 6. That the stockholders of said corporation shall not be liable for any loss or damage or responsibility in their persons or property, other than the property they have in the capital stock or funds of the said corporation to the amount of shares held by them respectively and any profit arising therefrom not divided.

Stockholders not individually liable for corporate debts.

SEC. 7. That the above named persons are duly authorized, so soon as the capital stock shall have been subscribed to the amount of fifty thousand dollars and fifty per centum be paid into their hands, to call a meeting of said subscribers, who shall elect from their number a president and directors to serve until the first annual meeting, and have power to commence the business operation of the company.

Organization.

SEC. 8. That nothing herein contained shall be so construed as to prevent this company from receiving any of the benefits or from complying with any general insurance law that may hereafter be enacted.

Corporation liable to provisions of any general insurance law hereafter enacted.

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 1st day of February, A. D. 1887.

CHAPTER 7.

An act to amend chapter sixty-seven of the private laws of eighteen hundred and eighty-five, entitled "an act to incorporate the Cashie and Roanoke Railroad and Lumber Company."

The General Assembly of North Carolina do enact :

Chapter 67, private laws 1885, amended.

That chapter sixty-seven of the private laws of the general assembly at its session of eighteen hundred and eighty-five, incorporating the Cashie and Roanoke Railroad and Lumber Company, be amended as follows :

Corporate name changed.

SECTION 1. That section one of said act be amended by striking out the words "Cashie and Roanoke Railroad and Lumber Company," and by substituting therefor the words "Cashie and Roanoke Railroad Company."

Gauge.

SEC. 2. That section two of said act be so amended as to read : "That the said company is hereby authorized to construct and maintain a narrow or standard gauge railroad from Lewiston to Simmons' landing in Bertie county, and may extend the line of its said road to Garysburg in Northampton county, and, to Avoca in Bertie county."

Termini.

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

In the general assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 8.

An act to incorporate the town of Murphy in Cherokee county.

The General Assembly of North Carolina do enact :

Incorporated.

Corporate name.

SECTION 1. That the town of Murphy, in Cherokee county, be and the same is hereby incorporated by the name and style of the town of Murphy, 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 and boundaries of said town shall be as follows: Beginning at the bluff below B. B. Meroney's farm, and running a direct line to Hiwassee river, one mile above Murphy, thence with the meanderings of said river to junction of same with Valley river, thence to the beginning.

Officers.

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-seven, viz.: John H. Hennesa, mayor

Temporary officers.

and John DeJournett, A. M. Brittain and S. W. Davidson, commissioners, James Turnbull, marshal: *Provided*, that in the event any of the appointees should fail to accept, the vacancies shall be filled by the persons herein mentioned, who so accept. Vacancies.

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-seven, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said incorporation who shall have resided twelve months within the state and ninety days within the corporate limits previous to day of election shall be entitled to vote at said election. Election.
Electors.

SEC. 5. That said commissioners shall have power to pass all laws and regulations for the good government of the town, not inconsistent with the laws of the state and United States, and levy a tax on all subjects of state taxation not to exceed sixteen and two-thirds cents on each hundred dollars' worth of property and fifty cents on the poll, and to impose fines for the violation of town ordinances and collect the same. By-laws, &c.
Taxation.
Fines.

SEC. 6. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town. Appropriation of
fines.

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

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

In the general assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 9.

An act to allow the Bank of Greensboro further time to wind up its business.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporation known as the Bank of Greensboro, chartered by the general assembly and ratified on the sixth day of April, one thousand eight hundred and sixty-nine, shall be allowed in addition to the time heretofore granted to said corporation five years from the ratification of this act to settle and close up its affairs. Allowed until
February 1st, 1892,
to close up its
affairs.

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

In the general assembly read three times, and ratified this the 1st day of February, A. D. 1887.

CHAPTER 10.

An act to incorporate the Evangelical Lutheran Synod and Ministerium of North Carolina.*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the Evangelical Lutheran Synod and Ministerium of North Carolina, organized October seventeenth, Anno Domini eighteen hundred and three, is hereby created a body politic and corporate, under the name and style of "The Evangelical Lutheran Synod and Ministerium of North Carolina," with power to receive, purchase and hold real and personal estate, and may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and perpetual succession, and have all such rights and privileges and powers as Lutheran usages require and the constitution and laws of the state of North Carolina allow.
- Corporate name.**
- Corporate powers.**
- By-laws, &c.** SEC. 2. The said corporation may adopt such rules, regulations, constitution or by-laws as may be deemed necessary or proper for the government and management of the same, not inconsistent with the laws of the state or 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.
- Corporate powers.** SEC. 3. That this act shall be in force from and after its ratification. In the general assembly read three times, and ratified this the 2d day of February, A. D. 1887.

CHAPTER 11.

An act to incorporate the town of Charleston in Swain county, North Carolina.*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION. 1. That the town of Charleston, Swain county, North Carolina, be and the same is hereby incorporated by the name and style of the town of Charleston, and shall be subject to all the provisions contained in The Code of North Carolina for incorporated towns, also subject to the general law in relation to municipal corporations.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows : one half mile from the court-house in all directions.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable.
- Election.** SEC. 4. That the first regular election for mayor, commissioners and constable shall be held on the first Thursday in May, eighteen

hundred and eighty-seven, and every year thereafter, and it shall be the duty of the sheriff of Swain county or some justice of the peace in said county, after giving ten days' notice by advertising at three or more public places in said corporation prior to the said first Thursday in May, one thousand eight hundred and eighty-seven, to open the polls and conduct the election herein provided for under the same restrictions and regulations that other county and state elections are held: *Provided*, that elections held hereafter under the provisions of this charter shall be subject to the control of the commissioners of said town: *Provided further*, that the following officers nominated and appointed under this act shall duly exercise the duty of said officers from the ratification hereof until the said election shall have been held. to-wit: E. E. Everett, mayor; A. B. Allison, M. T. Conley and R. L. Davis, commissioners, and G. W. Battle, constable.

Proviso.

Proviso.

Temporary of-
ficers.

SEC. 5. That all the qualified voters within said corporation that have resided therein ninety days previous to the day of the election shall be entitled to vote in said election.

Electors.

SEC. 6. It shall be the duty of the commissioners, mayor and constable elect to meet, take the oath of office, and organize.

Duty of officers
elected to qualify.

SEC. 7. That the commissioners shall have power to levy and collect a tax not to exceed sixty cents on the poll and twenty cents on the hundred dollars' worth of all personal and real property in said town.

Taxation.

SEC. 8. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have power, and it shall be the duty of such marshal, to arrest the body of offending parties who have violated the law in the presence of said marshal, without warrant, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs; and for every resistance to such authority by such offenders or others the party so resisting shall be punished as the ordinances of said town shall provide; and if necessary, the marshal shall have power to call to his aid any by-standers to assist him in any legal arrest, and any one so summoned or called who refuses or fails to assist in making such arrest or arrests shall upon conviction before the mayor be punished as the ordinances of said town shall prescribe.

Duties and pow-
ers of town mar-
shal.Penalty for resist-
ing marshal.Penalty for refu-
sal to aid mar-
shal, &c.

SEC. 9. That the commissioners shall also have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them; but this shall not be construed to authorize them to take up and impound any live stock belonging to any person outside the corporate limits of said town. They shall also have power to prescribe any rules, regulations and ordinances for the good government of the town not inconsistent with the laws of the state or the United States.

Abatement of
nuisances.

Rules, &c.

- Secretary. SEC. 10. That it shall be the duty of the commissioners when organized to appoint a secretary, whose duty it shall be to record all the proceedings of the commissioners; and also to appoint a treasurer, who shall enter into a bond, approved by the commissioners; and it shall also be their duty to require the constable to enter into a bond, payable to the state of North Carolina, to the use of the town of Charleston, conditioned for the faithful performance of his duties, approved by the commissioners.
- Treasurer. Bond. Bond of constable. Sale of liquor in discretion of commissioners. SEC. 11. That the sale of intoxicating drinks in said town shall be in the discretion of said commissioners, and they shall prescribe the amount of tax to be paid annually, provided that such sale is allowed by them.
- Taxes, fines, &c., how applied. SEC. 12. That the commissioners shall have the power to apply the taxes collected under this act, together with all fines and forfeitures for violation of the town ordinances, to the improvement of the public streets or other public improvements in said town, as they may deem necessary.
- Compensation of officers. SEC. 13. That the officers in said town shall receive such compensation for their services as the mayor and commissioners of said town in their discretion shall authorize.
- Conflicting laws repealed. SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 15. 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 February, A. D. 1887.

CHAPTER 12.

An act to incorporate the Durham Land and Security Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Eugene Morehead, James A. Bryan, John L. Watkins, Robert I. Rogers and W. W. Fuller and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the Durham Land and Security Company, with a capital stock of one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with liberty and authority to a majority of the stockholders to increase said capital stock at any time or from time to time to any amount not exceeding in the aggregate five hundred thousand dollars.
- Corporate name. Capital stock. SEC. 2. That as said corporation they shall have perpetual succession, a common seal, which they may break or alter at pleasure, they may in their corporate name sue and be sued, prosecute and defend actions and special proceedings in all courts of the land; they may
- Corporate powers.

buy, lease, exchange, hold, sell and convey real and personal property at their will and pleasure, provided that said company may hold and own at any time one thousand acres of land in fee, but not exceeding that quantity; they shall have power and authority to place and negotiate loans of money upon real and personal property. buy and sell stocks, bonds and all other securities and choses in action; they may buy land or other property and issue the whole or any part of the capital stock in payment therefor; they may borrow money and execute notes and bonds and other evidences of debt and secure the same by mortgage of their property, effects and franchise, or otherwise.

SEC. 3. That the said company shall have power and authority to accept and execute trusts of any and every description which may be committed or transferred with their consent to them by any person or persons whomsoever, or by any corporation, or by any court in this or any other state, and to act as agent and trustee generally.

Authorized to accept trusts, &c.

SEC. 4. That said corporation may make such by-laws, rules and regulations as the stockholders may desire, may elect such officers as they see fit and prescribe their duties, compensation and terms of service; and for their services as trustee and agent in any case may demand and receive such commissions and compensation as may be agreed on by the corporation and the other parties.

By-laws, &c.

Officers.

Compensation for services as trustee, &c.

SEC. 5. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the corporators named herein waive in writing such notice and fix a time and place of meeting.

No notice of first meeting. Proviso.

SEC. 6. That the corporators and stockholders of said company and their associates, successors and assigns shall not be individually or personally liable or responsible for the debts, contracts, obligations, or engagements, or torts of said corporation; and no stockholder shall be liable to pay for more stock than he subscribes for.

Stockholders not personally liable for corporate debts.

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 February, A. D. 1887.

CHAPTER 13.

An act to amend chapter nineteen, private laws of eighteen hundred and sixty-six of North Carolina, which is "an act to incorporate the town of Company Shops in the county of Alamance."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nineteen, private laws of eighteen hundred and sixty-six, be and the same is hereby amended by striking out the words "Company Shops" wherever they appear in said chapter nine-

Chapter 19, private laws 1866, amended.

Name of Company Shops changed to "Burlington."

teen, private laws of eighteen hundred and sixty-six, and inserting in lieu thereof the word "Burlington," and that the said town of "Company Shops" shall be named and hereafter known as "Burlington."

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

In the general assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 14.

An act to authorize and ratify a certain act of the town commissioners of Tarboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That whereas the board of town commissioners of the town of Tarboro have duly declared that portion of St. John's street where it intersects with and crosses Creek or Railroad street, as appears in the plot of said town, is discontinued as a public highway, the aforesaid intersecting portion of said street not being necessary for the convenience or use of the public. And the said board of commissioners having granted the right and authorized the Wilmington and Weldon Railroad Company to use and occupy said portion of the said street and to lay down two additional tracks east of the one now in use in said Creek street for depot purposes: *Provided*, the said company uses its adjacent lots for no purpose save depot purposes, and open a street not less than seventy feet wide parallel to said Creek street and lying continuously on the east side of the said company's town lots, and shall keep said Creek street in good repair and well ballasted, and good wooden crossings at each point where the said railroad is crossed by the streets of said town; that the act of said board of commissioners be and is hereby duly authorized and ratified.

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

In the general assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 15.

An act to incorporate "J. M. Odell Manufacturing Company," of Chatham county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. M. Odell, W. R. Odell, of Cabarrus county, North Carolina, and W. H. Ragan and J. A. Odell, of Guilford county, North Carolina, their successors and associates, are hereby

Act of commissioners of Tarboro in closing part of St. John's street and authorizing W. & W. R. R. Co. to occupy same, &c., ratified.

Proviso.

Body politic.

- created a body politic and corporate, under the name of "J. M. Odell Manufacturing Company," of Chatham county, North Carolina, with a capital stock of thirty thousand (\$30,000) dollars, with liberty to increase the same from time to time to any sum not to exceed two hundred thousand dollars, to be divided into shares of one hundred dollars (\$100) 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.
- SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the manufacture and sale 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 such other buildings as they deem necessary, and buy and sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure.
- SEC. 3. That said corporation, by its corporate name, shall have power to sue and be sued, to purchase, own, lease, hold, sell and convey real estate and personal estate; to borrow money, to contract and be contracted with, and shall have perpetual succession.
- SEC. 4. That said corporation may have a common corporate seal, which they may make and alter at pleasure.
- SEC. 5. That the incorporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable or responsible for the debts, liabilities, contracts, engagements or torts of the corporation.
- SEC. 6. That the principal place of business of said corporation shall be at Bynum, in the county of Chatham, North Carolina, but said corporation shall have the right to hold its annual and other meetings at Greensboro, North Carolina, or Concord, North Carolina, and to transact such other business at such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.
- SEC. 7. That all property and estate owned by said corporation shall be liable for taxes according to its assessed value, and the taxes thereon shall be given in and paid by the corporation, and not by the several stockholders or parties owning stock therein.
- SEC. 8. The affairs of said corporation shall be managed by a president and three directors, to be elected annually, and to hold office till their successors are elected and qualified. The number of directors may be increased by the stockholders at their annual meetings. The incorporators named in section one shall constitute the first board of directors and shall hold office till an election shall be held by the stockholders.
- SEC. 9. The officers of the corporation shall be a president and secretary and treasurer, and the same person may be secretary and treasurer, and the said officers shall be elected annually, at the an-

Corporate name.

Capital stock.

Authorized to manufacture, &c., build mills, &c.

Corporate powers.

Corporate seal.

Stockholders not individually liable for corporate debts.

Place of business.

Meetings, where held, &c.

Liability of property for taxes, &c.

President and directors.

First board of directors.

Term of office.

Officers.

Stock vote.

nual meeting of the stockholders, by the stockholders of the corporation, and in all elections by the stockholders of the corporation each share of stock shall be entitled to one vote.

By-laws, &c.

SEC. 10. That the stockholders of the corporation shall have power to make their own by-laws, rules and regulations for their own government: *Provided*, that said by-laws, rules and regulations shall not be in conflict with the constitution and laws of this state or of the United States.

Proviso.

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

In the general assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 16.

An act to amend the charter of the town of Kinston, Lenoir county, chapter thirty-three, private laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 33, private laws 1885, amended.
Mayor to be elected by qualified voters.

SECTION 1. That the charter of the town of Kinston, Lenoir county, be and the same is hereby amended as follows: in line two, section five, chapter thirty-three, private laws of eighteen hundred and eighty-five, and after the word "elected" add the words "a mayor and," in line twenty of said section after the word "ward" add "and for mayor," and in line twenty, section six of said chapter, after the words "shall be" add the words "mayor and."

Section 12 amended.

Election for mayor, when and how held.

SEC. 2. That all that part of section twelve of said chapter down to and including the word "qualified" in line seven, be and the same is hereby repealed and the following substituted therefor: "That the mayor of said town of Kinston shall be elected by the qualified voters thereof at the same time, place and under the same rules, regulations and requirements as govern the election of commissioners for said town."

Section 17 amended.

SEC. 3. That in line one, section seventeen of said chapter, strike out the word "chosen" and insert the word "elected," and in section eighteen, line first, after the words "to elect" add the words "mayor and," and in line six of said section after the word "for" and before the word "commissioners" add "mayor and."

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 8th day of February, A. D. 1887.

CHAPTER 17.

An act to amend an act entitled "an act to incorporate "The Biddle University," ratified the tenth day of February, A. D. eighteen hundred and seventy-seven, and amendments thereto.

WHEREAS. It is desirable to promote useful knowledge among the freedmen ; and whereas, an institution of learning for their benefit has been established near the city of Charlotte, in the county of Mecklenburg, by the Presbyterian church in the United States of America, under a charter granted in pursuance of sections fourteen and fifteen of chapter twenty-six of the Revised Code of North Carolina, said institution being known and designated in said charter as Biddle Memorial Institute ; and whereas, a charter was obtained from the general assembly of this state incorporating the same under the name and style of "The Biddle University." ratified the tenth day of February, A. D. eighteen hundred and seventy-seven, the provisions of which are incomplete, by reason of which and for a more efficient organization of said university, it is desirable to obtain further legislation from the state of North Carolina ; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That Luke Dorland, Amos S. Billingsley, Willard Richardson, S. Loomis, J. H. Studd, D. J. Sanders, James Allison, James B. Lyon, John C. McCowl, R. S. Davis, E. Nye Hutchinson, Rufus Barringer, W. R. Coler and their successors in office, duly elected and appointed as hereinafter provided, be and they are hereby declared to be a body politic and corporate, in law and in fact, to have perpetual succession, by the name and style of "The Biddle University." and by that name and style shall have perpetual succession, and shall forever be capable in law to take, receive and hold all manner of lands, tenements, rents, annuities and other hereditaments which at any time or times heretofore have been granted, bargained, sold, released, devised, or otherwise conveyed to said corporation ; and the said lands, rents, annuities, and other hereditaments are hereby vested in said corporation forever ; also that the said corporation 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, shall be capable in law to take, receive and possess all moneys, goods and chattels that have been given or shall hereafter be given, sold, released or bequeathed by any person or persons for the use of said university, and the same to

Body politic.

Corporate name.

Corporate powers.

- Trust. 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 corporation shall have, hold, possess and use in special trust and confidence for the use and benefit of the Presbyterian church in the United States of America, for the purpose of establishing and endowing said university at the site hereinbefore selected therefor, for the education of men of the colored race and others for the ministry, for catechists and for teachers.
- Corporate powers. SEC. 2. *And be it further enacted by the authority aforesaid*, That the said corporation 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 the proceeds arising therefrom shall be held in trust for the use and benefit of the Presbyterian church in the United States of America, for the education of men of the colored race and others for the ministry, for teachers, and for catechists; and further, that the said corporation may sue and be sued, plead and be impleaded, answer and be answered in all courts of record or otherwise whatsoever, in all manner of suits, complaints, pleas, matters and demands.
- By-laws, &c. SEC. 3. *And be it further enacted by the authority aforesaid*, That the said corporation shall have power to make, ordain, and establish such by-laws, ordinances and regulations for the government of said university and the preservation of order and good morals therein as are usually made in such institutions and as to them may seem necessary: *Provided*, the same be not repugnant to the constitution and laws of this state or of the United States and be not disapproved by the board of missions for freedmen of the Presbyterian church in the United States of America.
- Proviso. SEC. 4. *And be it further enacted by the authority aforesaid*, That the said corporation shall have power to make and use a common seal, with such device and inscription as the board of trustees may think fit and proper, and may alter and renew the same at their pleasure.
- Common seal. SEC. 5. *And be it further enacted by the authority aforesaid*, That a board of trustees of said university, consisting of fifteen members, shall be elected by the corporators in this act mentioned, or by a majority of them or their successors: that said board of trustees at their first meeting after the ratification of this act, which meeting shall be held at the university, due notice having been given thereof, shall divide themselves into three classes, each consisting of five members, of which classes one shall hold office for a term of one year, one for a term of two years and one for a term of three years, and the successors of each of said classes shall hold office for a term of three years or until their successors are elected. The board of trustees of
- Board of trustees.

the university shall on the nomination of the board of missions for freedmen of the Presbyterian church in the United States of America annually elect five persons to fill the vacancies arising from expiration of the term of office for which any of said trustees shall have been elected; and vacancies due to any other cause shall be filled in like manner: *Provided, however,* that no professor or instructor in the university shall be elected to the office of trustee thereof, but the president of the university shall have the right to be present at all the meetings of the board of trustees and to speak on any subject that may be presented, but he shall not have the right to vote.

Proviso.

SEC. 6. *Be it further enacted,* That the board of trustees shall have the power to elect a president and professors and tutors for the several colleges of the said university, upon the nomination of the board of missions for freedmen of the Presbyterian church of the United States of America, and no professor or tutor shall be retained in the university who is not acceptable to both the board of trustees and the said board of missions for freedmen, but the board of trustees shall report the election of professors in the theological department to the general assembly of the Presbyterian church in the United States of America, and said assembly shall have the power to disapprove and annul the same.

Trustees to elect president, &c.

SEC. 7. *And be it further enacted by the authority aforesaid,* That the president and professors of said university, by and with the consent of the board of trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges or universities.

Empowered to confer degrees.

SEC. 8. *And be it further enacted by the authority aforesaid,* That the board of trustees may, as often as they see proper according to rules by them to be prescribed, elect out of their own number a president, whose office it shall be to preside over the meetings of said board, and said board 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 said board shall direct; and not less than five of said trustees shall be required to constitute a quorum for the transaction of business; said treasurer shall give to said corporation a bond, conditioned for the faithful discharge of his duties, in a penalty to be fixed and with sureties to be approved by said board of missions for freedmen.

President of board of trustees.

Treasurer and other officers.

Quorum.

Bond of treasurer.

SEC. 9. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons to set up or continue any gaming table, or any device whatever for playing at any game of chance or hazard by whatever name called, or to receive or use any license to retail spirituous liquors, or otherwise to sell, give, or convey to any person or persons any intoxicating liquors within one mile of such university, and any person or persons who shall offend against

Unlawful to set up gaming table, &c., or sell, &c., spirituous liquors within one mile.

Misdemeanor. the provisions of this section or any of them, shall be deemed guilty of a misdemeanor.

Maximum of real and personal property. SEC. 10. *Be it further enacted by the authority aforesaid.* That the whole amount of real and personal estate belonging to said corporation shall not at any one time exceed in value the sum of one million of dollars, and said corporation shall be entitled to hold two hundred acres of land free from taxation.

Conflicting laws repealed. SEC. 11. *Be it further enacted by the authority aforesaid.* That so much of the act of the general assembly of North Carolina, ratified the 10th day of February, A. D. 1877, entitled an act to incorporate the Biddle University, in conflict with this act is hereby repealed, and all other acts in conflict with this act are hereby repealed, and that this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 18.

An act to incorporate the "Beaufort High School Association."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. B. Jones, W. S. Chadwick, Wm. Sabiston, J. B. Davis, John Forlaw, S. W. Gabriel, B. L. Jones, John E. Ireland and S. A. Davis, of Carteret county, North Carolina, or any five of them, and such other persons as may hereafter be associated with them, be and the same are hereby created a body politic and corporate, under the name and style of the "Beaufort High School Association," having for its object the advancement of the cause of education in the county of Carteret, and they and their successors in office under the name and style of the "Beaufort High School Association" may sue and be sued, plead and be impleaded, purchase, hold and transfer real and personal estate, may adopt a constitution and by-laws, and alter or amend the same as they may deem necessary and proper from time to time for the government of the affairs of the corporation, and may do all other acts and things which in law a body politic and corporate may do not inconsistent with the laws of this state and the constitution of the United States and of this state, and shall be invested with all the powers, rights and privileges of corporations conferred by chapter sixteen, volume first of The Code.

Corporate name.

Corporate powers.

Lease made by county commissioners, &c., in June, 1886, approved.

SEC. 2. For the purposes of more fully carrying out the intention of the general assembly, at its session of one thousand eight hundred and sixteen, chapter ninety-seven, the lease made and executed by the board of commissioners of Carteret county and approved by the board of magistrates of said county, at their regular meeting in June,

one thousand eight hundred and eighty-six, to Thomas Thomas, B. L. Jones, W. F. Dill and others, for lots numbers one hundred and thirty-six, one hundred and forty-four and one hundred and fifty-two, old town in Beaufort, North Carolina, and registered in the office of register of deeds of Carteret county, book N. N., page five hundred and four, be and the same is hereby approved, ratified and confirmed.

SEC. 3. The capital stock of said association shall consist of two thousand five hundred dollars, with the privilege of increasing the same to six thousand dollars, divided into shares of twenty-five dollars each. Capital stock.

SEC. 4. A majority of the stockholders of the corporation shall constitute a quorum for the transaction of business after due notice. Quorum.

SEC. 5. The president and secretary of said corporation, who shall be duly elected by a majority of the stockholders, shall have power to make such contracts, leases and do such other acts as a majority of said stockholders, assembled after due notice, shall direct. Powers of president and secretary.

SEC. 6. The members and stockholders of this association shall not be individually liable for the debts of the association. Stockholders not individually liable for corporate debts.

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

In the general assembly read three times, and ratified this the 8th day of February, A. D. 1887.

CHAPTER 19.

An act to enlarge the corporate limits of the town of Warsaw, Duplin county.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter ninety-one, of private laws of one thousand eight hundred and eighty-five, being entitled "an act to amend the charter of the town of Warsaw," be amended by striking out of said third section after the word "follows," and in line ten, all of the said section, and substitute in lieu thereof the following: Beginning at a stake on the Wilmington and Weldon railroad company's main track, eight hundred and eighty yards above the fifty-fifth mile post, and runs north seventy-four east eight hundred and eighty yards to a stake, near a large black gum tree in a branch, thence south sixteen east one thousand seven hundred and sixty yards to a stake at J. W. Best's fence on school-house lot, thence south seventy-four west one thousand seven hundred and sixty-two yards to a stake in Summerlin's field, thence north sixteen west one thousand seven hundred and sixty yards to a stake, thence north seventy-four east eight hundred and eighty yards to the beginning. Section 3, chapter 91, private laws 1885, amended.

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

In the general assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 20.

An act to repeal chapter eighty-eight and chapter one hundred and twenty-three, of the private laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 88 and chapter 123, private laws 1885, repealed.

Concerning the corporate limits of Wake Forest College.

SECTION 1. That chapter eighty-eight, and chapter one hundred and twenty-three, of the private laws of eighteen hundred and eighty-five, be and are hereby repealed.

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

In the general assembly read three times, and ratified this the 10th day of February, A. D. 1887.

CHAPTER 21.

An act to incorporate the Wilmington Street Railway Company.

The General Assembly of North Carolina do enact :

Purposes of act.

Body politic.

Corporate name.

Corporate powers.

Authorized to build and operate lines of street railway in Wilmington, &c.

SECTION 1. That for the purpose of constructing, maintaining and operating street railways in the city of Wilmington for the transportation of freight and passengers, Isaac Bates, John F. Divine, A. D. Brown, F. H. Steadman, W. H. Chadbourne, John D. Bellamy, Jr., and such other persons as they may associate with them, are hereby constituted a body politic and corporate, under the name and style of "The Wilmington Street Railway Company," and by that name shall be entitled to sue and be sued, plead and be impleaded, in any court in or out of the state of North Carolina, shall have and use a common seal, and alter the same at pleasure; may buy, sell and hold such real and personal estate as it shall deem proper for the carrying on of the business hereinafter mentioned: may make contracts, establish by-laws for its government, and shall have, use and enjoy all other rights, powers and privileges which by law belong to any and all other street railway companies in this state.

SEC. 2. That the said company is hereby authorized to make, construct, equip, maintain and operate lines of street railways, with one or more tracks, and all necessary branches, turn-outs and switches, using such motive power as shall be determined by the board of directors, through and along the streets within the corporate limits of the city of Wilmington, and to points within the vicinity thereof, and erect such depots, stables, offices, shops and other buildings as are necessary and proper for conducting the business of the said railway company, and to demand and receive such sum or sums of money for the carriage of passengers as the directors may think

proper, not to exceed ten cents for each person on any line within the corporate limits of said city, nor more than twenty-five (25) cents to points beyond the city limits, and if the directors shall determine to carry freight or parcels, such compensation for these services as may be reasonable: *Provided*, that the tracks laid by the said company shall conform to the grade of the street through which they pass, and shall be so laid as to present no unnecessary obstacle to wagons or other vehicles, turning in or crossing the streets or roads through or over which said railway, branches, turn-outs or switches may be laid, and shall at its own expense repair and put in as good condition as they were previous to the laying of the track through which the streets may have been constructed.

SEC. 3. The capital stock of said company shall be twenty-five thousand dollars (\$25,000) in shares of one hundred (\$100) dollars each, and may be increased to a sum not exceeding one hundred and fifty thousand (\$150,000) dollars, whenever the board of directors shall so determine, and the company shall have the right to borrow money, to make, negotiate and dispose of its promissory notes, drafts or bonds, and to mortgage any or all of its property or franchise to secure their payments.

SEC. 4. Whenever any lands may be required for such railways or any branches, the company shall have the power to have the same assessed and condemned for railway purposes, in the manner prescribed in The Code of North Carolina, volume first, chapter forty-nine, section nineteen hundred and forty-three, and the following sections, and the company shall be bound to keep up all the bridges and crossings in good repair, whenever the same shall be affected by their track.

SEC. 5. Said company shall be deemed fully organized upon the ratification of this act, and a majority of the incorporators named in the first section may meet at any time thereafter and elect a president, vice-president, secretary and treasurer, and not less than three nor more than nine directors, issue stock, bonds and other securities, obtain subscriptions, and enter into contracts for the construction and furnishing of their line or lines, depots and buildings, and to do all other lawful things they may consider necessary and proper to carry out the purposes of this act; and the said company shall have the exclusive right for a term of fifty years to construct and operate lines of street railways in the city of Wilmington: *Provided*, work shall be begun on some one line thereof in five years after the granting of this charter.

SEC. 6. Any person who shall remove, obstruct, injure, deface or destroy any part of said railways, cars, fixtures, machinery, property or structures of any kind, shall be deemed guilty of a misdemeanor, and fined or imprisoned in the discretion of the court.

Proviso

Capital stock.

Authorized to borrow money on mortgage.

Condemnation of land.

Organization.

Officers.

Directors.

Corporate powers.

Exclusive right for fifty years.

Proviso.

Misdemeanor to injure, &c., railway, cars, &c.

Conductors, &c.,
invested with
authority of sim-
ilar officers of
railway compa-
nies.

SEC. 7. The conductors and other agents and servants of said company are hereby invested with the same authority, power and privileges which belong to similar officers and agents of railway companies now operating in this state.

SEC. 8. 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. 1887.

CHAPTER 22.

An act to incorporate the town of Waco in the county of Cleveland.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Waco, in the county of Cleveland, be and the same is hereby incorporated under the name and style of the town of Waco, 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.

Corporate name.
Corporate pow-
ers.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be a circle of one half mile from the centre of the present Carolina Central depot in said town in all directions.

Mayor and com-
missioners.

Election.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners, who shall be styled the board of commissioners of Waco, 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-seven, 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.

Other officers.

Temporary of-
ficers.

And until the said first Monday in May, one thousand eight hundred and eighty-seven, T. V. Goode shall fill the office of mayor, and N. A. G. Goode, P. B. Harman and Rev. J. B. Styers shall act as commissioners, and S. R. Huss constable.

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 the taxes so assessed and collected shall not exceed twenty cents on the hundred dollars of property and sixty cents on the poll.

Proviso

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.

Ordinances.

SEC. 6. That the wilful and unlawful 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.

Misdemeanor to violate ordinances.

Penalty.

SEC. 7. That the mayor of said town, within the limit thereof, shall have and exercise the true jurisdiction and power 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.

Jurisdiction and powers of mayor.

Authority, &c., of constable.

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.

Additional constables.

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 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 prop-

Duties of secretary and treasurer.

- Compensation. erty belonging to said town, and for his services he shall receive such compensation as the board may allow.
- 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. And the board of commissioners shall institute suit in the name of the town of Waco upon the relation of the state of North Carolina for any violation of said bonds.
- Bond of constable. 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 cost, 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 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 cost.
- Action on bonds. SEC. 12. That all fines and penalties imposed for violation 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.
- Mayor empowered to commit offenders, &c., to jail, and to work them on streets, &c. 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 oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law.
- Fees of sheriff. 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 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.
- Fines, &c., how expended, &c. SEC. 15. That the mayor and commissioners shall hold their offices 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 tempore*. The said board shall have power also to fill all vacancies which may occur.
- Oath of mayor. SEC. 16. That the mayor and commissioners shall hold their offices 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 tempore*. The said board shall have power also to fill all vacancies which may occur.
- Oath of commissioners. SEC. 17. That the mayor and commissioners shall hold their offices 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 tempore*. The said board shall have power also to fill all vacancies which may occur.
- Terms of office. SEC. 18. That the mayor and commissioners shall hold their offices 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 tempore*. The said board shall have power also to fill all vacancies which may occur.
- Mayor pro tem. Vacancies. SEC. 19. That the mayor and commissioners shall hold their offices 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 tempore*. The said board shall have power also to fill all vacancies which may occur.

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 Waco, 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.

How collected.

To be imprisoned on failure to pay.

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 damages, if any there be: *Provided*, that if the said commissioners and the owners of said land cannot agree as to the price of the same, it shall be left to three disinterested persons, to be selected as follows: the commissioners shall select one and the owner of the land one, and the two thus selected shall select the third man, and the 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 cost, may appeal to the superior court.

Streets.

Proviso.

Proviso.

Appeal.

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.

Mayor, &c., to hold office until qualification of successor.

SEC. 19. That in addition to the rights, franchises and immunities conferred by the foregoing sections the town of Waco shall have and be subject to all the provisions contained in The Code of North Carolina, chapter sixty-two, not inconsistent with this act.

Town subject to provisions of chapter 62 of The Code.

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 12th day of February, A. D. 1887.

CHAPTER 23.

An act to incorporate the town of Dunn.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Dunn, in the county of Harnett, is hereby created and incorporated a town, by the name and style of the town of Dunn.

Incorporated.

Corporate name.

- Corporate limits. SEC. 2. That the corporate limits of said town shall be one mile every way from the fiftieth mile post on the Fayetteville and Wilson railroad.
- Officers. SEC. 3. That the officers of said town shall consist of five commissioners (one of which commissioners shall be mayor of said town), and a town constable, and that said commissioners shall be elected annually on the first Monday in May by the qualified voters of said town, and the following named persons shall be commissioners of said town until the first Monday, in May, eighteen hundred and eighty-eight, to-wit: James A. Taylor, Henry Pope, J. J. Wade, Isaac W. Wade and W. G. Thomas.
- Election. SEC. 4. That the commissioners of said town shall choose one of their number intendant of police, who shall be the mayor of said town, with all the rights, duties, powers and privileges as mayor of other towns, and who shall exercise the same criminal jurisdiction that is conferred on justices of the peace. Said commissioners shall also appoint a town constable, and a town clerk. That it shall be the duty of the clerk to record the proceedings of the commissioners, and the commissioners shall also appoint a treasurer, who shall enter into a bond approved by the commissioners, and it shall also be their duty to require of the constable elect to enter into bond payable to the state of North Carolina in the sum of three hundred dollars, to be approved by the commissioners.
- Temporary commissioners. SEC. 5. That the intendant of police or mayor and constable, before entering upon the discharge of their duties, shall take the oath usually prescribed for such officers.
- Intendant of police to be mayor. SEC. 6. That the commissioners shall have power to levy a tax, observing the constitutional equation between property and poll.
- Powers and jurisdiction. SEC. 7. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks, and keep them in good passable order, and to allow the town officers such reasonable compensation as to them may seem just.
- Constable and clerk. SEC. 8. 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 this state or the United States.
- Treasurer. SEC. 9. That in the event of a vacancy occurring in the board of commissioners, the remaining members shall fill the vacancy.
- Oath of mayor. SEC. 10. That all resident citizens within said corporation who have resided thirty days previous to the election shall be entitled to vote at said election.
- Taxation. SEC. 11. That upon the ratification of this act, the secretary of state shall within ten days so notify the above named commissioners, who thereupon, within twenty days from their notification, shall qualify by taking the oath of office before some justice of the peace and enter upon the discharge of their duties.
- Application of tax.
- By-laws.
- Vacancy.
- Electors.
- Secretary of state to notify commissioners, &c.

SEC. 12. This act shall be in force from and after the day of its ratification.

In the general assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 24.

An act to repeal chapter two hundred and fifty-eight of the laws of the years one thousand eight hundred and fifty-four and fifty-five of the private laws of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and fifty-eight of the private laws of the years one thousand eight hundred and fifty-four and five, and ratified the fifth day of February, one thousand eight hundred and fifty-five, and being entitled "an act to incorporate the town of Warsaw," be and the same is hereby repealed.

Chapter 258, laws 1854-5, repealed.

Act incorporating town of Warsaw.

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

In the general Assembly read three times, and ratified this the 12th day of February, A. D. 1887.

CHAPTER 25.

An act to incorporate the town of Maxton, Robeson county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Shoe Heel 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 town of Maxton, and under such name and style is hereby invested with all the property and rights of property which now belong to the present corporation of the town of Shoe Heel, under said name or any other name by which it has heretofore been known, and that O. H. Blocker, A. J. Burns, C. A. Holland and Enoch Burns, the present commissioners of the town of Shoe Heel, and their successors in office, be and the same are hereby declared a body corporate and politic, with succession during the corporate existence of said town of Maxton, and shall be styled "The commissioners of the town of Maxton," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and to acquire and dispose of real and personal property to the amount of one hundred

Inhabitants of town of Shoe Heel incorporated under the name of Maxton.

Corporate rights.

Commissioners created a body corporate.

Corporate powers.

- Temporary of-
ficers. thousand dollars : that B. F. McLean, the present mayor of said town of Shoe Heel, and the commissioners aforesaid, shall continue in office as mayor and commissioners of the town of Maxton, and perform all the duties pertaining to their offices as such until their successors shall be elected and qualified as hereinafter provided.
- Corporate limits. SEC. 2. The corporate limits of the town of Maxton shall be as follows: Beginning at a point on the centre of the track of Carolina Central Railroad one fourth of a mile east of the intersection of Patterson street with the said railroad, and runs south twenty-three west, perpendicular to said railroad one fourth of a mile; thence north sixty-seven west, parallel to said railroad one half mile; thence north twenty-three east, perpendicular to and crossing said Carolina Central Railroad one half mile; thence south sixty-seven east, parallel to the said railroad one half mile; thence south twenty-three west, one fourth mile to the beginning, making the corporate limits one half mile square.
- Officers.
Election. SEC. 3. The officers of said town shall consist of a mayor and four commissioners, who shall be elected annually on the first Monday in May by the qualified voters of said town, which said officers shall hold their respective offices for one year or until their successors are elected and qualified.
- Term of officers.
- Electors. SEC. 4. Any person who is a duly qualified elector of the state of North Carolina and shall have resided sixty days next preceding the day of election within the corporate limits of said town shall be a qualified elector and entitled to vote at any municipal election in said town.
- Who eligible for
mayor or com-
missioner. SEC. 5. No person except a duly qualified elector of said town shall be eligible as mayor or commissioner of said town.
- Election, how
held. SEC. 6. It shall be the duty of the commissioners of said town annually on the first Monday in March 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 after being notified as aforesaid give notice at ten public places in said town of his appointment as such and of time and place of registration. 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 it will show accurately a list of the 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 next preceding each election keep open said book for the registration of any electors residing in said town entitled to register, whose names do not appear on the revised lists: *Provided*, that the commissioners of said town may, if they think proper, order an entire new registra-
- Duties of regis-
trar.
- Registration.
- Proviso.

tion before any election held in said town, by giving thirty days' notice thereof at ten public places in said town.

SEC. 7. The registrar and judges of election, before entering upon the discharge of any 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 Robeson county or mayor of said town, and in case of the absence of one of the inspectors his place shall be forthwith supplied by the registrar.

Oath of registrar,
&c.

Vacancies.

SEC. 8. It shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration book on the Monday preceding the election from the hour of nine o'clock a. m. until the hour of five o'clock p. m., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book opposite the name of the person so objected to the word "challenged," and shall appoint a time and place on or before the election day when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Revision of registration book.

Proviso.

SEC. 9. *Be it further enacted*, That on the day of election the inspectors shall give due attendance at the time and place, shall be judges at the polls, receive the votes and conduct the election in like manner and during the same hours of the day as elections for members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor, and the persons for whom he votes as commissioners.

Election, how conducted.

Ballots.

SEC. 10. *Be it further enacted*, At the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be duly declared elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners, and the mayor and commissioners shall be notified of their election by the inspectors within five days from the day of election.

Canvass of votes,
&c.

Notice to persons elected.

SEC. 11. If among the number voted for either as mayor or commissioner, two or more may have an equal number of votes, and either would be duly elected but for the equal votes, or if upon any question voted upon, both sides of the same shall have an equal number of votes, and either would be duly carried under the election but

Tie vote, how determined.

for the equal vote, the inspectors shall immediately determine by lot the election between them, in the presence of any elector or electors as may choose to be present.

Returns, how made.

SEC. 12. *Be it further enacted*, That the inspectors shall certify and subscribe the poll and registration lists, and return them to the clerk and treasurer of the board of commissioners of said town, who shall keep them among the archives of the town.

Oath of mayor.

SEC. 13. *Be it further enacted*, That the mayor, immediately after the election and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Maxton, while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of commissioners.

SEC. 14. *Be it further enacted*, That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some justice of the peace, an oath that he will truly and impartially perform the duties of commissioner for the town, according to the best of his skill, ability and judgment.

Vacancies in office of mayor or commissioners.

SEC. 15. *Be it further enacted*, That if any person elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, or if the mayor be absent from the town, or be unable to discharge the duties of his office, the commissioners shall choose one of their number, or other qualified person, mayor for the time, or the unexpired portion of the time, or during such absence or disability as the case may be, and on like occasion and in like manner, the commissioners shall choose another commissioner to supply the place of such as shall refuse to act, or are absent or unable, and all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible: *Provided*, the said commissioners shall not be required to fill the place, if the absence of the said commissioners shall be temporary.

Proviso.

SEC. 16. *Be it further enacted*, That any person elected mayor or commissioner who shall refuse to be qualified and act as such shall forfeit and pay for the equal use of the town and of him who shall sue therefor, the sum of twenty-five dollars.

Penalty for refusal of mayor or commissioner elect to qualify.

SEC. 17. *Be it further enacted*, That if the commissioners shall fail to give notice of the election, or to hold and declare the same in manner herein prescribed, each of them as shall be in default shall forfeit and pay for the equal benefit of the town and of him who shall sue therefor one hundred dollars.

Penalty for failure of commissioners to give notice of election, &c.

Mayor a municipal court.

SEC. 18. *Be it further enacted*, That the mayor in the corporate limits of said town shall be a municipal court, and shall have and

exercise all the jurisdiction, power and duties given to mayors and chief officers of cities and incorporated towns by sections thirty-eight hundred and eighteen and thirty-eight hundred and nineteen of The Code of North Carolina. Jurisdiction, &c.

SEC. 19. *Be it further enacted*, 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. Mayor's office. Duties.

SEC. 20. *Be it further enacted*, That the mayor when present shall preside at all meetings of the board of commissioners and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent, the board may appoint one of their number, *pro tempore*, to exercise his duties: *Provided*, that no commissioner while acting as mayor *pro tempore* shall be deprived of his right to vote, or any other right as commissioner. Mayor to preside at meetings of commissioners, &c. Mayor *pro tem*. Proviso.

SEC. 21. *Be it further enacted*, That the commissioners shall form one board and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their notification of election, they shall convene for the transaction of business, and shall then fix their stated days of meeting for the year, which shall be as often at least as once in every calendar month. A special meeting of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting, when called by the mayor or commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing. Board of commissioners. Meetings. Special meetings.

SEC. 22. *Be it further enacted*, That if any commissioner shall fail to attend a general meeting of the board of commissioners or any special meeting of which he may have notice as provided in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall be guilty of a misdemeanor and on conviction may be fined by the mayor not exceeding five dollars. Misdemeanor for commissioner to fail to attend meeting without excuse. Penalty.

SEC. 23. *Be it further enacted*, That the commissioners at their first meeting after their election shall appoint some suitable person as clerk and treasurer, collector of taxes, and one or more constables, all of whom shall respectively hold their office for twelve months and until the appointment of their successors, subject, however, to be removed at any time and others appointed in their stead for misbehaviour or neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security, payable to the town of Maxton, 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. Clerk and treasurer, tax collector and constable. Oath. Bond. Proviso.

Duties of clerk and treasurer.

SEC. 24. *Be it further enacted.* That the clerk and treasurer shall keep regular and fair minutes of the proceedings of the board, preserve all books, papers, and articles committed to his care during his continuance in office, and deliver them to his successor, and generally perform such other duties as may be prescribed by the commissioners.

Journals, &c., open to inspection.

SEC. 25. *Be it further enacted.* That every person shall be allowed to inspect the journals and papers of the board in the presence of the clerk and treasurer, under a penalty of ten dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Penalty.

Duties of clerk and treasurer.

SEC. 26. *Be it further enacted.* 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 shall submit said accounts to the commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise; and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town clerk or treasurer.

Orders on clerk and treasurer.

SEC. 27. *Be it further enacted.* That all orders drawn on the clerk and treasurer shall be signed by the mayor, and state the purpose for which the money is applied, and the treasurer shall specify said purposes in his account, and also the sources whence is derived the money received by him.

Annual statement of receipts and disbursements.

SEC. 28. *Be it further enacted.* 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 ten days before the day of the annual election of the commissioners in five public places in said town, and the commissioners failing to comply with the duties provided in this section shall forfeit and pay for the use of the town and him who will sue therefor, one hundred dollars.

Penalty.

Duties of constable.

SEC. 29. *Be it further enacted.* That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriffs and constables of the county have; and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on the like pro-

Fees.

cess and precepts, and also such other compensation as the commissioners may allow. Compensation.

SEC. 30. *Be it further enacted*, That the constable shall have the same power and bound by the same rules in this respect as constables of the county of Robeson to apprehend all offenders against the state within the limits of the town, and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constables of said county, to be paid by the party offending, if found guilty. Powers of constable. Fees.

SEC. 31. *Be it further enacted*, That the board of commissioners of said town shall, at their first regular meeting after the first Monday of May of each year, elect three freeholders, residents of said town, who, together with the mayor (who shall be *ex officio* their chairman) shall constitute a board of fire commissioners to serve for one year, and the said board of fire commissioners shall have authority over and control of all buildings hereafter erected within the said town. That it shall not be lawful for any person or persons to erect or cause to be built any wooden or frame building within the corporate limits of said town without first having obtained the written consent of said board of fire commissioners or a majority thereof. Board of fire commissioners. Wooden buildings.

SEC. 32. *Be it further enacted*, That the board of commissioners of said town shall have power annually to levy taxes for town purposes on all real and personal property, on the taxable polls, on trades, licenses and other subjects of taxation referred to in section three of article fifth of the constitution of this state, and the valuation of all property within said town so liable to taxation for the purposes of said town shall be the same as may be assessed thereon for taxation for state and county purposes: That all persons liable to taxation of any kind in said town shall annually make return of their respective lists of taxable property to the clerk and treasurer of said town, and it shall be the duty of the town clerk and treasurer, by posting an advertisement in at least ten public places in said town, to notify all persons that within thirty days after the date of such notice they shall make such return of their tax lists. Lists of the taxable property of testators, intestates, minors, lunatics, and of property held in trust shall be given in by the executors, administrators, guardians or trustees, or *cestui que trust*, as the case may be: and the person so required to list any such property shall be individually liable for the payment of the taxes assessed thereon. Such lists shall give a description of the tracts of land, of the lot or part of the lot, the taxable polls, and all other property liable to taxation of the person returning the same, and shall be sworn to by such person before some justice of the peace or before the clerk and treasurer, and they are severally hereby authorized to administer to all persons returning such lists the oath prescribed by law to be taken by persons giving in their tax lists under any act providing for the collection of taxes by Taxation. Property to be listed, &c. Tax list. Oath.

- Duty of clerk and treasurer.** the state. Said tax lists so returned shall be filed in the office of the clerk and treasurer of the town, who shall within thirty days after the expiration of the time limited for taking such lists make out from the same in a proper book kept for that purpose, an alphabetical list of the persons and owners of the property included in said lists, and the taxes assessed thereon in the same manner as tax lists are made or required to be made for the collection of state taxes. The said clerk and treasurer shall also within the time aforesaid make out in manner aforesaid, to the best of his knowledge, information and belief a list of the polls and all taxable property in the town of which the owners thereof shall have failed to return a tax list in the manner and within the time aforesaid, and all such persons so listed by the clerk and treasurer shall forfeit and pay for the use of said town on all their property so listed by the clerk and treasurer a sum to be fixed by the board of commissioners, not exceeding twice the sum due for taxes by such delinquent, and such sum, when so fixed, shall be collected as is provided for the collection of other taxes due to said town: *Provided*, said tax shall not exceed fifty cents on the poll and sixteen and two thirds cents on the one hundred dollars' valuation.
- Unlisted polls and property.** In all cases in which the owner of any real or personal property in said town is unknown to the clerk and treasurer, he shall on such delinquent list enter all such property and the tax assessed on the same. The usual tax lists made as aforesaid by the clerk and treasurer of said town, or under his supervision, or a duly certified copy of such lists in the hands of the tax collector or constable, shall have the force and effect of a judgment and execution for the taxes assessed and appearing in such lists respectively, and the same may be collected by levy and sale of property of the party owning any such taxes, on giving such notice as is required by law on executions from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the powers vested by law in sheriffs or tax collectors for the collection of taxes due to the state.
- Limitation of tax.**
- Where owner of property is unknown.**
- Collection of taxes.**
- Tax list, how taken, &c.** SEC. 33. For the purpose of taking the list of taxables as aforesaid the town clerk and treasurer shall attend at his office for twenty days (Sundays excepted) from and after the first Monday in June, and the property to be given in shall be such as was owned by the tax payers on the first day of June.
- Validity of sales of real estate for taxes.** SEC. 34. That no sale of real estate in said town for the payment of taxes assessed against such real estate as appearing on the tax lists aforesaid shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs

accruing on such assessment and the proceedings for the sale were paid at the time of the sale of the same.

SEC. 35. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of August of each year to the constable of said town, and after the first day of October may be collected by him by distraining or levying upon any property of the tax payer to be found within said town, and selling as hereinafter provided for.

Taxes, when due, &c.

Collection.

SEC. 36. All persons owning any property within said town liable to taxation for town purposes, shall return the same to the town clerk as herein before provided for in this charter, and all property therein liable to such taxation, owned by minors, lunatics or persons *non compos mentis*, shall be returned as herein provided by their guardian or guardians if they shall have any such.

Property to be listed, &c.

SEC. 37. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized at any time after the taxes may be due the town on said property as aforesaid to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Property held by executors, &c.

Collection of tax.

SEC. 38. Whenever the taxes due said town shall be due and unpaid, the constable of said town shall immediately proceed to collect them as follows: first, if the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same, under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice, stating these particulars, on him personally, if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, post-paid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be

Proceeding for collection of unpaid taxes.

ascertained, the constable shall post a notice, substantially as above described, at five public places in said town, at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sales of land for taxes in said town: fourth, the sale shall be made on the public square in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town, and his address be known to the constable, the constable shall, within one month after the sale, mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Whole tract of land to be sold, &c.

SEC. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes, with all the expenses, for the smallest part of the land. At all such sales the mayor may become a bidder, and purchase the whole lot or tract of land, for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Purchase by town.

Redemption of land sold for taxes.

SEC. 40. The delinquent may retain possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him, and twenty-five per centum in addition thereto. At the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.

Constable to give receipt for amount bid, when land sold for taxes.

SEC. 41. At the time of such purchase of real estate for taxes, the town constable, on the receipt of the amount bid for such real estate, shall give the purchaser a receipt, stating the amount bid, by whom, and for what purpose, and describing the land sold, stating further, the owner of said land, and the amount of taxes due.

Deed of purchaser, when and how made.

SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem, as heretofore provided for, for twelve months, at the expiration of that time the purchaser may present his receipt, referred to in section forty hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Robeson county, within six months from the time of the execution and delivery thereof, and when so

Registration, &c.

registered, shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, his agent or attorney had at the time of sale for taxes.

SEC. 43. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes, may be redeemed as herein before provided, by the payment on the part of the delinquent, his agent or attorney of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months.

Redemption of
land purchased
by town.

SEC. 44. That the said commissioners shall also have power to annually levy and cause to be collected at such times during each year as they may deem expedient, such an amount of taxes as to the said commissioners shall seem fair, equitable and right on the following professions, callings, trades, subjects, occupations and other business carried on in said town: upon all merchants, all itinerant merchants or peddlers, vending or offering to vend in the town; upon every billiard table or bowling alley, or other game allowed by law, established and are kept in the town: upon every permission by the board of commissioners to retail spirituous liquors within the town; and upon every company of circus-riders who shall exhibit within the town; upon every show, concert, menagerie, stage or theatrical performance, or other exhibitions or performances whatever for reward, to be paid before exhibiting, if not so paid to be doubled; upon every hotel, public boarding house (save those kept for educational purposes), restaurant and livery stable; and upon every person keeping or offering horses or mules, or vehicles for hire, a license tax; professional men, traders and manufacturers may be required to pay a license tax; upon each express company, auctioneers, telegraph offices, each barber shop, blacksmith shop, daguerrian artist and persons taking likeness of the human face; every land agent or broker, each broker or banker's office, each butcher, dealers in patent rights; each sewing machine company, itinerant dealers in prize goods; all persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement for purchasers to buy any such article; ice dealers; each fire or life insurance agent, commission merchants and commercial brokers; each printing office; each distillery of fruit or grain; itinerant merchants or peddlers; every non-resident huckster or trader, or the agent of such who buys produce on the streets for sale in other markets; distillers, rectifiers and compounders of spirituous liquors; all gift enterprises, lotteries and bowling alleys; each junk shop, or dealer in metals, conlage &c.; every mill, manufacturing machine shop or foundry employing steam; every railroad company having a depot or office in the town; each person or company of stage players, sleight-of-hand performers, ethiopian serenaders, instrumental or vocal concert company, rope-walkers, or exhibitions of artificial or natural curiosity.

License taxes.

Streets.

Condemnation of
land.

SEC. 45. That the commissioners shall have power to lay out or 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, narrow, change or extend, or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have 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 value of the land, and as to the damages, the mayor of said town shall issue his warrant to the constable of said town commanding him to summon twelve freeholders, citizens of said town, who are unconnected by consanguinity or affinity with the owner or owners of the land, or with the commissioners, to meet at the mayor's office of said town, at a day to be named in said warrant, when and where the said constable shall proceed from the persons summoned to draw a jury of six persons, to each and every one of whom the said constable is hereby authorized, empowered and required to administer the following oath, to-wit: "I,, do solemnly swear that I will faithfully, impartially, and to the best of my ability and skill, assess the damages that may be sustained by the owner or owners of any land in the town of Maxton required to be used for any street, or part of any street, to be established and opened by the commissioners of the town, or the damages sustained by the owner or owners of land adjoining any street proposed by said commissioners to be straightened, widened, narrowed, or closed; and I will also assess the value of any special benefit or advantage such owner or owners may receive from the opening, straightening, widening or closing up of said street or streets, which I may be called on to view." And the said jury, attended by the constable, shall thereupon proceed to view the land required for the opening of such street or streets, the straightening, widening, narrowing or closing of the same, required by this section, and also the several lots or parts of lots adjoining said street or streets, make the assessment required by them on oath as aforesaid, and return the same in writing to the constable of said town, who shall return the same to the mayor, who shall file the same in the office of the commissioners aforesaid. And the excess of any of the value of the land, or the loss or damages sustained by the said owner or owners, over and above the value of the special benefits or advantages received by said owner or owners, shall be the amount due by said commissioners to said owner or owners, and upon payment, or tender of payment, of said amount by the commissioners aforesaid, through their clerk and treasurer, to the owner or owners of said land required for any street as aforesaid, and to the owners of said adjoining lot or lots, for the damage done her, him or them, by the straightening, widening, narrow-

ing or closing up of such street as aforesaid, and in all cases where no amount is due from the said commissioners to the said owner or owners, according to the facts as found by said jury, it shall and may be lawful and right, and the said commissioners are hereby authorized and empowered to cause such street or streets to be opened, straightened, widened, narrowed or closed up and kept closed, and the land so valued by said jury, and condemned and appropriated for the said purposes, shall vest in said commissioners and their successors in office, so long as it shall be used for the said purposes, and the said commissioners shall have the right to immediately enter upon and take possession of the same; and it shall be the duty of the said constable to give the owner or owners and tenants in possession of any land required for any of the aforementioned purposes at least ten days' notice of the time when the said jury shall meet, and when such land, so owned or possessed by them respectively, as aforesaid, shall be viewed, and when the assessments as aforesaid shall be made by the jury, as herein before provided.

SEC. 46. That if upon the opening, widening, extending or straightening of any street or ditches, it shall be reported to the board of commissioners of the town by the jury selected to lay off said ditch, or open, widen, extend or straighten said street, that benefits are assessed on any lot or lots, the amount so assessed shall at once become a lien upon said lot or lots, and the town clerk shall enter the amount of said benefits on the tax list of said town as against said lot or lots, and the town constable shall collect the same as other taxes, and sell the same upon the failure to pay, under the same rules and regulations as prescribed in the town charter for the enforcement of the collection of the taxes due the town.

Assessment for benefits a lien, &c.

How collected.

SEC. 47 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 or repair in such measure as the commissioners may direct such sidewalk, as far as it may extend along such lot, and on failure to do so within ten days after notice to said owner, or if he be a non-resident of the county of Robeson, to his agent, or if such non-resident have no agent in said county, then, after advertisement for ten days on such lot, and at three other public places in said town, calling on the owner to make such improvements or repairs, the commissioners may cause the same to be improved or repaired either with brick, dirt, stone or gravel, at their discretion, and the person or persons in default shall pay such sum or sums for said improvements or repairs as three commissioners shall estimate the said improvements or repairs to be worth, one of the commissioners to be chosen by the property holder or holders, one by the town commissioners, and the said two commissioners shall select a third; and in case the said property holder or holders refuse to select a commissioner, then the said town

Improvement, &c., of sidewalks.

Liability of owner, &c., failing to repair, &c.

commissioners shall select one for him or them. The said commissioners shall be citizens of the town and unconnected with the said property holder or holders or any of the said town commissioners and disinterested, and the said sum or sums shall be collected in like manner as taxes due the town, by distress or otherwise; said amount due as aforesaid shall be a lien upon the said lot, and if not paid within six months after the completion of the said improvements or repairs such lot may be sold, or enough of the same to pay said amount and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of lands for unpaid taxes: *Provided*, that if the owner or his agent shall avow his intention not to make such improvements the commissioners may proceed with such repairs forthwith without any notice. Before estimating the value or worth of said improvements or repairs the said three commissioners shall appoint a day when they shall hear the parties interested on the subject, giving at least three days' notice of the time and place of their sitting.

Proviso.

Notice.

Construction of sidewalks.

Liability of owner, &c., for failure.

SEC. 48. That the said board of commissioners shall have the power to require the owner or owners of lots on such streets as they may desire to construct sidewalks in front, and all sidewalks adjoining said lot or lots, in such manner as may be prescribed by the said commissioners, and on failure to do so within ten days after the notice to said owner, or if he be a non-resident of the county of Robeson, to his agent, or if such non-resident have no agent in said county, then, after advertisement for ten days on such lot or lots and at three other public places in said town, calling on the owner to construct said sidewalk or sidewalks in the manner prescribed in said notice, the commissioners may cause the said sidewalk or sidewalks to be constructed either with brick, dirt, stone or gravel, at their discretion, and the said person or persons in default shall pay such sum or sums for the construction of said sidewalk or sidewalks as three commissioners shall estimate the construction of said sidewalk or sidewalks to be worth, one of the commissioners to be chosen by the property holders, one by the town commissioners, and the said two commissioners to select a third; and in case the said property holder or holders refuses to select a commissioner, then the town commissioners shall select one for him. The said commissioners shall be citizens of the town and unconnected with the property holder or holders, or with any of the said commissioners, and disinterested, and the said sum or sums shall be assessed by the said three commissioners and shall be collected in like manner as taxes due the town, by distress or otherwise; said sum or sums assessed by the said three commissioners shall be a lien upon said lot or lots, and if not paid within six months after the completion of the said sidewalk or sidewalks such lot or lots 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 this charter for the sale of land for unpaid taxes: *Provided*, that if the owner or his agent shall avow his intention not to construct said sidewalk or sidewalks, the commissioners may proceed to construct the said sidewalk or sidewalks without notice. Before estimating the value or worth of the said sidewalk or sidewalks the said three commissioners shall appoint a day when they shall hear parties interested on the subject, giving at least three days' notice of the time and place of their sitting.

Proviso.

Notice.

SEC. 49. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

By-laws, &c.

SEC. 50. That it shall be the duty of the town clerk and treasurer to advertise for five days all ordinances passed by the commissioners of Maxton at five public places in said town, and no ordinance shall take effect until after such advertisement.

Ordinances to be advertised.

SEC. 51. That any person or persons violating any ordinances of the town shall be deemed guilty of a misdemeanor, and upon conviction may be fined or imprisoned by the mayor, the fine not to exceed fifty dollars, the imprisonment not to exceed thirty days.

Penalty for violation of ordinances.

SEC. 52. In all cases where an offender has been convicted before the mayor of said town for the violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town at the time of entering judgment against such offender therefor, may order that on failure to pay such fine to the constable of said town for the space of one day, such offender so convicted shall be by the constable of Maxton put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Persons convicted liable to work on streets, &c.

SEC. 53. That the mayor and commissioners may build or establish a guard-house in which to secure and confine offenders against the town ordinances, and all such offenders arrested or taken up by any constable of the town may be therein confined until such time when said offenders can be taken before the mayor to be dealt with according to law, and for feeding such offenders so confined the constable shall be entitled to such fees as the jailor in said county is entitled to in such cases.

Guard-house.

Fees of constable.

SEC. 54. That the commissioners shall provide whenever deemed necessary a patrol or night-watch for the town, and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or night-watch, or may class the inhabitants into such patrol or night-watch.

Patrol.

Duty of persons summoned as patrol.

SEC. 55. That the inhabitants when classed into a patrol or night-watch shall each one either in person or by a good substitute serve in turn when ordered out by the mayor or other person appointed by the mayor as commandant of the watch.

Penalty for failure to serve.

SEC. 56. That any such person being of the watch or patrol and failing to serve and faithfully to discharge his duty, shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor in an amount not exceeding five dollars.

Taxes, &c., to whom payable. How appropriated.

SEC. 57. That all moneys arising from taxes, donations, or other sources, shall be paid to the clerk and treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners.

Cellars, &c.

SEC. 58. That no cellar shall be built under any sidewalk in town, or entrance established on the sidewalk to any cellar whereby the free passage of any persons may be delayed, hindered or interrupted, and every offender herein shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor not exceeding fifty dollars.

Misdemeanor.

Mayor, &c., not to be contractor for town work.

SEC. 59. That no mayor or commissioner, or other officer of the town, shall directly or indirectly become a contractor for work done for the town, and any person herein offending shall forfeit and pay one hundred dollars, one half to the use of the town, the other half to the use of any one suing for the same, and shall moreover be deemed guilty of a misdemeanor.

Penalty.

Dogs, &c., running at large.

SEC. 60. That the commissioners shall have power to prevent dogs, horses, cattle, and all other brutes from running at large in the town.

Fast riding, &c.

SEC. 61. That they may prohibit 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 material in the streets, public grounds or elsewhere in the town.

Shooting, &c.

Markets.

SEC. 62. That the commissioners may establish and regulate the markets and describe what time and place within the corporation marketables shall be sold, in what manner, whether by weight or measure, may be sold grain, meal and flour, if not purchased in barrels, fodder, hay, or oats, in straw, may create scales to weigh the same, appoint a weighmaster 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 re-grating.

Weighmaster.

Keeper of market.

Graveyards.

SEC. 63. That they may provide graveyards in or near the town and regulate the same: may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and they may prohibit interments within the town.

Fire companies. Stopping fires.

SEC. 64. 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, if they

deem it necessary to stop the progress of the fire, may cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

SEC. 65. That they may take such measures as they may deem effectual to prevent the entrance into the town of any contagious or infectious diseases: may stop, detain and examine, for that purpose, every person coming from places liable to be infected with such diseases: 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 diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease: may abate by any reasonable means all nuisances which may be injurious to the public health.

Contagious diseases, quarantine, hospitals, &c.

SEC. 66. That in case any person shall be removed to the hospital, the corporation may recover, before any justice of the peace, of said person, the expense of his removal, support, nursing and medical attendance, and burial expenses also, in case of death.

Expense of removal to hospital, &c., how recovered.

SEC. 67. That if any person shall attempt, by force, or by threat, or by violence, to prevent a removal to the hospital of any person ordered to be conveyed thither, the person so offending shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor in an amount not exceeding fifty dollars, and imprisonment not exceeding thirty days.

Penalty for attempt to prevent removal to hospital.

SEC. 68. That all fines and penalties collected under this charter shall be for the use and benefit of this corporation.

Fines, &c.

SEC. 69. That all of section ten, chapter two hundred and eighty-two, laws of eighteen hundred and eighty-three, after the word school in line nine, is hereby repealed: and so much of section thirteen as requires the town clerk, and treasurer of the town of Shoe Heel, and the sureties on his bond, be and the same is hereby repealed.

Law appropriating fines, &c., to use of graded school, repealed.

SEC. 70. That the mayor shall have the same fees for the trial of cases as is allowed by the state to justices of the peace in like causes.

Fees of mayor.

SEC. 71. That the taxes, fines and forfeitures collected under this charter shall be expended by said commissioners in defraying the expenses incident to a proper government of the town, and in making such improvements as in their judgment may seem best and proper.

Taxes, fines, &c., how expended.

SEC. 72. The commissioners may erect at some suitable place within the town public scales for the purpose of weighing any article of produce, live stock, or other articles whatsoever, offered for sale in said town, and may also appoint a weigher, who shall hold his office for one year, and may regulate his fees: *Provided*, that nothing herein contained shall be construed as giving the commissioners power to

Public scales.

Weigher.

No power to compel use of scales.

compel any person to have his produce, live stock, or other article whatsoever weighed at said scales.

Nuisances.

SEC. 73. That the commissioners of said town are fully authorized and empowered to compel the abatement and removal of all nuisances whatsoever.

Porches, &c.

SEC. 74. That the commissioners may prohibit the erection of porches, porticos, piazzas, steps, cellars, awnings, signs, and other obstructions whatsoever which would encroach upon or obstruct the sidewalk and streets, and may regulate the size, length and width of the same whenever allowed by them to be built; they may also prevent the establishment within the town, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise or pursuit of any offensive, noisome, dangerous or unhealthy trade, manufactory, saw mill, business or employment whatsoever.

License to sell liquors within town limits not to be granted without written permission of commissioners, &c.

SEC. 75. That the commissioners of Robeson county, the sheriff of said county, or other person whatsoever, shall not grant any license to sell spirituous, vinous or malt liquors within the limits of the town of Maxton without permission in writing attested by the board of commissioners of said town in being at the time of application first exhibited to the said board of county commissioners, sheriff or other person, as the case may be, and filed with the register of deeds; and any license obtained except as above provided for shall be void, and the person obtaining such license shall be liable to indictment as in other cases of selling liquor without a license: *Provided*, that it shall not be lawful for the commissioners of said town to grant license to sell spirituous, vinous or malt liquors to any one until the question of license or no license shall have been annually submitted to the voters of said town; said election shall be held at the time of electing officers for said town, and under the same rules and regulations as govern the election of officers of said town.

Annual election upon question of licensing sale of liquors.

When and how held.

Ballots.

SEC. 76. The voters shall vote a written or printed ticket with the words "*license*" or "*no license*" thereon. If a majority of the votes cast shall be for "*license*," then the commissioners shall grant license, but not otherwise, and if a majority of the votes cast shall be for "*license*," then in that event all laws and clauses of laws heretofore passed preventing the sale of liquors in said town be and the same are hereby repealed in so far as the limits of said town are concerned, and no farther. And when license is granted as above provided for, the commissioners shall prescribe the amount of the license tax therefor, and when the same shall be due and payable, and shall have full power and authority to revoke and annul any license by them granted at any time without refunding any part of the license tax.

Licenses to be granted on majority vote.

License tax.

Mayor to execute deeds.

SEC. 77. That in all cases not herein before specially provided for when it shall be necessary to execute a deed for any property to be conveyed by the town, the mayor shall execute said deed.

SEC. 78. All laws or clauses of laws in conflict with this act be
and the same are hereby repealed. Conflicting laws
repealed.

SEC. 79. 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. 1887.

CHAPTER 26.

**An act to amend chapter (22) twenty-two of the private laws of one
thousand eight hundred and seventy-nine, in relation to the char-
ter of the town of Sparta, in Alleghany county.**

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter twenty-two, private laws of
one thousand eight hundred and seventy-nine, be amended by strik-
ing out the words "one hundred and eleven of Battle's Revisal" in
fourth line, and inserting in lieu thereof "chapter sixty-two of The
Code." Chapter 22, pri-
vate laws 1879,
amended.
Corporate pow-
ers.

SEC. 2. Amend section third by striking out of said section all
after the word "commissioners" in third line and inserting in lieu
thereof the following: "mayor, A. J. Carson; commissioners, S. W.
Brown, T. M. Honeycut and Robert H. Hackler, and that said three
commissioners are authorized to appoint a town constable and as
many assistants as they may deem proper, all of which officers shall
hold their offices until the next general election, as provided for in
chapter sixty-two of The Code, and until their successors are elected
and qualified." Temporary of-
ficers.

Constable.

SEC. 3. Amend section four by striking out in line two the words
"seventy-nine" and inserting in lieu thereof "eighty-seven," and in
lines eight and nine strike out the words "one hundred and eleven,
Battle's Revisal," and insert in lieu thereof "sixty-two of The Code."

SEC. 4. Amend section five by striking out in lines seven and eight
the words "one hundred and eleven of Battle's Revisal" and insert
in lieu thereof "sixty-two of The Code." Election, when
and how held.

Powers of officers,
&c.

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

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

In the general assembly read three times, and ratified this the 17th
day of February, A. D. 1887.

CHAPTER 27.

An act to re-enact, consolidate and amend "an act to incorporate the town of Beaufort," and the various acts amendatory thereof.

The General Assembly of North Carolina do enact :

Chapter 43, laws 1877-8, chapter 84, private laws 1881, chapter 42, private laws 1883, re-enacted, consolidated and amended.

Incorporated.

Corporate powers.

Corporate limits.

Wards.

First ward.

Second ward.

Third ward.

Fourth ward.

SECTION 1. That chapters forty-three of the public acts of eighteen hundred and seventy-seven, eighty-four of the private acts of eighteen hundred and eighty-one, and forty-two of the private acts of eighteen hundred and eighty-three, of the general assembly of North Carolina, are hereby re-enacted, consolidated, and amended as follows :

SEC. 2. That the town of Beaufort, in the county of Carteret, be and the same is hereby incorporated into a body politic and corporate, and shall be subject to all the provisions contained in the sixty-second chapter, volume second, of The Code, entitled "towns and cities," and not inconsistent with the laws of this state and the United States, except so much of section three thousand eight hundred of said chapter as allows the commissioners of said town to determine the amount of their own salaries or compensation, and also the salary or compensation of the mayor, and so much of section three thousand eight hundred and three as allows the commissioners of said town to impose assessments of labor on citizens of the town, and sections three thousand eight hundred and twenty-five and three thousand eight hundred and twenty-six.

SEC. 3. The corporate limits of said town shall be as follows : beginning on the north side of Taylor's creek, at the mouth of a gut or drain which marks the eastern line of James Mason's land, running thence northwardly with said Mason's line to the north-east corner thereof ; thence to the south-east corner of the land claimed by the late James H. Taylor by purchase from Valentine Manney and others ; thence northwardly with the eastern line of said land to James Ward's line : thence westwardly with James Ward's line to the eastern line of Gordon street to Town creek : thence with the various courses of said creek to the thoroughfare ; thence with the thoroughfare southwardly to the southern line of water lot number one hundred and thirty-two, new town ; and thence along the north side of Taylor's creek to the beginning.

SEC. 4. The said town shall be divided into five wards, as follows : all that part of the town which lies south of Ann street and west of Orange street, shall constitute the first ward ; that part which lies south of Broad street, and between Orange and Pollock streets, shall constitute the second ward ; that part which lies south of Broad street and east of Pollock street, shall constitute the third ward ; that part which lies north of Broad street and west of Queen street, and west of Orange and Queen streets, and not included in the first ward, shall

constitute the fourth ward; that part which lies north of Broadstreet and east of Queen street, shall constitute the fifth ward. **Fifth ward.**

SEC. 5. That the corporate powers and authority granted to the town of Beaufort shall be vested in and exercised by a mayor and eight commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the legislature of this state, and shall have resided within the town ninety days next preceding the election, and every commissioner elected by the people shall be a resident of the ward for which he shall be chosen ninety days next preceding the day of election. **Mayor and commissioners.**
Eligibility.

SEC. 6. That one commissioner shall be elected for each of the five wards of the town by the qualified voters of each ward respectively, and within five days after their election they shall convene and qualify before some justice of the peace. Immediately after qualifying they shall proceed to elect as follows three commissioners from the people at large within the corporate limits: the commissioners of the first and fifth wards shall elect one, the commissioners of the second and fourth wards shall elect one, and the commissioners of the second and third wards shall elect one. The commissioner of the first ward shall preside as chairman of this meeting of the board, who shall vote as a commissioner, and in case of a tie shall give the casting vote. Immediately after such election the three commissioners so chosen from the people at large shall qualify before some justice of the peace, whereupon, the board of commissioners or a majority of them shall proceed to elect from outside their number a mayor, who, within five days after his election, and before entering on the duties of his office, shall qualify before a justice of the peace, and in case of a tie shall give the casting vote on all questions which may come before said board. **Commissioners, how elected.**
Mayor, how elected.

SEC. 7. The votes for the commissioners of the several wards shall be deposited in separate boxes, and the persons receiving the highest number of votes cast in their several wards respectively shall be declared duly elected as now provided by law. **Vote for commissioners, how cast.**
Who elected.

SEC. 8. If any vacancy shall occur in the board of commissioners by any commissioner failing to qualify in the time prescribed, or after qualifying shall fail to serve, or occurring from any cause, the commissioners elect who have qualified shall fill the vacancy so occurring, and such persons only shall be chosen as are heretofore declared to be eligible. If the election of mayor or any commissioner from the people at large shall have been prevented by a vacancy in the board of commissioners, such election shall be proceeded with as heretofore declared after the vacancy is filled. **Vacancies.**

SEC. 9. 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 of his election, or who, having quali- **Penalty for failure to qualify as mayor, &c.**

fied, shall fail to serve during the term for which he may be elected, inability from sickness, removal from town, or resignation excepted, shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Carteret county in the name and for the benefit of the town of Beaufort, or on failure to pay such fine shall be imprisoned in the county jail not to exceed thirty days.

Mayor *pro tem.*

SEC. 10. Whenever there shall be a vacancy in the office of mayor, and when the mayor shall be absent from the town, or be prevented by sickness or any other cause from attending to the duties of his office, the board of commissioners may appoint one of their number to act as mayor, who shall possess all the rights and powers of mayor during such vacancy, absence or disability, besides shall be entitled to vote as a commissioner on all questions which may come before the board.

Commissioners of navigation.

SEC. 11. The mayor and commissioners of the town of Beaufort shall elect three commissioners of navigation for the port of Beaufort, who shall perform the duties under the rules, regulations and penalties prescribed in chapter forty-six, volume second of The Code, so far as said chapter relates to commissioners of navigation for the port of Beaufort.

Duties.

Registrar and inspectors of election.

SEC. 12. That the commissioners of the town of Beaufort shall appoint a registrar and two inspectors of the election to be held on the first Monday in May, one thousand eight hundred and eighty-one, and for each succeeding municipal election, and the registrar so appointed shall open the registration books at the mayor's office on Thursday, Friday and Saturday, immediately preceding the day of election, and keep them open between the hours of eight a. m. and five p. m. of each day, when all persons legally entitled to register may do so. The said registrar and inspectors of election shall have all the powers of such officers appointed under chapter sixteen, volume second, of The Code, entitled "elections regulated." The election shall be conducted in like manner as elections for members of the general assembly, and under like rules, regulations and penalties, and the result thereof shall be proclaimed at the mayor's office in the town hall.

Registration.

Powers of registrar and inspectors.

Election, how held.

Taxation.

SEC. 13. The said commissioners shall not oftener than annually lay a tax on real and personal property situated in the corporation, not exceeding fifty cents on each one hundred dollars' valuation and on each taxable poll one dollar and fifty cents. They shall also have power, not oftener than annually, to impose and collect a license tax for the privilege of carrying on the business of doing within the corporation any of the acts named in this section, to-wit: on all persons retailing or selling in quantities less than one quart, any spirituous or vinous liquors, ale, porter, lager beer, or other malt liquors; all circuses, shows or exhibitions for reward; all gift enterprises; each billiard table, bowling alley, or alley of the like kind, bagatelle table, or

License tax.

any other table, stand or place, for any other game or play, with or without a name, unless such alley, stand, place or game, or table is kept for private amusement or exercise alone, and not prohibited by law, and not kept or used in connection with any place where spirituous or malt liquors are sold; every merchant, peddler, grocer, druggist and other trader, who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description; hotels, boarding houses, restaurants, and eating houses; auctioneers, commission merchants or agents, life or fire assurance or insurance agents, and sewing machine agents; every horse or mule drover, or person who buys and sells, or receives horses or mules, or both, for sale, and every person who keeps horses or mules for hire; every itinerant dentist or medical practitioner, portrait or miniature painter, and every person taking likenesses of the human face; every person who peddles goods, wares or merchandise except vegetables, fruits, oysters, clams, fish or articles of his own growth or manufacture; on every itinerant who deals in or puts up lightning rods; every butcher or dealer in fresh meats; every huckster, trader, merchant, or his agent, who buys produce for sale in other markets; every fish and oyster dealer who buys fish or oysters to be sold in other markets; every owner or driver of a dray or cart who hauls for pay; on all dogs and all other subjects, persons, and franchises within the town of Beaufort that may be taxed by the general assembly.

The commissioners shall use the proceeds of this taxation only to defray the necessary expenses of the corporation. The town constable, who shall be a citizen of the town, and shall give such bond as the commissioners of the town may require, shall be required to collect only the taxes levied and necessary to defray the current annual expenses of the corporation.

SEC. 14. In sales of real estate by the town constable for taxes his deed shall be *prima facie* evidence that he has complied with the law; owners of real estate sold for town taxes may redeem the same within one year upon payment of the taxes, costs and twenty-five per centum of the taxes additional to the town or individual purchaser.

SEC. 15. Every person who shall practice any trade or profession, or use any franchise taxed by the commissioners as provided in this act, without having first paid the tax, and obtained a license signed by the mayor and clerk of the town, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or be imprisoned not more than thirty days, and shall also forfeit and pay to the town a penalty not to exceed twenty-five dollars for every day on which he shall practice such trade or profession, or use such franchise.

SEC. 16. That where any land or right of way shall be required by said town of Beaufort, for the purpose of opening new streets or alleys, or for widening any street or alley, the same may be taken at a

Application of
proceeds.

How collected.

Sale of land for
taxes.

Redemption.

Misdemeanor to
practice trade,
&c., without
license.

Penalty.

Condemnation of
land for streets.

valuation to be made by twelve freeholders, resident in the town, to be chosen jointly by the commissioners and the party owning the land, or their personal representative. But if any person on whose land said street or alley may run shall refuse to join in the selection of the freeholders, the board of commissioners of said town shall select the entire twelve; and in making said valuation, said freeholders, after being duly sworn by some justice of the peace, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and also any benefit or advantage such owner may receive from the opening or widening of streets or alleys, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage to such person shall form the measure of valuation of said land or right of way: *Provided*, that if any person on whose land the said street or alley may pass, or the commissioners of the town, be dissatisfied with the valuation thus made, either party may appeal to the next term of the superior court of Carteret county to be held thereafter. The said freeholders shall make a return of their proceedings with the valuation of the land to the mayor of the town, who shall cause them to be recorded with the records of the town, and shall, if either party appeals, send up the papers, with a statement of all the proceedings, to the superior court. The land so valued by the freeholders shall vest in the town as soon as the valuation may be paid to the owner, or placed in the hands of the clerk of the superior court in case of its refusal by the owner of said land, or if the owner is a non-resident of Carteret county.

Appeal.

Conflicting laws repealed.

SEC. 17. All laws or clauses of laws in conflict with this 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 17th day of February, A. D. 1887.

CHAPTER 28.

An act to repeal chapter thirty-two of the private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four.

The General Assembly of North Carolina do enact:

Chapter 32, private laws 1873-4, repealed.

SECTION 1. That chapter thirty-two of the private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, entitled "an act to incorporate the Oriental Fish and Oyster Company," be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 17th day of February, A. D. 1887.

CHAPTER 29.

An act to charter "The Savings and Deposit Bank of North Carolina."

The General Assembly of North Carolina do enact:

SECTION 1. That "The Savings and Deposit Bank of North Carolina" shall be established in the city of Greensboro, the capital stock of which shall not exceed one hundred thousand dollars, divided into shares of five dollars each, and that for the purpose of receiving subscriptions for said stock, books shall be opened at any time after the ratification of this act, and remain open for the space of sixty days, at Greensboro, under the superintendence of the following persons or a majority of them, to-wit: Peter D. Price, Levi M. Scott, James M. Winsted, Wm. B. Bogart, A. P. Eckel, J. W. Scott, D. W. C. Benbow, D. F. Caldwell and W. E. Beville, and at such other places under the superintendence of such other persons as said commissioners may direct.

Capital stock.

Books of subscription.

Commissioners.

SEC. 2. That one share of stock shall be paid in gold or silver or their equivalent to the commissioners above named at the time of subscribing, that another shall be paid thirty days thereafter, that another shall be paid in thirty days, and another shall be paid within thirty days, and another in sixty days, and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of eight per centum per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, of such sale, to be paid over to said subscriber: *Provided*, that no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver or their equivalent.

Stock, how paid.

Penalty for failure to pay.

Proviso.

SEC. 3. Then when ten thousand shares are subscribed and the sum of twenty-five thousand dollars is actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic in law and in fact, by the name and style of "The Savings and Deposit Bank of North Carolina," and shall continue until the first day of January, one thousand nine hundred and seventeen, and by the name and style aforesaid they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors, land, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended

When incorporated.

Corporate name.

Corporate existence.

Corporate powers.

in courts of record or any other place whatever, and also to make, have and use a common seal and canceling stamps, and the same to break, alter or renew at their pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary, proper and convenient for the government of said corporation, and for the making whereof general meetings of the stockholders may be called in the manner hereafter specified, and generally to do and execute all acts, matters and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

Notice of meeting of stockholders.

SEC. 4. That as soon as ten thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given in one or more papers published in the city of Greensboro, and a meeting of the subscribers to be held ten days at least after the date of notice shall be called. If at this meeting those persons who are present have a majority of the votes, if not another meeting shall be called, they shall proceed to the election of nine directors, who shall take charge of the books and the money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation. The said directors shall remain in office one year from the day of their election or until their successors shall be appointed, and it shall be the duty of the directors so soon as the bank has been organized and commenced business, to fix the day in each year at which the meeting of the stockholders of the bank shall be held in the city of Greensboro for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

Organization.

Directors.

Annual meeting of stockholders.

Fundamental rules and regulations.

SEC. 5. The following rules, regulations and provisions shall form and be the fundamental articles of the constitution and corporation: A meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of the votes which may be present, and if at any time it shall become necessary to increase or diminish the capital stock of the bank, it shall be the duty of the president to see all the old certificates of stock surrendered and destroyed and new certificates issued in their place, and the said new certificates of stock shall be sealed and voted on at all meetings thereafter, as prescribed by the by-laws of the corporation passed by the stockholders at general meeting. No president, cashier, agent or clerk of the bank shall be permitted to vote for another, and none but stockholders who are citizens of the state shall be eligible as directors, and the directors, when appointed, shall choose one of their number (which shall always be nine) to be president of the bank, and shall manage the institution as shall seem best to them,

unless otherwise directed by the stockholders, but compensation to the president and directors shall be granted at the pleasure of the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in the case of absence or sickness of the president, when he may by writing nominate any other director to supply his place. A number of stockholders, not less than twenty, who together shall be the owner of four hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days' notice in one or more newspapers, and specifying the object or objects of such meeting. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure. These officers shall be required to give bond with two or more sureties in sums not less than ten thousand dollars, with a condition for good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in courts of justice against said bank, and on entering on discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the superior court of the county of Guilford, to-wit: "I, A. B., do solemnly swear, or affirm, as the case may be, to keep a just and true record, without alteration in or erasure of the transactions of the board of directors of 'The Savings and Deposit Bank of North Carolina,' in a book to be kept by me for that purpose." The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it to secure a debt previously contracted in the course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts. The bank shall in no instance discount note or notes the payment of which shall be guaranteed or secured by a mortgage given on land or personal property of any kind whatever. The said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, promissory notes and bonds expressing on the face of them to be negotiable and payable at said bank, gold or silver bullion, or goods which shall be the produce of its lands, mint certificates, the public debt of the United States: *Provided*, the investments in such stocks shall not exceed one third of the capital stock of the bank, neither shall the said corporation take more than at a rate of eight per centum per annum for or upon its loans and discount, which interest may be taken in advance at the time of discount. The total amount of debts which the said corporation shall at one time owe shall not

exceed twice the amount of the stock actually paid in over and above the sum then actually deposited in the bank for safe keeping. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The mode of transferring stock shall be regulated by the by-laws of the corporation and regulated by provisions of the same. The officers of the treasury department of the state shall be furnished once in twelve months with a statement of the amount of capital stock of said corporation and the debts due the same, of the moneys deposited therein and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to the same statement: *Provided*, that this shall not be construed to a right of inspecting the account of any private individual with the bank except of the directors. The bills, obligations and letters of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons and of his, her or their assignees, and so as absolutely to transfer and vest the property therein in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names, and bills, checks, drafts, orders or other evidences of debts issued by order of said corporation or cashier promising the payment of money to any person or persons, his, her or their order, not under the seal of the said corporation, shall be binding and obligatory on the same in the like manner and with the like force and effect as upon any private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are.

Check, &c., for money deposited going to protest to draw interest at ten per cent., &c.

SEC. 6. That if any person or persons holding any check, draft, or certificate for money deposited with the bank for safe keeping, and shall present the same for payment, and payment shall be refused and go to protest, such check, draft or certificate for money deposited shall draw interest from the date of protest at the rate of ten per centum per annum, and the said bank shall pay the same, any law to the contrary notwithstanding, and the holder of any of these evidences of debt, if not paid on demand, may bring an action of *assumpsit* against one or all of the directors.

Subscription books to be kept open, &c.

SEC. 7. That the directors shall be allowed to keep open the subscription books until the whole of the stock shall be taken.

Dividends.

SEC. 8. That the directors of the bank may declare dividends of the profits thereof as often as they may deem expedient, and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible in their private capacities to creditors who have claims against the said institution.

Liability of directors.

SEC. 9. That the president of the bank shall in the first weeks in January and June of each and every year transmit to the treasurer of the state a full statement of the condition of the bank, exhibiting the amount of capital, debts due to other banks and to what banks, amount of deposits, and all other particulars necessary to explain the debt side of the account, also specie on hand, notes of other banks and what banks, bills of exchange, debtor bonds and notes discounted, specifying in one column item the amount due from stockholders, and in another the amount due from directors, not, however, using any person's name in either case, and the real estate owned by the bank, which said statement shall be published in a newspaper published in the county of Guilford.

President to make semi-annual statement to state treasurer.

SEC. 10. That if any president, cashier, clerk or other officer of the aforesaid bank shall knowingly, willingly and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the state or board of directors, or to the stockholders or to any other person or persons that may be authorized by the legislature, or by the stockholders to receive the same, such president, directors, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor in the superior courts, and upon conviction shall be fined at the discretion of the court and imprisoned not exceeding one year.

Publication.

Officer of bank making false statement, &c., guilty of misdemeanor.

SEC. 11. That if any director, president, cashier, clerk or other officer of the aforesaid bank shall knowingly and willingly, and with intent to deceive, make, or cause to be made, any certificate of the capital stock of the bank, and issue the same to any person or persons who are not subscribers to the capital stock of the bank, who have not paid up their subscriptions as provided in a previous section of this charter, shall be liable to be indicted for a misdemeanor in the superior courts of this state, and upon conviction, shall be fined at the discretion of the court, and imprisoned not exceeding three years.

Fraudulent issue of stock certificate a misdemeanor.

SEC. 12. That the stockholders of said bank shall have power to increase the capital stock to two hundred thousand dollars whenever in their opinion the wants of the community may require it.

Increase of capital stock.

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 19th day of February, A. D. 1887.

CHAPTER 30.

An act to amend an act entitled “an act to incorporate the Western North Carolina Land Company,” ratified the sixteenth day of February, Anno Domini eighteen hundred and seventy-four.

The General Assembly of North Carolina do enact :

Chapter 109, private laws 1873-4, amended.

Authorized to build railroads over lands of other persons.

Condemnation of land.

Authorized to construct flumes, &c., for floating timber, &c.

Condemnation of land.

Transportation rates.

Proviso.

Proviso.

SECTION 1. That section two of the act entitled “an act to incorporate the Western North Carolina Land Company,” ratified the sixteenth day of February, A. D. eighteen hundred and seventy-four, be and the same is hereby amended by inserting in section two of said act, in line thirty, on page four hundred and forty-one of the private laws of eighteen hundred and seventy-three and seventy-four, chapter one hundred and nine of said laws, after the words, “over their lands.” the words “and the lands of other persons,” and by adding to said section of said chapter, on said page, at line thirty-five, after the words “United States.” the words, subject to the provisions of chapter forty-nine, section nineteen hundred and forty-three, and the subsequent sections of said chapter of The Code of North Carolina relating to the condemnation of lands.

SEC. 2. That the said Western North Carolina Land Company, for the purpose of exporting and transporting its timber, lumber, minerals and other products, through, over and by means of the creeks, rivers or other water-courses flowing through their lands, and contiguous thereto, and to or near any railroad station or stations now in existence, or hereafter to be built, is hereby authorized and empowered to construct flumes, splash dams, locks and any other means for the more effectual floating and collecting such timber, lumber, minerals and other products, as may be desired, both from and through its own lands and the lands of any and all other persons who may wish to use such water way or water ways ; and for such purposes the said Western North Carolina Land Company shall have the right to condemn lands along such water-course or water-courses as it may elect and decide to be necessary to the purposes of this act as herein set forth ; and shall have the right to receive fares and tolls for the transportation of persons and products of other than its own lands, at the same rates per mile which any other like company is now by law authorized to charge : *Provided*, that in all cases where the said land company and the owner or owners of said lands along such water-course or courses shall fail to agree in the valuation of the land or lands so to be taken, the same shall be assessed and paid for or secured as is now provided by law for the condemnation of lands for railroad purposes : *Provided further*, that when said water-course or courses shall not be in actual use for transportation purposes, as herein before provided, the said locks and dams shall be kept open, or other means

be provided for the free passage of fish up and down said stream or streams.

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. 1887.

CHAPTER 31.

An act to repeal chapter two hundred and fifty-eight of the laws of the year eighteen hundred and fifty-four and fifty-five, of the private laws of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-eight of the private laws of the years of eighteen hundred and fifty-four and five, and ratified the fifth day of February, eighteen hundred and fifty-five, and being entitled "an act to incorporate the town of Warsaw," be and the same is hereby repealed. Chapter 258, private laws 1854-5, 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. 1887.

CHAPTER 32.

An act to recognize and incorporate in this state the Gay Manufacturing Company, a body corporate heretofore incorporated under the laws of the state of Virginia, and to grant certain additional powers.

WHEREAS, The Gay Manufacturing Company, a corporation formed Preamble.
for the purpose of buying and selling and manufacturing timber and lumber, and using and operating steam sawmills, and all other machinery used in connection with such manufacture, and for dealing in timber rights and timber lands, was duly incorporated under the laws of the state of Virginia by a charter granted by the Honorable George Blow, the judge of the circuit court of the county of Nansemond, in said state, the nineteenth day of March, eighteen hundred and eighty-four, which charter hath been duly filed and recorded in the clerk's office of said county: and said body corporate was duly organized according to law, and in accordance with the powers and directions contained in and granted to it by the terms of its charter aforesaid, hath gone on to perform and carry out the purposes for which it was incorporated, and hath heretofore been engaged in con-

ducting its lawful business in the states of Virginia and North Carolina, and is now desirous of carrying on and extending its business aforementioned in the state of North Carolina, and of obtaining recognition as a body corporate of said state last mentioned, and the grant of certain corporate rights, powers and privileges as hereinafter mentioned;

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the Gay Manufacturing Company, a body corporate, incorporated under the laws and acts of the state of Virginia, of which S. P. Ryland, Jr., William N. Camp, Chauncey Brooks, John S. Gittings and Charles F. Pitt constitute the board of directors, is hereby recognized and incorporated as a body corporate under the laws of this state, and is hereby granted all the corporate rights, powers, franchises and privileges of a body corporate duly incorporated, for the purpose of buying and selling and manufacturing timber and lumber, and using and operating steam sawmills and all other machinery used in connection with such manufacture, and for dealing in timber rights and timber lands.

Corporate powers.

By-laws.

SEC. 2. The said company shall have power at the lawful meetings of its stockholders to make, change and adopt by-laws for its organization and management, and the present by-laws of said company shall be considered in force until further action of the stockholders hereafter.

Directors,

President.

SEC. 3. The board of directors of said body corporate shall consist of five persons, chosen according to the regulations prescribed by its by-laws, which board shall choose a president of said company, who may be one of the board of directors, but the persons aforementioned as directors herein shall have and continue the management and control of the affairs of the said body corporate until their successors shall be chosen according to law.

Capital stock.

SEC. 4. The capital stock, the amount of which the said body corporate is authorized to issue, is hereby fixed and limited at the sum of three hundred thousand dollars, divided into shares of the par value of one hundred dollars.

Authorized to hold real estate not exceeding 50,000 acres.

SEC. 5. The said body corporate shall have the power to acquire and hold lands in this state to an amount not exceeding fifty thousand acres.

Condemnation of land.

SEC. 6. The said body corporate shall have the right to lay and construct bogy tracks or temporary tracks, for the purpose of removing the timber cut and manufactured by them over and upon the lands of any person or persons in this state to any mills of said company, or to any railway to which it may desire to transport the same, upon paying to the owners of said land such compensation for the use and occupation or damage of such land by such tracks "as may be adjudged under the chapter of The Code entitled railroads and tele-

graph companies in regard to condemning lands": *Provided*, that the powers hereby conferred shall only be exercised within the counties of Gates, Chowan and Perquimans. Proviso.

SEC. 7. The place for the meetings of the stockholders of said company shall be at Suffolk, Virginia, or at such other place in the states of Virginia or North Carolina as the company by a by-law passed by the stockholders at a general meeting shall fix and determine. Stockholders' meetings, where held.

SEC. 8. The said body corporate shall be liable to taxation in this state only upon the property actually owned by it and situated in this state, and said body corporate shall be in all respects subject to the laws of this state applicable to corporations of this class, except where it is herein provided to the contrary. Taxation, &c.

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

In the general assembly read three times, and ratified this the 19th day of February, A. D. 1887.

CHAPTER 33.

An act to amend chapter eighty-eight, private laws, eighteen hundred and seventy and eighteen hundred and seventy-one.

The General Assembly of North Carolina do enact :

That chapter eighty-eight, private laws of eighteen hundred and seventy and eighteen hundred and seventy-one, be and the same is hereby amended by adding thereto the following sections: Chapter 33, private laws, 1870-1, (incorporating Roanoke & Tar River Agricultural Society,) amended.

SECTION 1. That the capital stock of said society shall not exceed five thousand dollars, which may be divided in such number of shares as the incorporators or their successors may determine. Capital stock.

SEC. 2. That the said incorporators shall have power to choose successors, from whom shall be chosen not less than three nor more than nine, who shall constitute the board of directors; each of said directors shall be a stockholder in said society. Directors.

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

In the general assembly read three times, and ratified this the 23d day of February, A. D. 1887.

CHAPTER 34.

An act to incorporate the North Carolina Steel and Iron Company.

The General Assembly of North Carolina do enact :

SECTION 1. That James B. Pace, B. B. Osler, A. B. Andrews, Wm. E. Anderson, Julius A. Gray, William Richards, Charles D. Wilber. Body politic.

John S. Henderson, Joseph J. Newman, Theodore F. Kluttz, James W. Wilson, D. W. C. Benbow, S. H. Wiley and George S. Scott, together with all other persons and corporations as become stockholders in the company hereby incorporated, are hereby constituted a body corporate and politic by and under the name of "The North Carolina Steel and Iron Company," by which name the said corporation may sue and be sued, plead and be impleaded in any court of this state. It shall have perpetual succession and enjoy all the rights and privileges, liberties, immunities and franchises usually pertaining to a trading and manufacturing corporation.

Corporate name.
Corporate powers.
Corporate powers.

SEC. 2. The said company shall have power to purchase or otherwise acquire lands or mineral or surface rights therein or thereon, and to work the same for the extraction of iron ore, coal and other minerals and products, to market such ore, coal or other products, to erect furnaces and other works for the manufacture or production of iron and steel, and generally to carry on the business of producers of and dealers in ore, coal, charcoal, iron, steel, and other products incident to such a business, and for all such purposes to acquire lands from time to time, and from time to time to sell, dispose of, or lease and sell such lands.

Capital stock.
Proviso.
Proviso.

SEC. 3. The capital stock of the said company shall be divided into shares of one hundred dollars (\$100.00) each, and shall be for such a total sum as the shareholders in general meeting may determine: *Provided*, that such capital stock shall not exceed two million dollars (\$2,000,000), and *provided*, that if it shall at first be determined by the shareholders to issue less than two million dollars (\$2,000,000) of such stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of two-thirds of the shareholders, to be given at any general annual meeting or at any special meeting called for the purpose of considering any proposed increase of such capital stock.

Capital stock personal property, &c.

SEC. 4. The capital stock shall be personal property and transferable in the books of the company in the method provided by any by-law in that behalf.

Liability of stockholders.

SEC. 5. Each shareholder, until the amount of his stock has been paid up, shall be individually liable to the creditors of the company, to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part; and the amount due on such execution shall, subject to the provisions of the next section, be the amount recoverable with costs against such shareholders. Any shareholder may plead, by way of defence, in whole or in part, any set-off which he could set up against the company, except a claim for unpaid dividends, or a salary, or allowance as a president or director.

SEC. 6. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to, or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. Liability of stock-holders.

SEC. 7. The company is hereby authorized to issue bonds under the seal of the company, signed by the president or other presiding officer, and countersigned by its secretary or treasurer, and such bonds may be made payable at such times, and in such manner, and at such places in the United States or Great Britain, and bearing such rates of interest as the directors may think proper, and the directors shall have power to issue, sell or pledge all or any of such bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for the payment of the price of any lands or erections of any works or otherwise for the purposes of the said company; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claim and charge upon the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be held and deemed to be a mortgagee or incumbrancer upon all the said properties pro rata with the other bondholders: *Provided*, that the total amount of bonds so issued, sold or pledged, shall not exceed as to the principal money the sum of three hundred thousand dollars (\$300,000). The company may secure the said bonds by mortgage deed upon the whole of their real and personal property acquired and to be acquired, and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in the deed, all and every the powers and remedies granted by this act in respect of the said bonds, and all other powers and remedies not inconsistent with this act, and may restrict the bondholders in the exercise of any power or remedy, and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bondholders as may be therein provided. Authorized to issue mortgage bonds, &c.

SEC. 8. The persons named in the first section of this act are hereby constituted provisional directors of the company, of whom there shall be a quorum, and shall hold office as such until the first election of directors under this act, and shall have power forthwith to open stock books and procure subscription of stock in the said company. Proviso.

SEC. 9. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company have been subscribed, the provisional directors shall call a general meeting of the subscribers to the said capital stock at such place in the United States as they may deem most convenient, for the purpose of electing directors of the company, giving at least two weeks' previous notice by cir- Provisional directors.

Organization.

Notice

cular to the subscribers, and by public advertisement in some daily paper published in the city of Raleigh, of the time and place and purpose of the said meeting.

Eligibility of directors.

SEC. 10. No person shall be a director of the company unless he is the holder of at least twenty shares in the stock of the company.

Directors.

SEC. 11. At such general meeting the shareholders may choose not more than seven or less than three persons to be directors of the company, of whom three shall be a quorum.

Quorum.

General meetings of stockholders, when and where held.

SEC. 12. Thereafter the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held at such place, and on such day, and upon such notice, as may be provided by by-law by the company.

Stock vote.

SEC. 13. At all general meetings of the company every shareholder shall be entitled to as many votes as he owns shares in the company and may vote by proxy.

Election of directors.
Vacancies.

2. Election of directors shall be by ballot.

3. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the company.

Officers.

4. The directors shall from time to time elect from among themselves a president and a vice-president of the company, and shall also name all other officers thereof.

Company not dissolved by failure to elect directors.

SEC. 14. If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Special meetings of stockholders.

SEC. 15. One fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Powers of directors.

SEC. 16. The directors of the company shall have full power to make all by-laws not contrary to law or to this act, for the regulation of the affairs and management of the company, for making calls upon stock subscribed, for the establishment of a head office and of branch offices, and of changing from time to time the location of such offices; they shall have full power to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into.

Transfer of stock.

SEC. 17. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

When directors may refuse to allow transfer of stock.

SEC. 18. The directors may refuse to allow the entry into any such book of any transfer of stock whereon any call has been made which has not been paid in.

SEC. 19. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim*, jointly and severally, with the transferor to the company and their creditors, until the entry thereof has been duly made in such book or books.

Effect of transfer of stock.

SEC. 20. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share: and the receipt of the shareholder, in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of company in respect to stock.

SEC. 21. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Liability of executors, &c.

SEC. 22. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may, nevertheless, represent the same at all such meetings and may vote accordingly as a shareholder.

Stock held as collateral.

Stock held by executors, &c., how represented.

SEC. 23. The directors of the company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed at such times and places, and in such payments or instalments as the by-laws of the company require or allow, and interest shall accrue and fall due at the legal rate for the time being upon the amount of any unpaid call from the day appointed for payment of such call.

Assessments.

SEC. 24. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this act, and a certificate under the seal and purporting

Assessments, how enforced.

to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Forfeiture of stock.

SEC. 25. If, after such demand or notice as by the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such by-laws may be limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by the by-laws or otherwise the company may ordain.

When dividends not to be declared.

SEC. 26. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, but if any director, present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters on the minutes of the board of directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published at or as near as may be possible to the office or chief place of business of the company, such director may thereby, and not otherwise, exonerate himself from liability.

Exoneration of directors from liability.

Liability of company for contracts, &c.

SEC. 27. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and check made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such, under the by-laws of the company, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or check, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order, nor shall the party so acting as agent, officer or servant of the company, be thereby subjected individually to any liability whatsoever to any third party therefor.

By-laws, how proved.

SEC. 28. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina.

SEC. 29. This charter shall take effect and be in force from and after its ratification.

In the general assembly read three times, and ratified this the 22d day of February, A. D. 1887.

CHAPTER 35.

An act to incorporate the trustees of the North Carolina Baptist Students' Fund.

The General Assembly of North Carolina do enact:

- SECTION 1. That C. E. Taylor, J. W. Denmark, W. L. Potent, W. C. Powell, L. R. Mills, W. H. Pace, C. Durham, J. M. Heck, J. S. Purefoy, C. S. Farris, R. T. Vann, P. W. Johnson, W. G. Simmons, J. L. White, C. T. Bailey, J. B. Powers, W. R. Gwaltney, H. C. Dockery, F. P. Hobgood, C. B. Edwards and T. H. Pritchard and their successors, be and they are hereby declared to be a body politic and corporate, to be known and designated by the name and style of the trustees of the "North Carolina Baptist Students' Aid Fund," and by this name and style they shall have perpetual succession and a corporate seal, and shall be able and capable in law to sue and be sued, plead and be impleaded in all the courts, and may take, receive and possess all moneys, goods and chattels which may be given them in special trust, and shall apply the same in accordance with the wishes and instructions of the donors to the purpose of affording pecuniary aid to indigent young men of this state who may be seeking higher education; and they shall have the power, by purchase or otherwise, to take, demand, hold and possess real estate, chattels, tenements, rents, dividends and other sources of income in special trust, and apply and dispose of the same for the purpose above declared of aiding indigent young men of this state to secure higher education as aforesaid: *Provided*, that the amount of real and personal property held by the said trustees and their successors for the purpose herein before declared shall at no time exceed the sum of one hundred thousand dollars.
- SEC. 2. That in the event of the death, resignation, refusal to act, or removal from the state of any of the trustees for the time being, the remaining trustees shall have the power to fill the vacancies thereby created.
- SEC. 3. That if any one of the trustees shall fail to attend the regular meetings of the trustees continuously for two years, his seat is hereby declared to be vacated, and the same shall be filled as in case of death, resignation, refusal to act, or removal from the state.
- SEC. 4. That the said trustees and their successors shall have the power to remove any member for improper conduct: *Provided*, that the cause thereof shall be entered on the journals: *And provided further*, that the accused shall have at least thirty days' notice of the procedure, shall have the benefit of counsel, and a majority of two thirds of the members present shall be necessary to effect such removal.

Body politic.

Corporate name.

Corporate powers.

Provido.

Vacancies.

Trustee failing to attend meetings for two years forfeits seat.

Trustees empowered to remove member.

Provido.
Provido.

- Officers. SEC. 5. That the said trustees and their successors shall have the power to elect their own president, secretary, treasurer, and such other officers and agents as they shall deem necessary, and to remove the same for misconduct, inefficiency, or neglect of duty; and they shall further have the power to make all necessary rules and regulations not inconsistent with the laws of this state and of the United States for their own government and for carrying into effect the purpose herein before declared.
- Rules, &c. SEC. 6. That the said trustees shall hold regular meetings annually, or oftener if need be, and nine trustees shall constitute a quorum for the transaction of all kinds of business.
- Meetings of trustees. Quorum. SEC. 7. That the lands and other property belonging to the said board of trustees, and held by them in special trust and confidence for the purpose herein before declared, shall be forever exempt from all kinds of public taxation.
- Exemption from taxation. SEC. 8. That all laws conflicting with any of the provisions of this act shall be and they are hereby repealed.
- Conflicting laws repealed. SEC. 9. That this act shall be in force for fifty years from and after the date of its ratification.
- In the general assembly read three times, and ratified this the 25th day of February, A. D. 1887.

CHAPTER 36.

An act amendatory of an act to consolidate the fire companies of the city of Newbern.

The General Assembly of North Carolina do enact:

Chapter 25, section 6, private laws 186-7, repealed.

SECTION 1. That section six of chapter twenty-five of the private acts of one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, be and the same is hereby repealed and the following substituted therefor:

Chief engineer authorized to pull down, &c., houses to prevent spread of fire, &c.

SEC. 2. That the chief engineer or other officer acting in his stead and place under the laws and regulations of the fire department of the city of Newbern, shall and may be authorized and empowered to direct the pulling down or demolishing or blowing up of any house or building which he shall judge necessary to pull down, demolish or blow up for the purpose of preventing the further spreading of any fire which may happen in said city. And during the continuance of any fire in said city the said officers as aforesaid shall have power to require assistance for extinguishing the same, or for pulling down, blowing up or demolishing any building, or for removing any goods, wares, or merchandise from any building on fire or in danger to some place of safety, and to appoint guards to secure the same: and

the said chief engineer or other officers in his place and stead as aforesaid shall have power and authority to condemn, confiscate, and take into possession any powder, dynamite or other articles or property of like nature, which may be required for checking the spreading of fire. The person whose property shall be so taken shall be paid for the same by the fire department at the market value thereof at the time of the confiscation. Any member or officer of the fire company of the city of Newbern, or fire department of said city, who shall refuse to obey any command of the chief engineer or other officers in his place and stead as aforesaid, or any citizen or other person who shall refuse to render assistance when so called upon, or who shall in any manner interfere with the fire department when in discharge of its duties at, or during a fire, shall be guilty of a misdemeanor, and on conviction shall be fined fifty dollars or imprisoned thirty days.

Authorized to take dynamite, &c.

How paid for.

Member of fire company, &c., refusing to obey orders of chief engineer, &c., guilty of 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 23d day of February, A. D. 1887.

CHAPTER 37.

An act to incorporate Grace Church, in Catawba county, in Jacob's Fork township.

The General Assembly of North Carolina do enact:

SECTION 1. That A. G. Corpenning, S. T. Wilfong, P. W. Whitener, John J. Reinhardt, David Love and Lee Hoover, and their successors in office, be and the same are hereby incorporated, under the name and style of Trustees of Grace Church, in Jacob's Fork township, of Catawba county, and by that name may sue and be sued, plead and be impleaded, and shall have all the powers of like institutions.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. That said board of trustees may meet at their pleasure to organize and transact business, which may require attention from time to time. The officers shall consist of a chairman, secretary and treasurer, who shall be elected from their own number. If at any time a vacancy should occur by resignation, death or otherwise, the same shall be filled by a majority vote of the remaining board at any of the meetings. And that the said board of trustees shall always consist of an equal number chosen from each of the congregations worshipping in said Grace church.

Meetings.

Officers.

Vacancies.

Board of trustees

SEC. 3. That the incorporated limits shall extend two miles in every direction, so as to form a complete circle, with a radius of the above length around said Grace church, and it shall be unlawful for any

Corporate limits.

Misdemeanor to
sell, &c., liquor.

person or persons to manufacture, sell, give away, or directly or indirectly dispose of, any spirituous, vinous or malt liquors within the limits of said incorporation of said Grace church, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and fined not more than fifty dollars, or imprisoned not more than thirty days.

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

In the general assembly read three times, and ratified this the 24th day of February, A. D. 1887.

CHAPTER 38.

An act to extend the time for the organization of the Danbury Iron and Steel Manufacturing Company.

The General Assembly of North Carolina do enact :

Chapter 74, pri-
vate laws 1883,
amended.
Time extended to
January 1, 1889.

SECTION 1. That section one, chapter seventy-four, private acts of eighteen hundred and eighty-three, be amended by striking out the word "five," being the last word of said section, and inserting the word "nine" in lieu thereof.

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

In the general assembly read three times, and ratified this the 24th day of February, A. D. 1887.

CHAPTER 39.

An act to legalize the marriage between W. J. Bolton and Harriet T. Parrish.

The General Assembly of North Carolina do enact :

Marriage vali-
dated.

SECTION 1. That the marriage contracted and solemnized between W. J. Bolton and Harriet T. Parrish, both of Warren county, on the twelfth day of April, eighteen hundred and eighty-four, be and the same is hereby declared to be lawful and valid.

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 24th day of February, A. D. 1887.

CHAPTER 40.

An act to incorporate the Cape Fear Steam Fire Engine Company, of
Wilmington, North Carolina.

WHEREAS. For many years there has existed in the city of Wilmington a very active and effective association of citizens, forming a volunteer fire company, whose members have always been among the foremost in their noble and unselfish efforts to save from destruction the lives and property of all classes of people in said city : and whereas, said association desires to have a corporate existence : now,

Preamble en-
gizing the fire
company.

The General Assembly of North Carolina do enact :

SECTION 1. That Robert Morrissey, J. N. McDuffy, Isaac Brinkley, Valentine Howe, John H. Jackson, Stephen Jones, Parris Jones, Emanuel B. Jones, William H. Cotton, Jr., Godfrey Willis, Jr., John Sheridan, James Bland, Samuel Jones, Elias Campbell, Wright Simmons, Benjamin Sheppard, Stephen Nelson, Amos Simmons, Henry B. Walker, George Walker, Edmond Dixon, George McGary, Charles Jackson, Moses Howe, Abraham Jones, John Hines, Allison Barnett, Benjamin Roan, John Garrison, Joseph H. Hill, James W. Green, Jr., Albert Green, Harvey Taylor and James Ivery, and such other persons as may be associated with them, and their successors, be and they are hereby created a body corporate, under the name of The Cape Fear Steam Fire Engine Company, of Wilmington, North Carolina, and by that name shall have perpetual succession and a common seal, plead and be impleaded, sue and be sued, have, purchase and hold such real and personal property as may be deemed necessary for its purposes, and in general exercise and enjoy all other rights and privileges as are usually incident to corporations of the same nature.

Corporators.

Name.

Usual corporate
powers.

SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for their own government not inconsistent with the constitution and laws of North Carolina or of the United States.

By-laws, etc.

SEC. 3. That the officers of said corporation shall consist of a foreman, first assistant foreman, second assistant foreman, president, vice-president, treasurer, chief engineer, assistant engineer, corresponding secretary and recording secretary, and such other officers which the by-laws may prescribe, and the duties of each officer shall be fixed by the by-laws.

Officers.

SEC. 4. That the number of members of said corporation shall not exceed fifty active members at any one time.

Number of active
members.

SEC. 5. That the members of said corporation, during membership, shall be exempt from all jury duty, talis, regular or otherwise, and

Exempt from
jury and military
duty.

all military duty, and in case of active service in said company for five successive years, said exemption shall continue during the lifetime of the member rendering such active service.

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

In the general assembly read three times, and ratified this the 25th day of February, A. D. 1887.

CHAPTER 41.

An act to incorporate "The Real Estate Investment Company," of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

Objects of incorporation.

Corporators.

Name.

Corporate powers.

Capital stock.
Shares.

Books of subscription.

Organization.
Directors.

Other officers.

Power to hold real and personal estate.

SECTION 1. That for the purpose of providing comfortable homes at a moderate rent, and for buying and selling real estate and improving the same, Isaac Bates, Jno. D. Bellamy, Jr., W. L. Smith, Jr., or any three of them, and such other person or persons as may be associated with them, be and they are hereby created a body politic and incorporate, under the name of "The Real Estate Investment Company," of Wilmington, North Carolina, under which name it shall have a corporate existence of fifty years, and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and advantages of other like corporations under existing laws, in addition to those hereinafter enumerated.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and the stockholders may increase the same from time to time as they may deem requisite to carry into full effect the purposes of this act, to an amount not exceeding one hundred thousand dollars, and the persons aforesaid, or any three of them, are hereby empowered to open books of subscription to the capital stock of said company, at such time, at such place or places, and for such period as they shall determine, and when ten thousand dollars shall be subscribed and two thousand dollars paid into the capital stock of said company, said corporators, or any three of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors are elected. Said directors and their successors shall choose a president from their own number and shall elect such other officers as they may deem necessary.

SEC. 3. Said company shall have power to receive, purchase, buy and hold land, real estate and property, real, personal and mixed, to issue bonds therefor, and to improve, sell and dispose of the same, in

such parts, parcels, way and manner as they may deem best, and to this intent and purpose may enter into agreements, contracts and conveyances, and may lease, mortgage, or otherwise dispose and convey the same, and may receive for such sales or lease, or mortgage, such moneys, securities and things as they may choose, with power to issue or endorse bonds, or borrow money, and to prescribe the form of such conveyances, agreements, contracts, cases, mortgages, or other instruments of writing, and determine how and by whom the same shall be executed, with further power to make loans and advances of money or other things, on such terms and on such security, real and personal, as may be agreed on, and to engage in any mining, building or manufacturing enterprise, and to the carrying out of the above mentioned purposes, objects and incidents, make all such by-laws, rules and regulations as they may deem consistent, and the same to add to, alter and repeal at pleasure.

Mortgages.

To make loans, &c.

SEC. 4. Subscriptions to the capital stock of this company may be paid in money or property, real or personal, as may be agreed upon by the board of directors.

Subscriptions, how paid.

SEC. 5. That in issuing bonds as herein before provided, the board of directors shall have power to make the interest thereon payable in instalments, quarterly or semi-annually, as they may prescribe, evidenced by coupons thereto attached, and said bonds shall run for such period, not exceeding thirty years, as they may prescribe.

Bonds, interest, &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 25th day of February, A. D. 1887.

CHAPTER 42.

An act to incorporate The Mutual Benefit Fire Insurance Association.

The General Assembly of North Carolina do enact:

SECTION 1. That Charles G. Latta, Robert T. Gray, William C. Stronach, George D. Rand, John J. Whitehead, Edgar B. Barbee, Alfred A. Thompson, Giles E. Leach, Dr. James A. Sexton and M. T. Leach, of the city of Raleigh, William B. Shaw of Shawboro, Thomas H. McMullan of Hertford, William P. Taylor of Winston, Dr. R. R. Gregory of Greensboro, Council S. Wooten of LaGrange, Henry C. Latta of Hickory, and A. H. Merritt of Pittsboro, and such other persons as may hereafter become associated with them, according to the provisions of this act, are hereby created, constituted and declared to be a body politic and corporate, under the name of The Mutual Benefit Fire Insurance Association, for the purpose of effecting insurance, and they are hereby authorized to effect insurance on all kinds of

Corporators.

Name.

Corporate powers.

Insurance.	buildings and structures, all kinds of goods, wares, chattels and personal property, live stock, growing and matured crops, or any property whatever, against loss or damage by fire, lightning, hail, water, tornado or cyclone, or in consequence of any of them, and shall have all the rights, powers and privileges incident and belonging to corporations under the laws of North Carolina, entitled Corporations.
Stockholders not liable.	chapter sixteen of The Code. But there shall be no individual liabilities of the incorporators and their successors in office for any loss or any responsibility or undertaking assumed by the association.
Board of managers.	SEC. 2. The affairs of the association shall be managed by and be under the control of the incorporators and their successors in office, who shall be known as the Board of Managers of The Mutual Benefit Fire Insurance Association. and by their appointment their number may be increased to twenty-five.
Directors.	SEC. 3. The following incorporators named in the first section of this act, to-wit: William C. Stronach, Charles G. Latta, Robert T. Gray, George D. Rand, Edgar B. Barbee, Alfred A. Thompson, Giles E. Leach, Dr. James A. Sexton and M. T. Leach, shall be and they are hereby constituted and appointed the first board of directors of
Term.	said association, who shall hold their offices until others are elected in their stead; and the affairs of said association shall be managed by
Code of by-laws.	them until the first annual meeting of the board of managers; they shall prepare a code of by-laws for their own government and for the government of the association, and submit the same for approval and revision to the first meeting of the board of managers. They shall
Officers.	elect the first president and vice-president of the association, and appoint the first secretary, treasurer, general manager, adjuster and attorney, and all necessary agents and employees, who shall hold their offices until others are elected, unless sooner removed, and fix their salaries and pay. The annual meetings of the board of managers of said association shall be held at the office of the association on
Meetings.	the anniversary days of the ratification of this act by the general assembly, unless it come on Sunday, then the day following, or as may be provided by the by-laws, and at each meeting a majority present shall constitute a quorum for the transaction of business. When and where the board of managers shall elect by ballot, from their
Annual meetings, compensation of officers, &c.	body, not exceeding nine directors, to manage the affairs and concerns of the association, who shall likewise hold their offices until the next annual meeting of the board, or until others are elected in their stead. Fix the salary and pay of the board of directors, the president and vice-president of the association, the per diem and mileage and other pay of the board of managers while attending the meetings of the association, or for any services rendered it, and also appoint persons to fill vacancies that may occur in their own body, make or revise the by-laws for the government of the association, and further to do and act in any matter for the benefit of the association. If

from any cause there shall be a failure to hold an annual meeting of the board of managers, the board of directors may call a meeting at such time and place as they deem proper. Each board of directors, at their first meeting after being elected, shall elect from their body one president and one vice-president of this association, who shall hold their offices until the next annual meeting of the board of managers, or until others are elected in their stead, unless sooner removed by order of the board of directors. The board of directors shall annually, or as often as occasion may require, appoint a secretary, a treasurer, a general manager, adjuster and attorney, who shall hold their offices until the next annual meeting of the board of managers, or until others are elected in their stead, unless sooner removed by order of the board of directors, and whose pay and salaries shall be determined by said board. The secretary and treasurer shall enter into bond in such sum from time to time as the board of directors determine, with such securities as may be satisfactory to the board, conditioned for the faithful performance of their duties as such. The board of directors shall appoint an executive committee, and all such other officers and agents and employees as may be necessary, who shall hold their offices and employments at the pleasure of the board, and receive such salary and pay as may be established by them. The board of directors shall fill any vacancy that may occur in their body, from the board of managers.

Powers and duties of secretary and other officers.

Bonds of officers.

Executive committee.

Vacancies.

SEC. 4. The board of directors, or the executive committee of the board of directors, may determine the rates of insurance on all property, and the amount to be insured.

Rates of insurance.

SEC. 5. Every person who may effect insurance in this association shall, before receiving a policy, pay to the association, or its duly authorized agent, at least one half the premium in cash, for the purpose of discharging the incidental expenses of the association and constituting a fund for the payment of losses, and execute an acknowledgment of indebtedness to said association for the other half and the interest that may accrue thereon, also for any renewal premium, or any part of any renewal premium not paid, and interest on the same that may become due or charged to such person on account of said insurance, in form substantially that which follows:

Premiums, how paid.

For value received....acknowledge an indebtedness to the Mutual Benefit Fire Insurance Association, of the sum of.....dollars andcents, the same being for one half the first premium on policy No., held by....., in said association, for \$....., for the term of.....years, from the....day of....., A. D. 188., at noon, until the....day of....., A. D. 188., at noon, and authorize the said association, in the event of the renewal of said policy, from time to time to charge against.....any part of the....renewal premium not paid, also the interest on the unpaid part of the first premium from the date of the policy, and on the

Form of acknowledgment of indebtedness.

unpaid part of the renewal premium from the date of the renewal, at the rate of six per centum per annum, without further acknowledgment on...part. All of which indebtedness...agree to pay as and when called for by said association or its board of directors. The land on which the property insured stands, or containing property insured, is in the town of....., on.....street, county of....., state of....., and adjoins the lands of..... and others, and contains.....acres, more or less. The title to said land is held by.....in fee simple. For a description of which, reference is made to....title papers, and the application made for this insurance on the above named land is mortgaged to....., for \$...., and to.....for \$.... Witness,....hand..and seal... this....day of....., A. D. 188...

Witness : [Seal.]
 [Seal.]

Certificate to be registered and to constitute lien on property insured.

And the execution of such acknowledgment of indebtedness being first duly acknowledged or proved before any one of the judges of this state, or the clerk of any court of record of this state, or his deputy, or before a justice of the peace, or 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 indebtedness on the interest or estate of the said person or persons effecting the insurance in lands and tenements set forth in the same, and described in the application for the insurance on file in the office of said association as belonging to the applicants. And in the default of the payment of any part or all of said indebtedness, as and when called for by said association or its board of directors, the said board of directors, by and through the secretary of said association, may sell or cause to be sold by public auction at the door of the court-house of the county in which the said lands and tenements lie or are situated for cash, the interest and estate of the party or parties in and to the lands and tenements described in such acknowledgment of indebtedness and application for insurance, or so much thereof as said association by its directors or officers 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 sheriffs in this state, giving notice also to the person so in default, or his representative, agent or attorney, and if absent from the state without an agent or attorney upon whom notice can be served, then by publication in some newspaper in this state; upon any sale being made as aforesaid, said association by their secretary, shall convey the interest and estate so sold in the lands referred to in the acknowledgment of indebtedness and the said application for insurance to the purchaser or purchasers at such

Property may be sold under lien.

Regulations of sale.

sale, free and discharged of all right of redemption by the party or parties to said acknowledgment of indebtedness and the said application for the insurance, their heirs and assigns, and after retaining from the proceeds of such sales the amount due said association 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 association to such party or parties, their heirs and assigns, and the insurance in all such cases shall cease from and after the day of the default in the payment of the same.

Wherever a married woman is interested as owner in her separate right or conjointly with her husband, or any other person or persons, or by contingent right of dower or of homestead or otherwise, in any property upon which the said acknowledgment of indebtedness is intended to be a lien, she shall sign the same with her husband, and she shall be examined upon her acknowledgment thereof as to her voluntary execution of the same, separate and apart from her husband, by some one of the judges of the state, or before the clerk of any court of record in the state or his proper deputy, or before any justice of the peace, or any 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 acknowledgment of indebtedness being taken by the officer or person before whom such acknowledgment may be made as aforesaid, and certified to by said officer or person, 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 situate, of every acknowledgment of indebtedness given or made for the purpose aforesaid, duly proved and acknowledged as aforesaid, and such probate or acknowledgment duly certified thereon, it shall be the duty of such register to record such acknowledgment of indebtedness with the certificates endorsed thereon: *Provided, however*, that any person effecting insurance in said association may pay all the first as well as renewal premium in cash, or give a note or bond for all or any part of either, secured to the satisfaction of the board of directors of said association. And at the expiration of the term of insurance, each policy holder shall be entitled to and receive his proper share and part of the profits and surplus earnings of the association, to be proportioned according to the amount of premium upon each policy, which shall be determined by the board of directors.

SEC. 6. All policies issued by this association may be renewed from time to time, and for such amounts as may be agreed on between the parties.

SEC. 7. This association shall not be liable for any loss until ninety days after proof of such loss has been filed with the association by the person sustaining such loss.

SEC. 8. The board of managers may make provision for any matter or thing or state of circumstances in connection with any policy

Married woman not bound unless she signs certificate.

Private examination.

Proviso as to paying cash or giving note.

Profits to be divided.

Renewal of policies.

Proof of loss to be made in 90 days.

Powers of board of managers.

- of insurance to be hereafter issued by said association, prescribe what shall work a forfeiture of any such policy, and under what circumstances policies may be annulled and cancelled by the association, and may provide generally for any and all matters and circumstances likely to arise or which may occur between said association and its officers, agents and employees, or with the assured or concerning the property insured by the association, not inconsistent with this act.
- Cancellation of policies.** SEC. 9. The board of managers of this association or the board of directors shall have power to appoint and commission such persons in any of the United States, residents thereof, as they may think proper as a board of managers of this association for such states, and grant to them all the powers and privileges of carrying on the business of insurance for this association in such states as they may deem proper, not inconsistent with this act or the by-laws of the association.
- Boards in other states.** SEC. 10. This association 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 as provided by this act. And the same may be of such form as the board of managers or board of directors by the by-laws may prescribe; and said association shall have power to make loans of any money it may have on hand at such rate of interest as may be agreed on between the parties, not inconsistent with the laws of this state.
- Policies, contracts, &c.** SEC. 11. The board of directors of said association, or any member of the board of managers, may by advertisement or otherwise, solicit applications for insurance in this association, and collect and receipt for the premiums due thereon, or acknowledgment of indebtedness, or notes for the same; and the board of directors may appoint and authorize agents to do likewise as herein provided for; but no policy of insurance shall be issued by said association until at least twenty-five of such applications for insurance have been made.
- Applications.** SEC. 12. This association shall have power to make or have made one common seal, and the same to alter or change at their pleasure.
- Agents.** SEC. 13. The principal office of the association for the transaction of its business shall be in the city of Raleigh, state of North Carolina.
- Seal.** SEC. 14. Nothing in this act shall be so construed as to exempt this corporation from the operations of the laws of the state of North Carolina in relation to insurance.
- Principal office at Raleigh.** SEC. 15. The secretary of the association, on the thirty-first day of December in each year, except the year anno domini eighteen hundred and eighty-seven, shall prepare and publish a miscellaneous statement of all the workings and doings of the association during the year, showing in detail the financial management and condition
- Not exempt from laws regulating insurance.**
- Statement to be published.**

of the association, verified by the certificate of the president and executive committee of the association.

SEC. 16. In estimating the loss or damage to growing or matured crops that may be insured by this association against loss or damage by hail, tornado or water, the loss or damage shall be what the crop would have been worth had no damage been sustained on the first day of October next after the insurance commenced, less the worth of the crop in its damaged condition.

Damages or loss of crops, how estimated.

SEC. 17. 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. 1887.

CHAPTER 43.

An act to amend the charter of the Raleigh Savings Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter eighty-nine of the laws of eighteen hundred and eighty-five, be amended by striking out the words "twenty-five," in line (2) two, and inserting the word "fifteen," and in line (9) nine, the word "ten." and inserting the word "five."

Capital stock may be \$15,000.

Work may be begun when \$5,000 subscribed.

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

In the general assembly read three times, and ratified this the 26th day of February, A. D. 1887.

CHAPTER 44.

An act to amend the charter of the city of Greensboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the city of Greensboro be amended so as to add thereto : That the city of Greensboro shall be divided into four wards, numbered respectively, wards number one, two, three and four. That ward number (1) one shall embrace all that portion of the city lying north of West Market street and west of a line marked by North Elm street, and a continuation thereof in the same direction to the northern boundary of the city. That ward number (2) two shall embrace all that portion of the city lying north of East Market street and east of a line marked by North Elm street, and a continuation thereof in the same direction to the northern boundary of the city. That ward number three (3) shall embrace all that portion of the city lying south of East Market street and east of

Greensboro divided into wards.

First ward.

Second ward.

Third ward.

Fourth ward. South Elm street. That ward number four (4) shall embrace all that portion of the city lying south of West Market street, and west of South Elm street.

Mayor and commissioners.

SEC. 2. That there shall annually, on the first Monday of May in each year, be elected a mayor and twelve commissioners, three from each ward, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the city.

Commissioners authorized to issue bonds to amount of \$100,000.

SEC. 3. That the board of commissioners are hereby authorized and empowered to issue from time to time, to an amount not exceeding one hundred thousand dollars, bonds in the name of the city of Greensboro, in such denomination and form, and payable at such place and time, but running not less than thirty years nor more than fifty years, and bearing interest at no greater rate than six per centum per annum, and payable annually or semi-annually, as said board of commissioners may determine.

Election to be held on question of issuing bonds.

SEC. 4. That none of said bonds shall be issued until approved by a majority of the qualified voters of said city, at a public election to be held at such time or times and under such regulations as the board of commissioners may prescribe, at which election those favoring the issue of bonds shall vote "issue," and those opposing it shall vote "no issue." The board of commissioners shall provide a special registration of the qualified voters of the city, to be made for said election, for which no prepayment of taxes shall be required as a qualification to register or vote.

Ballots.

Special registration.

Bonds not to be sold, &c., for less than par.

SEC. 5. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value.

Proceeds to be used for public improvements. Commissioners authorized to erect graded school buildings, grade city, provide water supply, &c.

SEC. 6. That the money arising from the sale of these bonds shall be used for public improvements in said city of Greensboro.

SEC. 7. That the board of commissioners of the city of Greensboro is hereby authorized and empowered to erect suitable graded school buildings in such part of the city as they may select, to grade the city and lay out streets, to make local assessments, to provide water supplies for the city either by erecting water-works or by contracting with other persons or corporations, to provide a proper system of sewerage for the city, and make all such other public improvements as the health of the citizens and the safety of property may require.

Bonds exempt from taxation until due.

Coupons receivable for taxes.

Penalty for failure to present bonds when due.

SEC. 8. That said bonds and their coupons shall not be subject to city taxes until after they become due, and the coupons on said bonds shall be receivable in payment of said city taxes for any fiscal year in which they fall due or thereafter; and if the holder of any of said bonds shall fail to present the same 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.

Special tax.

SEC. 9. That for the purpose of paying off, taking up and cancelling all the coupons on any and all bonds issued by said city as the same become due, it shall be the duty of the board of commissioners,

and they are hereby empowered to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under the charter of the city and all the amendments thereto, which taxes, so collected, shall at all times be kept separate and distinct.

SEC. 10. That the board of commissioners may acquire, by gift or grant, lands or easements thereon, or rights of way over the same, or the right to use springs, branches or water-courses for the purpose of erecting and operating water-works, or conducting the water to the city.

Acquisition of land, &c.

SEC. 11. If the board of commissioners cannot agree with the owners upon a price for the lands and rights above named, they shall have the right to have same condemned, and compensation fixed therefor, by filing a petition in the superior court of Guilford county (meaning the clerk) against the owners of the land, making them parties, as provided in The Code, and setting forth all the facts, and describing, as near as may be, the lands, rights and easements necessary to be condemned, and making the summons returnable in not less than twenty days, and asking that said lands, rights and easements may be condemned and compensation for the same be assessed. On the coming in of the answer or demurrer, or on failure of the parties to answer or demur, the clerk shall appoint three disinterested freeholders to view the said land, and if they deem it necessary for the purposes indicated, to condemn the same and assess the damages and report fully to the clerk, describing the land by metes and boundaries, and the easements allowed, as near as possible: *Provided*, that the parties shall have five days' notice of the time and place of the meeting of the commissioners, and it shall be sufficient to serve the same on the parties or their attorneys or file the same with the clerk. The commissioners before acting shall be sworn by a justice of the peace to discharge their duties faithfully and honestly between the parties. They may have witnesses, who may also be sworn, as provided for by law, by a justice of the peace, or other person having power to administer an oath. The report of the freeholders, or a majority of them, unless good cause be shown on exception thereto, shall be confirmed and recorded, and judgment shall be rendered accordingly. From this judgment, either party may appeal to the superior court, under like rules as in other cases: *Provided*, that no appeal shall be taken from an interlocutory order in the cause. The final judgment given by the court, if it shall condemn lands or other rights, shall on the payment of the compensation fixed to the parties or to the clerk have the force and effect of a deed or grant in conveying to and vesting said lands and rights in the board of commissioners.

Condemnation of land.

Proviso.

Appeal.

Proviso.

Effect of judgment.

SEC. 12. That the board of commissioners of the city of Greensboro shall have the power to employ detectives and attorneys, and to offer rewards for the capture and conviction of criminals, and to exercise

Authorized to employ detective, &c.

like powers in the premises in order to bring offenders against the laws of the state and city ordinances, when the crime is committed in the city limits, to justice, and to use any funds belonging to the city, not otherwise appropriated, to carry out this purpose.

Conflicting laws repealed.

SEC. 13. That all acts and clauses of acts in conflict with this act be repealed.

SEC. 14. 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. 1887.

CHAPTER 45.

An act to incorporate The Bank of Clarendon.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. W. Atkinson, Wm. Calder, W. H. Chadbourn, A. J. DeRosset, Clayton Giles, W. I. Gore, Gabl. Holmes, Pembroke Jones, R. J. Jones, Wm. Latimer, E. S. Martin, G. H. Smith and J. C. Stevenson, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate, by the name and style of The Bank of Clarendon, with its principal place of business in the city of Wilmington, and by that name may sue and be sued, plead and be impleaded in any court of the state, and have a continual succession for the term of ninety years, with all the rights, powers and privileges of corporations and banks under the general laws of the state.

Corporate name.

Corporate powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall not be less than twenty-five 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 named in the first section, 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 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 twenty-five thousand dollars shall be subscribed and paid into the capital stock of said corporation, the above 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, to organize said corporation, and such stockholders shall elect such directors as they may think proper, who

Directors.

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; and said corporation at the time of its organization, or at any general meeting held thereafter, may by a majority of the votes cast change the name of the corporation to "The Wilmington Savings and Trust Company."

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 and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation, consistent with the by-laws established by the stockholders; they may regulate the terms and rates on which discounts and loans may be made and deposits received, and when dividends of the profits and the amount thereof shall be made and declared; and fill all vacancies occurring in their own body and among the officers and agents of said corporation. They may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote.

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 and other securities; may loan money to and receive deposits of money or other property or evidences of debt, from corporations, minors, feme covert, or other persons, on such terms and time and manner of collection and payment as may be agreed upon, 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; may invest in the stock, bonds or other securities of the United States, of this or any other state of the Union, or of any corporation under the laws thereof, and take such real or personal property as security for all loans and upon such terms as may be agreed upon.

SEC. 7. The said corporation may purchase and hold all such real and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation, or sold under execution or order of any court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure, and use or reinvest the proceeds thereof as may be deemed best.

SEC. 8. That when any deposit shall be made by any person, being a minor or *feme covert*, the said corporation may at its discretion pay to such minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be

President.

Change of name.

Powers of president and directors.

Stock vote.

Corporate powers.

Authorized to purchase, &c., real and personal property.

Deposits by minors and *femes covert*.

to all intents and purposes valid in law to fully discharge the said corporation from any and all liability on account thereof.

Remedy against
subscriber failing
to pay for stock.

SEC. 9. 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 in any court of the county where the delinquent resides 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 in the city of Wilmington, after advertising such sale for ten days in some newspaper published in said city; and if the proceeds of such sale shall not be sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action.

Liability of as-
signee of stock.

SEC. 10. 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 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.

Corporate pow-
ers in relation to
deposits, invest-
ments, &c.

SEC. 11. That the said company be and it is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind, or any other article or thing whatsoever, which may be left on deposit for safe keeping with said company, and shall be entitled to charge such commissions or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof, may construct, erect or purchase such fire and burglar proof buildings, vaults, safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping or preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital stock or funds of said company, or such money or funds as may be deposited with said company for that purpose from time to time in the stocks, bonds or other securities of the United States, of this or any other state of the United States, or of any corporation under the laws thereof, or in any other stock or property whatsoever, and to dispose of the same in such manner as may appear to said company most advantageous.

Corporate powers
and liabilities in
relation to ac-
ceptance of
trusts, &c.

SEC. 12. That the said company be and it is hereby authorized and empowered to accept and exercise any trust of any and every other 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, or trustee, or assignee, 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, or of the United States: and in all cases where application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian of any minor, or committee of a lunatic, it shall and may be lawful for such court to appoint the said company, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and where any person shall appoint the said company the executor of his or her will, or any court shall appoint the said company a receiver, trustee, administrator, assignee, guardian or committee, or shall order the deposit of any money with said company, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of the duties as such executor, administrator, trustee, assignee, guardian or committee, and shall be absolutely liable for any default; and in addition thereto, the court may require the said company 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 company under oath or affirmation as to the sufficiency of its capital stock as such security. The accounts of said company 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 said company all proper and legal and customary costs, charges, expenses and commissions for its care and management of the trusts and estates aforesaid, and shall charge the said company with interest not exceeding six per centum per annum, whenever the said company 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 company 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.

SEC. 13. Any receiver, executor, administrator, assignee, guardian or committee of a lunatic, and any public officer, is hereby authorized to deposit with the said company for safe keeping any money or bonds, stocks, securities or other valuables which have or may come into his possession, or under his control, by virtue of his said office or appointment aforesaid.

Deposits by administrators, &c.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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 26th day of February, A. D. 1887.

CHAPTER 46.

An act to amend the charter of the Raleigh Street Railway Company.

The General Assembly of North Carolina do enact :

Corporate existence continued for sixty-six years.

SECTION 1. That the corporate existence of the Raleigh Street Railway Company, as granted in the private acts of eighteen hundred and eighty-one, chapter eighty-three, shall continue for sixty-six years from and after the ratification of this act, and all the rights, powers and privileges conferred by the said act of incorporation are hereby expressly confirmed, and it is hereby declared to be the true meaning of said act that the stockholders shall not be personally liable for the obligations of the company.

Stockholders not personally liable for corporate debts.

Authorized to borrow money on mortgage, &c.

SEC. 2. That the company shall have power to borrow money for the legitimate purposes of the corporation, to make and issue notes, bonds or other evidences of indebtedness for any obligation incurred under its charter, and to execute a mortgage or mortgages upon its property, franchises and effects to secure their payment, and the mortgage heretofore executed by the company is hereby declared valid.

Mortgage heretofore executed declared valid.

Authorized to lease road, &c.

SEC. 3. That the company shall have the right to execute a lease or leases of its road and franchises, and to lease any connecting line or lines of street railway: *Provided*, that the rights of the holders of its mortgage bonds shall be in no wise injuriously affected thereby.

Proviso.

Authorized to extend lines beyond limits of Raleigh, &c.

And the company shall have the right to extend its lines beyond the corporate limits of the city of Raleigh into the county of Wake: *Provided*, that the roads shall not be used for the line of the railway except by the permission of the board of county commissioners of Wake county.

Proviso.

Corporate powers.

SEC. 4. That all the powers conferred by private acts, eighteen hundred and eighty-five, chapter one hundred and fourteen, entitled "an act to incorporate the Durham Street Railway," are hereby conferred upon the Raleigh Street Railway Company as far as the same are not inconsistent with the original act of incorporation and this act and the terms and conditions upon which the board of aldermen of the city of Raleigh, by ordinance adopted in August, eighteen hundred and eighty-six, granted permission to said Raleigh Street Railway Company to construct its road in said city.

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 28th day of February, A. D. 1887.

CHAPTER 47.

An act to incorporate the Colored Orphan Asylum of North Carolina.

WHEREAS, It has been deemed expedient to establish in the county of Granville, state of North Carolina, an asylum for the care and maintenance, and mental, moral and industrial training and education of the colored orphan children in the state aforesaid; and whereas, it is desired that the said asylum shall be incorporated by the general assembly of North Carolina; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That A. Shepherd, J. Perry, W. A. Patillo, M. C. Ransom, Henry Hester, H. P. Cheatham, I. Alston, O. Bullock, A. B. Fleming, J. W. Levy, J. C. Jeffreys, J. T. Reynolds, M. F. Thornton and H. E. Long and their associates and successors, be and they are hereby created a body politic and corporate, under the name and style of the "Colored Orphan Asylum of North Carolina," with power to receive, purchase and hold property, 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 which may be necessary to manage the business of the corporation herein created and to carry out the intent and object thereof, provided the same shall not be inconsistent with the laws of North Carolina.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That the said corporation shall have power to choose from the corporators named in this act, or from such as may be associated with them hereafter, a board of directors, to consist of such number as may be deemed advisable, who when chosen and duly organized by the election of a president and secretary, shall have power to make all necessary by-laws and regulations for the convenient and efficient management and control of the affairs of said corporation, and to appoint such number of trustees as the said directors may deem expedient, who shall when appointed perform such duties as may be assigned to them by the said board of directors. The said trustees shall be subject to removal at the pleasure of said board of directors.

Directors.

Officers.
By-laws.

Trustees.

SEC. 3. That the object of said corporation shall be to receive, maintain and care for such colored orphan children of the state of North Carolina as under the laws and regulations of said corporation may be deemed practicable and expedient, and to impart to them such mental, moral and industrial education and training as may fit them for usefulness in life.

Objects of corporation.

SEC. 4. That the said corporation shall have power to secure the control of such orphans by the written consent of those nearest of kin to them, or of those having the control of the said orphans, or by

Custody of orphans, &c.

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 any way interfere with said corporation in the management of said orphans after they shall have been entered and received by the aforesaid corporation.

Discharge of children from asylum.

SEC. 5. That the said corporation shall have power to discharge any of said children from the asylum when it shall be deemed advisable by such authority as shall be designated by the board of directors aforesaid.

Location.

SEC. 6. That the location of the said asylum shall be at or near Oxford, Granville county, North Carolina.

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. 1887.

CHAPTER 48.

An act to incorporate the Western Carolina Savings Bank.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That C. M. McLoud, M. J. Fagg, James E. Reed, Robert B. Johnson, A. D. Cooper, J. E. Ray, M. J. Bearden and George S. Powell, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of the Western Carolina Savings Bank, and by such name may acquire, hold and convey real and personal property, sue and besued, plead and be impleaded 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 name.

Corporate powers.

Capital stock.

When to commence business.

Directors.

Duty of directors.

SEC. 2. That the capital stock of said corporation shall not be less than twenty 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; and the said bank may commence the business of banking when five thousand dollars of the capital stock aforesaid has been paid in.

SEC. 3. That the persons named in section one of this act shall be and remain directors of this corporation until their successors are chosen; and no person shall be such director without having first subscribed and taken at least four shares of said stock.

SEC. 4. That it shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, to fix salaries, fill vacancies, and generally to 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.

SEC. 5. That the principal office or banking house of this corporation shall be located in the city of Asheville 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, minors, apprentices, femes 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 the money loaned, advanced or expended, as may be deemed most safe, expedient and beneficial.

Corporate powers in relation to deposits, loans, &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 and 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 also 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: and shall also have, use, exercise and enjoy all the powers, privileges, advantages, benefits and rights conferred upon the "French Broad Bank" by its charter as enacted and ratified by the general assembly of North Carolina on the eleventh day of March, eighteen hundred and eighty-five, in as full and ample manner as the same are therein named and conferred. And shall be subject to all the general restrictions specified in the charter of the said "French Broad Bank:" and such other restrictions as are provided for by the laws of this state in regard to bodies politic and corporate.

Corporate powers in relation to guaranties, &c.
General corporate powers.

SEC. 8. That the said bank shall have all the general powers and be subject to all the general regulations with reference to taxation, and otherwise provided for by the laws of this state, or which may be

General powers and liabilities.

hereafter enacted by the general assembly in regard to banking corporations.

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 28th day of February, A. D. 1887.

CHAPTER 49.

An act to amend chapter twenty-five of the private laws of eighteen hundred and eighty-five, and to change the name of Zion Wesley College to Livingstone College.

The General Assembly of North Carolina do enact:

Chapter 25, private laws 1885, amended.

Name changed to Livingstone.

SECTION 1. That chapter twenty-five of the private laws of eighteen hundred and eighty-five be and the same is hereby amended, by striking out the words "Zion Wesley," wherever they occur in said chapter, and insert in lieu thereof the word "Livingstone."

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

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1887.

CHAPTER 50.

An act to amend the charter of the town of Wilson.

The General Assembly of North Carolina do enact:

Corporate limits.

SECTION 1. The corporate limits of the town of Wilson shall be embraced within the following bounds: Beginning on the west side of the present town line on Tarboro street; then a line parallel with Nash street to the Finch road; then a direct line at right angles with Nash street to a point at right angles with the west line of Maplewood Cemetery; then with the west line of Maplewood Cemetery to Pender street; then with Pender street S. twenty-five W. to a post, the present town line; then N. seventy-four and one half W. to a post; then S. W. forty-one poles to a post; then N. thirty-eight and one half W. one hundred and twenty-six poles to the beginning.

Divided into wards.

First ward.

SEC. 2. The town of Wilson shall be divided into five wards, known respectively as the first, second, third, fourth and fifth wards. The first ward shall be bounded as follows: Beginning at the intersection of Railroad and Nash streets at Fulcher's corner, running east with Nash street to the corporation line; then with the corporation line to Goldsboro street; then from Goldsboro street to a point on a line in

South street: then with South street to the railroad; then with the railroad to the beginning. The second ward shall be bounded as follows: All the territory in the corporate limits west of Nash street except that portion in ward number one. The third ward shall be bounded as follows: All the territory within the corporate limits between Nash and Green streets, including the territory that would be included if Green street should extend parallel with Nash street to the corporate limits. The fourth ward shall be bounded as follows: All the territory within the corporate limits between Green and Vance streets, including the territory that would be included if Green and Vance streets were extended to the corporate limits. The fifth ward shall be bounded as follows: All the territory within the corporate limits east of Vance street, if the same was extended as in ward number four.

Second ward.

Third ward.

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 the town of Wilson.

Commissioners.

SEC. 4. The election for commissioners shall be held on the first Monday of May of each year.

Election, when held.

SEC. 5. The present board of commissioners for the town of Wilson and their successors in office each year 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.

Registrars and judges of election

SEC. 6. The said registrar and judges of election shall hold and conduct the election of commissioners in accordance with section three thousand seven hundred and eighty-eight of The Code.

Election, how held.

SEC. 7. The said election shall be regulated according to chapter sixty-two of The Code, and the general election laws of the state of North Carolina.

Election, how regulated.

SEC. 8. After the board of commissioners have organized they shall proceed to the election of mayor, secretary and treasurer, constable, and as many policemen as they may deem necessary for the efficient administering of the ordinances, regulations and by-laws of the town, 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.

Election of mayor and other officers.

Proviso.

SEC. 9. The commissioners elect shall take their seats on the first Monday in June and continue in office until their successors have fully organized.

When commissioners to take their seats, &c.

SEC. 10. 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

Vacancies.

Officers.

efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office, said term not to exceed the term of office of said commissioners.

Conflicting laws repealed.

SEC. 11. All acts in conflict with these laws heretofore enacted are hereby repealed.

SEC. 12. This act shall take effect from and after its ratification.

In the general assembly read three times, and ratified this the 28th day of February, A. D. 1887.

CHAPTER 51.

An act to amend chapter one hundred and twelve of the private laws of eighteen hundred and eighty-three, relating to Fayetteville.

The General Assembly of North Carolina do enact :

Chapter 112, private laws 1883, amended.
Term of office of commissioners extended.

SECTION 1. That section three of chapter one hundred and twelve of the private laws of eighteen hundred and eighty-three be amended by striking out the word "five," in the eleventh line, and inserting therefor the word "eight," so as to extend the term of office three years.

Current expenses not to exceed \$4,500 annually.

SEC. 2. That section thirteen of said chapter one hundred and twelve be amended by striking out the words, "in no year exceed three thousand dollars," in the fifth line, and inserting therefor the words, "not exceed forty-five hundred dollars per annum."

Debts not compromised by Sept. 1st, 1887, excluded from benefit of act.

SEC. 3. That section nineteen of said chapter one hundred and twelve be amended so as to allow creditors until the first day of September, eighteen hundred and eighty-seven, to accept the terms and bring their claims within the provisions of said chapter.

Unlawful to congregate on streets to hindrance of travel, &c.

SEC. 4. That section twenty-seven of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: It shall be unlawful for persons to congregate and stand on the streets and sidewalks in such numbers as to hinder and delay travel thereon, or to play or engage in games of any sort, to the hindrance or annoyance of citizens or passers-by. And any person who shall indecently expose himself, or do any obscene act, in any public place, or speak or write obscene language, or make obscene marks, pictures or drawings, on any place where it can be seen by the public, shall be guilty of a misdemeanor. And any person who shall exhibit himself in a state of intoxication, or who shall curse or swear aloud, or speak any indecent or blasphemous words, or whoop, halloo, or make clamorous or boisterous noises, to the disturbance of the public peace, or annoyance of the citizens, or who shall disturb the public peace by any disorderly, riotous or turbulent conduct, shall be guilty of a misdemeanor.

Indecent exposure, &c., a misdemeanor.

Intoxication in public, &c., a misdemeanor.

SEC. 5. That section twenty-nine of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: It shall be unlawful for any person to hitch any horse, mule or ox to any shade tree or fence on the streets or sidewalks.

Unlawful to hitch horse to shade trees, &c.

SEC. 6. That section thirty-one of said chapter one hundred and twelve be amended by striking out all after the word "penalty" in the second line from the last line in said section, so as to make the penalty for allowing animals to run at large fifty cents in all cases; and amend said section further by adding thereto as follows, viz.: And all persons wilfully offending against the provisions of this section by allowing prohibited animals to run at large shall be guilty of a misdemeanor. And the commissioners may by a majority vote make it unlawful for cows to run at large at any time between November first and April first, upon same penalties as above provided.

Penalty for animals running at large.

Misdemeanor to allow animals to run at large.

SEC. 7. That section thirty-two of said chapter one hundred and

Tax on dogs.

twelve be amended so as to read as follows, viz.: Every person shall during the month of June in each year, or during the time when taxables are listed for taxation, make returns showing the number of dogs and bitches on his or her place, or owned by him or her in Fayetteville, and for each and every year shall pay a tax or license for keeping dogs, of one dollar for each male dog and two dollars for each female dog or bitch. And any person who fails or refuses to make such return and pay such tax shall be guilty of a misdemeanor.

Misdemeanor.

And any dog or bitch for which payment has not been so made on or before the fifteenth day of July in each year, shall be treated as a nuisance and destroyed in such manner as the commissioners may direct. The collector, when such tax is paid, shall furnish some sort of badge to indicate that the tax for that year has been paid, which when worn by the dog shall exempt it from destruction. But any proud bitch found running at large at any time shall be treated as a nuisance and destroyed; and every person wilfully permitting a bitch to run at large whilst in that state shall be guilty of a misdemeanor. And it shall be unlawful for any person to keep a vicious dog or animal of any kind liable to do mischief or injury to persons or property, and it shall be lawful for the marshal or other officer to destroy any vicious or rabid dog or other animal wherever found, in such manner as may be approved by the commissioners or the chairman.

Nuisance.

Tax collector to furnish badge.

Proud bitch running at large a nuisance.

Misdemeanor.

Vicious dogs.

SEC. 8. That section thirty-five of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: Any whore, prostitute, or woman whose general reputation for chastity is bad, who shall be found loitering about the streets at night, plying her vocation, or soliciting men, or conducting herself in a forward or improper manner, or in any way offending against decency or morality, shall be guilty of a misdemeanor, and be subject to arrest and trial as above provided.

Depraved women, &c.

Misdemeanor.

Retail liquor
license.

SEC. 9. That subdivision nine, schedule B, section two of chapter eighty-six, of the private laws of eighteen hundred and eighty-five, be amended by adding thereto as follows, viz. : On every person who shall sell spirituous, vinous or malt liquors, in quantities less than a quart, sixty dollars. And it shall be unlawful for any person to apply to the commissioners of Cumberland county for any license to retail or sell, in quantities less than a quart, spirituous, vinous or malt liquors, at any place in Fayetteville without first obtaining from the commissioners of Fayetteville their consent for license to be granted to such person to sell at such place. And if any person so having obtained license shall be guilty of selling at times prohibited by law, and to persons prohibited by law, or shall wilfully violate any of the laws regulating such traffic, he shall be guilty of a misdemeanor, and his said license shall thereby become void.

Misdemeanor.

Special court for
trial of misde-
meanors, &c.

SEC. 10. That the chairman of the commissioners, and in his absence, or in case of his inability to serve, the commissioner who is serving as chairman pro tempore, shall be a special court for the trial of misdemeanors and violations of the laws governing Fayetteville; and shall have the same jurisdiction within the limits of Fayetteville, in actions for penalties and forfeitures, under said laws, in hearing, trying and determining and punishing misdemeanors committed therein, and arresting and holding to bail persons charged with crimes committed therein, as justices of the peace now have, and shall have the same fees as are allowed to justices for like services. And it shall be the duty of the court above provided for, and of any and all justices of the peace who may try any cases or actions for violations of said laws, to make reports every month to the commissioners of Fayetteville of all such cases and actions so tried, giving the names of the accused, the crime charged, and what disposition was made of the case, amount of costs and fines paid, and to whom paid.

Jurisdiction.

Fees.

Monthly reports.

SEC. 11, 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. 1887.

CHAPTER 52.

An act to incorporate Newton Female Seminary, Catawba county.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. R. Campbell, J. R. Gaither, W. E. Yount, M. S. Deal, G. H. West, J. A. Ware and L. L. Witherspoon, and their successors, be and they are hereby created a body corporate and politic, under the name and style of The Trustees of Newton Female Seminary, who shall act as such trustees until their successors are elected.

Corporate name.

SEC. 2. That said corporation shall have power to make a constitution and such rules and by-laws and regulations as may be proper to carry out the purposes of its incorporation, to sue and be sued, plead and be impleaded in any court of law or equity in this state, and shall have power to enjoy all and every privilege incidental and belonging to corporate bodies, according to the laws of this state.

Corporate powers.

SEC. 3. That the officers of this corporation shall consist of seven trustees, to be elected every two years by a majority of the stockholders, the first election to be held some time during the month of January, eighteen hundred and eighty-nine.

Officers.
Election.

SEC. 4. In the election of trustees, as above provided, every person owning five dollars of stock in said corporation shall be entitled to a vote, and the trustees are hereby authorized to issue certificates of stock to all persons now owning or that hereafter may own as much as five dollars of stock therein, which stock can only be transferred by and with the consent of said trustees.

Stock vote.

Certificates of stock.

SEC. 5. That said trustees at their first meeting after the ratification of this act shall appoint one of their number chairman, and shall also elect a secretary and treasurer, and the said chairman shall preside over all meetings of the trustees, and shall issue certificates of stock to those entitled, which shall be countersigned by the secretary and treasurer.

Chairman.

Secretary and treasurer.
Duties of chairman.

SEC. 6. The purpose of this institution is for the education of females of the white race, and no person of color shall own stock therein, and any stock transferred to a person of color shall be forfeited to said corporation.

Colored persons not permitted to own stock.

SEC. 7. That all vacancies occurring in said board of trustees by death, resignation or removal from the county, shall be filled by the board of trustees, three of whom shall constitute a quorum for the transaction of business.

Vacancies.

SEC. 8. 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. 1887.

CHAPTER 53.

An act to amend chapter sixty-five, laws of eighteen hundred and eighty-five, incorporating the Bank of Henderson.

The General Assembly of North Carolina do enact :

SECTION 1. That the Bank of Henderson, chartered by acts eighteen hundred and eighty-five, chapter sixty-five, of the general assembly of North Carolina, is hereby granted two years from the passage of this act within which to complete its organization.

Chapter 65, private laws 1885, amended.
Time extended for organization.

Authorized to establish savings bank department.

SEC. 2. That section thirteen of said act be stricken out and the following be substituted in lieu thereof: "The said Bank of Henderson is authorized to organize in connection with its general banking business a department of savings and to do a savings bank business, and said corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said bank any deposit or deposits of money and to use and improve the same for the purposes and according to the directions herein provided."

Sections added.

SEC. 3. That the following sections, to be called sections fourteen, fifteen, sixteen, seventeen and eighteen, be and are hereby added to said act of eighteen hundred and eighty-five, chapter sixty-five:

Corporate powers in relation to investments.

SEC. 14. The deposits of money shall be used and improved to the best advantage by employing the same in making loans on personal security in a manner not inconsistent with the laws of this state, or investing the same by purchase in the stocks of this state or of the United States, or in the public debt, stocks or bonds of any county or city or township in this state which shall have been authorized by the legislature of this state to issue such stock or bonds, or in any other stocks or securities for the redemption or payment of which the faith of any state in the Union shall be pledged, or in the stock of any national bank or state banks, or in the authorized bonds of any incorporated city in the United States whose bonds are equal to or above par, and all other loans shall be secured by mortgage of unincumbered real estate in this state with double the amount secured thereon, with power of sale inserted in default of payment, and said corporation shall have power to dispose of said public stocks and bonds held as invested as investments as the interests of said corporation may require. The receiving of money on deposit, the investment of the same and the loaning thereof on personal or real estate securities, shall be in the manner provided for in the by-laws.

Deposits.

SEC. 15. Deposits may be received in sums not less than one dollar, and every sum deposited shall be put to interest from the succeeding quarter day, which for this purpose shall be the first day of January, April, July and October. The income and profit of all loans and investments received from such deposits shall be applied and divided among the persons making the same, their executors or administrators, in just proportion, with such reasonable deduction as may be chargeable thereon for the care and management of the same, and the principal of such deposit or deposits may be withdrawn by the owners thereof, or by any other person or persons duly authorized for said purpose, on giving notice of such intention in writing, and lodging the same with the treasurer of said corporation, at least thirty days previous to withdrawing such deposit or deposits.

Dividends

Withdrawal of deposits.

Interest.

SEC. 16. Said corporation may demand and receive as interest on money loaned the value of eight dollars for the forbearance of one hundred dollars a year, and at that rate for a greater or less sum, or

for a longer or shorter period, and may also demand and take interest in advance, and whenever said corporation shall have paid money for insurance, for taxes, for repairs, or for any other necessary purpose on property mortgaged to them as security for a loan, said corporation shall have the right to be reimbursed for said expenditures, together with the interest at the rate of eight per centum per annum on the sum total thereof, and the sum total of such advances, with the interest thereon, shall be in every case a lawful lien upon the real estate on account of which said expenditures were made.

Money paid for insurance, taxes, &c.

SEC. 17. Power is hereby given to the directors of said corporation, in declaring dividends, to discriminate between deposits of two thousand dollars and less and those over that sum, but such discrimination shall not exceed one and a half per centum per annum, and such discrimination shall always be made in favor of those deposits the amount of which are less than two thousand dollars.

Discrimination in relation to dividends.

SEC. 18. This act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1887.

CHAPTER 54.

An act to amend the charter of the "Western Carolina Educational Company."

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the "Western Carolina Educational Company," filed in the office of the clerk of the superior court of Henderson county on the ninth day of March, eighteen hundred and seventy-four, shall be so amended as to read as follows: C. M. Pace, J. S. Barnett, S. V. Pickens, J. Williams, W. A. Smith, W. A. J. Barnett, D. B. Nelson, W. G. B. Morris, M. C. Toms, E. B. Clayton, J. B. Boone, G. C. Briggs, Richmond Pearson, J. L. Carroll, G. S. Jones and others, stockholders, and their associates and successors, be and they are hereby declared to be a body politic and corporate, as a joint stock company, to be known and distinguished by the name and style of the "Western Carolina Educational Company," for the purpose of establishing and maintaining in the town of Hendersonville, in the county of Henderson, under the auspices of the Baptist denomination, a collegiate institution of learning for the education of youths, known as Judson College. And the said company shall be invested with all the rights and privileges contained in chapter sixteen, volume one, of The Code of North Carolina, so far as they are applicable to such corporation, and are not inconsistent with the provisions of this act; and by said name and style the said company shall have succes-

Charter obtained under general law amended.

Body politic.

Corporate name.

Corporate powers.

- sion for and during the term of fifty years from and after the date of said charter filed as aforesaid; and may have a corporate seal, and shall be able and capable in law to sue and be sued, plead and be impleaded in all the courts, and shall have power to keep open books of stock subscription, to take, receive and possess all moneys, goods and chattels which may be given to them, and shall apply the same according to the wish of the donors to the purpose herein declared, and shall have power to purchase or otherwise to take, hold and possess lands and tenements, and such real and personal estate as may be deemed by them necessary to accomplish the objects for which they have been incorporated: *Provided*, that the amount of real and personal property held by said company shall not at any time exceed the sum of two hundred thousand dollars.
- Proviso.** SEC. 2. That the capital stock of said company shall not be less than three thousand dollars, and shall be divided into shares of twenty-five dollars each, for which certificates of stock shall be issued to each shareholder, signed by the president and secretary of the company; and that such stockholder or his proxy shall be entitled in all meetings of the company to one vote for each share he may control.
- Capital stock.**
- Certificates of stock.**
- Stock vote.**
- By-laws.** SEC. 3. That said company shall be authorized and empowered hereby to make and ordain such by-laws and regulations for their own government and for the management of said property as to them may seem expedient: *Provided*, the same be not inconsistent with the constitution and laws of this state, and that a majority of the stockholders in interest shall constitute a quorum for the transaction of any business in stock meetings, whose principal place of business shall be at Hendersonville.
- Proviso.**
- Quorum.**
- Place of business.**
- Officers.** SEC. 4. That the officers of said company shall consist of a president, two vice-presidents, a secretary and treasurer, and the corporation shall be governed by a board of directors chosen from among the stockholders, and elected by the stockholders in their annual meetings held at the said seat of learning, and the officers aforesaid shall be *ex officio* members of said board of directors, which said board shall consist of the aforesaid officers and seven other shareholders chosen and elected in said annual meetings: and that a majority of said board of directors shall constitute a quorum for the transaction of business.
- Directors.**
- Quorum.**
- Vacancies.** SEC. 5. That the board of directors shall have power to fill all vacancies occurring in their number, and shall have power to convene special meetings of the stockholders at such times and places as may be designated in such calls.
- Special meetings.**
- Powers of directors.** SEC. 6. That the said company, through their board of directors, shall have power to lease, rent, mortgage or sell the said college property, the lands, grounds or other estate, real or personal, belonging to said company, or any part thereof, for the purpose of promoting the welfare of said institution, or for the purpose of liquidating any

debt or debts contracted by said board of directors in the purchase of lands and tenements for the use and benefit of said college; or for the purpose of reinvesting the proceeds thereof in an educational enterprise of like character. And the board of directors shall have power to appoint a president, professors and other teachers as they may deem necessary for said college, and shall have power to vacate said appointments, when deemed consistent with the welfare of the institution.

President, teachers, &c.

SEC. 7. That the stockholders in said company shall in no case be liable individually for the debts of the company.

Stockholders not individually liable for corporate debts.

SEC. 8. That any shareholder in said company shall have the privilege of transferring his individual share or shares to the "Western North Carolina Baptist Convention." And for every such share thus transferred, the said Baptist Convention shall, in the person of authorized representatives, have power to vote the stock of said company so transferred on their stock-books.

Transfer of stock.

SEC. 9. That all contracts, conveyances, leases, mortgages, rents or sales executed in the acquisition or disposal of said property, real or personal, or any part thereof, in the name and for the use of said company, shall be signed by the acting president and secretary thereof.

Execution of contracts, &c.

SEC. 10. That the faculty of said Judson College, by the advice and consent of the board of directors, shall have power to confer all such degrees and marks of distinction as are usually conferred by colleges and universities.

Degrees, &c.

SEC. 11. That the lands, buildings and other property belonging to said corporation and held for the use and benefit of said college shall be and the same are hereby exempted from all kinds of public taxation.

Exemption from taxation.

SEC. 12. That all laws conflicting with any of the provisions of this act be and they 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 1st day of March, A. D. 1887.

CHAPTER 55.

An act to amend chapter one hundred and twenty, private laws of eighteen hundred and eighty-three, ratified March ninth, eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and twenty, private laws of eighteen hundred and eighty-three, ratified March ninth, eighteen hundred and eighty-three, be amended as follows:

Chapter 120, private laws 1883, amended.

Insert after the word "living," in line five, the words "or owning land": *Provided*, that no one shall be appointed a commissioner who is not a resident of Northampton county.

Qualifications of
fence commis-
sioners in Occo-
nechee Neck,
Northampton
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 1st day of March, A. D. 1887.

CHAPTER 56.

An act to incorporate the "Durham Gas Company."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Julian S. Carr, James W. Blackwell, E. J. Parrish, W. T. Blackwell, G. W. Watts, Eugene Morehead, Albert Kramer, J. M. W. Hicks, and their associates and successors, be and they are hereby created and constituted a body politic and corporate, under the name and style of "The Durham Gas Company," with a capital stock of twenty thousand dollars, divided into two hundred shares of one hundred dollars each, with liberty to increase said capital stock at any time, or from time to time, to any amount not exceeding one hundred thousand dollars.

Corporate name.
Capital stock.

Corporate pow-
ers.

SEC. 2. That as such corporation they may sue and be sued, plead and be impleaded, prosecute and defend actions and special proceedings, have a common seal, which they may break or alter at pleasure, make all such by-laws, rules and regulations for the government of the corporation as they may see fit: *Provided*, they are not in conflict with the United States or state laws. elect such officers as they see fit, in such manner as they prefer, and prescribe their compensation, duties and term of service, and in short they may do any and all things necessary or desirable for the profitable conduct of their business, if the same be not prohibited by law.

Proviso.

Corporate powers
in relation to
er-cting and op-
erating gas
works.

SEC. 3. They may erect, maintain and operate, construct, equip and conduct gas works, manufacture, buy and sell gas for purposes of locomotion, illumination, or any other purpose whatsoever; they may build gas houses, engines, tanks and pumps, lay pipes, mains and tubes; put up meters or other appliances or machines for measuring and testing gas; they may charge and collect such rates and sums for gas furnished customers; they and their agents shall at all times during the day have the right and authority to enter any house, building or enclosure for the purpose of inspecting, repairing or removing any meter or pipe therein belonging to said company, and if entrance to any such building is denied them, they shall have the right to enter the same, notwithstanding such denial, provided they do not break or injure such building, or any door or window thereof in entering.

And if they or their agents cannot so enter without breaking or injuring as aforesaid, they may call the police of the town of Durham to their aid, who shall effect entrance for them; and it is hereby declared a misdemeanor for any such policeman to refuse or neglect to aid such company. Police assistance.
Misdemeanor.

SEC. 4. That said corporation may acquire right of way to lay, plant and bury its pipes and mains through the streets and thoroughfares of the town of Durham by condemnation proceedings, conducted in all respects and with like rights and powers and in like manner as provided for acquisition of rights of way of telegraph companies in chapter forty-nine of volume one of The Code, and shall have rights and powers to borrow and execute bonds or other evidences of debt, and secure the same by mortgage of its property, franchise and effects and make such evidences of debt commutable, and provide for their conversion into the capital stock of the company; they may buy, sell, hold, lease and convey land. Condemnation of land.
Authorized to borrow money on mortgage, &c.

SEC. 5. The corporators, stockholders and their successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or torts of the corporation. Stockholders not individually liable for corporate debts.

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

In the general assembly read three times, and ratified this the 1st day of March, A. D. 1857.

CHAPTER 57.

An act to incorporate the town of Hardin in the county of Gaston.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Hardin, in the county of Gaston be and the same is hereby incorporated, by the name and style of the town of Hardin, 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. Incorporated.
Corporate name.
Corporate powers.

SEC. 2. The corporate limits of said town shall be as follows: three fourths of a mile north and south and one fourth of a mile east and west from the center of the Chester and Lenoir Railroad depot in said town. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners and a constable, to be elected in accordance with the general laws regulating elections in cities and towns. Officers.

SEC. 4. That until their successors are elected and qualified, the following persons shall be the officers of said town, to-wit: mayor, Jacob S. Plunk; commissioners, D. A. Summey, E. E. Summey and J. S. Harris; constable, J. M. E. Summey. Temporary officers.

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 1st day of March, A. D. 1887.

CHAPTER 58.

An act to amend, revise and consolidate the charter of the town of Reidsville, and the amendments thereto.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the inhabitants of the town of Reidsville shall be and continue as they heretofore have been a body politic and corporate, bearing the name and style of the town of Reidsville, and in the name of the board of commissioners of Reidsville shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate name and powers.

Corporate boundaries.

SEC. 2. That the corporate boundaries of the town of Reidsville be and remain as they now are, to-wit: Beginning at a gum tree 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 sour-wood; thence west sixty poles to a stone; thence north twenty-five poles to a stone, 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 brickyard; 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 Lamberth place; thence north eighty degrees east one hundred and fifty-three and one half poles to a stone near Mrs. Mattock'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, F. 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.

Annual election for mayor and commissioners.

SEC. 3. That there shall annually, on the fourth Thursday in January in each year be elected a mayor and five commissioners, who shall hold office until their successors are duly elected and qualified, all to be elected by the qualified voters of the town.

Eligibility. Proviso.

SEC. 4. That any qualified elector in the state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation twelve months next preceding the day of election.

SEC. 5. That all persons entitled to vote in the county of Rockingham for members of the general assembly and who shall have been *bona fide* residents of the town of Reidsville ninety days next preceding the election shall be entitled to vote for mayor and commissioners, or at any election held therein for any municipal purposes: *Provided*, he shall have complied with the registration laws. The registrar shall be furnished by the town commissioners of Reidsville with the necessary registration book not less than thirty days next preceding any municipal election, and it shall be the duty of the registrar to revise the registration book of the town before each election in such manner that said book shall show a true and accurate list of the electors entitled to vote in said town at such election, and he shall erase from the book the names of all persons not entitled to vote in said town. The registrar shall keep open his book for the registration of electors for thirty days next preceding the election. And it shall be the duty of the mayor of said town to furnish the registrar with an accurate plot or plat of the town as embraced within the corporate limits, showing all the streets and alleys and giving the names thereof, and also showing all blocks and lots by number with the name or names of the owner or owners of each block or lot. And no registration shall be valid which does not specify the number of the lot and the name or names of the owner or owners thereof on which the person proposing to vote shall reside. Any mayor failing to furnish such registrar with the plot or plat of the town as above specified shall be deemed guilty of a misdemeanor, and shall be fined fifty dollars for such failure, said fine to be recoverable by law in such cases made and provided. Each class of officers shall be voted for in separate boxes; the mayor shall be voted for in one box on one ballot, and the commissioners shall be voted for in one box on one ballot.

Electors.

Proviso,
Registration.

Duty of mayor to
furnish plat of
town.

Validity of registration.

Mayor failing to
furnish plat
guilty of misdemeanor.

Separate boxes.

SEC. 6. That the mayor, immediately after the election, and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A B, do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Reidsville, while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever.

Oath of mayor.

SEC. 7. That each commissioner, before entering upon the duties of his office, shall take, before the mayor or any justice of the peace, 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.

Oath of commissioners.

SEC. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary

Vacancies in
board of commissioners.
Officers.

- for the efficient administration of the regulations and ordinances and by-laws of the town, and shall prescribe their terms of office, not exceeding the term of office for which the board so appointing was elected. The board of commissioners shall be further authorized to
- Mayor *pro tem*. 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
- Tax collector, &c., of his office: *Provided*, that tax collectors, treasurers and all officers who may be entrusted with town funds shall be required before entering on the discharge of their duties as such, to give bond with good security, approved by the commissioners, for double the amount of such funds.
- Powers and duties of commissioners. SEC. 9. The board of commissioners of the town of Reidsville, a majority being present, shall have power to make such special ordinances for the better government of the town, and the protection of the health and property of its citizens, as they may deem expedient and proper, and they shall provide for and secure the peace, good order and tranquillity of the town against disturbances by quarrels, loud, profane or obscene language, riots, affrays, trespasses, or other breaches of the peace, or indecent exposure of the person, by imposing such fines or imprisonment, within the jurisdiction of justices of the peace, as they shall deem expedient and sufficient to prevent the same or a recurrence thereof.
- Inferior court. SEC. 10. That the mayor of said town is hereby constituted an inferior court, and as such shall have within the corporate limits of
- Jurisdiction. the town 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
- Special court. 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 ordinances 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
- Appeal. 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.
- Precepts of mayor, how executed, &c. SEC. 11. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Rockingham 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 subpoena the witnesses whose names are so endorsed. The mayor

shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

SEC. 12. That the mayor and other town officers shall receive as their compensation such salary or fees or commissions as the town commissioners may determine upon: *Provided*, that no salary shall exceed three hundred and fifty dollars, and when commissions shall be determined upon they shall not exceed five per centum, and when fees are determined upon they shall be the same as allowed by law for justices of the peace and sheriffs in like cases: *Provided, further*, that this section shall not apply to the town commissioners themselves nor to the salaries of policemen.

Compensation of mayor and other officers.

Proviso.

Proviso.

SEC. 13. 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 or 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 or manage such persons until the said fines and penalties or forfeitures, together with costs thereof, shall be fully paid and satisfied under such rates for labor and board as the commissioners may adopt.

Persons failing to pay fine liable to work on streets, &c.

SEC. 14. That any town constable, policeman, watchman or other town officer arresting any person or persons for a violation of any of the ordinances or by-laws of the town, shall have the right to commit such person or persons to the lock-up, or the common jail of the county, for as early trial as practicable.

Imprisonment of persons arrested.

SEC. 15. That the mayor shall be the chief executive officer of said town, and as such invested with the powers of a justice of the peace, and shall see that the duties of the various town officers are faithfully performed. He shall have power to investigate their acts, have access to all books and accounts in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall have power, upon the approval of a majority of the town commissioners, to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal. But no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defence.

Powers and duties of mayor.

SEC. 16. That the commissioners shall have power to lay out and open and name 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

Streets.

Condemnation of land.

owner or owners thereof. But in case the owner of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner 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 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 right of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners, or awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court, as now provided by law.

Appeal.

Animals running at large, &c.

SEC. 17. That the commissioners shall have power to declare all horses, cattle, dogs, goats and sheep, or other animals 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 animal or animals running at large, or may treat the same as a nuisance and have it abated.

Abatement of nuisances.

SEC. 18. That the commissioners may require and compel the abatement and the 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, 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.

Powers of board of commissioners.

SEC. 19. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fires, to make regulations to cause due observance of the Sabbath, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder and other explosive substances within the town, to regulate the speed of riding and driving on the public streets, also the running of the trains within the corporate limits, 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.

**Fire companies.
Fires.**

SEC. 20. That the commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire a majority of such commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be

blown up or pulled down, for which they shall not be responsible to any one in damages.

SEC. 21. That the town of Reidsville is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled "Towns and Cities," not inconsistent with any of the provisions of this act. Corporate powers.

SEC. 22. That the board of commissioners, in order to raise a fund for the payment of outstanding debts and expenses incident to the proper government of the town, and all other expenses which they may by law be authorized to pay, may annually levy and collect the following taxes, to-wit: Taxation.

1. On each and every poll liable to pay a tax to the state, a tax not exceeding one dollar and fifty cents. Poll tax.
2. On valuation of real estate, a tax not exceeding one half of one per centum. Real estate.
3. On all moneys, solvent credits, investments in bonds, stocks of any kind, and joint stock companies, a tax not exceeding one half of one per centum. Solvent credits, &c.
4. On every auctioneer, a tax not exceeding five dollars. Auctioneers.
5. On every bank, broker's or exchange office, a tax not exceeding fifty dollars. Banks, &c.
6. On every butcher, a tax not exceeding five dollars. Butchers.
7. On every baker, a tax not exceeding five dollars. Bakers.
8. On any dealer in prize goods, a tax not exceeding fifty dollars. Prize-goods dealers.
9. On every barber shop, a tax not exceeding five dollars. Barber shops.
10. On every harness or saddle shop, a tax not exceeding five dollars. Harness shops.
11. On every carriage, buggy, sulky or vehicle of pleasure, a tax not exceeding one fourth of one per centum of their value. Pleasure carriages, &c.
12. On every bar-room, a tax of not less than one hundred nor exceeding five hundred dollars. Bar-rooms.
13. On every cabinet shop, a tax not exceeding ten dollars. Cabinet shops.
14. On every billiard, pool or bagatelle table kept (to be used or played on by the public) either in connection with bar-rooms or otherwise, whether to be used or played on free of charge or not, a tax not exceeding one hundred dollars. Billiard, &c., tables.
15. On every confectioner, a tax not exceeding ten dollars. Confectioners.
16. On every commission or forwarding merchant, a tax not exceeding ten dollars. Commission, &c., merchants.
17. On every dentist, a tax not exceeding ten dollars. Dentists.
18. On every public dray, cart or wagon, a tax not exceeding five dollars on two-horse and three dollars on one-horse. Drays, &c.
19. On every peddler or itinerant merchant vending or offering to vend, a tax not exceeding twenty-five dollars. Peddlers, &c.
20. On every druggist or apothecary, a tax not exceeding ten dollars. Druggists, &c.

- Patent right dealers. 21. On every dealer in patent rights, a tax not exceeding twenty-five dollars.
- Dogs, &c. 22. On every dog or bitch, a tax not exceeding ten dollars per head on bitches and five dollars on dogs.
- Distilleries. 23. On every distillery of fruit or grain, a tax not exceeding one hundred dollars.
- Daguerrean artists. 24. On every daguerrean or other artist taking likenesses or enlarging those already taken, or soliciting orders for the same, of the human face, by whatever process, a tax not exceeding ten dollars.
- Ale, &c., dealers. 25. On every dealer in ale, beer, lager or porter, a tax not exceeding one hundred dollars.
- Express companies. 26. On every express company having an office or doing business in the town of Reidsville, a tax not exceeding fifty dollars.
- Flying jennies. 27. On every flying-jenny or merry-go-round or machine of like nature within or within one mile of the corporate limits, a tax not exceeding one hundred dollars.
- Plumbers, &c. 28. On every plumber or gas-fitter, a tax not exceeding ten dollars.
- Hotels, &c. 29. On every hotel or boarding house, a tax not exceeding ten dollars.
- Insurance agents, &c. 30. On every insurance agent, a tax not exceeding twenty-five dollars.
- Insurance companies. 31. On every insurance company, life or fire, doing business within or within one mile of the corporate limits, a tax not exceeding twenty-five dollars.
- Corn doctors, &c. 32. On every corn or cancer doctor or other persons professing to effect cures of any nature either upon the human or animal creation, by whatever name or title known, opticians, phrenologists, dancing schools, travelling agents or salesmen disposing of any goods, wares, merchandise or privileges of whatever name or description not herein before enumerated and taxed, by whatever means, fraud or subterfuge the sale may be endeavored to be concealed, sewing machine agents, and agents for fertilizing companies, a tax not exceeding fifty dollars, to be paid before offering to do business.
- Lawyers. 33. On every practicing lawyer having an office in or residing in the town of Reidsville, a tax not exceeding ten dollars.
- Land agents. 34. On every land agent doing business in the town of Reidsville, a tax not exceeding ten dollars.
- Livery stables. 35. On every livery stable, a tax not exceeding ten dollars.
- Lumber dealers. 36. On every lumber dealer, a tax not exceeding ten dollars.
- Lumber yards. 37. On every lumber yard, a tax not exceeding ten dollars.
- Merchants, &c. 38. On every merchant, grocer or vender of goods, wares of any description, a tax not exceeding ten dollars.
- Trades. 39. On every trade or occupation or calling not herein specifically named and taxed, a tax not exceeding ten dollars.
- Tin, &c., manufacturers. 40. On every manufacturer of tin, iron or copper ware, a tax not exceeding ten dollars.

41. On every manufacturer of plug, twist, or other shapes of chewing tobacco, a license tax not exceeding ten dollars. Plug, &c., tobacco manufacturers.
42. On every manufacturer of cigars, cigarettes or smoking tobacco in whatever shape, a license tax not exceeding ten dollars. Cigar, &c., manufacturers.
43. On every trade, calling, or occupation or business not herein before named and taxed, and which are now taxable under the state law, or may hereafter be made a subject of taxation by the legislature from time to time, a tax not exceeding twenty-five dollars. Trades, &c.
44. On every practicing physician or surgeon having an office in or residing within the town of Reidsville, a license tax not exceeding ten dollars. Physicians, &c.
45. On every tan yard, a tax not exceeding ten dollars. Tan yards.
46. On every mill, machine shop, foundry, or any other manufactory not herein specifically taxed, a tax not exceeding ten dollars. Mills, &c.
47. On every vender of periodicals or stationery, a tax not exceeding ten dollars. Booksellers, &c.
48. On every job printing office, a tax not exceeding five dollars. Job printing offices.
49. On every public eating house or restaurant, or ice cream saloon, a tax not exceeding five dollars. Restaurants, &c.
50. On every pistol, bowie-knife, dirk, sword-cane, or other deadly weapon, except carried by officers in the discharge of their duties, a tax not exceeding twenty-five dollars. Pistols, &c.
51. On every railroad company a tax not exceeding one hundred dollars. Railroad companies.
52. On every retail dealer in spirituous, malt or vinous liquors, a license tax of not less than one hundred dollars and not exceeding five hundred dollars, this tax to be paid quarterly or not, as the town commissioners may direct. The funds realized from this source shall be turned over to the school committee of the Reidsville school district, I. L. Rawley, J. M. Waddell and R. I. Williams, or their successors in office, and such funds shall be used as a supplement to the public school fund and so as to give equal school facilities to both races. It is provided also that in case the voters of the town should hereafter adopt "prohibition" under the "local option" law, said "prohibition" law shall not go into effect until after the expiration of four months next succeeding the election by which prohibition was adopted. Retail liquor dealers.
53. On every soda water, lemonade manufacturer or vender, a tax not exceeding five dollars. Soda water, &c., venders, &c.
54. On every trader in leaf tobacco, a license tax not exceeding five dollars. Leaf tobacco traders.
55. On every telegraph or telephone office, a tax not exceeding fifty dollars. Telegraph, &c., offices.
56. On every ten-pin or bowling alley, gift or lottery enterprise, a tax not exceeding one hundred dollars. Ten pin, &c., alleys.

Application of funds.

When any election under "local option law" to take effect.

- Theatrical, &c., companies. 57. On every theatrical or stage-player, each person or company, fortune teller, sleight-of-hand performer, minstrel troupe, instrumental or vocal concert company, exhibitors of artificial or natural curiosities, rope or wire-dancer or tumbler, circus or menagerie, for each day's performance within or within one mile of the corporate limits, whether exhibiting free of charge or otherwise, a tax not exceeding twenty dollars.
- Wholesale liquor dealer. 58. On every wholesale dealer in spirituous, malt or vinous liquors, a tax not exceeding one hundred and fifty dollars.
- Jewellers, &c. 59. On every vender of watches, clocks, jewelry, or repairer of same, a tax not exceeding ten dollars.
- Tobacco warehouses. 60. On every warehouse for the sale of leaf tobacco, a tax not exceeding ten dollars.
- Companies, &c. 61. On every company, whether incorporated or not, having an office, resident agent, or officer doing business within the corporate limits, a tax not exceeding ten dollars.
- Listing of property for taxation. SEC. 23. *Be it further enacted*, That the citizens of Reidsville, and others liable to be taxed on account of any of the foregoing subjects, shall, on the first day of April, or within five days thereafter, render to the mayor or other authorized lister, on oath, a list of their property and subjects for which they may be liable to be taxed, and if any person shall fail to render such list, he shall pay double the tax assessed on any subject for which he is liable to be taxed, and further, be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not more than fifty dollars, or imprisonment of not more than thirty days, in the discretion of the mayor, who is hereby authorized and empowered to hear and determine such cases, subject to the right of appeal to the superior court.
- Penalty. SEC. 24. *Be it further enacted*, That as soon as the assessors shall have made their returns, the board shall proceed to lay the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall complete the same on or before the first day of August next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector shall receive for his compensation such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. And said tax list shall be a lien on all property liable to taxation under this section.
- Misdemeanor. SEC. 25. *Be it further enacted*, That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, if the property be personalty, and twenty days if the property be realty: *Provided*, that all subjects of taxation not required to be listed shall be collected by the town officer instantly, and if the same be not
- Jurisdiction of mayor.
- Levy of taxes.
- Collection, &c.
- Compensation of tax collector.
- Lien.
- Sale of property for taxes.
- Proviso.

paid on demand, the same may be recovered by distraint 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 : *Provided*, that any person offering to do business upon which any tax is levied pursuant to this act shall be deemed to have made himself liable to the same, and in addition to the remedies herein given shall be deemed guilty of a misdemeanor, and punished as provided in section twenty-three of this act.

Proviso.

SEC. 26. *Be it further enacted*, 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 August 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 facts 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, 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 thereof as may be required to pay said taxes and all expenses attendant thereon. And 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 of the land, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to the said town in fee.

Sale of real estate for taxes.

Purchase by town.

SEC. 27. *Be it further enacted*, That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided and the purchaser or purchasers thereof and the prices of each, which shall be entered on the books of the proceedings of the commissioners; and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury subject to the demands of the owner.

Tax collector to make return of sale.

Surplus.

SEC. 28. *Be it further enacted*, That the owner of any land sold under the provisions of said charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and ten per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds less double the amount of taxes.

Redemption of land sold for taxes.

SEC. 29. *Be it further enacted*, That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assignee, and the recitals in such conveyances, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other

When deed to be made to purchaser.

Prima facie evidence.

matter required to be true, or done before the sale might be made, shall be *prima facie* that the same was true and done.

Land of infant,
&c., not liable to
sale.
Proviso.

SEC. 30. *Be it further enacted*, That the land of an infant, lunatic, or person *non compos mentis* shall not be sold for taxes: *Provided, however*, that where land may be owned by such persons with another or others free of such disability, the share or interest of the persons so free shall be subject to be sold for the taxes due on the whole tract, but before setting apart the quantity bid off, the purchaser, by petition, shall cause the tract to be divided among the tenants in common, and the share or interest of the defaulting tax payer being set apart, the purchaser may proceed to lay off on such share the quantity by him bid off, and secure the title as is before provided: and the time necessarily employed in procuring such division shall not be reckoned against the purchaser.

Powers of com-
missioners in re-
lation to streets,
cemeteries, pub-
lic buildings,
wooden build-
ings, &c.

SEC. 31. *Be it further enacted*. That the commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys, may establish and regulate the public grounds and all cemeteries within or within one mile of the corporate limits, and protect the shade-trees of the town; may establish all public buildings necessary and proper for the town, and prevent the erection or establishment of any or all wooden buildings in any part of the town where, in the opinion or judgment of the said commissioners, it would increase the danger either of the occurrence or the spread of fire: and they shall also require every owner of a house to keep a ladder not less than twenty feet long on the premises, to be used in case of fire.

Cellars, &c.

SEC. 32. *Be it further enacted*, That the commissioners may prohibit the building of cellars under any street or sidewalk in the town, or the establishment of any entrance on the sidewalk to a cellar, whereby the free passage of persons may be delayed, endangered, or interrupted, under such pains and penalties as they may prescribe.

Condemnation of
wooden build-
ings, &c.

SEC. 33. *Be it further enacted*, That the commissioners shall have power to condemn and order the removal of any or all such wooden buildings as may increase the danger of fire, or of any building about to or liable to fall, also to forbid the building and crowding together of tenement-houses in such a manner as increases danger from fire, and the crowding together of tenants or occupants in any tenement-house or building in such a manner as endangers public health. And in cases where such tenement-houses or buildings have been erected, or tenants or occupants are so crowded, they shall have power to condemn and enforce the removal of such tenement-houses and the removal of such tenants or occupants, under such pains and penalties as they may prescribe. And all claims for damages shall be ascertained and settled as prescribed by section sixteen of this act in regard to condemning land for street purposes.

Tenement
houses, &c.

Conflicting laws
repealed.

SEC. 34. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 35. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 1st day of March. A. D. 1887.

CHAPTER 59.

An act to incorporate Lexington Female Seminary.

The General Assembly of North Carolina do enact :

- SECTION 1. That R. S. Adderton, Miss Laura C. Clement, Jesse L. Clement, R. I. Cecil, A. L. Clodfelter, D. K. Cecil, J. W. Davis, T. B. Eldridge, J. W. Finch, T. C. Ford, B. L. Ford, J. D. Grimes, T. J. Grimes, James E. Gay, W. F. Henderson, J. F. Hargrave, C. A. Hunt, W. O. Holt, A. A. Hill, Lee Harbin, Allen Jones, W. C. B. Leonard, S. E. March, C. A. Noah, J. L. Peacock, M. H. Pinnix, H. T. Phillips, B. B. Roberts, S. W. Rice, F. C. Robbins, J. B. Smith, Baxter Shemwell, F. M. Thompson, C. M. Thompson, John T. Vann and W. A. Watson, their associates and successors, be and they are hereby created a joint stock company, a body politic and corporate, for the purpose of maintaining a school of high grade in the town of Lexington in Davidson county, for the intellectual and moral training of young ladies, under the name and style of Lexington Female Seminary, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, real and personal, and exercise all acts in relation thereto incident to the ownership of real and personal property and for the promotion of female education. Body politic.
Corporate name.
Corporate powers.
- SEC. 2. The members of said corporation shall have perpetual succession, shall elect their officers, and may, if they so choose, have and use a common seal. Perpetual succession, &c.
- SEC. 3. That the officers of said corporation shall be a president, vice-president, treasurer, secretary and nine directors, five of whom shall constitute a quorum for the transaction of business, and all of whom shall be elected by the stockholders annually. Officers.
- SEC. 4. That the first meeting of said corporation for the election of officers shall be held within thirty days from the ratification of this act, and the annual meeting of the stockholders shall be on the first Wednesday of June of each year, unless otherwise ordered by the stockholders. Election of officers.
Annual meetings.
- SEC. 5. That at the regular annual meetings of the stockholders they shall have power to make such by-laws, not inconsistent with the laws of the state, as shall be deemed necessary to promote the objects of the corporation. By-laws.

- Capital stock.** SEC. 6. That the capital stock of said corporation shall not be less than three thousand dollars, nor more than fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and to be paid at such time and in such manner as the board of directors may prescribe.
- Stock vote.** SEC. 7. That in the meetings of the stockholders all questions shall be decided by a majority vote, each share being entitled to one vote; and a majority of all the stock shall be represented in order to constitute a legal meeting of the stockholders.
- Quorum.**
- Special meetings.** SEC. 8. That the president of said corporation, with the advice and consent of the board of directors, shall have power to call a meeting of the stockholders whenever he may deem it proper.
- Power to contract indebtedness, &c.** SEC. 9. That, except for building purposes, said corporation shall have no power to contract indebtedness exceeding one thousand dollars: nor shall it have power to execute any mortgage, or to create other lien than mechanics' and laborers' lien upon its property; and the stockholders shall not be individually liable for any indebtedness of said corporation.
- Stockholders not individually liable for corporate debts.** SEC. 10. That Rev. James E. Gay, one of the said stockholders, is hereby authorized to call the first meeting of the stockholders provided for in section four of this act.
- First meeting of stockholders,** SEC. 11. That this act shall be in force from and after its ratification. In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 60.

An act to amend chapter forty-four, private laws of North Carolina, eighteen hundred and sixty-nine and eighteen hundred and seventy, to change the name of the Ore Hill Manufacturing Company, and for other purposes.

The General Assembly of North Carolina do enact:

- Chapter 44, private laws 1869-70, amended.** SECTION 1. That chapter forty-four, of the private laws of North Carolina, passed at the session of eighteen hundred and sixty-nine and eighteen hundred and seventy, entitled "an act to incorporate the Ore Hill Manufacturing Company," be amended as hereinafter enacted:
- Name changed to The North Carolina Bessimer Co.** 1st. By striking out the name "The Ore Hill Manufacturing Company," where it occurs in the preamble to said act, and also in section one thereof, and inserting in lieu thereof, "The North Carolina Bessimer Company."
- Corporators.** 2d. By striking out the name of the corporators contained in the first section of said act, and inserting in lieu thereof the names of

James B. Pace, B. B. Osler, A. B. Andrews, Wm. E. Anderson, Julius A. Gray, William Richards, Charles D. Wilber, John S. Henderson, Joseph J. Newman, Theodore F. Klutz, James W. Wilson, D. W. C. Benbow, S. H. Wiley and George S. Scott, and by adding to the end of said section one, the words, "and this company shall be organized by any one of the resident corporators giving twenty days' notice in writing to the other corporators to meet in the town of Salisbury, North Carolina, in person or by proxy, within one year from the passage of this act, and a majority of the corporators shall constitute a quorum for the transaction of business." Organization.
Quorum.

3d. By striking out in the fifth line of section two, the word "four," and inserting in lieu thereof the word "five," and by striking out in the seventh line of said section two, the words, "and liable to assessment," and by adding to the end of said section two, the words, "said shares shall be non-assessable, and the stockholders shall not be individually nor in their private property liable for the debts of the corporation."

4th. By striking out the words, "if the company," in line sixteen, of section four.

5th. By striking out the words, "not exceeding twenty thousand," in line three, section five.

6th. By adding to the end of section five the words, "the company are hereby authorized to issue bonds under the seal of the company, signed by the president, or other presiding officer, and countersigned by its secretary, payable in such manner and at such times and places and at such legal rates of interest as the directors may think proper; and the directors shall have power to issue, sell, or pledge all or any of such bonds, upon such terms and conditions as may seem to them proper, for the purpose of raising money for the purpose of buying lands, erecting works, building railroads or canals, or for any other of the legitimate undertakings of the company, and such bonds so issued shall constitute a first preferential charge upon all the real and personal property of the company, then existing or thereafter acquired, and each holder of said bonds shall be held and deemed a mortgagee or incumbrancer upon all the said properties pro rata with every other bondholder, and to secure the payment of the said bonds, the company may mortgage the whole of their real and personal property, acquired and to be acquired: *Provided*, that the total amount of bonds so issued, sold or pledged shall not exceed as to the principal money the sum of five hundred thousand dollars (\$500,000)." Proviso.

7th. By inserting after the word "charter," in line six, section nine, the words "as amended, is hereby re-enacted, and," and by striking out the word "sixty," in the last line of said section nine, and inserting in lieu thereof the words "ninety-nine."

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. 1887.

CHAPTER 61.

An act to incorporate "The North Carolina Estate Company, Limited."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Matthew Robins, Thomas Arrowsmith Meaters, William Johnstone Steele, of London, England, and William Robins, of Toronto, Canada, together with such other persons as shall be associated with them, their successors or assigns, be and they are hereby created a body politic and corporate, by the name and title of the "North Carolina Estate Company, Limited," by which name said corporation may sue and be sued, plead and be impleaded, in any court of the state ; have the right to an official seal ; to make such by-laws and regulations for the government of the company as shall be deemed necessary and not inconsistent with the laws of the state of North Carolina : shall have perpetual succession, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Corporate name.

Corporate powers.

Former incorporation in England ratified and certain conveyances validated.

SEC. 2. And whereas, the said company was, on the twenty-second day of May, eighteen hundred and eighty-six, incorporated in London, England, by virtue of the acts of parliament of the kingdom of Great Britain, entitled the Company's Acts, eighteen hundred and sixty-two to eighteen hundred and eighty-three, under the said name and style of "The North Carolina Estate Company, Limited"; and whereas, deeds were, on the third and fourth days of June, eighteen hundred and eighty-six, duly executed in London, England, by Matthew Robins and wife, and William Battye and wife, conveying to the said company a large tract of land in Burke county, North Carolina, containing sixteen thousand acres of land there situate : and whereas, the said deeds were, on the fifteenth day of June, eighteen hundred and eighty-six, duly recorded in office of register of deeds for Burke county, in book N, pages one hundred and thirty-seven and eight : and whereas, the said North Carolina Estate Company has not been heretofore incorporated under the laws of North Carolina, by reason of the inadequacy of the method of incorporation by articles of agreement before the clerk, as prescribed by law, to the intents and purposes of the said company for the development of their said property, and the state legislature not having been in session since

said date: now, therefore, it is hereby enacted, that the said incorporation is hereby ratified, and that the said deeds of conveyance and title thereunder are hereby declared as good and valid as if the said corporation had been duly formed under the laws of North Carolina previous to the execution and registration of the said deeds: and the acts of the said corporation, or its agents, done in pursuance of said incorporation, and deeds concerning said lands, are hereby declared as legal and binding as if the said company had been previously thereto duly incorporated according to the laws of North Carolina: *Provided, however,* this act shall in nowise affect any obligation of the grantors of said North Carolina Estate Company, in said deeds, arising out of their ownership of said lands.

Corporate acts
validated.

Proviso.

SEC. 3. The capital stock of the said company shall be eight hundred and two thousand nine hundred and eighty-nine dollars, or one hundred and sixty-five thousand pounds, divided into thirty-three thousand shares of twenty-four dollars and thirty-three cents each (or five pounds), with the right to increase the same to five million dollars.

Capital stock.

SEC. 4. The said company shall have full powers:

Corporate powers.

(a) 1. To issue bonds of the company not exceeding one million dollars, and to secure said bonds shall have power to mortgage its property, both real and personal, or any portion thereof, and the franchises of the said company, and any mortgage so executed and registered in the county where said property lies shall constitute a lien on said property.

(b). To acquire lands and freehold property in North Carolina in any amount, and rights and privileges in connection therewith, and in particular to acquire lands and estate known as the "South Mountain Lands" in Burke county, North Carolina.

(c). To develop and turn to account any land or other property acquired by, or in which the company is interested, and for that purpose to carry on all or any of the business of estate agents, timber merchants, iron masters, ship-builders, ship brokers, general merchants and mining companies, and to do all things expedient for utilizing and disposing of the property of the company.

(d). To lend money, either with or without security, upon such terms and conditions as the company may think fit.

(e). To enter into partnership or into any arrangement for sharing profits, union of interests, joint adventure, reciprocal concessions, or co-operation with any person or company carrying on, or engaged in, or about to carry on or engage in any business or transaction which this company is authorized to carry on or engage in, or any business or transaction capable of being conducted so as directly or indirectly to benefit this company, and to take or otherwise to acquire and hold shares, stock and securities of any such company and to sell or otherwise deal with the same.

(f.) To sell, mortgage, lease or otherwise dispose of the undertaking and property of the company or any part thereof, for such considerations and on such terms as the company may think fit, and in particular for shares, debentures or securities of any other company having objects altogether or in any part similar to those of this company.

(g.) To invest and deal with the moneys of the company not immediately required, upon such securities and in such manner as may from time to time seem expedient.

(h.) To receive money on deposit or interest or otherwise, and to lend such money upon such terms and conditions as may seem to the company expedient: to make, accept, endorse and issue promissory notes, bills of exchange, and other negotiable instruments.

(i.) To raise money for the purpose of the company, and to execute and issue bonds or debentures or debenture stock, perpetual or otherwise, to be charged upon all or any portion of the property of the company, both present and future, including the uncalled capital.

(k.) To take subscriptions of shares of capital stock either in money, real estate, or other valuable property.

Authorized to purchase lands &c., build factories, railways, &c.

SEC. 5. That the said company, in addition to the real estate already owned by it in the county of Burke, state of North Carolina, shall have the right to purchase or acquire lands, factories, houses, water-courses, mineral rights, roads, tramways, railways, timber, or any other kind of property whatsoever, and to erect on such lands as the said company may own or acquire, any such factories, hotels, houses, machinery, canals, tramways, railways as may be necessary, proper, or desired for the operation of the property of the said company, and likewise dispose of, sell, convey or transfer the same in whole or in part.

Authorized to build roads, canals, &c., connect with other railroads, &c.

SEC. 6. That said company shall likewise have the right, power and authority to lay out, build and construct such roads, whether rail, tram, plank or turnpike, and also such canals, water-courses or other ways for the transportation of its property or trade; and to construct such dams and reservoirs as shall be needful to the supply of water for its mills, manufactures, furnaces, mines, or for any purpose found necessary; to erect bridges over streams of water whenever necessary; and to connect or consolidate with the railroads of any company now incorporated or which may hereafter be incorporated by the laws of the state; and shall have right to erect such telegraphic apparatus as may be necessary; and shall likewise have right, power, charter and franchise hereby to charge such tolls, fees, compensations as is reasonable for the use, service or travel over such telegraph lines, railroads, turnpikes or bridges as it may erect and construct; and where any lands or right of way shall be required by said company for constructing any railways, tramways, cartways, canals, bridges, or other lines or ways, water-courses or drains, and for want of agreement as to the value thereof or for other causes the same

cannot be purchased of the owners, the same may be taken and condemned and the value thereof ascertained in the manner prescribed by the law of the state in the chapter of The Code entitled "Railroads and Telegraphs."

Condemnation of land.

SEC. 7. That the said Matthew Robins, Thomas Arrowsmith Meaters, William Johnstone Steele and William Robins, or their successors, shall have power to elect such officers as they may desire for said corporation, and such officers as they may designate shall have power to call such meetings of the shareholders, and at such times and places as they may deem proper: that the said company shall have an office and agent at Morganton, in Burke county, upon whom process may be served, and all process and notice may be served on the said agent of the said company until otherwise provided.

Officers.

Meetings of stockholders.

Office.

SEC. 8. All property of the said company shall be listed for taxation in the county where the same is located, situated or held, and shall not be liable to taxation elsewhere.

Property, where listed for taxation.

SEC. 9. That the said company may require of any officers of the said company such bonds conditioned for the faithful discharge of their duty, and payable to the company, as by said company may be deemed advisable.

Bonds of officers.

SEC. 10. That all the sections or parts of sections of chapters sixteen and forty-nine (entitled respectively "corporations" and "railroad and telegraph companies"), of The Code of North Carolina, in conflict or inconsistent with the provisions of this act, are hereby declared inoperative as far as they may affect the privileges, rights and powers herein confirmed. That nothing in this act shall be construed so as to authorize said company to charge or demand more than the existing legal rate of interest: *And provided further*, that no water-rights, or right of way for water, shall be in anywise affected by this act.

Conflicting provisions in chapters 16 and 49, Code, declared inoperative as to this corporation.

Interest.

Water rights, &c., not affected.

SEC. 11. 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 2d day of March, A. D. 1887.

CHAPTER 62.

An act to amend the charter of the town of Mount Airy.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Mount Airy shall continue to be as heretofore a body corporate, under the name and style of "The Town of Mount Airy," and under such name is hereby invested with all the privileges, immunities and franchises, property

Incorporated.

Corporate name.

- Corporate powers. and all other rights heretofore belonging or appertaining to the town of Mount Airy, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient.
- Present officers to continue in office, &c. SEC. 2. The present mayor and commissioners and other officers of the town of Mount Airy shall be and the same are hereby declared to be like officers with the powers and duties of the town of Mount Airy until their successors are elected and qualified as hereinafter provided.
- Corporate limits. SEC. 3. That the corporate limits and boundaries of the said town of Mount Airy shall 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.
- Officers. SEC. 4. The officers of the town of Mount Airy 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 Surry county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election.
- When elected.
- Notice of election.
- By whom held.
- Who eligible as mayor or commissioners. 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 have resided within the corporation for ninety days next preceding the election.
- Proviso.
- Election, how held. 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 vote. 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 offi-

cers thus elected shall be notified of their election within two days after the same by the inspectors.

SEC. 8. The inspectors, before proceeding to act as such, shall be sworn by the mayor or a justice of the peace of Surry 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.

Oath of inspectors.

SEC. 9. That if among the persons voted for for mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed, within five days after their qualification, to elect a 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.

On tie vote for mayor, commissioners to elect.

Tie vote for commissioners.

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.

Registration and poll books.

SEC. 11. That the mayor and commissioners, after election and before entering upon the duties of their respective offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the following oath: "I, A. B., do solemnly swear that I will faithfully and diligently endeavor to perform the duties of the office of mayor or commissioner to which I have been elected; so help me, God."

Oath of mayor and commissioners.

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*.

Vacancy 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

Powers and jurisdiction of mayor.

- 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 Surry county, upon recognizance, with security for his appearance at the next term thereof.
- Proviso.** 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.
- Precepts of mayor.**
- 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 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 Surry and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Surry county.
- Force of judgments.**
- Violation of town ordinances 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.** 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 to be 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.**
- Board of commissioners.** 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 major-
- Special meetings.**

ity 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.

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.

Execution of ordinances, &c.

Proviso.

SEC. 24. The commissioners shall have power, and it shall be their duty to provide for and secure the peace, good order and tranquillity 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.

Powers and duties of commissioners.

SEC. 25. That the commissioners may require and compel the abatement and removal of all nuisances, and shall have power to pull down and remove any old house, barn or other building in said town, when the same may be considered dangerous from fire or other causes to the safety, the person or property of adjacent residents: *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 allowed one month for repairing or removing of such building.

Abatement of nuisances, &c.

Proviso.

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 costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock.

Animals running at large.

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.

Firing guns, &c.

SEC. 28. The commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances, and for feeding such prisoners the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Surry county: *Provided*, in the above case, that no prisoner or offender shall be confined in said guard-house more than twenty-four

Guard-house.

Compensation of marshal for feeding prisoners.

Proviso.

hours without first having had his case heard and determined before the mayor.

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; they shall take into consideration the loss or damage which may accrue to 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; 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 Surry 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.

Appeal.

Taxation.

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 street commutation tax exceed the sum of one dollar annually.

Proviso.

Damages, how ascertained.

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 washing machine agents, horse drover or fruit tree seller, offering to exercise their business within the corporate limits of said town; upon all venders of cider, patent medicines or nostrums of any kind; upon every show, concert, menagerie, sleight-of-hand, or theatrical performance 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. License taxes.

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 of commissioners: such lists shall give a description of the tracts or lots of land, the taxable polls, and all other property liable to taxation by the persons returning the same, and shall be sworn to before some justice of the peace or before the secretary or clerk, who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such returns. The said lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes assessed thereon, in the same manner as tax lists are made or required to be made for the collection of state taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double tax. The usual tax-list made as aforesaid by the secretary or clerk and placed in the hands of the marshal or tax collector shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said lists respectively, and the same may be collected by levy and sale of the property of the party owing such taxes on giving such notice as is required by law on execution from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the powers vested by law in sheriffs or tax collectors for the collection of taxes due the state. Listing of property for taxation.

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. Levy of taxes.

SEC. 34. The marshal or town tax collector appointed by the commissioners is hereby authorized and empowered to sell real estate in Taxes, when due and collectible.

Sale of real estate for taxes.

Redemption of property sold for taxes.

Conveyance to purchaser.

No retail liquor license to be granted without permission of town commissioners, &c.

Duties and powers of town constable.

Fees.

Execution of process.

Misdemeanor.

Bond.

Arrests without warrant.

Imprisonment of intoxicated persons.

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 collecting, 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.

SEC. 35. That it shall not be lawful for the board of commissioners of Surry county to grant license to retail spirituous liquor within the limits of the town of Mount Airy, 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.

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 Mount Airy 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 all other moneys collected by him, and report the same to the commissioners under oath.

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 tax collector, unless he fails to give the bond required by commissioners for that purpose, or is otherwise incompetent.

SEC. 38. The secretary or clerk of said town shall, by virtue of his office as such, after his appointment or election by commissioners, be town treasurer, who shall keep regular minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office, and enter into a good and sufficient 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.

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.

SEC. 40. That all persons to whom said town shall become indebted shall present their claims duly sworn to to the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof, if considered just; and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.

SEC. 41. That all officers of said town of Mount Airy 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 Surry county shall be fined at the discretion of the same.

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 2d day of March, A. D. 1887.

Tax collector.

Town treasurer.

Duties.

Bond.

Duties of clerk and treasurer.

Claims against town.

Officer failing to turn over property, &c., to successor guilty of misdemeanor.

Conflicting laws repealed.

CHAPTER 63.

An act to incorporate the South Atlantic Telephone Company.

The General Assembly of North Carolina do enact :

- Body corporate.** SECTION 1. That J. J. Thomas, W. C. Stronach, Peter M. Wilson, their associates, successors and assigns, are hereby constituted a body corporate, by the name of "The South Atlantic Telephone Company," by which name said corporation and their successors shall have perpetual succession and enjoy all the privileges according to the provisions of chapter sixteen, sections six hundred and sixty-three and six hundred and sixty-four of The Code of North Carolina, for the purpose of manufacturing, owning, leasing, selling, using and licensing others to use electric speaking telephones and other apparatus and appliances pertaining to the transmission of intelligence by electricity, and for that purpose constructing and maintaining by itself and its licenses public and private lines and district exchanges, with a capital stock of fifty thousand dollars, which from time to time may be increased in such manner and upon such terms to a sum not to exceed five hundred thousand dollars as a majority of the stockholders may deem best.
- Corporate name.**
- Corporate powers.**
- Capital stock.**
- Authorized to own stock in other like corporations.** SEC. 2. For the purposes aforesaid, said corporation may become a stockholder in, or become interested with other corporations hereafter organized for like purposes, or already established for the transaction of telephonic business, and may secure right of way and land necessary for its use under the general laws of the said state as now provided for railroads and telegraph companies, and may have right of way over all public highways and the property of all railroads now constructed, or that may be hereafter constructed in the said state:
- Right of way.** *Provided, however,* that no poles or lines erected by said company shall in any way hinder or obstruct the usual travel over said public highways or railroads, or damage the property of said railroad companies.
- Proviso.**
- Organization.** SEC. 3. Whenever ten per centum of the capital stock is subscribed and paid up to the corporators herein named, or to any two of them, the stockholders shall meet upon notice of ten days issued by any two of said corporators and proceed to organize.
- Stockholders not individually liable for corporate debts.** SEC. 4. Owners of stock in this corporation shall not be individually liable for any contract, indebtedness, or liability of any kind whatsoever of said corporation.
- SEC. 5. 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. 1887.

CHAPTER 64.

An act to repeal and re-incorporate the town of Hamilton in Martin county.

The General Assembly of North Carolina do enact :

SECTION 1. That all laws or clauses of laws heretofore enacted respecting or concerning the corporating or charter of the town of Hamilton, in the county of Martin, be and the same are hereby repealed. **Former laws concerning town of Hamilton repealed.**

SEC. 2. That a town in the county of Martin is hereby established and incorporated by the name of Hamilton, with the following boundaries, viz.: Beginning at the mouth of a small gut at Hamilton landing, on the Roanoke river, thence running down and along said river south thirteen degrees east one hundred and twenty-three and three quarter poles, thence south fifty-seven and a half degrees west one hundred and twenty-six and a half poles, thence north forty degrees west one hundred and one and a quarter poles, thence north fifty-five degrees west thirty and one quarter poles, thence north seventy-one degrees west thirty-two and a half poles, thence north forty degrees west sixty-two and three quarters poles, thence north fifty and a half degrees east fifty-nine and seven tenths poles, thence north thirty-eight and a half degrees west twenty-five and three fifths poles, thence north fifty-one degrees east seventy-seven and four fifths poles, thence south thirty-three and a half degrees east fifty-one poles, thence north seventy-four degrees east twenty-three poles, thence south seventy-four degrees east eighty-six and one quarter poles to the beginning. **Incorporated. Corporate limits.**

SEC. 3. That the government of said town of Hamilton shall be invested in the following persons, and their successors in office, viz.: B. G. Howell, R. C. Weatherby, Jos. C. Hoard, George E. Brown and Thomas H. Pritchard, as commissioners of said town, who shall hold their office until their successors are elected and qualified. **Commissioners.**

SEC. 4. That the aforesaid commissioners and their successors in office are hereby incorporated into a body corporate by the name of Commissioners of the Town of Hamilton, and by such name shall have succession 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 a majority of them shall seem proper for the good government of said town, to appoint a mayor, town clerk, constable, and such other officers as they may consider necessary. **Body corporate. Corporate powers. Officers.**

SEC. 5. That an election shall be held on the first Monday in May of each year for the election of five commissioners of said town under the rules and regulations as are named for towns and cities of this state in the general law for such. **Election of commissioners.**

Wards.

SEC. 6. That the said commissioners or their successors may, when they deem necessary, lay off said town in wards, and each ward so laid off shall be entitled to at least one commissioner.

General govern-
ment of town.

SEC. 7. That the general government of said town shall be in accordance with the general law of this state for towns and cities not in conflict with special privileges herein granted.

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 2d day of March, A. D. 1887.

CHAPTER 65.

An act to amend the charter of the Silver Valley Mining Company.

Preamble.

WHEREAS, The corporators of the Silver Valley Mining Company, a corporation of the state of North Carolina, duly incorporated by an act of the legislature of North Carolina, approved February fifteenth, eighteen hundred and sixty-one, proceeded to organize said corporation in the city of Baltimore, in the state of Maryland; and whereas, stock was issued by said company; and whereas, many persons have become holders of said stock for value and in good faith; and whereas, it is evident that the said corporators supposed and believed that their said organization, and their proceeding thereafter could be legally had and done outside of the territory of the state of North Carolina; therefore,

The General Assembly of North Carolina do enact:

Organization and
other corporate
acts done in Ma-
ryland validated.

SECTION 1. That all the proceedings of said corporation, including the organization of the same, which took place in the state of Maryland, and all rights acquired or sought to be acquired thereunder, shall have the same force, effect and validity, to all intents and purposes, as if the said organization and proceedings had taken place within the state of North Carolina.

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. 1887.

CHAPTER 66.

An act to authorize the trustees of Ashboro Male and Female Academies to sell or donate and convey certain lots in the town of Ashboro, in Randolph county.

Preamble.

WHEREAS, On the nineteenth day of August, eighteen hundred and seventy-five, J. M. Worth and wife Sallie Worth by deed conveyed

jointly to the Randolph Agricultural Society, and the trustees of the Ashboro Male Academy and their successors, two lots in the town of Ashboro. in Randolph county, to be used for the promotion of agriculture and education: and whereas, the said agricultural society has ceased to exist, and the said lots have ceased to be occupied and used for the purpose of a male academy; now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Ashboro Male and Female Academies shall have full power and authority, and they are hereby authorized and empowered, in their discretion, to sell or donate and convey the said two lots in the town of Ashboro. conveyed jointly to the Randolph Agricultural Society and the trustees of the Ashboro Male Academy, by J. M. Worth and wife, Sallie Worth, on the nineteenth day of August, eighteen hundred and seventy-five, to trustees for the purpose of being improved, and a female academy, seminary or college established and maintained thereon.

Authorized to donate or sell certain lots in Ashboro to trustees for female academy, &c.

SEC. 2. That in the event of a donation instead of sale of said lots to trustees as aforesaid, should the said trustees suffer an interval of as much as three successive years to elapse at any one time without occupying the said lots for the purposes aforesaid. then the same shall revert to the trustees of the Ashboro Male and Female Academies in fee simple.

When land to revert, if donated

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. 1887.

CHAPTER 67.

An act to amend chapter thirty-five of the laws of eighteen hundred and eighty-three, amending the charter of the town of Hendersonville.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter thirty-five, of the private laws of eighteen hundred and eighty-three, entitled "An act to amend the charter of the town of Hendersonville," be amended by striking out said section and inserting in lieu thereof the following: That the administration and government of said town shall be vested in one principal officer, styled the mayor, and a board of five commissioners, to be elected as provided for in chapter sixty-two of The Code. That among the powers hereby conferred on the said mayor and the board of commissioners, they may borrow money only by the consent of a

Chapter 35, private laws 1883, amended.

Mayor and commissioners.

Election.

When authorized to borrow money.

majority of all the qualified and registered voters of the town, which consent shall be obtained by a vote of the citizens of the corporation, after thirty days' public notice, at which time those who consent shall vote "approved," and those who do not consent shall vote "not approved:" *Provided, however,* that no election shall be ordered by the commissioners unless a petition asking for the same, to be signed by one fourth of the qualified voters in the town, twelve of whom shall be actual owners of real estate located in the said town, shall be first presented to the said board of commissioners. They may also provide for a supply of pure water, effective sewerage, lighting streets, adopt proper means to extinguish fires, suppress nuisances, erect a market house, town hall, or other buildings, appoint marshals, levy and collect taxes, regulate hack, carriage and buss charges for passengers or freight, and if in the judgment of the mayor and the board of commissioners any one or more of these objects can be better accomplished by combining with private individuals or companies, they shall have power to subscribe, in the name of the town of Hendersonville, to the capital stock of any company which may be organized for the accomplishing or furtherance of such object or objects, and join with other stockholders in making any and all rules and regulations which may be considered best for such company.

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

In the general assembly read three times, and ratified this the 2d day of March, A. D. 1887.

CHAPTER 68.

An act to incorporate the People's Bank of Fayetteville, North Carolina.

The General Assembly of North Carolina do enact:

Body politic. SECTION 1. That E. F. Moore, F. W. Thornton, J. B. Starr, A. H. Slocomb, George Brandt, J. W. Scott, J. C. MacRae, C. W. Broadfoot and Geo. P. McNeil. their present and future associates and successors, are hereby constituted and declared to be a body politic and

Corporate name. corporate, by the name and style of the "People's Bank" of Fayetteville, and shall so continue for the term of sixty years, with capacity

Corporate powers. to take, hold and convey real and personal estate, and with all the powers, rights and privileges granted to any bank or banking institution by this or any preceding or subsequent legislature of this state, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled Corporations.

SEC. 2. The capital stock of said corporation shall not be less than **Capital stock.** one hundred 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 five hundred thousand dollars.

SEC. 3. The corporators in the first section named, or a majority of **Books of sub-** them, are hereby empowered to open books of subscription to the **scription.** capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said bank may at their discretion from time to time re-open books of subscription to said capital stock until the sum be wholly taken.

SEC. 4. Whenever one hundred thousand dollars shall be subscribed **Organization.** to the capital stock of said bank, the before named corporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place, and on such notice, as they deem sufficient, and such stockholders shall elect such directors as they may think **Directors.** proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and such **Officers.** other officers as may be provided for by the by-laws of said corporation.

SEC. 5. The president and directors of the bank may adopt and use **Powers of presi-** a common seal, and alter the same at pleasure, and may make and **dent and direct-** appoint all necessary officers and agents, fix their compensation and **ors.** take security for the faithful discharge of their duties, and may discharge any and all of them at their pleasure, prescribe the manner of paying for stock and the transfer thereof, and 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 corporators by the general laws of the state relating to corporations. The bank shall pay to the state an annual tax in lieu of all other taxes on **State tax.** each share of stock therein a sum equal to that charged by the state on other property of same value, said tax to be paid to the public treasurer during the month of July in each year.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in or exchange gold, silver and other coins, bullion, uncurrent paper, and public or other securities, including the bonds or other securities of the United States, this state and other states, also county bonds, township bonds, town bonds, or municipal bonds, and the bonds of any corporation chartered by this or any other state; 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, mortgage or other lien to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend **Corporate pow-** **ers.**

money on such terms as may be agreed on. It may receive on deposit money on terms to be agreed on between the officers and depositors; the bank may receive on deposit moneys held in trust by administrators, executors, guardians, or others.

Remedy against subscriber failing to pay for stock.

SEC. 7. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion in superior court in the county of Cumberland, upon giving him ten days' notice of the motion, or by civil action on the entire stock, may be sold by order of the directors for cash, at the banking house in Fayetteville after advertisement of sale for twenty days in a newspaper published in the town. And if at such sale the price shall not be sufficient to discharge the amount unpaid, with all cost attending the sale, the subscribers shall be liable for the deficiency in a civil action.

Liability of assignee.

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.

Branches.

SEC. 9. Branches or agencies of the bank may be established at such times and places as the president and directors may designate, and such branch or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

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 better governing 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 Fayetteville. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Loans on mortgage, &c.

SEC. 11. The said bank shall have power to make loans upon mortgages, or other pledges of real or personal property, provided the amount loaned on real estate shall not exceed twenty-five per cent. of capital stock.

SEC. 12. Said bank shall have authority to establish and operate a savings bank, under such rules and regulations as its by-laws may prescribe, and said savings bank may receive deposits and pay the same, together with such interest as may be agreed on with depositors. Deposits may be received from married women, minors and apprentices, and the same may be paid out on their receipt, orders or checks, unless restrained by law; and deposits may also be made in the name of married women, minors and apprentices by their husbands, parents, guardians and masters, and the same may be drawn out by such person making the deposit, unless restrained by law.

Authorized to establish savings bank.

SEC. 13. The president and directors shall cause to be published, during the first week in January and July of each year, a statement of the financial condition of the bank, unless required by the general law of the state to be published at other times.

Semi-annual statements.

SEC. 14. The powers and privileges granted herein shall not be deemed forfeited by non-user provided the corporation is organized within five years from date of ratification of this act.

Privileges not forfeited by non-user.

SEC. 15. In case of the insolvency of the bank hereby created, or ultimate inability to pay, shareholders shall be held individually responsible, equally and rateably and not one for another, for all contracts, debts and engagements of the bank, to the extent of the amount of their stock therein, at the par value thereof.

Liability of stockholders.

SEC. 16. The total liabilities to the bank of any person, or any company, corporation or firm, for money borrowed, shall at no time exceed one tenth part of the amount of the capital stock actually paid in. But the discount of bills of exchange, drawn in good faith against existing values, and the discount of commercial or business paper owned by the person negotiating the same, shall not be considered as money borrowed.

Limitation of loans.

SEC. 17. This act shall be in force from and after its ratification.

Discounts accepted.

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 69.

An act to incorporate Zion's Evangelical Lutheran church, and Bethel German Reformed church, in Hickory township in Catawba county.

SECTION 1. *The General Assembly of North Carolina do enact:* That Reuben Yoder and Q. E. Bowman of Zion's Evangelical Lutheran church, and John W. Robinson and I. S. Whitener of Bethel German Reformed church, both of Hickory township in Catawba county, and their successors in office, be and the same are hereby incorporated, under the name and style of Zion's Evangelical Lutheran and Bethel

Incorporated.

Corporate name.

- German Reformed churches in Hickory township in Catawba county, and by that name may sue and be sued, plead and be impleaded, and shall have all the powers of trustees of like institutions.
- Corporate powers.**
- Officers.** SEC. 2. That said trustees may meet at their pleasure and elect one of their number chairman, and one secretary and treasurer. And the said trustees shall fill all vacancies by a majority vote at any meeting of said trustees.
- Corporate limits.** SEC. 3. That the incorporate limits shall be two miles in every direction from said churches, or either of them, so as to form a complete circle as a radius from either of said churches.
- Unlawful to manufacture, sell, &c., spirituous liquors within corporate limits.** SEC. 4. It shall be unlawful for any person or persons to manufacture, sell, dispose of, directly or indirectly, any spirituous or intoxicating liquors within the incorporated limits of said incorporation, embracing said Zion's Evangelical Lutheran and Bethel German Reformed churches, in Hickory township in Catawba county; and any person or persons violating any of the provisions of this act, it shall be the duty of the trustees or any one of said trustees, upon information, to immediately apply to some acting justice of the peace, who shall forthwith issue a precept and have the offender or offenders arrested and brought before him or some other justice of the peace, to answer the charge or charges so alleged against him or them; and if convicted in a justice's court shall pay a fine of not less than twenty dollars and not exceeding fifty dollars for each and every offense so committed, or be imprisoned not less than thirty days; and it shall be the duty of the county commissioners to hire out said offenders of this act until the fine, penalty and all costs are secured or paid. Said fines and penalties to be paid to the treasurer of this incorporation and by him applied equally to the said churches for the benefit of said Zion Evangelical Lutheran and Bethel German Reformed churches and their graveyards.
- Duty of trustees to prosecute.**
- Penalty upon conviction.**
- County commissioners to hire out persons convicted, &c. Application of fines, &c.**
- SEC. 5. 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 3d day of March, A. D. 1887.

CHAPTER 70.

An act to incorporate the Fidelity Savings and Trust Company of Durham.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Julian S. Carr, Richard D. Blacknall, Henry E. Seeman, James W. Blackwell, Thomas M. Stephens, Washington Duke, William H. Branson, H. W. Snow and Richard T. Howerton, and their associates, successors and assigns, be and they are hereby

created and constituted a body politic and corporate, under the name, style and title of "The Fidelity Savings and Trust Company, of Durham," and by that name may have perpetual succession, and shall be able and capable in law to have and use a common seal, and the same break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, stock, goods, chattels, and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of, for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said company by its by-laws and regulations shall direct; and shall and may apply the rents, issues, income, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of their creation and institution, according to the rules, regulations and orders of the company, as fully and effectually as any natural person or body politic or corporate within this state can or may do or perform. The said company shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for the government of such corporation, not being contrary to the constitution and laws of this state or of the United States, and generally to do and execute all and singular, such acts matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

Corporate name.
Corporate powers.

SEC. 2. That said corporation shall have the right 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 from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be prescribed by this charter, or by the by-laws, or as may be agreed on by the parties; and for the use and loan of money may charge not exceeding eight per centum per annum, and may take and receive said interest at the time of making said loan or otherwise, 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 territory, or of the United States, or of any corporation organized under the laws of this or any other state or territory or of the United States; and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and pay-

Corporate powers in relation to banking business, deposits, loans, &c.

ment of money loaned, advanced, or expended, as may be considered safe, expedient and beneficial: to elect such officers as they see fit, and prescribe their duties, compensation and term of service.

Corporate powers in relation to deposits of valuables, investments, &c.

SEC. 3. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, deeds, muniments of title or any other valuable papers of any kind, or any other article or thing whatsoever, which may be left or deposited for safe keeping with said company, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof may construct, erect and purchase such fire and burglar proof building, vaults, iron or composition safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping and preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital or funds as may be deposited with said company for that purpose, from time to time, in such stocks, bonds and securities as may be regarded advantageous and desirable; they shall have power to receive and hold on deposit, and in trust, and as security, estate, real, personal and mixed, including notes, bonds, obligations of states, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

Corporate powers in relation to execution of trusts, &c.

SEC. 4. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to them, with their consent, by any person or persons whomsoever, corporations, or by any court in this or any other state or territory or of the United States, and for its services as such said corporation shall receive such usual and eustomary fees, emoluments and charges as are allowed individuals in like capacities and like cases.

Deposits by executors, &c.

SEC. 5. That any executor, administrator, guardian, receiver or other trustee, or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said company.

Capital stock.

SEC. 6. That the capital stock of said corporation shall be twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each, which said capital stock may be increased at any time or from time to time, by the vote of a majority of the stockholders to any sum not exceeding five hundred thousand dollars. The corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible

Stockholders not individually liable for corporate debts.

for any of the debts, liabilities, obligations, engagements, contracts, or torts of the company, and the shares shall be forever non-assessable. When twenty-five thousand dollars of the capital stock is subscribed, the corporators named herein, or a majority of them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than seven nor more than fifteen, who shall serve for one year or until their successors are elected and qualified, unless it is otherwise provided in and by the by-laws adopted at said meeting. And these directors so chosen shall proceed to elect a president, whose term shall expire at the expiration of the term of said directors, unless the by-laws otherwise provide: and said board of directors shall elect, at such time as they see fit, a first vice-president and a second vice-president, a secretary and a treasurer and such other officers as they think necessary, and increase or diminish the number of said officers at pleasure. And no person shall be elected director, president, or vice-president unless he is a stockholder in said corporation. And the directors shall require of the secretary and treasurer and all subordinate officers, such bonds and security for the honest and faithful discharge of their duties as they may order, and may require such bonds of the president and vice-president if they see fit to do so.

Organization.

Directors.

President.

Other officers.

Bonds.

SEC. 7. That said corporation shall have and is hereby granted power and authority to guarantee the payment of principal or interest of notes, bonds, bills of exchange, acceptances, checks 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, and to charge and receive for any guaranty such compensation as may be agreed on by the parties, and may take and receive interest as high as eight per centum per annum, and may receive the said interest at the time of making said transaction, or at any other time.

Corporate powers in relation to guaranties.

SEC. 8. All deposits of money in said savings company shall be entered in the books of the corporation, and a book shall be given to each depositor in which the sum deposited shall be entered, and which shall be the voucher or evidence of the property of the depositor in the hands of the company. On making his first deposit the depositor shall be required to subscribe his or her name to the regulations and laws of the company, and such signature shall conclusively signify his assent thereto. The possession and presentation by any person of a pass-book shall be sufficient authority to the company to warrant any payment made by it, and shall be conclusive evidence as to the right of such person so presenting said pass-book to such payment, and all payments to persons producing the pass-books issued by the company shall be valid payments to discharge the company.

Deposits.

Duty of depositor

Payments to persons holding pass books.

Deposits by
minors, &c.

SEC. 9. Whenever any deposit shall be made by or in the name of any person being a minor, or a female, being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor, and free from all control or lien of any persons except creditors, and shall be paid, together with interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof to the corporation. And whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested, to the company, in the event of the death of the trustee, the said deposit, or any part thereof, together with all interest thereon, may be paid to the person for whom the deposit was made.

Deposits in trust.

Right to demand
indemnifying
bond, when pass-
book is lost, &c.

SEC. 10. In case the pass-book of a depositor is lost, or the officers of this company shall doubt the identity of any person claiming a deposit, or any part of it, or the right of any one claiming to be a representative of any deceased or other depositor, they may require and demand an adequate bond of indemnity against any other claim or demand before paying such deposit or any part of it. But no assignment or transfer of a pass-book and deposit shall be binding on said company, or have any legal force or effect, unless said company assent in writing to such transfer or assignment.

Transfer of pass-
book, when bind-
ing, &c.

Purchase at fore-
closure sale, &c.

SEC. 11. Whenever any real estate or personal property, upon which the company may have a lien of any kind, shall be exposed to sale under authority of law, the president of this company may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

Interest.

SEC. 12. The company shall pay to its depositors who allow their deposits to remain three months or more such rate of interest as the directors may agree upon, said interest to be computed annually and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier, in which case, if it has been in the company's hands three months or longer, interest shall be computed and paid up to date of withdrawal. But it shall be in the power of the directors to alter this section at their will, so as to reduce the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of interest to deposit monthly, quarterly or semi-annually, as they see fit, and as often as they please.

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

In the general assembly read three times, and ratified this the 3d day of March, A. D. 1887.

CHAPTER 71.

An act to incorporate and establish the Asheville Academy.

The General Assembly of North Carolina do enact :

SECTION 1. That Samuel Frederick Venable and W. Pinckney Mason, their successors, associates and assigns, be and they are hereby declared a body politic and corporate, by the name and style of the Asheville Military Academy, and by such name may sue and be sued, plead and be impleaded, have perpetual succession and a common seal, contract and be contracted with, purchase and hold real and personal property, for the use and benefit of said academy, and may sell and dispose of such property or mortgage the same in order to raise money to carry on such schools as said corporation may in their discretion organize, establish and conduct, or cause to be organized, established or conducted. And the said corporation is hereby authorized and empowered to organize, establish and conduct, or cause to be organized, established or conducted, such schools, of such grades and for such purposes as in their discretion they may see proper, and may at any time change the character and grade of such schools in any manner, that to said corporation may seem best.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That any member of said corporation owning or possessing any interests in the franchise thereof, or in the property belonging thereto, may sell or assign, or otherwise dispose of the same, with the assent of the other member or members of the corporation, and the person or persons to whom such sale, assignment or other disposition may be made, shall immediately be and become a member or members of said corporation, with all the rights, privileges and immunities of other members thereof.

Assignment of interest in property, &c.

SEC. 3. And whereas the said S. F. Venable and W. P. Mason now occupy the building in the city of Asheville, in the county of Buncombe, state of North Carolina, known as the Asheville male academy, and the grounds pertaining thereto, and have obtained from the trustees thereof a lease for (23) twenty-three years upon the consideration mentioned in said lease of putting certain improvements upon the said grounds in the shape of buildings, which consideration has already been complied with, and the further consideration of keeping a school of high grade, now and therefore it is further enacted, that the said the Asheville military academy, by and with the assent of S. F. Venable and W. P. Mason, be and they are hereby authorized to occupy, hold and possess said buildings for the uses and purposes of such schools as they may organize, establish or conduct, or cause to be organized, established or conducted, and shall have all the rights and powers in respect to such buildings as are conferred upon them by section one of this act. And the property and real estate of said

Authorized to occupy, &c., buildings of Asheville male academy.

Exemption from taxation.

corporation shall be exempt from taxation, in accordance with section five, article five, of the constitution.

Authorized to graduate students, confer degrees, &c.

SEC. 4. That the said the Asheville military academy may and it is hereby authorized and empowered to graduate the students of such school as they may organize, establish or conduct, or cause to be organized, established or conducted, and confer such degrees on those graduating as are usually conferred by colleges and universities, and issue diplomas to them, and in this regard shall have all of the powers, rights and privileges possessed by any college in this state.

Authorized to establish schools, &c.

SEC. 5. That the said Asheville military academy may, in their discretion, establish a school or schools at any place within the corporate limits of the city of Asheville, or within the said county of Buncombe, and may from time to time change the place or places of such school or schools according to their own judgment.

Capital stock.

SEC. 6. That the said the Asheville military academy may have a capital stock of twenty thousand (\$20,000) dollars, in shares of one hundred (\$100) dollars each, and said S. F. Venable and W. P. Mason may own the entire amount of said stock, if they see proper, and they are hereby authorized and empowered to sell, transfer or otherwise dispose of all or any number of the shares of said capital stock to such person or persons as they shall deem worthy to become members of said corporation.

By-laws, &c.

SEC. 7. That the said the Asheville military academy is hereby authorized and empowered to make all such by-laws and regulations not inconsistent with the laws of the state as may be necessary to enable them to manage, conduct and in all things to accomplish the purposes of their organization; and such by-laws and regulations shall be binding on said corporation and every member thereof and every person interested therein, until the same shall be altered, amended or repealed, in accordance with the provisions of such by-laws and regulations themselves.

Surrender of charter, &c.

SEC. 8. The said the Asheville military academy may at any time, by and with the consent of two-thirds of its stockholders, representing and owning two-thirds of its capital stock, surrender this charter to the state, and may proceed to wind up the affairs of the corporation and distribute to each of said stockholders such portion or portions of the property of said corporation as the stock owned or held by him may entitle him to.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 72.

An act to incorporate the Transmontane Real Estate and Trust Company.

The General Assembly of North Carolina do enact :

SECTION 1. That R. B. Vance, J. M. Stevens, C. M. McLoud, J. E. Rankin, M. E. Carter and M. J. Fagg, and their associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate, under the name and style of the "Transmontane Real Estate and Trust Company," and shall continue its existence for a period of ninety-nine years, and by that name and style may sue and be sued, plead and be impleaded, adopt a common seal, alterable at pleasure, and a code of by-laws for the management of its business.

Body politic.

Corporate name.

Corporate existence and powers.

SEC. 2. That the said corporation shall have a capital stock of five hundred thousand dollars, which may be increased to one million of dollars when the stockholders may elect to do so. The shares shall be of the par value of one hundred dollars each.

Capital stock.

SEC. 3. That the said corporation shall have power to acquire and hold real and personal estate to such an amount as to them shall seem proper within the limits of the capital stock herein allowed; to deal generally in real estate, by buying and selling the same; to mortgage the same to secure any bonded debt or debts which they may see fit to place on their said property: to purchase and hold lands in trust for any person, party or parties, corporation or corporations, who may want to invest in real or personal estate in the state through the said company, and to charge such compensation therefor as they may deem right and proper in the matter; to improve, handle and develop such lands as they may desire to use for agriculture, mining, milling, factory, dwelling houses or other purposes, in such way as they may deem best, and generally to use, handle, manage, control and improve the same in any lawful enterprise or purpose, and in addition hereto shall have and use, exercise and enjoy all the rights, privileges and powers conferred, and in like manner be subject to all the restrictions and limitations imposed upon "The Scottish Carolina Timber and Land Company, limited," by its charter, which was ratified on the 28th day of February, A. D. 1885.

Corporate powers.

SEC. 4. That this act shall be in force from and after its ratification. In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 73.

An act to incorporate the Cherokee Iron and Marble Company.

The General Assembly of North Carolina do enact:

- Body politic.** SECTION 1. That Edward McCrady, Theodore T. Willen, A. B. Andrews, Allard Memminger, James G. Gibbs, David Schenck, and their associates, successors and assigns, be and are hereby created and constituted a body politic and corporate, by the name and style and
- Corporate name.** title of the Cherokee Iron and Marble Company, for the purpose of working, mining, quarrying and exploring for iron, gold, copper, marble and all other metals and minerals, and for mining, rending, smelting, and working and manufacturing the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, and in all suits and actions, and contract and be contracted with, and may have and use a common seal, and the same may alter at pleasure; and shall have and enjoy all the rights, privileges and powers necessary or incident to mining, smelting, manufacturing and rending metals, minerals or chemicals, and all other purposes of the said corporation, and may also purchase, hold, sell, lease, mortgage, bond or convey real and personal property or estate; and shall have the power to construct a railroad or railroads, not exceeding twenty miles in length of each line of constructed road, from any point on property worked or occupied by the said corporation, to connect with any railroad or projected railroad in this state, and to operate the same, with all the powers, rights and privileges accorded to and possessed by railroad corporations in this state, under the general railroad law of this state, and subject to all the restrictions, terms and conditions thereof.
- Corporate powers.**
- Capital stock.** SEC. 2. The capital of the corporation shall be such an amount as may be fixed by the corporators herein before named, not exceeding five hundred thousand dollars, and the said capital may be increased from time to time by a vote of the stockholders in the manner to be provided by the by-laws of the corporation to an amount not exceeding two millions five hundred thousand dollars. The capital stock shall be divided into shares of one hundred dollars each, which may be transferred in such manner and form as may be provided by the said by-laws, and shall be evidenced by certificates to be issued in accordance with the said by-laws. Each share shall entitle the holder thereof to one vote in meetings of the stockholders and all elections held by them.
- Stock vote.**
- Issuance of stock.** SEC. 3. The corporation may issue its capital stock for money paid into the treasury of the corporation therefor, or in payment for property purchased by the corporation, in such amounts as the directors

may provide or order, and all stock so issued shall be deemed to be and be fully paid stock and not liable to assessments for any purpose whatsoever, and the holders thereof shall not in any event be liable personally for any debts contracted or obligations of the corporation.

SEC. 4. The corporation may be managed by such number of directors to be annually elected by the stockholders from their number as may be provided by the by-laws; and the directors may by a majority vote increase their number from time to time to a number not exceeding thirteen, and such additional directors shall be chosen by the existing board for the remainder of the then current year. The said directors shall also have power to fill vacancies in their number caused by death, resignation or ceasing to be a member of the corporation.

Directors.

Vacancies.

SEC. 5. There shall be an annual meeting of the stockholders on such day as may be fixed by the by-laws; and in case such meeting is not held on the day so fixed, it may be held at any time to be thereafter appointed by the board of directors or upon the call of the stockholders holding at least a fourth part of the capital stock of the corporation: other meetings of the corporation may be called in the same manner.

Annual meeting of stockholders.

Special meetings.

SEC. 6. The affairs of the corporation shall be managed by directors chosen as aforesaid in accordance with the by-laws of the corporation to be adopted by the incorporators herein named, or by the stockholders at a meeting thereof, which by-laws may be altered or amended at any subsequent meeting of the stockholders as may be provided by the said by-laws. The officers of the corporation shall be elected and the agents appointed by the directors.

Affairs of corporation, how managed.

Officers and agents.

SEC. 7. The aforesaid Edward McCrady, Theodore S. Willen, A. B. Andrews, Allard Memminger, James G. Gibbs and David Schenck may manage the affairs of the said corporation as directors until others are duly elected as aforesaid, and the said incorporators may meet and organize and elect such officers and agents as they may deem meet and advisable, to hold office until others are duly elected or appointed as herein provided.

Temporary management by incorporators.

SEC. 8. The corporation shall exist for a period of sixty years from the passage of this act, and this act shall be in force from its ratification.

Corporate existence.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 74.

An act to incorporate the Cranberry and Piedmont Turnpike Company.

The General Assembly of North Carolina do enact :

SECTION 1. That John L. Martin, John A. Dickson, Robert T. Claywell and I. T. Avery of Burke county, and Robert F. Hoke of Wake

Body politic.

Corporate name. Corporate powers.	county, all of the state of North Carolina, and their successors and assigns be, upon complying with the conditions hereafter prescribed and organizing as hereinafter set forth, created a body politic and corporate, for the purposes hereinafter mentioned, under the corporate name of "The Cranberry and Piedmont Turnpike Company," and have all the rights, franchises, powers and privileges granted to corporations under chapter sixteen of The Code of North Carolina, and not inconsistent with the purpose for which this corporation is created.
Books of subscription.	SEC. 2. That any three of the five persons named in the foregoing section shall have the power, after giving notice for four successive weeks by publication in a newspaper published in Burke county, or posting at the court-house door in the town of Morganton, to open books for subscription to the capital stock of said company, and upon the subscription of ten thousand dollars to said stock in shares of one hundred dollars each, the stockholders or subscribers may, upon a further notice of ten days given by any three of said persons as aforesaid call a meeting of stockholders for organization, meet and organize in the town of Morganton (provided two thirds in amount of said stock so subscribed shall be represented in person or by proxy in such meeting) by electing three directors, and designating one of the number to be president of said company. The said directors shall have the power to manage all the business of the said company, to make by-laws for its government, to fill any vacancy in their own number till a regular election, to authorize any officer or employee to make contracts for said company, and shall hold their offices for two years and until their successors shall have been elected and inducted into office, and said directors may elect a treasurer and require him to give bond to the said company, conditioned for the faithful performance of his duties.
Organization.	
Powers of directors.	
Term of office.	
Treasurer.	
Capital stock.	SEC. 3. The capital stock of said company shall be thirty thousand dollars, but may be increased by a vote of a majority of stockholders to one hundred thousand, and the said directors shall provide in the by-laws for calling regular meetings of the stockholders on a notice of thirty days, at least once in every two years, and called meetings when the interests of the company may require such meetings.
Stockholders' meetings.	
Authorized to construct turnpike road from Morganton to Cranberry.	SEC. 4. That the said corporation, when so organized, shall have the power and right to construct a turnpike road from sixteen to twenty feet wide at all other points, or from ten to sixteen feet wide, as may be deemed best, on the mountains from the town of Morganton, in Burke county, to Cranberry, in Mitchell county.
Location of road.	SEC. 5. That the said turnpike road shall not be located along and occupy any road already dedicated to the public, either in Burke county or Mitchell county, west of the Catawba river, for a distance of more than one mile in every three miles of road constructed, except in passing from the Brown mountains to Piedmont Springs: and the said company shall not erect a toll gate on any part of any
Toll gates.	

road in either of said counties already dedicated to the public so occupied by said turnpike when located.

SEC. 6. That said company shall have power to construct a bridge above the high water marks over the Catawba river, without obstructing any public crossing of said river now being used, and also to construct such toll bridges across Linville river and Toe river, at any points where said turnpike road may cross said rivers, and to charge passengers crossing either of said bridges on foot not more than ten cents, and for buggies, wagons or carriages, crossing either of said bridges, and drawn by one horse, not more than twenty cents; if drawn by two horses, not more than thirty cents, and if drawn by four horses, not more than forty cents: and said company shall have the right to erect toll gates on the road so constructed, at any such points as may be selected by its officers (except on portions of public roads occupied by said turnpike as set forth above), and shall have the power to charge not exceeding a half cent per mile for foot passengers, nor exceeding one and one half cent per mile for a wagon, buggy, carriage or other conveyance drawn by horses; but said company shall have the right at any toll gate so erected to charge for the distance to the nearest toll gate in the direction from which a passenger is travelling, not to exceed twenty-five miles.

SEC. 7. That while said turnpike is being constructed, the said company shall give notice, on the completion of a toll bridge or the erection of toll gates in either of said counties, of the rate of charges adopted for crossing said bridges or passing said gate, to the chairman of the board of county commissioners of the county in which said bridge or gate may be located, and the said chairman shall cause notice of said charges to be posted at the court-house door of said county, and said rates shall not be raised during the current year, and the said company shall cause the rates fixed for crossing any toll bridge, or passing any toll gate, in either of said counties, for any year subsequent to the completion of said bridge or erection of said gate, to be published in some newspaper printed in each of said counties, or posted at the court-house for the first thirty days of said year, if no newspaper is published in either of said counties.

SEC. 8. That upon the survey and location of any ten miles of the line of said road in Burke county, the said company may give notice of ten days, signed by one of its officers, to each owner of land on the line so located, and also to W. E. Powe, Anderson Loving, Horace Conelly, W. M. Winters and R. B. Brittain, commissioners of Burke county, of a day fixed for assessing the damages for constructing said road on the line so located over the land of each of said landowners, and thereupon the said Powe, Loving, Conelly, Winters and Brittain, or a majority of them, after having been sworn to fairly and impartially discharge the duties enjoined by this section, shall proceed to assess the damages to each of said landowners growing out of the

Bridge over Catawba river.

Toll bridges over Linville and Toe rivers.

Tolls.

Toll gates.

Tolls.

Notice of rate of charges to be given county commissioners and posted.

Not to be raised during year.

Rates for crossing toll-bridges to be published.

Damages to land, how assessed, &c., in Burke county.

construction of said road, and in ascertaining the damage in each case shall balance as a set off any prospective pecuniary benefit in the enhancement of the value of his land or otherwise to such landowners against the actual damage by the construction of the road, and the damage reported shall be the excess, if any, of such actual damage over the amount of such enhancement or benefit, and the said Powe, Loving, Conelly, Winters and Brittan, commissioners, shall report such assessment so made, in sections of ten miles or more, to the board of county commissioners of Burke county, and said report when filed by said board, or a certified copy thereof, shall be evidence sufficient to entitle such owner of land mentioned in said report to recover the amount of damages as assessed in his favor against said company, at any time within two years after the completion of said road over his said land, unless said company can show that the right of way over said land has been paid for by said company or conveyed by the owner to it; and Samuel Lander, Theodore Franklin, James P. Taylor, W. A. Erwin and W. H. Ollis are appointed commissioners to assess damages on said road in Mitchell county, and it shall be their duty on notice to them and the landowners along ten or more miles of the line of said road located, given in the same way, to proceed to assess damage to landowners in said portion of the line in Mitchell county in the same way as above prescribed in the case of said commissioners from Burke county, and shall report to the board of county commissioners of Mitchell county, and their report when filed by said board shall have the same legal effect as that of said commissioners appointed for Burke county.

Assessment of damages in Mitchell county.

Vacancies in board of commissioners to assess damages.

SEC. 9. That in case any of the commissioners appointed to assess damages in either of said counties shall refuse to serve, die, or remove from the county in which he now resides, the board of commissioners of the county for which he is appointed shall appoint another in his place, at the request of any of his associates or of said company; but a majority of the five commissioners above named for each of said counties shall have the right to act and discharge all of the duties prescribed in the foregoing sections, and in case the commissioners appointed for either of said counties shall fail to assess the damages of any landowners, then, on notice from such landowners to them, and said company, after ten days as aforesaid, upon similar notice by the said company to said landowners and the commissioners for the county in which said land is located, the said commissioners shall proceed to assess damages and report as herein before prescribed, and where said road shall pass over the land of an infant or infants, or person *non compos mentis*, notice to the guardian of said infant or lunatic will be sufficient, or the board of county commissioners may appoint a guardian for the purpose of looking after such assessment for an infant or person *non compos mentis* without guardian, and then the notice to such guardian so appointed shall be sufficient, and

Majority authorized to act.

Remedy when commissioners fail to assess.

Lands of infants, &c.

notice may be given to non-residents by publication for four successive weeks, or actual service on some tenant on the land holding under such non-resident. Non-residents.

SEC. 10. That the said company shall have and hold the land for twelve feet from the center of their road on both sides, as located, except where they have made contracts inconsistent with so holding with the owner of land, and shall have the right to cut down deadened and dead trees for fifty feet on each side of the centre of said road, and no person except an infant or person *non compos mentis*, where damage has not been assessed as prescribed in the preceding section, shall have the right to sue said company for damage to any land caused by constructing said road, after the said turnpike road shall have been completed and used over said land for two years. Width of right of way.
Actions for damages, when barred, &c.

SEC. 11. That after the organization of said company the board of directors of the state penitentiary shall furnish, upon the filing by said company of a bond in the sum of fifteen thousand dollars, conditioned to secure the quarterly payments for hire of said convicts, to said company one hundred able bodied convicts at the same rate per capita as paid for hire of convicts by the Western North Carolina railroad company, and as is prescribed in section seven, chapter twenty-six, of the laws passed at the special session of the general assembly of North Carolina in the year eighteen hundred and eighty: *Provided*, that in the opinion of the said board of directors the said number of convicts can be furnished without violating the obligations of the state to furnish convict labor for any other purpose: *Provided*, said convicts shall be paid for in cash and not in bonds. Convict labor.
Proviso.
Proviso.

SEC. 12. That the franchises herein before granted to said company shall be enjoyed by said company and its successors for fifty years, if said company shall have been organized within two years after the ratification of this act. Corporate existence.

SEC. 13. That nothing contained in this act shall in any way affect, interfere with or diminish the convict force granted or assigned to the construction of any railroad or other work of internal improvement by prior acts of this general assembly. Convict labor heretofore granted railroads, &c., not to be interfered with.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 75.

An act to repeal chapter eighty-three, private laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter eighty-three, of private laws of eighteen hundred and eighty-three, be and the same is hereby repealed. Chapter 83, private laws 1883, repealed. (Act establishing ferry across Toe river.)

SEC. 2. 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 4th day of March, A. D. 1887.

CHAPTER 76.

An act to amend the charter of the town of Smithville in Brunswick county, and to change the name thereof.

The General Assembly of North Carolina do enact :

Name changed to Southport.

SECTION 1. That the name of the town of Smithville, in the county of Brunswick, be changed to Southport.

Various acts amended by changing name to Southport.

SEC. 2. That the charter of the said town of Smithville, granted by the general assembly November fifteenth, seventeen hundred and ninety-two, and all acts of subsequent legislation respecting said town, be so amended as to erase the name of "Smithville," wherever it occurs in said charter or subsequent acts, and to insert Southport in lieu thereof.

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

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 77.

An act to authorize the city of Asheville to exchange certain bonds.

The General Assembly of North Carolina do enact :

Authorized to issue large bonds in exchange for smaller bonds.

SECTION 1. That the mayor and board of aldermen of the city of Asheville are empowered and directed, on the application of any holder of the bonds of said city, to the amount of one thousand dollars, but of denominations of less than five hundred dollars, to issue in exchange therefor, at the cost of the applicant, bonds of the denomination of five hundred dollars, or one thousand dollars, at the option of the holder.

Validity of new bonds.

SEC. 2. In all other respects and conditions, the new bonds shall be the same as those for which they are substituted.

SEC. 3. 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. 1887.

CHAPTER 78.

An act to incorporate Leak, Wall and McRae, in the county of Richmond.

The General Assembly of North Carolina do enact :

- SECTION 1. That Thomas C. Leak, Henry C. Wall, Jennie W. McRae, James P. Leak and W. C. Leak, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of "Leak, Wall & McRae," and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered in any of the courts of the state.
- SECTION 2. The capital stock of said corporation shall be forty thousand dollars, to be divided into shares of one hundred dollars each, with power to increase said capital stock at any time from time to time, to any sum not exceeding in the aggregate one hundred thousand dollars.
- SECTION 3. Said corporation shall have power and authority to carry on in all its branches the manufacture and sale of yarns, thread and all textile fabrics out of cotton and any other material; and may, in connection with said business of manufacturing, buy, sell and deal in goods, wares and merchandise of every kind and description, grind grain and gin cotton, at its will and pleasure.
- SECTION 4. Said corporation shall have power to lease, purchase, hold and convey real estate, and to purchase personal property of any kind and description necessary for its business, and to issue the whole or any part of its capital stock in payment therefor; and to borrow money and issue bonds or other evidences of any indebtedness so created.
- SECTION 5. The stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and the transaction of its business; they shall have power to elect, in such manner as a majority of the stockholders may prescribe, such officers as they deem necessary, prescribe their duties, compensation and terms of office 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.
- SECTION 6. As such corporation they may have a common seal, which they may break or alter at pleasure.
- SECTION 7. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the incorporators waive such notice or publication in writing, and fix a time for the first meeting of said corporation.

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Corporate powers in relation to manufacturing, &c.

Corporate powers in relation to holding real estate, borrowing money, &c.

By-laws, &c.

Officers.

Common seal.

No notice of first meeting required.

Stockholders not individually liable for corporate debts.

SEC. 8. That the corporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable or responsible for the debts, liabilities, contracts, engagements or torts of the corporation.

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 4th day of March, A. D. 1887.

CHAPTER 79.

An act to amend the charter of the town of Hickory in Catawba county.

The General Assembly of North Carolina do enact:

Chapter 52, private laws 1879, amended.

Officers.

How elected.

Terms of office.

SECTION 1. That section three of chapter fifty-two of the acts of eighteen hundred and seventy-nine, entitled "an act to incorporate the town of Hickory, in the county of Catawba," shall be and the same is hereby amended to read: "Section 3. The officers of the said town of Hickory shall consist of a mayor, six commissioners, a secretary and treasurer and a town marshal, to be elected and hold their offices as follows: the mayor and commissioners shall be elected by the qualified voters living within the corporate limits of the town on the first Monday in May, and the commissioners shall elect the secretary and treasurer and the town marshal. The mayor, secretary and treasurer and town marshal shall hold their offices for the term of one year and until their successors are elected and qualified, unless removed as hereinafter provided. The full term of the commissioners shall be two years; but at the election for mayor and commissioners in May, eighteen hundred and eighty-seven, the commissioners to be elected shall be divided into two classes—the three voted for and receiving the highest vote to be elected to serve two years, and the three receiving the next highest vote to be elected to serve one year, and at every succeeding municipal election on the first Monday in May there shall be elected a mayor and three commissioners, who together with the three commissioners elected the preceding year shall comprise the board of town commissioners.

Three commissioners to be elected annually.

SEC. 2. That the word "six," between the brackets in line seven of section five of said act shall be changed to "three," so as to make the election conform to the provisions of section one of this act.

Powers of commissioners.

SEC. 3. That section ten of said act of incorporation shall be amended by adding thereto at the close, and following the word "moved," "The said commissioners shall have power to purchase a lot and erect thereon a suitable building for mayor's office and com-

missioners' room and a guard-house, and other places for the housing and preserving the fire engine, tools and other property of the town, and pay for the same out of the town treasury. They shall also have power to purchase suitable land and lay the same out for the purpose of burial of the dead, in such place within the corporate limits as they may deem necessary for such purpose, and if a special tax is necessary to provide funds for said purchase, they, the said commissioners, are hereby authorized to ascertain the amount and submit the question of "tax" or "no tax" to the qualified voters of said town, after giving six weeks' notice in the newspapers of the town. If a majority of the votes are for "tax," then the commissioners may purchase, but if a majority vote "no tax," then there shall be no special tax for said purpose.

Election on question of special tax to purchase cemetery.

SEC. 4. This act shall be in force from and after its ratification, and all laws and clauses of laws relating to the charter of said town of Hickory 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 4th day of March, A. D. 1887.

CHAPTER 80.

An act to amend the charter of the Wilkesboro Bridge Company, giving them the right of way.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of "The Wilkesboro Bridge Company," ratified by the general assembly at its session of eighteen hundred and eighty-three, be amended so as to read after the word "Wilkesboro," and before the word "from," in line three of section two, that John T. Peden, W. M. Absher and Iredell T. Prevett are hereby appointed commissioners to assess the damages to be paid by said bridge company for the sites of said bridge, and to lay off and locate a road of not less than twenty feet in width from the north end of said bridge to the foot of the hill near a gate, thence diverging to the most accessible points on the public roads leading respectively from Wilkesboro, North Carolina, to Jefferson, North Carolina, and from Wilkesboro, North Carolina, to Trap Hill, North Carolina, to be used by said bridge company as a right of way to their said bridge, and the commissioners herein named shall assess the damages to be paid by the said bridge company, and make a report of their proceedings to the clerk of the superior court of Wilkes county, which report shall be approved by said clerk and ordered to be recorded in the office of register of deeds of Wilkes county, and any party interested may appeal from the clerk to the superior court as to the amount of

Chapter 36, private laws 1883, amended.

Commissioners appointed to assess damages and to lay off road, &c.

Appeal.

- Proviso.** damages assessed only : *Provided, however,* that no appeal shall prevent said bridge company from entering upon and opening up the road as laid off by said commissioners if the said bridge company shall deposit with the clerk of the superior court the full amount of damages assessed to the party appealing, to be held subject to the final decision of the courts.
- Unlawful to erect ferry-boat within two miles.** SEC. 2. That section six be amended by adding the words "or erect a ferry boat," after the word "bridge," and before the word "across," in line two.
- Compensation of commissioners. Surveyor.** SEC. 3. That said commissioners shall be allowed two dollars each per day for their services, and shall have power to employ a surveyor, and shall be paid by said bridge company.
- Vacancies.** SEC. 4. That in the event the commissioners herein named, or any of them, shall fail to qualify and act within twenty days after the passage of this act, or sooner if notified by said commissioner, then the clerk of the superior court of Wilkes county shall fill any and all vacancies in the herein before created commission.
- Conflicting laws repealed.** SEC. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.
- SEC. 6. This act shall be in force from and after its ratification.
- In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

 CHAPTER 81.

An act to amend an act entitled an act to incorporate the Wilmington Street Railway Company, passed at the present session of the general assembly.

The General Assembly of North Carolina do enact :

Chapter 21, ante, amended.

Consent of aldermen necessary before beginning construction of road.

Two miles of road to be completed and operated within five years.

Limitation of "exclusive right."

SECTION 1. That section second of said act be amended by adding at end of said section the following, to-wit: *Provided further,* that before constructing or beginning the construction of the said street railway, or any part or line thereof, upon or along any street in the said city of Wilmington, it shall be obligatory upon the said company to first obtain the consent and approval of the board of aldermen of said city, who, if they consent to the use of said street, shall determine over what portion of the same the said railway shall be constructed.

SEC. 2. That section five of said act be amended so that the proviso at the end of said section shall read as follows: "that not less than two miles of some one line thereof shall be completed and put in operation within five years after the granting of this charter."

SEC. 3. That section five of said act be further amended by inserting the following words before the proviso in said section, to-wit: "but such exclusive right shall be confined to street railways alone,

and shall not be construed to prevent or prohibit existing railroad companies, or any railroad company hereafter chartered, except for operating a street railway, from constructing their lines of railroad into the said city, or over any of the streets of the same."

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. 1887.

CHAPTER 82.

An act to incorporate "The Winston Land and Improvement Company."

The General Assembly of North Carolina do enact:

SECTION 1. That J. C. Buxton, George W. Hinshaw, C. B. Watson, James A. Gray, H. W. Fries, F. H. Fries, J. W. Alspangh, R. D. Brown, W. A. Whitaker and their associates are hereby declared a body politic and corporate, under the name and style of "The Winston Land and Improvement Company," 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.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing said stock to an amount not to exceed one million dollars, to be divided into shares of one hundred dollars each.

SEC. 3. That whenever the sum of twenty thousand dollars shall have been subscribed to the capital stock and five per centum paid in, it shall be the duty of said corporators, or any five of them, to call a general meeting of the stockholders, and at such meeting to elect five directors, one of whom shall be elected president by said directors, whose term of office shall be one year, and hold their offices until others are chosen.

SEC. 4. It shall be the duty of the president and directors to elect a treasurer, who shall remain in office such a length of time as the by-laws may determine.

SEC. 5. It shall be the duty of the directors and treasurer to make a report at least once a year to the stockholders on the state of the company.

SEC. 6. The principal place of business of said corporation shall be in Winston, North Carolina.

SEC. 7. The said corporation shall make rules and regulations, as may seem proper to them for the government of the corporation, and to require bonds from such officers as they may choose

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Organization.

Directors.

President.

Treasurer.

Annual reports.

Place of business.

By-laws, &c.

Bonds of officers.

for the faithful performance of their duties, payable to the corporation.

Corporate powers.

SEC. 8. That said corporation shall have power to take by purchase, lease 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 to convey the same through their president, treasurer and other proper officers as freely as citizens of this state can or may do. They shall have power to develop the resources of said lands by building, mining or otherwise, to aid, encourage and promote immigration into the property of the company; to deal with, manufacture and render saleable the timber found on the said property: to subscribe to the capital stock of any and all enterprises which may be projected in this state: to buy, manufacture and sell all kinds of goods, chattels and effects required by the company: to construct mills, workshops, hotels, or other business premises, and maintain them: to sink mines for the purpose of mining minerals and coal; to build and equip with rolling and other stock, and build and operate rail, tram, turnpike or other roads connecting the property of the corporation with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams or depressions; to establish and maintain telegraph lines, canals, aqueducts, reservoirs, streets, gas works and any other works that may be deemed necessary or convenient for the corporation: 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, dams or other works, to enter upon any lands to which may not have title or the right of possession, and is unable to agree with the owners thereof for the compensation therefor, the mode of procedure to secure the condemnation of such lands shall be as prescribed by law. They shall have power to purchase, lease or otherwise acquire any real or personal property, and take title thereto in the name of the company: to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of, or otherwise deal with all or any parts of the property of the company, through their proper officers: to lend money, to make, accept and execute promissory notes and other negotiable instruments: to raise money in such manner as the company may see fit; to issue mortgage bonds upon any and all of the company's property: to deal in all mineral products, crude and manufactured. They shall have power to erect and maintain cotton factories, woolen mills, saw mills, grist and flouring mills, and all other mills and factories which the said corporation shall deem it suitable to erect and maintain: and to do all such other things as are incidental or conducive to the attain-

ment of any or all of the above objects; they shall have power to erect and maintain iron and steel furnaces.

SEC. 9. This corporation shall exist and be in force and effect for a period of ninety-nine years from the day of the ratification of this act. Corporate existence.

SEC. 10. That all sections or parts of sections of chapter forty-nine of The Code of North Carolina in conflict with the provisions of this act are hereby declared inoperative so far as they affect the privileges, rights and powers hereby conferred. Conflicting portions of chapter 49, Code, inoperative as to this corporation.

SEC. 11. 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. 1887.

CHAPTER 83.

An act to be entitled an act to amend the charter of the Atlantic Fire and Hook and Ladder Company.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled an act to amend an act entitled an act to incorporate the Atlantic Fire Company, No. 1, in the town of New Berne, ratified the twenty-second day of March, Anno Domini eighteen hundred and sixty-nine, be amended as follows: That the Atlantic fire and hook and ladder company shall hereafter be known by the name and style of the "Atlantic Steam Fire Engine Company, No. 1." Chapter 65, private laws 1868-9, amended.
Name changed.

SEC. 2. That all the privileges and immunities conferred by any act of the legislature upon the members of the New Berne Steam Fire Engine Company, No. 1, of the city of New Berne, be and are hereby conferred upon and granted to the members of this company. Corporate powers.

SEC. 3. That all laws in conflict with this act are repealed.

SEC. 4. That 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 4th day of March, A. D. 1887.

CHAPTER 84.

An act to amend chapter seventy-two laws of eighteen hundred and eighty-five, in relation to the charter of the Henderson Savings Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy-two, section six, of the laws of eighteen hundred and eighty-five, entitled "an act to incorporate the" Chapter 72, private laws, 1885, amended.

Liability of
stockholders.

Henderson Savings Bank," is hereby amended by adding the following: "and every member of this corporation shall be liable to the extent of the par value of his stock, and nothing more, for any debts, contracts or engagements of said corporation."

SEC. 2. 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. 1887.

CHAPTER 85.

An act to amend chapter one hundred, of the acts of eighteen hundred and eighty-three, entitled "An act to incorporate Central Institute for Young Ladies," as follows :

The General Assembly of North Carolina do enact :

Chapter 100, private laws 1883, amended.

SECTION 1. That the words "Central institute for young ladies," in line ten, section one, page eight hundred and twenty-eight, of chapter one hundred, of acts eighteen hundred and eighty-three, entitled "An act to incorporate Central institute for young ladies," be and the same is hereby amended by striking out "Central institute for young ladies," and inserting instead thereof "Littleton Female College," and by adding the following clause to said section: And that under this act of incorporation authority is conferred upon Littleton female college to grant diplomas or issue such other certificates of merit as the faculty of said college with the president of the board of directors shall deem advisable.

Name changed to Littleton Female College.

Authorized to grant diplomas, &c.

In the general assembly read three times, and ratified this the 4th day of March, A. D. 1887.

CHAPTER 86.

An act to amend the charter of the town of Taylorsville.

The General Assembly of North Carolina do enact :

Incorporated.

Corporate limits.

SECTION 1. That the inhabitants of the town of Taylorsville living within the territory bounded as follows, viz.: Beginning on a stone corner in Dr. McMatherson's field, thence north sixty-five degrees west (crossing Oxford ford road) one hundred and thirty-one poles to a stake, witnessed by a post oak on the south, post oak on the east, Spanish oak on the west and a pine stump on the north; thence north twenty degrees west, crossing the factory road as marked by blazed trees, crossing the Lenoir road at blacksmith's

shop, one hundred and thirty-one poles to a stake in Moses Watt's field; thence north twenty-five degrees one hundred and thirty-one poles to a stake on the east side of a branch in R. A. Wilson's field; thence north seventy degrees east, crossing the Wilkesboro road, to a stake by a fallen chestnut on the south side of a hill; thence south sixty-five degrees east one hundred and thirty-one poles, crossing the Cedar Run road, to a stake near R. Z. Linney's house; thence south twenty degrees east one hundred and thirty-one poles, crossing the Hamptonville road, to a stake on the bank of the Statesville road, near the cemetery; thence south twenty-five degrees west one hundred and thirty-one poles to a small black gum; thence south seventy degrees west one hundred and thirty-one poles, crossing the Island ford road south of the branch to the beginning, shall be and continue as they have heretofore been, a body politic and corporate; and thenceforth the corporation shall bear the name and style of the town of Taylorsville, 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 purpose 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 town shall be vested in one principal officer, to be styled the mayor, a board of three commissioners, and such other officers as are hereinafter provided for.

Officers.

SEC. 3. The mayor and commissioners shall hold their office for one year and until their successors are qualified.

Terms of office.

SEC. 4. The board of commissioners for Alexander county shall appoint at or before their meeting in March, one thousand eight hundred and eighty-seven, and every year thereafter, a registrar of voters for the town of Taylorsville, and shall cause publication thereof to be made at the court-house door and notice to be served on such persons by the sheriff.

Registrar.

SEC. 5. Said registrar 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-seven and thereafter, to open their books at some convenient place in the town of Taylorsville 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 the town of Taylorsville, 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 the town, and if any applicant for registration shall not dis-

Duties of registrar.

close the place of his residence in the town, his wilful failure to do so shall be *prima facie* evidence that he is not entitled to register in the town. 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 county of Alexander for ninety days and in the town of Taylorsville for 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 annually, but such registration book shall be revised so as to show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. And such registrar shall on or before the last Monday in March annually open said books for the registration of any electors entitled to registration whose names have never before been registered in the town of Taylorsville or do not appear in the revised list: *Provided, however*, that the town commissioners may at any time order a new registration in the manner herein prescribed.

Oath of elector.

Penalty for false swearing.

Proviso.

New registration.

Registration books, when closed, where deposited, &c.

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 the town 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 town, and citizens desiring so to do may inspect them. The town 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 town clerk at the time prescribed shall receive no compensation for making said registration.

Penalty.

Judges of election.

Polls, where opened.

Election, how held.

SEC. 7. The board of commissioners of Alexander county at or before their meeting in March, one thousand eight hundred and eighty-seven, and annually thereafter, shall appoint two judges of election for the town of Taylorsville 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 the court-house in the town of Taylorsville. 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, twenty-six 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.

SEC. 8. All electors who have resided in the town of Taylorsville thirty days and the county of Alexander for ninety 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 Alexander county, who shall attend the polls and by his deputies preserve order.

Electors.

Sheriff to supervise election.

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 commissioners of said town shall be voted for on one ballot.

Election, how conducted.

Challenges.

Ballots.

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 town clerk for preservation.

Ballots, &c., to be preserved.

SEC. 11. If, among the persons voted for for commissioners in said town, there shall be any two or more having an equal number of votes, the judges of election for said town shall decide the election between such persons. As soon as the result of the election in the town is determined two certificates thereof shall be made under the hands of the judges and registrars, setting forth in writing and in words the number of votes of each candidate received, one of which certificates shall be delivered to the sheriff of Alexander county, who shall at once make proclamation thereof at the court-house door, and the other shall be delivered to the mayor of the town of Taylorsville, and upon application they shall also furnish to each person elected commissioner a certificate of his election. The town commissioners shall fill all vacancies occurring in their board by death, resignation or otherwise.

Tie vote for commissioner.

Certificates of election.

Vacancies.

SEC. 12. The mayor shall be elected by the qualified voters of the town of Taylorsville, for the term of one year, and until his successor shall be elected and qualified. The town commissioners may allow said mayor an annual salary not exceeding one hundred dollars, to be paid out of the town treasury. In case a vacancy shall occur in the office of mayor, the town commissioners 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 Alexander county shall determine the matter by his vote.

Term of office of mayor.

Salary.

Vacancy.

Tie vote.

SEC. 13. That on or before the fifth day after the election, the mayor and commissioners so elected shall meet at the town hall or some

Oath of mayor and commissioners.

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 town commissioners with fidelity and integrity, to the best of their ability, which oath shall be administered by a judge, justice of the peace, or former mayor.

Jurisdiction of mayor.

SEC. 14. The mayor of said town of Taylorsville, while acting as such, is hereby constituted an official court, with all jurisdiction and powers in criminal offences occurring within the limits of said town 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 the town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal. And in all cases where a defendant may be adjudged to be imprisoned by the mayor, it shall be competent for him to adjudge also that the said defendant work during the period of his confinement on the public streets, or other public work of said town.

Persons convicted liable to work on streets.

Precepts of mayor.

SEC. 15. That the mayor may issue his precepts to the chief of police or town constable and to such other officers to whom a justice of the peace may direct his precepts.

Mayor to keep minutes. Judgments of mayor.

SEC. 16. That the mayor shall keep a faithful minute of 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.

Duties of mayor.

SEC. 17. That the mayor, when present, shall preside at all meetings of the town 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 from the board may appoint one of their number *pro tempore* to exercise his duties.

Mayor *pro tem*.

Board of commissioners.

SEC. 18. That the commissioners 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 or times of meeting, which shall be as often at least as once in every two months; 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 shall be notified, and when called by a majority of the commissioners, such as shall not join in the call shall be notified.

Meetings.

SEC. 19. That the board of 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, not inconsistent with this act or with the laws of the land. **Ordinances, &c.**

SEC. 20. That among the powers hereby conferred on the board of commissioners, they may borrow money or create a public debt by issuing bonds or otherwise, only after they have passed an ordinance by a two thirds' vote of the entire board at a regular meeting 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 an election in some newspaper published in Taylorsville, 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 so to do. They may 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 town, and to execute the ordinances thereof, to suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, and may appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. **Authorized to borrow money, &c., with consent of voters, &c.**
Election.
New registration.
Powers of board.

SEC. 21. That at the first meeting of the board of commissioners or as soon thereafter as practicable, they shall elect a town clerk, who shall act as treasurer, and a tax collector, who shall respectively hold their offices during the term of the board electing them and until their successors are elected and qualified, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of commissioners, 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 by the clerk and tax collector shall be renewed every year. **Clerk and treasurer.**
Tax collector.

SEC. 22. That the clerk shall have such reasonable salary as the commissioners may designate, 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 town and disburse the same according to an order given in obedience to the direction of said board appear- **Oaths.**
Bonds.
Salary of clerk.
Duties.

ing 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 town, and to faithfully perform all duties imposed on him as clerk by the laws and ordinances of said board.

Powers and liabilities 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 town 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 uncollectible. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days, under a penalty of ten per centum per month to the town upon all sums so unlawfully retained. The board of commissioners 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 town clerk and audit and settle the accounts of the town clerk; the accounts so audited shall be reported to the board of commissioners, 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 commissioners, 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 town, as set forth in section fourteen 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 with tax collector and clerk.

Removal of tax collector.

Failure to pay taxes a misdemeanor.

Work on streets.

Police.

SEC. 24. That the board of commissioners shall have the power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the town 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 commissioners may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town, and to faithfully account for all moneys that may come into his hands from fines, penalties and so forth. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force. It shall be the duty of the chief of police to attend the mayor's court each day and report any violations of law or ordinances of the town, to collect all fines and penalties imposed and pay the same to the town treasurer, and to execute the orders and judgments of said court, see that the laws and ordinances of the town are enforced and to do such other things as are required of him by the board. 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 town, 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.

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 town commissioners shall pass ordinances for the government and direction of the police and fix their compensation. In time of exigency the mayor may appoint temporary additional policemen for such time as may appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

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 commissioners 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 commissioners 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

Chief of police.

Powers and duties.

Oath.

Fees of chief of police.

Temporary additional policemen.

Suspension of policemen by mayor.

Duty of commissioners.

Suspension for drunkenness.

Police to wear badges, go armed, &c.

Powers.

good order and peace of the town and secure the inhabitants from personal violence and their property from loss or injury.

Weighmaster. SEC. 28. That the said board of commissioners may in their discretion as soon after their election as necessary appoint a weighmaster, whose duty it shall be to weigh all cotton sold in said town, and an
Inspector. inspector, whose duty shall be to inspect all flour, provisions, forage and all other marketable produce in said town in their judgment
Bonds. requiring weighing or inspection, and the weighmaster and inspector so appointed shall give bond with approved security payable to the town of Taylorsville in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law and the ordi-
Oath. nances of the town, and shall take an oath before the mayor before entering upon their duties. And the board of commissioners shall
Removal. have power to remove either of them for misbehavior or neglect, or malpractice in office, and appoint a successor instead. And the board
Fees, &c. of commissioners 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.
Other officers. They may also appoint a town engineer, a town attorney and a sanitary policeman, and prescribe the duties required of each and fix their compensation.

Auctioneers. SEC. 29. That the said board of commissioners shall have power at any time to elect one or more auctioneers for the town of Taylors-
Bond. ville, 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 of auctioneer by law, which said bond shall be filed with the mayor to be by him safely kept, and
**No other auction-
eers.** when the town commissioners shall have appointed said auctioneer and he shall have filed his bond, no person shall exercise the office of auctioneer in said town except those duly appointed by the board of commissioners, and the said board may maké ordinances regulating auction sales in said town; 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.

Tax.
**Listing of prop-
erty for taxation.** SEC. 30. That the clerk shall, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the town of Taylorsville who own or have control of taxable property in the town 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 town; said list shall state the number of lots or parts of lots and all other property now taxable, or that may hereafter be made taxable by the laws of the state or the ordinances of the town, and the list so returned to the clerk 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 town of Taylorsville, a full and accurate list of all personal property and a full and accurate list of all stock, bonds, income, solvent credits and other property subject to taxation by the laws of the state and ordinances of the town of Taylorsville, according to my best knowledge, information and belief, so help me God." And from the return so made the clerk 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, and in the same manner as tax lists are made out by law for collection of state taxes. And the said clerk shall copy in said book the assessment made by the board of township assessors all property within the town limits, which assessment may be revised, corrected and amended by the board of commissioners.

SEC. 31. That the clerk shall, within thirty days from the return of the tax lists, make out to the best of his knowledge and belief, by comparing his book with the returns made to the board of township assessors, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said town who shall have failed to return a list in the manner and time aforesaid, and said person 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 commissioners 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 fail to render a satisfactory excuse to the board of commissioners on or before the first day in August of each and every year respectively, shall pay a double tax as in case of failure to return for state and county taxes.

SEC. 32. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, viz.:

(1.) On real estate and personal property, situated in the town, a tax not exceeding one dollar on every hundred dollars' value.

(2.) On all taxable polls a tax not exceeding three dollars, who may be residents in the town on the first day of June of each year, or may have been so resident within sixty days next preceding that day.

(3.) On every four-horse omnibus, a tax not exceeding twenty-five dollars, on every two-horse omnibus, a tax not exceeding fifteen dollars.

(4.) On every dray or express wagon drawn by one or two horses, a tax not exceeding fifteen dollars; if drawn by more than two horses, a tax not exceeding fifteen dollars.

- Carriages, &c. (5.) On all carriages, buggies, sulkies, or other vehicles used in the town for the carriage of persons for money or hire, a tax not exceeding fifteen dollars.
- Levy of taxes. SEC. 33. That as soon as the clerk shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of commissioners 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 clerk, and the collector for his compensation shall receive not exceeding five per centum on the amount collected, in the discretion of the town commissioners.
- Collection, &c. 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 town, if the property to be sold be personalty, and of thirty days if the property be realty.
- Compensation of tax collector. 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 commissioners, together with a particular description of the real estate, and thereupon the commissioners 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 town of Taylorsville, which the collector shall do. And the collector shall divide the said lands 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.
- Collection by distress, &c. 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 shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee.
- Sale of land for taxes. SEC. 36. That the collector shall return an account of his proceedings to the commissioners, 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 proceedings 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 town treasury subject to the demand of the owner.
- Purchase by town. SEC. 37. The taxes for town 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
- Tax collector to make returns, &c.
- Surplus.
- What property taxes to be levied on.

the value in money. A tax for town 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.

SEC. 38. That if the real estate sold as aforesaid shall not be redeemed within the time required by law, the corporation shall convey the same in fee to the purchaser or his assigns; and the recital in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or 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.

Conveyance of land to purchaser.

Prima facie evidence.

SEC. 39. 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 town 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 owners may be forthwith distrained and sold to satisfy the same, viz. :

License taxes.

(1.) Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding fifty dollars per year, except such only as sell books, charts or maps.

Peddlers, &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 one hundred dollars, reserving the right to remove it or them at any time as a nuisance.

Bowling alleys, &c.

(3.) On all keepers of eating-houses or restaurants, fish or meat, or vegetable or bread stands or fruiterers, a tax not exceeding twenty-five dollars per year.

Restaurants, &c.

(4.) Upon every company of circus riders, who shall exhibit within the town 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, &c.

(5.) Upon every person or company exhibiting in the town or within two miles thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menagerie, a tax not exceeding one hundred dollars for every day they exhibit.

Theatrical, &c., companies.

(6.) Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted), in the town 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 kind, and on each concert for reward, and on every strolling musician, except for charitable purposes, a tax not exceeding twenty dollars, to be paid before exhibition.

Shows, concerts, &c.

(8.) On every license to sell wines, cordials, malt and spirituous liquors, a tax not to exceed three hundred dollars, reserving the right

Liquor dealers.

in each instance to levy a tax on wines, malt and spirituous liquors as merchandise.

Taxes to be uniform.

SEC. 40. That taxes for town purposes shall be levied on all real estate 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 clerk, and no appropriations thereof shall be made but by a board constituted of a majority of all the commissioners.

Appropriations.

Streets.

SEC. 41. That the board of commissioners 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.

Condemnation of land.

That when any land or right of way shall be required for the purpose of opening new streets or for widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof, or the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen one by the land owner and one by the commissioners, which two so chosen shall choose the third freeholder, or if the land owner shall refuse or fail to choose one of the freeholders as above directed, the town commissioners may choose two, who shall select the third, 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 in right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such street 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 of commissioners 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 improvements.

Appeal.

Proviso.

Sidewalks.

SEC. 42. That the board of commissioners shall further have power to cause the sidewalks to be curbed and paved or repaired when deemed necessary.

Cemeteries, &c.

SEC. 43. That the board of commissioners 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 town whenever they shall deem it expedient.

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 town the mayor, or in his absence a majority of the commissioners 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 order; they shall also have power to establish fire limits within said town, within which it shall not be lawful for any person to erect or build any wooden house, make any wooden addition 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 commissioners 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.

Prevention of fires.

Fire limits.

Penalty.

SEC. 45. That they shall have power to make ordinances to prohibit or control the firing of firearms, fire crackers, torpedoes and other explosive materials and to govern the sale thereof in the town; 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 town limits: to prohibit said railroads from stopping their engines or cars on said street, and to require said railroads to keep the street crossings in good repair; the manner in which powder and other explosives and inflammable substances may be kept and sold; the manner in which commercial fertilizers may be stored; the manner in which dogs and hogs may be kept and to prevent them from running at large in said town; 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 expenses 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.

General powers of commissioners.

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 town, and the power and authority of said board of commis-

Nuisances, &c.

- tioners for the abatement and removal of nuisance shall extend one mile beyond the town 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 expense as above, which expense 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 town limits to be removed or abated, and for the removing or abating any such nuisance the person creating the same shall pay the expense as above required.
- Proviso.** 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 town and to regulate the manner in which the streets and markets of said town may be used and kept.
- Sale of provisions, &c.** SEC. 48. That the board of commissioners shall have power to grant and cancel licenses to sell wines, malt or spirituous liquors within said town to any person whom they may think proper: *Provided*, the party to whom the license is issued shall pay first such tax 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 town or in one mile thereof unless licensed by the town commissioners.
- Sale of liquors.** SEC. 49. That all fines and penalties imposed by this act or which are or may be imposed by the ordinances of said town or the laws of the state, when tried and recovered before the mayor of said town, shall be paid to the town clerk for the use of said town.
- Proviso.** SEC. 50. That no mayor or commissioner or other officer of said town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall be guilty of a misdemeanor.
- Unlawful to sell within one mile without license.** SEC. 51. 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.
- Fines, &c.** SEC. 52. That for the violation of any ordinance or by-law made by said board of commissioners 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.
- Misdemeanor for officer to be interested in town contracts.** SEC. 53. That all penalties imposed by law relating to the town, or by this act, by any ordinance of the town, shall be recoverable in the
- Public buildings.**
- Wooden buildings.**
- Penalties for violation of ordinances.**
- Penalties, how recoverable.**

name of the town of Taylorsville, before the mayor or other tribunal having jurisdiction thereof.

SEC. 54. The mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: for any 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 town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents.

Fees of mayor.

SEC. 55. That any person or persons violating any ordinance of the town shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of chapter sixty-two of The Code, volume two, entitled "towns and cities."

Violation of ordinances a misdemeanor.

SEC. 56. That if any vacancy occur in the office of mayor by death, resignation or otherwise, and there is not a board of commissioners competent to fill such vacancy as herein before provided for, then the board of commissioners of Alexander county, on such fact being made known to them, shall appoint a recorder for said town, whose duty it shall be to preside at the town 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. 57. 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.

No increase or diminution of salaries.

SEC. 58. 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 town, 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 per-

Vagrants.

Misdemeanor.

Work on streets.

sons to be farmed out to work the public streets, or other public work of said town, as set out in section fourteen of this act.

Tramps.

SEC. 59. 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 and 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.

Conflicting laws repealed.

SEC. 60. That all laws or parts of laws in conflict with this act are hereby repealed, and that 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. 1887.

CHAPTER 87.

An act to incorporate the South Atlantic Telegraph Company.

The General Assembly of North Carolina do enact :

Body corporate.

SECTION 1. That W. W. Goodwin, James McManes, Hector T. Fenton, David H. Lane, Thomas V. Cooper, Robert M. Evans, James Work and John Bardsley, or a majority of them, their associates, successors and assigns, be and they are hereby constituted a body corporate in fact and in law, under the name and style of "The South Atlantic Telegraph Company," and as such shall have perpetual 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.

Capital stock.

SEC. 2. That said corporation shall have a capital stock of fifty thousand (\$50,000) dollars, divided into shares of the par value of fifty (\$50) dollars each, which may be increased from time to time: *Provided*, that the capital stock shall not exceed five hundred dollars per mile of single line actually owned by the corporation. And the corporators herein named, or a majority of them, are hereby authorized to open subscription books, and the said corporation is authorized to begin business when said original capital authorized is subscribed and five per centum thereof is paid in cash.

Proviso.

SEC. 3. That said corporation is authorized to erect, purchase, lease, and operate lines of telegraph and telephone, in the state of North Carolina, with branches from the main line; and to construct, purchase, lease, maintain and operate lines of telegraph and telephone extending beyond the state, but connecting at some point directly with the main line or lines of said corporation within this state; and

Books of subscription.

When authorized to begin business.

Corporate powers.

for the purpose first aforesaid such corporation may secure rights of way and lands necessary for its use, under the general laws of this state as now provided for railroad and telegraph companies, and shall also have, possess and enjoy all and singular the rights, privileges, immunities and franchises conferred upon telegraph and telephone companies incorporated by or operating under the general laws of this state. Right of way, &c.

SEC. 4. Said corporation shall be governed by a board of seven (7) directors chosen from the stockholders at an annual meeting to be held on the first Monday in June in each year. at such place and time as the outgoing board may determine, and of which thirty days' notice shall be given ; and said board shall appoint one of its members to act as president and one to act as treasurer and secretary respectively. Directors.
Annual meeting.
Officers.

SEC. 5. Said corporation is also hereby authorized to issue its bonds to an amount not exceeding at any time the aggregate of its said original or subsequently increased capital stock, and secure the same by a mortgage or mortgages of all its franchises, property and income, lines of telegraph or telephone then constructed, laid out or contracted for, or that may be subsequently acquired or constructed by it, and such mortgage, recorded in any county of this state through which such line passes, shall be good and effectual in law. Authorized to issue mortgage bonds.

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 7th day of March, A. D. 1887.

CHAPTER 88.

An act to incorporate Siler City in Chatham county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Siler City, in Chatham county, be and the same is hereby incorporated, by the name and style of "The town of Siler City," and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.
Corporate name and powers.

SEC. 2. That the corporate limits of said town be one half of a mile from the depot of the Cape Fear and Yadkin Valley Railroad, and shall run with the four cardinal points of the compass. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, and the commissioners shall have power to appoint a secretary and treasurer. Officers.

SEC. 4. That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-seven, the following named persons shall fill said offices, viz.: mayor, J. B. Guthrie; for Temporary officers.

commissioners, D. G. Fox, A. A. Lambe, E. R. McLean, A. R. Siler, R. C. Siler; for marshal, J. J. Crutchfield.

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-seven, and every year thereafter, under the same restrictions that county and state elections are held; all male citizens who have resided in the state twelve months and ninety days within said corporation previous to the day of election shall be entitled to vote at said election.

By-laws.

SEC. 6. That the said commissioners shall have power to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and the United States, and levy and collect taxes on all subjects of taxation not to exceed one half of the state taxes, and to impose fines and penalties for the violation of town ordinances and collect the same.

Taxation.

Fines.

SEC. 7. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

Misdemeanor to manufacture, sell, &c., liquor within one mile of railroad depot.

SEC. 8. That it shall be unlawful for any person or persons to manufacture, sell, give away, or dispose of, directly or indirectly, of any spirituous liquors or intoxicating drinks of any kind for reward or the hope of reward, within one mile of the railroad depot in said town, and if any person shall violate the provisions of this act he 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, or both, for each and every offence: *Provided*, this section shall have no force or effect until the same shall have been submitted to a vote of the electors living within said one mile, at an election to be held thirty days after the passage of this act under such regulations as is now prescribed by law for holding elections. Said election to be ordered by the commissioners of the county, and should a majority of the votes cast be in favor of prohibition, then this section shall be in full force and effect, otherwise null and void.

Proviso.

SEC. 9. 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. 1887.

CHAPTER 89.

An act to amend chapter forty-seven of the private laws of eighteen hundred and eighty-one.

The General Assembly of North Carolina do enact:

SECTION 1. That section five (5) of chapter forty-seven (47) of the private acts of eighteen hundred and eighty-one (1881), be amended by inserting in the eleventh line of said section, after the word "ex-

ceeding," and before the word "fifty," the words "two hundred," so that sub-section two of said act shall read as follows: "2. On all vendors of wines, cordials, or other spirituous, alcoholic, or malt liquors, of the measure of a quart or more, a tax not exceeding two hundred dollars."

License tax on liquor dealers.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 90.

An act to authorize the commissioners of the town of Shelby to issue bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of the town of Shelby be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of twenty-five thousand dollars, and in denomination of not less than one hundred dollars, bearing interest from date of bonds at a rate not exceeding six per centum per annum, and payable annually on the first day of January of each year until the said bonds are paid. That said bonds shall be made payable after the expiration of twenty years from the date thereof. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the town of Shelby and countersigned by the clerk of the board of town commissioners, and a record shall be kept of said bonds, showing the number, amount, and to whom sold.

Authorized to issue coupon bonds not exceeding \$25,000.

SEC. 2. That the said bonds shall not be sold for less than par value, and that the proceeds arising from the sale of said bonds shall be used by the commissioners of said town for the purpose of inducing the Massachusetts and Southern construction company, or the Charleston, Cincinnati and Chicago railroad company, or the assignees of either or both, to locate their shops within the corporate limits of said town: *Provided*, neither said bonds nor the proceeds arising therefrom shall be delivered to the said companies, or either of them, or their assigns, until the same shall expend in erecting and equipping shops in Shelby the sum of fifty thousand dollars and shall give to the mayor and commissioners of said town acceptable guarantees that it, or they, will operate every day, Sundays and legal holidays excepted, not less than two hundred hands in or about said shops for the period of twenty years from the delivering of said bonds, or their proceeds, or on such terms as will amply protect the town, to be determined by the commissioners of said town: *Provided, however*,

Not to be sold for less than par. Proceeds, how used.

Proviso.

Election on question of issuing bonds. 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 two years from the ratification 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 one newspaper published in said town, and the said commissioners shall cause a registration of the voters of said town to be made as now required by law, and shall appoint three electors of the town as inspectors or supervisors of said election. Those who are in favor of issuing said bonds shall vote a written or printed ticket with the words "for bonds" thereon, and those who are opposed shall vote a ticket with the words "against bonds" thereon. The result of said election shall be ascertained by said inspectors and returned by them to the commissioners of said town, who shall verify and certify the result of said election, and cause the same to be recorded in the minutes. If a majority of the votes cast be "for bonds" then the commissioners of said town shall proceed to issue and sell the bonds and apply the proceeds as directed; but if a majority of the votes cast shall be "against bonds" then this act shall be of no force and effect. The inspectors shall be appointed and the election shall be held as in all other elections in the town.

Ballots.

Canvass of vote.

Bonds to be issued, &c., on affirmative vote of majority of votes cast.

Special tax.

SEC. 3. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, or sooner if deemed advisable, the commissioners of the town of Shelby shall levy a special tax of not more than forty cents on the one hundred dollars' worth of real and personal property in the town, and one dollar and twenty cents (\$1.20) on each poll, and it shall be the duty of said commissioners to make any and all necessary arrangements and orders for the collection, safe keeping and proper application of the moneys arising by virtue of this act.

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. 1887.

CHAPTER 91.

An act entitled "An act to incorporate the Enterprise Land and Lumber Company."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. Horace Butlers, R. G. Peters and M. F. Butlers of the state of Michigan, and George Smith and W. N. Jennings of the state of Pennsylvania, and Octavius H. Blocker of the town of Maxton, in the state of North Carolina, their associates and successors, be and the same are hereby created a body politic and corporate, under the

name and style of "The Enterprise Land and Lumber Company," and shall have, besides the powers herein given, all the powers vested in corporations by sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of The Code.

Corporate name.
Corporate powers.

SEC. 2. The principal place of business of said corporation shall be at such place in the state of North Carolina as shall be determined upon by a majority of the corporators herein.

Place of business.

SEC. 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of the par value of five hundred dollars each, and none of the stockholders of corporation shall be individually liable for the debts of said corporation.

Capital stock.

SEC. 4. This corporation is hereby invested with power to take by gift, grant, devise, or otherwise, and to have and to hold in fee simple or for a term of years any real or personal estate situate in the state of North Carolina, and the said corporation is hereby fully authorized to purchase and hold in fee simple any number of acres of land not exceeding in value at the time of the purchase thereof by said corporation the sum of three hundred thousand dollars, which value is hereby fixed at the amount so paid for said lands by this corporation.

Stockholders not individually liable for corporate debts.
Corporate powers in relation to purchasing and holding property, &c.

SEC. 5. That said corporation shall have the power to widen, deepen, change, straighten or extend, as to said corporation may seem best, for the purposes of navigation with any and all kinds of boats, crafts or rafts, and for the purposes of drainage, the Big Swamp, from where it empties into Lumber river to the head of the McKay mill pond in Robeson county, near the Cumberland county line, and is also empowered and hereby fully authorized to deepen, straighten, widen or change the channel of Lumber river or any of its tributaries, so as to make it more suitable for navigation as aforesaid, or for drainage from Fair Bluff on Wilmington, Columbia and Augusta railroad, to Campbell's bridge in Robeson county, and said corporation is also hereby fully authorized to ditch or canal all or any part of said Big Swamp and Lumber river and any of its tributaries which they may deem necessary of such width and depth as they may think best, which canals they may at any time alter, enlarge, diminish or close up, and is hereby invested with powers contained in sections sixteen hundred and ninety-eight, sixteen hundred and ninety-nine, seventeen hundred, seventeen hundred and one, seventeen hundred and two, seventeen hundred and three, seventeen hundred and four, seventeen hundred and five, seventeen hundred and six, and seventeen hundred and eight, of The Code.

Corporate powers in relation to navigation of Big Swamp and Lumber river.

SEC. 6. That said corporation shall have power to collect reasonable tolls on all merchandise of whatever kind the same may be, transported over any of the streams or canals so improved and opened up to navigation by said corporation.

Tolls.

Corporate powers in relation to canals.

SEC. 7. That in the absence of any contract with the owner or owners of the land through which said canals may be dug or made, it shall be presumed that the same, together with a space of fifty feet on each side of said canal, measuring from the edge thereof, has been granted to said corporation, and unless the person or persons claiming said lands shall apply for damages, to be assessed for same within two years from the completion of the canal over said land, the said owner and any and every one claiming under him, shall be forever barred from claiming said land or damages therefor, and the title to the same shall vest absolutely in said corporation in fee simple forever.

Damages to be claimed within two years.

Misdemeanor to obstruct canals, &c.

SEC. 8. That if any person shall obstruct the said canals or other works of said corporation, by cutting trees into or across the same, or in any other manner whatsoever, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court, and said corporation is moreover hereby fully authorized to remove any such obstruction.

Removal of obstructions.

General corporate powers.

SEC. 9. That this corporation is hereby granted all the privileges contained in this charter, to them and their associates and successors, in perpetual succession forever, and sections six hundred and sixty-six, six hundred and eighty-seven, six hundred and ninety, six hundred and ninety-three and six hundred and eighty-five of The Code, together with all laws and clauses of laws in conflict with this act, are hereby repealed in so far as they affect this corporation, and no farther.

Conflicting laws 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 7th day of March, A. D. 1887.

CHAPTER 92.

An act to incorporate the town of Kenly in Johnston county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town in Johnston county now known as Kenly, be and the same is hereby incorporated, under the name and style of Kenly, 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.

Corporate powers.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be as follows: one half mile square with the center of Second street in the railroad track where it crosses the Wilson and Fayetteville Railroad, the geographical center.

Officers.

SEC. 3. That the officers of said corporation shall be a mayor, three commissioners and a town constable, and the following named per-

sons shall fill said offices until the first Monday in May, eighteen hundred and eighty-seven, viz.: mayor, L. M. Hamilton; commissioners, L. G. Broughton, James R. Raper and John Davis; constable, A. R. Stancill. Temporary officers.

SEC. 4. That there shall be an election held in said town on the first Monday in May, eighteen hundred and eighty-seven, and every successive year thereafter for the purpose of electing persons to hold said offices, under the same rules and regulations as are now in force for the election or members of the general assembly, and all persons residing within said corporation who shall have lived in said corporation sixty days and in this state one year (and not otherwise disfranchised) shall be entitled to vote at said election; and said officers shall have all the rights, powers and duties and shall be subject to all the liabilities which are mentioned in chapter sixty-two of The Code, volume two. Election.
Powers of officers.

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 this state or the United States, and to levy and collect a tax on all subjects of state taxation not to exceed one half of the said state tax, and to impose fines for the violation of town ordinances and to collect the same. Also to levy and collect all such license and privilege taxes as are mentioned in chapter sixty-two, volume two, of The Code. By-laws.
Taxation.

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 7th day of March, A. D. 1887.

CHAPTER 93.

An act to amend the charter of the town of Webster.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Webster 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 Webster, and under such name and style it is hereby invested with all the property and rights of property which may now belong to the present corporation of the town of Webster, and by the corporate name of "the town of Webster" 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 re-invest, as shall be deemed advisable by the proper authorities of the corporation. Incorporated.
Corporate name.
Corporate powers.

- Corporate limits. SEC. 2. That the corporation line of said town of Webster shall hereafter be defined and located as follows: At a dogwood on the east bank of the Tuckaseege river, corner between W. A. Enloe and the R. H. Cannon homestead, and corner of section number seven, running with the line of number seven seventy degrees east one hundred and thirty-two poles to a black oak, corner of said section number seven, thence in continuation of said degrees north seventy-seven degrees east to the first branch east of Webster, thence down said branch to Mingus Mill creek, thence south to the top of the ridge between Mingus Mill creek and the river, thence down said ridge to the mouth of Mingus Mill creek, thence down with the meanderings of said Tuckaseege river to the place of the beginning.
- Mayor and commissioners. SEC. 3. That the elective officers of said town of Webster shall consist of one mayor and three commissioners, residents of the incorporation, who shall be denominated a town council, and shall hold their offices and perform their duties until their successors shall be elected and qualified. The town council shall at their first regular meeting appoint a secretary and treasurer, a constable, a marshal, and a fire warden, who shall receive no pay for their services unless the town council may deem it proper or advisable, and then only as they may determine.
- Town council.
- Other officers.
- Election. SEC. 4. That the election for town officers shall be held on the first Monday in May of each year, and shall be held under the same restrictions as to registration and voting as govern county and state elections. All persons living within the corporate limits of the town, and who are competent and qualified to vote at county and state elections, shall be eligible to registration and to vote at corporate elections.
- Powers of town council. SEC. 5. That the said town council shall have power to enact and pass all needful rules, regulations, by-laws and ordinances for the enforcement of this act and for the police regulations and complete government of the town, not inconsistent with the provisions of the state laws or the laws of the United States; and in order to raise a fund incident to such good government, and for the improvement thereof, the town council may levy and collect taxes on all property and subjects and upon polls in said town that are taxable by the general assembly; said tax shall not exceed twenty-five cents on every one hundred dollars, nor seventy-five cents on every poll; and to levy special license tax as may be deemed necessary on all business or occupations, and places of amusement for hire; and to impose and collect fines and penalties for violation of the rules, regulations, by-laws and ordinances of the town, and to disburse the same for its benefit.
- Taxation.
- Fines, &c.
- Streets and sidewalks. SEC. 6. The town council shall have power to change the width or grade of any street or streets, to alter, repair or renew the pavements or walks of the same, and to provide for cross-walks, as in their discretion they may deem necessary and advisable. Such changes to be made by order of the council and as it shall prescribe.

SEC. 7. That any person elected mayor or commissioner who shall neglect or refuse to qualify and act as such shall forfeit for the benefit of the town ten dollars, to be recovered as other fines and penalties for breaches of the town ordinances.

Penalty for refusal of mayor or commissioner elect to qualify.

SEC. 8. By virtue of his office the town constable or marshal shall be tax collector, unless the town council shall order otherwise, in which event they must appoint a person to such office. The town tax collector shall have the same powers and be subject to the same penalties in collecting the town taxes as sheriffs or tax collectors have in the collection of state and county taxes.

Tax collector.

SEC. 9. That no land shall be sold for taxes until it shall first have been advertised by publication for three weeks in some newspaper printed in the town, if there is any, and by posting at the court-house door the same length of time, and at two other public places.

Sale of land for taxes.

SEC. 10. The first election for officers under the provision of this act shall be held on the first Monday in May next, eighteen hundred and eighty-seven, and shall be conducted in all respects as is directed in section four of this act. The mayor and commissioners elect shall qualify for office before the clerk of the superior court, or in his absence before a justice of the peace.

Election, when and how held.

Mayor and commissioners, where to qualify.

SEC. 11. The town council shall provide books for registration and shall, three weeks before the annual election for town officers, appoint a registrar who shall proceed to register the qualified voters in the town, first giving public notice by publication in some newspaper printed in the town, if there is any, giving the time and place for holding such registration. The registration shall be made in accordance with the general law on that subject. The mayor and commissioners to be voted for shall all be on one ticket, and when the result of the election shall be made known the mayor shall, without unnecessary delay, notify the persons receiving the largest number of votes of their election.

Registration.

Ballots.

Notice to persons elected.

SEC. 12. The town constable or marshal is empowered to serve papers and make arrests anywhere within Jackson county the same as within the town limits of Webster. It shall be his duty to preserve the peace and good order of the town, and to do so he shall have power and authority to arrest without warrant or other process all disorderly persons, or any person or persons violating any rule, regulation, by-law or ordinance and attempting to escape, and if within the hours of seven a. m. and nine p. m. take such unruly persons forthwith before the mayor to answer for such violations and disorderly conduct: but if such arrests are made at other time than above mentioned then the persons so arrested shall be taken to the lockup or jail and safely held until such hours on the following day, at the earliest moment, as the mayor may set for a hearing. Any person who may be so drunk as to be incapacitated for trial, or who may be

Powers and duties of constable.

otherwise incapacitated, shall be locked up and safely held until they become duly sober or in a proper condition for trial.

Persons convicted, liable to work on streets.

SEC. 13. The town council shall have power to sentence any person guilty of any misdemeanor or violation of any rule, regulation, by-law or ordinance, and on conviction to impose a fine and penalty not to exceed fifty dollars, and any person refusing to pay such fine or penalty shall be sentenced to work on the streets in the town, the amount of the fine that may be unpaid, together with the cost thereof, under the direction of the marshal (and council) at the rate of fifty cents for each day's work until the full amount shall be worked out or paid.

Treasurer to make annual report, &c.

SEC. 14. The town treasurer shall on the last Monday in October of each year make out a report of the town receipts, expenditures and disbursements, in full, showing to whom paid, the amount and what for, and the source of all revenues, and cause the same to be printed in some newspaper for two weeks, if there is one published in the town, and if there is not, then advertise the same by posting such statement at the door of the court-house and two other public places in the town.

Ordinances to be published, &c.

SEC. 15. That no ordinance shall be valid or of force until it shall have first been published for ten days in some weekly newspaper published in the town, if there is one; if there should be none, then advertise for ten days by posting said ordinance at the court-house door and in two other public places in the town.

SEC. 16. 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. 1887.

CHAPTER 94.

An act to incorporate the Lexington Female Seminary.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That R. S. Adderton, Miss Laura C. Clement, Jesse L. Clement, R. I. Cecil, A. L. Clodfetter, D. K. Cecil, J. W. Davis, T. B. Eldridge, J. W. Finch, T. C. Ford, B. L. Ford, J. D. Grimes, T. J. Grimes, James E. Gay, W. F. Henderson, J. F. Hargrave, C. A. Hunt, W. E. Holt, A. A. Hill, Lee Habin, Allen Jones, W. C. B. Leonard, S. E. March, C. A. Hock, J. L. Peacock, M. H. Pinnix, H. T. Phillips, B. B. Roberts, S. W. Rice, F. C. Robbins, J. B. Smith, Baxter Shemwell, F. M. Thompson, C. M. Thompson, Jno. T. Vann and W. A. Watson, their associates and successors, be and they are hereby created a joint stock company, a body politic and corporate, for the purpose of maintaining a school of high grade in the town of

- Lexington, in Davidson county, for the intellectual and moral training of young ladies, under the name and style of Lexington Female Seminary, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, real and personal, and exercise all acts in relation thereto incident to the ownership of real and personal property and for the promotion of female education.
- SEC. 2. The members of said corporation shall have perpetual succession, shall elect their officers, and may, if they so choose, have and use a common seal. Corporate name.
- SEC. 3. That the officers of said corporation shall be a president, vice-president, treasurer, secretary, and nine directors, five of whom shall constitute a quorum for the transaction of business, and all of whom shall be elected by the stockholders annually. Corporate powers.
- SEC. 4. That the first meeting of said corporation for the election of officers shall be held within thirty days from the ratification of this act, and the annual meeting of the stockholders shall be on the first Wednesday of June of each year, unless otherwise ordered by the stockholders. Officers.
- SEC. 5. That at the regular annual meeting of the stockholders, they shall have power to make such by-laws, not inconsistent with the laws of the state, as shall be deemed necessary to promote the object of the corporation. First meeting of corporators.
- SEC. 6. That the capital stock of said corporation shall not be less than three thousand dollars, nor more than fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, and to be paid at such time and in such manner as the board of directors may prescribe. Annual meetings.
- SEC. 7. That in the meetings of the stockholders all questions shall be decided by a majority vote, each share being entitled to one vote; and a majority of all the stock shall be represented in order to constitute a legal meeting of the stockholders. By-laws.
- SEC. 8. That the president of said corporation, with the advice and consent of the board of directors, shall have power to call a meeting of the stockholders whenever he may deem it proper. Capital stock.
- SEC. 9. That except for building purposes said corporation shall have no power to contract indebtedness exceeding one thousand dollars, nor shall it have power to execute any mortgage, or to create other lien than mechanics' and laborers' lien upon its property; and the stockholders shall not be individually liable for any indebtedness of said corporation. Stock vote.
- SEC. 10. That Rev. James E. Gay, one of the said stockholders, is hereby authorized to call the first meeting of the stockholders provided for in section four of this act. Quorum.
- SEC. 11. That this act shall be in force from and after its ratification. Special meetings.
- In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887. Limitations of corporate powers.
- Stockholders not individually liable for corporate debts.
- First meeting, by whom called.

CHAPTER 95.

An act to incorporate Lodge number one, Sons and Daughters of Charity.*The General Assembly of North Carolina do enact :*

- Body politic.** SECTION 1. That the officers and members of Lodge number one, Sons and Daughters of Charity, of Bladen county, North Carolina, be and they are hereby constituted a body politic and corporate, under the name and style of Lodge number one, Sons and Daughters of Charity, and by that name and style shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in all the courts of the state, contract and be contracted with, acquire, hold and dispose of real and personal property as their interest or convenience may require.
- Corporate name.**
- Corporate powers.**
- By-laws, &c.** SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with law.
- SEC. 3. 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. 1887.

CHAPTER 96.

An act to re-incorporate the town of Wadesboro in the county of Anson.*The General Assembly of North Carolina do enact :*

- Body corporate.** SECTION 1. That the inhabitants of the town of Wadesboro 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 Town of Wadesboro, 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. By the said corporate name the same shall sue and be sued, plead and be impleaded.
- Corporate name.**
- Corporate powers.**
- Corporate boundaries.** SEC. 2. That the corporate boundaries of the town of Wadesboro shall be the same that they have been, to-wit: one mile square, one

half mile in each direction, north, south, east and west, from the intersection of Wade and Green streets.

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 five commissioners, who shall hold their offices until their successors shall have qualified.

Mayor and commissioners.

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.

Electors.

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.

Registration.

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.

Voting place.

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.

Registration books to be furnished poll-holders, &c.

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.

Registration, when closed, &c.

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 Wadesboro ninety 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 guilty of perjury.

Oath of elector.

Penalty for false swearing.

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.

Inspection of registration books.

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

Challenges.

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.

Vacancy.

Duties of inspectors at election.

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.

Separate boxes.

SEC. 14. The candidates for mayor and commissioners shall be voted for in separate boxes, on a separate ballot, written or printed.

Canvass of vote.

SEC. 15. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be declared duly elected mayor; and such persons voted for as commissioners having the largest number of votes shall be declared duly elected commissioners; and the mayor and commissioners shall be notified of their election by the inspectors.

Notice to persons elected.

Tie vote for mayor.

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.

Tie vote for commissioner.

Poll books.

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 register of deeds of the county, for safe keeping. The result of the election shall be proclaimed by the inspectors at the courthouse door.

Publication of result.

Oath of mayor.

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 Wadesboro, 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.

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 commissioner.

SEC. 20. That the mayor and commissioners shall hold their offices respectively until the next succeeding election, and until their respective successors are qualified.

Terms of office.

SEC. 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.

Vacancy in office of mayor or commissioner.

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 shall sue therefor twenty-five dollars.

Penalty for refusal of mayor or commissioner elect to qualify.

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 adjudged violations 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, or fined not exceeding 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 to the superior court.

Inferior court.

Jurisdiction, &c.

Special court.

Appeal.

SEC. 24. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in said town, 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 mayor, how executed, &c.

Mayor to keep minutes, &c.
Force of judgments.

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 Anson 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 Anson.

Mayor's office.
Duties.

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 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 the board may appoint one of their number *pro tempore* to exercise the duties of mayor.

Mayor *pro tem*.

Board of commissioners.

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. 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. The mayor or commissioner failing to attend 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.

Proviso.

Vacancies in board of commissioners.

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. 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.

Mayor *pro tem*.

Powers of commissioners.

SEC. 30. That among the powers hereby conferred on the board of commissioners they may borrow money only by the consent of three fourths 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 may provide water, provide for repairing and cleansing the

Not to borrow money except upon vote of citizens, &c.

streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of the Sabbath, appoint and regulate town watches, suppress and remove nuisances. preserve the health of the town from contagious or infectious diseases. appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order, and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. 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 omnibusses, hacks, drays or other vehicles used for transportation of persons or things for hire.

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 :

1st. On real and personal estate, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, which the owner is required to list for state taxes in the town, a tax not exceeding thirty-three and one third cents on every hundred dollars' value.

2d. 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.

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 tax collector instantly, and if the same be not paid on demand the same may be recovered by suit; and the articles upon which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

(1.) Upon all itinerant merchants or peddlers, vending or affirming to vend in the town, a tax not exceeding fifty dollars a year, except such only as sell goods, wares and merchandise, productions of the growth or manufacture of this state.

(2.) Upon every billiard table or bowling alley, except those now in private families, or other games allowed by law, used or kept in town, a tax not exceeding fifty dollars a year, nor less than twenty-five dollars a year.

(3.) Upon every victualing house or restaurant established, used or kept in the town, a tax not exceeding ten dollars a year.

(4.) Upon every license or permission of the board of commissioners to retail spirituous liquors, a tax not less than one hundred dollars nor more than three hundred dollars by the year.

(5.) Upon every company of circus riders who shall exhibit within the town or within one mile thereof, a tax not exceeding fifty dol-

Taxation.

Ad valorem tax.

Poll tax.

License taxes.

Peddlers, &c.

Exception.

Billiard tables, &c.

Restaurants, &c.

Retailers of liquor.

Circuses.

lars 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, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibition, or the same to be doubled.

Artificial curiosities.

(7.) Upon every exhibition for reward of artificial curiosities (models of useful invention excepted) in the town, or within one mile thereof, a tax not exceeding ten dollars, to be paid before exhibition, or the same to be doubled.

Shows, concerts, &c.

(8.) Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not to exceed five dollars, to be paid before exhibition, or the same shall be doubled, except for charitable and benevolent purposes, or to aid in any public improvement in the town.

Exception.

Goats or hogs running at large.

(9.) Upon every goat or hog running at large in the corporation, a tax of one dollar.

Banks, &c.

(10.) Upon all banks or banking institutions of any kind, or branch or agency of such, the same tax as at present levied by the state.

Itinerant physicians, &c.

(11.) 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.

Corporate powers.

(12.) That the town of Wadesboro 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.

Insolvents.

SEC. 33. That on the first Tuesday 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 of the board will at once copy and post at the court-house door.

Listing of property for taxation.

SEC. 34. That the citizens of Wadesboro 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 may be liable to be taxed.

Penalty.

Assessment.

The clerk shall procure from the register of deeds of Anson county a duly certified list of the assessments of the value of the property made by the county assessors and such other record pertaining to matters taxable by the town as shall be kept in his office. The board of commissioners shall have all the power given the board of commis-

Revision of tax list.

sioners of a county to revise the tax list, except to alter valuation of real estate, and shall as may be make the town tax list given into the county by the citizens of Wadesboro upon all subjects embraced in both lists.

SEC. 35. That as soon as the tax list 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 per centum on the amount collected, as the board of commissioners shall determine.

Levy and collection of taxes.

Compensation of tax collector.

SEC. 36. That if any person liable to taxes on subjects determined 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.

Collection by distress, &c.

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 is listed liable to distress and sale known to the collector, he shall report the fact to the commissioners, together with a 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, when the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole: and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee.

Sale of land for taxes.

Purchase by town.

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 purchaser or purchasers thereof, and the price 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 and cost, the same shall be paid into the town treasury subject to the demand of the owner.

Return of tax collector.

Surplus.

SEC. 39. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person

Redemption of land sold for taxes.

acting for them, may redeem the same within one year after the sale, by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds less double the amount of taxes.

Conveyance to purchaser.

Prima facie evidence.

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 fee 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.

Clerk to make annual statement.

SEC. 41. That it shall be the duty of the clerk annually to make out and post at the court-house door an itemized account of the receipts and disbursements on account of the town for the general inspection of the citizens, which account 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 on each commissioner and mayor, said fines to be used for the benefit of the town.

Penalty for failure of board to cause statement to be posted.

Condemnation of land for streets.

SEC. 42. That when any land or right of way shall be required by said town of Wadesboro 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 six freeholders of the town, three to be chosen by the commissioners and three by the party owning said lands or lots, 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 advantage 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 Anson county to be held thereafter, and the said freeholders shall return to the court in which the appeal is taken their valuation with the proceedings therein; 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.

Proviso.

- 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. Proviso.
- 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. Any offender herein shall forfeit and pay to the town twenty-five dollars for every day the same may remain. Cellars not to be built under sidewalks, &c. Penalty.
- SEC. 44. The board of commissioners of said town shall have power to appoint a cotton weigher, make such regulations in regard to the weighing of cotton sold in said town as do not conflict with the law of the land, and fix the amount of the fee or charge for weighing cotton, not exceeding ten cents per bale. Said fee or charge shall not exceed the necessary expenses incident to the weighing, and all moneys received from that source shall be kept separate from the funds of the town, and used by said board only in paying the salary of the weigher, and the other legitimate and necessary expenses of the cotton yard. Cotton weigher, &c.
- 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, nor directly or indirectly purchase or deal in any claim against the same. No officer to be a contractor, &c., for town work.
- 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. Abatement of nuisances. Slaughter-houses, &c.
- 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. Firing of guns, &c.
- SEC. 48. That they may provide graveyards in or near the town, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality: and they may prohibit interments within the town. Graveyards.
- SEC. 49. That they may provide for the establishment, organization, equipment and government of fire companies. Fire companies.
- SEC. 50. 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 Wadesboro before the mayor or any tribunal having jurisdiction thereof. Penalties, how recovered.

Limitations of penalties, fines, &c.

SEC. 51. That the commissioners shall not have power to impose for any offence a larger penalty than fifty dollars, nor a greater fine than fifty dollars, nor longer punishment than thirty days, unless the same be expressly authorized; and from any judgment of the mayor for any penalty, fine, or imprisonment which is imposed or allowed to be imposed by this act, or for other causes of action herein allowed, the party dissatisfied may appeal, in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace, to the superior court.

Appeal from judgments of mayor.

Fees of mayor.

SEC. 52. 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 causes 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.

Imprisonment.

SEC. 53. 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.

Sale of town property.

SEC. 54. 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 said town, and apply the means as they think best. The mayor is authorized to make title to any property sold under this section.

Persons failing to pay fines, &c., liable to work on streets, &c.

SEC. 55. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of any incorporated town, and the person or persons against whom the same is adjudged refuses, or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public work until at fair rates of wages such person or persons shall have worked out the full amount of judgment and costs of prosecution.

Penalty for failure of officer to turn over property, &c., to successor.

SEC. 56. 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 Anson county shall be impris-

oned for not more than two years and fined not exceeding five hundred dollars, at the discretion of the court.

SEC. 57. 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 refuses to surrender his list on such demand, he shall be deemed guilty of a misdemeanor, and upon conviction be subjected to the penalties imposed by the preceding section.

Supervision and control of tax lists.

Penalty for failure of collector to surrender list, &c.

SEC. 58. That all laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 59. *Provided*, this act shall be submitted to the qualified voters of the town of Wadesboro, at the regular election to be held on the first Monday in May, eighteen hundred and eighty-seven, for ratification or rejection by them, and those persons in favor of said act shall vote a written or printed ballot with the words thereon, "for ratification," and those opposed shall vote a similar ballot, upon which shall be the words, "against ratification." The present authorities of said town shall obtain from the secretary of state a certified copy of this act, and have the same published in the newspapers in said town, and shall also circulate among the citizens a sufficient number of printed copies to inform them of its contents. They shall also give notice of the election required in this act by posting an advertisement thereof at four public places in said town. Said election shall be held, the vote counted, the result declared and the returns made under the same rules and regulations as are prescribed for elections in chapter sixty-two of The Code, and the result recorded in the minutes of said town. If at such election a majority of the voters of said town shall vote "for ratification," then this act shall be in full force and effect, otherwise of no force and effect.

Act to be submitted to voters of town for ratification.

SEC. 60. 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. 1887.

CHAPTER 97.

An act to incorporate the Fayetteville Real Estate Agency.

The General Assembly of North Carolina do enact:

SECTION 1. That G. H. Haigh, D. Rose, A. A. McKethan, W. S. Cook, Chas. Haigh, E. L. Pemberton, H. R. Horne, J. B. Broadfoot, Bond E. Sedberry, W. H. Tomlinson, B. R. Huske, S. W. Tillinghast, B. L. Taylor, J. W. McNeill, S. P. McNeill and C. W. Broadfoot, their

Body corporate.

- Corporate name. by the name of "The Fayetteville Real Estate Agency," and by such name shall have all the powers granted to corporations by sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled Corporations.
- Corporate powers. SEC. 2. Said corporation may buy, hold, lease and sell real and personal estate at pleasure: *Provided*, it shall not own at any one time more than one hundred thousand dollars in value of real estate.
- Authorized to buy, &c., property. SEC. 3. Said corporation may also exercise all the powers, rights and privileges heretofore granted to any building and loan association in this state.
- Proviso. SEC. 4. The amount of capital stock of said corporation shall be determined by its by-laws as well as the mode of paying for the same, and may be increased from time to time until the limit of one hundred thousand dollars is reached.
- Corporate powers in relation to building and loan associations. SEC. 5. This act shall be in force from and after its ratification and shall continue in force for fifty years.
- Capital stock. In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.
- Corporate existence.

CHAPTER 98.

An act to incorporate the town of Whittier in Swain and Jackson counties.

The General Assembly of North Carolina do enact:

- Incorporated. SECTION 1. That the town of Whittier, in the counties of Swain and Jackson, be and the same is hereby incorporated, under the name and style of the town of Whittier, and shall be subject to all the provisions contained in The Code for incorporated towns, also subject to the general laws in relation to municipal incorporations.
- Corporate name. SEC. 2. That the corporate limits of said town shall be one half mile from the depot in all directions.
- Corporate powers. SEC. 3. That the officers shall consist of a mayor, three aldermen and a marshal.
- Corporate limits. SEC. 4. That the first regular election for mayor, aldermen and marshal shall be on the first Thursday in May, one thousand eight hundred and eighty-seven, and every year thereafter, and it shall be the duty of the sheriff of Swain county, or some justice of the peace in Swain county, after giving ten days' notice by advertising at three or more public places in said corporation prior to the said first Thursday in May, one thousand eight hundred and eighty-seven, to open the polls and conduct the election herein provided for under the same rules, restrictions and regulations that other county and state
- Officers.
- Election.

elections are held: <i>Provided</i> , that the elections held hereafter under the provisions of this charter shall be subject to the control of the commissioners of said town: <i>Provided, further</i> , that the following officers nominated and appointed under this act shall duly exercise the duty of said officers from the ratification of this act until the said election shall have been held, to-wit: Dr. A. M. Benett, mayor: S. S. Enloe, S. L. Monteith and J. H. Teague, aldermen, and R. A. Summerrow, marshal.	Proviso. Proviso. Temporary officers.
SEC. 5. That all the qualified voters within said corporation that have resided therein ninety days previous to the day of election shall be entitled to vote at said election.	Electors.
SEC. 6. It shall be the duty of the officers elect to meet, organize and take the oath of office.	Duty of officers elect.
SEC. 7. The commissioners shall have power to levy and collect a tax not to exceed fifty cents on the poll, and on all property in said town an amount not to exceed sixteen and two thirds cents on the one hundred dollars' worth of property.	Taxation.
SEC. 8. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have the authority and it shall be the duty of such marshal to arrest the body of offending parties who have violated the law in the presence of such marshal without warrant, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs. And for every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinances of said town shall provide, and if necessary the marshal shall have power to call to his aid any by-standers to assist in making any legal arrest, and any one so summoned or called who refuses or fails to so arrest shall upon conviction before the mayor be punished as the ordinance of said town shall prescribe.	Powers and duties of town marshal. Penalty for resisting arrest. Marshal authorized to call by-standers to his aid. Penalty for refusal to aid.
SEC. 9. The commissioners shall also have power to abate all nuisances, and impose such fines and penalties as may be necessary to abate them. But this shall not be construed to authorize them to take up and impound any live stock belonging to any person outside the corporate limits of said town. They shall also have power to prescribe any rules, regulations and ordinances for the good government of the town, not inconsistent with the laws of the state and of the United States.	Abatement of nuisances. Exception. Ordinances, &c.
SEC. 10. That it shall be the duty of the commissioners, when organized, to appoint a secretary, whose duty it shall be to record all the proceedings of the commissioners, and also to appoint a treasurer, who shall enter into a bond approved by the commissioners, and it shall be their duty to require the marshal to enter into a bond payable to the state of North Carolina, to the use of the town of Whittier,	Secretary. Treasurer. Bond. Bond of marshal.

conditioned for the faithful performance of their duties, approved by the commissioners.

Application of taxes, fines, &c.

SEC. 11. The commissioners shall have the power to apply the taxes collected under this act, together with all fines, forfeitures and penalties for violations of the town ordinances, to the improvement of the public streets in said town, as they may find necessary. They shall also prepare a place to which horses may be hitched, and persons hitching horses to the individual fences shall be, under the supervision of the town authorities, punished or fined.

Place for hitching horses, &c.

Sale of liquor.

SEC. 12. The sale of spirituous liquors shall be in the discretion of the town authorities, and they shall prescribe the tax to be collected in case the sale is allowed.

Compensation of officers.

SEC. 13. That the officers in said town shall receive such compensation for their services as the mayor and aldermen of said town, in their discretion, shall authorize.

SEC. 14. 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. 1887.

CHAPTER 99.

An act to amend the charter of the town of Winston.

The General Assembly of North Carolina do enact :

Powers of mayor in relation to violation of gaming laws, sale of liquor, &c.

SECTION 1. That it shall be lawful for the mayor of Winston, if he has good reason to believe that any one has knowledge of the playing within the corporation of Winston any of the games prohibited by a law of the state or the ordinances of the town, or that any one has knowledge of the unlawful sale of spirituous liquors within said town, to issue a summons in writing commanding such a person to appear before him and give evidence on oath what he may know of such gaming or unlawful sale of spirituous liquors, and if such information makes a case of probable guilt the mayor may issue a warrant for the arrest of the party implicated.

Additional policemen.

SEC. 2. That in times of exigency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath, be subject to the same control and have the same power as regular policemen.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 100.

An act to incorporate Wesley Chapel in Union county.

The General Assembly of North Carolina do enact:

- SECTION 1. That John H. Winchester, J. D. Davis, J. M. Price, A. J. Price and their successors shall be and are hereby declared a body politic and corporate in deed and in law, by the name and style of the "Trustees of Wesley Chapel," in Sandy Ridge township, in the county of Union; and said corporation shall have power to acquire and hold real estate, shall have perpetual succession, and sue and be sued, plead and be impleaded, and to elect such officers as they shall deem necessary for the purposes of their corporation.
- SECTION 2. That in the event any of the said trustees shall die, refuse to act, or remove from the community, or if from any other cause there should become a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than three nor more than nine.
- SECTION 3. That it shall be unlawful for any person to sell or give away or dispose of spirituous liquors, wine or cider, except for medicinal purposes, at or within two miles of the said Wesley Chapel, in the county of Union; and any person violating the provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned in the common jail of the county not more than thirty days.
- SECTION 4. That the said trustees shall have full power and authority to make such by-laws for the government of the incorporation as they may deem necessary: *Provided*, the said laws shall not be in conflict with the laws of the land.
- SECTION 5. That the trustees of Wesley Chapel shall have 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.
- SECTION 6. That the special police shall have authority to execute all process given to them, to keep the peace and do any and all acts which are conferred on policemen generally; and the intendant of police shall have authority to issue process for offenders against the by-laws of the said corporation, try and determine all cases of violations of the by-laws of said corporation, and otherwise have all the criminal jurisdiction of a justice of the peace within the limits of two miles of said church.
- SECTION 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. 1887.

Body politic.

Corporate name.

Corporate powers.

Officers.

Vacancies in board of trustees.

Proviso.

Misdemeanor to sell liquor within two miles, except for medicinal purposes.

By-laws.

Special police.

Intendant.

Powers of special police.

Powers of intendant.

CHAPTER 101.

An act to amend and consolidate the acts incorporating the town of Rockingham.*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of Rockingham, in the county of Richmond, be and the same is hereby incorporated, under the name and style of the town of Rockingham, and that W. T. Covington, R. A. Johnson, J. M. Covington, H. C. Dockery and J. S. Goldston, 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 Rockingham," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of thirty thousand dollars. That S. T. Cooper, the present mayor of said town, and the commissioners aforesaid shall continue in office as such, and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.
- Corporate name. Commissioners.**
- Corporate powers.**
- Present officers to continue in office until election of successors.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: beginning at the northeast corner of G. J. Freeman's lot, on the Fayetteville road, and runs due south to north prong of Falling creek; thence down the various courses of said creek to Great Falls factory pond, thence down the various courses of low water mark on the northern edge of said pond to Falling creek below the Falls: thence with said creek to Hitchcock creek, thence up the various courses of the southern edge of said creek to the old Leak pond, thence with the southern edge of said pond to the line of Pee Dee village, thence with the southern line of said village to the southern edge of "Pee Dee" pond, thence with the southern edge of said pond to a point from which a line due south will strike the beginning, thence from said point on Pee Dee pond due south to the beginning.
- Mayor and commissioners.** SEC. 3. The officers of said town shall consist of a mayor and five commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.
- Election.** SEC. 4. Said election of said mayor and commissioners shall be held at the court-house in said town, and no person shall be entitled to vote at said election or at any election in said town for municipal purposes unless he shall be an elector of the state of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.

SEC. 5. It shall be the duty of the commissioners of said town, on the second Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the door of the court-house and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to register anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register, whose names have never before been registered in said town or do not appear on the revised list; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Registrar and judges of election.

Registration.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four, of the constitution of North Carolina, before some justice of the peace of the Richmond county.

Oath of registrar and judges of election.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on Monday preceding the election, from the hour of nine o'clock a. m., until the hour of five o'clock p. m., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Revision of registration book.

Proviso.

Challenges.

SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open

Duties of registrar and judges at election.

the polls at seven o'clock a. m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for the mayor and commissioners shall be counted out by them. They shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall in any trial for illegal or fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Vacancies.

Ballots.

SEC. 9. The voters shall vote by ballot, having the name of the mayor and commissioners on one ballot, either in writing or printed, on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Who elected.

Tie vote.

Eligibility to office.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Notice to persons elected.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners elect of their election.

Oath of mayor and commissioners.

SEC. 12. That the mayor and commissioners elect shall within three days after having been notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Penalty for refusal of mayor or commissioner elect to qualify.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election, shall forfeit and pay the sum of fifty dollars, one half to the use of the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof: said sum shall be recovered in any ordinary civil action before a justice of the peace of said county in the name of the state of North Carolina.

Quorum.

SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Duties of mayor.

SEC. 15. That the mayor when present shall preside at all meetings of the commissioners: he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall while acting as such have all the powers and authority conferred by this charter on the mayor of said town.

Mayor *pro tem*.

SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for. Vacancies.

SEC. 17. That said commissioners shall at the first meeting after their election select some one as town clerk and treasurer, who shall hold office for one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties to be approved by the board of commissioners of said town, in the sum of two thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of said clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he fail, if for thirty days after having been required to make such exhibit, to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the state of North Carolina, to the use of the board of commissioners of the town of Rockingham, against the said official and his sureties. Clerk and treasurer.

SEC. 18. The said commissioners shall at the first meeting after their election select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall before entering upon the discharge of the duties of his office enter into bond in the sum of two thousand dollars, with good and sufficient sureties, to be approved by the board of commissioners, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability, and honestly and faithfully, all the duties imposed upon him by this charter or by the board of commissioners of said town. Bond.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of Suits on bond.

Constable.

By-laws, &c.

said town, for the improvement of the streets and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of the said town may require.

Abatement of nuisances.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Violation of town ordinance a misdemeanor.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Person failing to pay fine liable to work on streets.

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for the violation of any of the ordinances thereof and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against such offender therefor, may order that on failure to pay such fine to the constable of said town for the space of one day such offender so convicted shall be by the constable of Rockingham put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Powers and jurisdiction of mayor.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

Powers and duties of constable.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace of said town, and within the corporate limits thereof shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the county, and in the collection of the taxes of the said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law except as herein-after provided for by this charter.

Unlawful for officer to receive consideration for town work, &c.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk or constable, or any other official officer of said town, to demand or receive, either directly or indirectly, any consideration for work or labor done or materials furnished to said town by said official: *Provided, however,* that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer and town constable.

Proviso.

Streets.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part

thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section, on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order directed to the town constable commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity nor affinity with the mayor or commissioners of said town or the person or persons over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run: said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed, or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting, and the purpose of their meeting, for five days before the day when the said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets, as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the 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 shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of the said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of said commissioners of said town of the amount of damages so assessed, said new street or streets so laid out, altered or changed, made narrower or wider, shall be in all respects one of the streets of said town, and under the control of the board of commissioners of said town.

Condemnation of
land.

SEC. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of the said town.

Sidewalks.

Market.

SEC. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things, and in what manner, whether by weight or measure.

Public scales.

SEC. 29. They may erect at some suitable place within said corporation, public scales, for the purpose of weighing fodder, hay, oats or rye in straw, cotton, crude turpentine, and live stock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees, and determine by whom they shall be paid: and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

Contagious diseases.

SEC. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

County commissioners not authorized to grant retail liquor license within town without consent of town commissioners.

SEC. 31. That it shall not be lawful for the board of commissioners of Richmond county to grant any license to retail spirituous or malt liquors within the corporate limits of said town without permission first obtained from the board of commissioners of said town in being at the time of application to the said county commissioners, and if any license to retail spirituous or malt liquors within said town shall be granted by said county commissioners without such permission in writing, attested by the clerk or secretary of the board of commissioners of said town, and exhibited to the board of county commissioners and filed with their clerk, and entered on the minutes of their proceedings, the same shall be utterly void. Every person selling spirituous or malt liquors, including druggists, within the corporate limits of said town, in quantities less than five gallons, shall be deemed a retailer thereof within the provisions of this section.

Who deemed a retailer.**Taxation.**

SEC. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, and all other personal property, and on the taxable polls within the limits of the said town: *Provided, however,* that the taxes levied by them shall not exceed twenty cents on the hundred dollars' valuation on all real and personal property and sixty cents on each taxable poll, and the valuation of all property within said town as taxed by said town commissioners shall be the same as that at which it is assessed for taxation for state and county purposes.

Proviso.**Collection of taxes.**

SEC. 33. That all taxes levied by said town commissioners shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by

distraining any personal property of the tax payer to be found within said town.

SEC. 34. On the first Monday in July in each and every year the town clerk and treasurer of said town shall by advertisement at the court-house door and four other public places in said town notify all persons in said town liable to taxation to come forward and make returns of their tax list to him within thirty days from publication of said notice. All persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax payers an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter. Said list so returned shall state the age of the tax payer, and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list taker of Rockingham township to be assessed for taxation for state and county purposes.

Listing of property for taxation.

SEC. 35. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk as provided in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis* shall be returned as herein provided by their guardian or guardians, if they shall have any such.

Property owners to list, &c.

Minors, &c.

SEC. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized at any time after the taxes may be due the town on said property as aforesaid to distrain any personal property of said guardians, executors, administrators or trustees to be found in said town.

Property held by executors, &c.

Collection of tax.

SEC. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for for thirty days after the first Monday in July in each year, the town clerk shall make return of the taxable property of such person or persons and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax, to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the constable of said town on the third

Tax list.

Penalty.

Tax list to have force of execution.

Monday in August of each year. Such tax list or a copy thereof, certified by the clerk, when placed in the hands of the town constable, shall have the force and the effect of an execution.

Lien.

SEC. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes together with any penalty that shall accrue thereon shall be paid. All personal property liable to taxation of tax payers within the town shall be liable to be seized and sold after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes, by the town constable after said taxes shall have become due and payable.

Taxes, how collected.

SEC. 39. Whenever the taxes due of said town shall be unpaid, the constable of said town shall immediately proceed to collect them as follows: first, if the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable of said town shall levy upon any lands of the delinquent to be found within the town; the levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable shall notify the delinquent of such levy and of the day and place of sale by service of a notice stating these particulars on him personally if he be a resident of said town; if the delinquent does not reside in said town but his residence is known, or can by reasonable diligence be ascertained, the notice shall be mailed post paid to such delinquent; if the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice substantially as above described at the court-house door and four other public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in

Sale of personal property.

Levy on land.

Notice of levy, &c.

all cases of sales of land for taxes in said town: fourth, the sale shall be made at the court-house in said town, and shall be on one of the days prescribed for sale of real estate under execution and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the constable, the constable shall within one month after the sale mail to him notice of the sale and the date thereof, of the name and address of the purchaser, of the sum bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Sale.

Notice of sale.

SEC. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes, with all the expenses, for the smallest part of the land. At all such sales the mayor may become a bidder, and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Sale of land for taxes.

Purchase for town.

SEC. 41. The delinquent may retain possession of the property for twelve months after the sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser he shall give to the delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.

Redemption of land sold for taxes.

SEC. 42. At the time of such purchase of real estate for taxes the town constable, on the receipt of the amount bid for such real estate, shall give the purchaser a receipt, stating the amount bid, by whom, and for what purpose, and describing the land sold, stating further the owner of said land, and the amount of taxes due.

Receipt to be given purchaser.

SEC. 43. If the delinquent, his agent or attorney, shall fail to redeem as provided in section forty-one hereof, for twelve months, at the expiration of that time the purchaser may present his receipt, referred to in section forty-two hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs-at-law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office, in Richmond county, within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid which the delinquent, his agent or attorney had at the time of sale for taxes.

Conveyance to purchaser.

Registration and effect of deed.

SEC. 44. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes may be redeemed as herein before provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk and treasurer, within twelve months.

Redemption of land purchased by town.

SEC. 45. The commissioners of said town shall have power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations, and all other

Privilege taxes.

business carried on in said town; that is to say, on every merchant, lawyer, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other pictures; on all officers or agents of incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer and not in the name of the person, firm or corporation for whom he is acting or doing business; on all editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon makers, jewelers, liquor dealers, confection grocers, bar tenders, harness makers, saddlers, blacksmiths; on billiard or bagatelle table, public or private boarding, nine or ten pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, silver or metal watches; on all pianos; on all pistols, dirks, bowie knives, or sword canes; on every livery stable, cotton gin, or turpentine or other distillery; on every hotel or boarding house, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies; on all horses, cattle, sheep, hogs, goats or dogs, owned or kept in said town; on every stallion, jackass, kept or exhibited in said town, on all itinerant traders, peddlers or bankers; on all and every person or persons, company or companies, who may exhibit, sing, play, act or perform, or on any thing for which they charge or receive any gratuity, fee, or pay, or award whatsoever within the limits of the said town, and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Sale of liquors.

SEC. 46. The board of commissioners of said town shall have full and complete control of the sale or vending of spirituous or malt liquors, wines or cider within the limits of said corporation, and may permit the same to be sold by persons of good moral character, resident therein; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the amount of the license tax therefor, which shall not exceed two hundred dollars, and when the same shall be due and payable, and shall have full power and authority to revoke and annul any license by them granted at any time, without refunding any part of the license tax.

Ordinances to be posted, &c.

SEC. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house and four other public places in said town, for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Former laws concerning town repealed.

SEC. 48. That all laws heretofore passed for the better government and regulation of the town of Rockingham be and the same are hereby repealed.

SEC. 49. 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. 1887.

CHAPTER 102.

An act to amend the charter of the town of Youngsville in Franklin county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three of the private laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, be and the same is hereby amended by striking out the words in section two of said act, in lines one and two of said section, "one fourth of a mile," and inserting in lieu thereof the words "five hundred and ninety yards." Chapter 3, private laws 1874-5, amended.
Corporate limits.

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. 1887.

CHAPTER 103.

An act to amend the charter of the town of Pittsborough, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the limits of the town of Pittsborough, Chatham county, be extended so as to include all the territory lying within one half mile of the court-house as it now stands in said town, except the territory on the south side of Robertson's creek, and the commissioners of said town are hereby authorized and empowered to have the limits and boundaries established accordingly. Corporate limits.

SEC. 2. That said commissioners are hereby authorized and empowered to levy a special tax on every licensed liquor dealer in said town not to exceed two hundred and fifty (\$250) dollars per annum. Tax on liquor dealers.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 104.

An act to incorporate the Piedmont Land Company of North Carolina.

The General Assembly of North Carolina do enact :

Body politic.	SECTION 1. That John K. Rolston, George B. Collier, William McGeorge, Jr., E. T. Cansler and W. W. Fleming and their associates, successors and assigns, or any three of them, be and are hereby created a corporation and a body politic, for the period of ninety-nine years, under the name, style and title of "The Piedmont Land Company of North Carolina," with a capital stock of two hundred thousand dollars, with power to increase the same from time to time when approved by a majority of the stockholders. Said corporation shall have the power to change its corporate name at such time as a majority of its stockholders shall deem necessary.
Corporate existence.	
Corporate name.	
Capital stock.	
Change of name.	
Corporate powers.	SEC. 2. The said corporation shall be capable of suing and being sued, impleading and being impleaded, contracting and being contracted with, and shall have all the privileges, powers and incidents belonging to corporations organized and granted by the present general laws of corporations, or which may be hereafter so granted, and in addition thereto shall have power to receive, purchase, buy and hold land, real estate and property, real, personal and mixed, to issue certificates of stock therefor, and to improve, sell and dispose of the same in such parts, parcels, way and manner as they may deem best, and to this end and intent may enter into agreements, contracts and conveyances, and may lease, mortgage or otherwise dispose of and convey the same, and may receive for such sales, &c., such moneys, securities and things as they may choose, with power to issue and endorse bonds, and may prescribe the form of such conveyances, agreements, contracts, leases, mortgages, or other instruments of writing, and determine how and by whom the same shall be executed, with further power to make loans and advance money or other things to settlers and others on such terms and on such securities, real and personal, as may be agreed on: <i>Provided</i> , that no rate of interest greater than that established by law shall be charged, and to engage in any species of agricultural, horticultural, mining, building and manufacturing enterprise, and by vending, selling and disposing of the products and results of the same, to take measure for the transportation, location and settlement of persons and property upon their lands, with power to build and construct railways and roads through and over their lands, and to connect the same with any existing or any railroads hereafter to be built, and of carrying out any purpose connected with the business of the company, and of such other business as may not be contrary to the constitution and laws of the state
Proviso.	

or of the United States, with power also to form and lay out town sites upon their lands and to prescribe the rules and regulations thereof; and to the carrying out of the above mentioned purposes, objects and incidents, may make all such by-laws, rules and regulations as they may deem proper and consistent, and the same to add to, alter, amend and repeal at pleasure: *Provided*, that such by-laws shall not be inconsistent with the constitution and laws of the state or of the United States, or the provisions of this act.

Proviso.

SEC. 3. That said corporation may adopt a common seal and the same to alter at pleasure, and have power to issue certificates of stock in such form and subject to such regulations as they may from time to time by their by-laws prescribe; that subscriptions to said stock of said corporation may be paid in part or in whole in real or personal estate at a valuation to be agreed on.

Common seal.

Certificates of stock.

Subscriptions.

SEC. 4. The said corporation shall have the right and power to use the streams running through or contiguous to the lands of said company for the purpose of transporting timber and other products from their own land and the lands of others to any near railroad stations or crossings. And for such purpose may erect dams and flumes, build and construct ferries, aqueducts in, through or near said streams; and shall have the power to condemn land as is given to railroads. But in no case shall the streams be so obstructed as to prevent the passage of fish up and down the same.

Corporate powers in relation to transportation on streams, &c.

SEC. 5. The affairs and business of said company shall be managed by a board of directors, one of whom shall be president of said company, which board shall be chosen annually by the stockholders, but the corporators named in this act, or a majority thereof, shall have power to appoint the officers who shall manage the business of the association for the first year, and who shall hold their respective offices until their successors are duly elected, and that the principal office of said association, with branch offices, may be in such place and places as may, by the by-laws, from time to time be prescribed.

Directors.

President.

Temporary officers.

Offices.

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 7th day of March, A. D. 1887.

CHAPTER 105.

An act supplemental to an act to incorporate the town of Dunn in Harnett county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Dunn shall extend to one half mile in each direction, north, south, east and west, from the center of said town, that is from the depot of the Wilson

Corporate limits.

and Fayetteville railroad, as it is now located, near by the track of said railroad, and no further.

Conflicting laws repealed.

SEC. 2. This act shall be in force from and after its ratification, and all laws in conflict with the provisions of this act are hereby repealed.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 106.

An act to amend the charter of the town of High Point, and to authorize the board of commissioners for the town of High Point to issue bonds and subscribe to the capital stock of the High Point and Randleman railroad.

The General Assembly of North Carolina do enact :

Authorized to subscribe to capital stock of High Point & Randleman R. R. Co.; issue bonds, &c.

SECTION 1. That the board of commissioners of the town of High Point be and they are hereby authorized and empowered to subscribe to the capital stock of the High Point and Randleman railroad an amount not exceeding ten thousand dollars, and to aid in the construction of said railroad and to pay said subscription they are hereby authorized and empowered to issue bonds to the amount of ten thousand dollars in the name of the town of High Point in such denomination and form and payable at such time and place, but running not less than twenty-five years, and bearing interest at no greater rate than six per centum per annum and payable annually or semi-annually, as the said commissioners may determine.

Election on question of subscription.

SEC. 2. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such a time and under such rules and regulations as the board of commissioners may prescribe, at which election those favoring the issue of said bonds shall vote upon a written or printed ticket "issue," and those opposing shall vote upon a written or printed ticket "no issue," and said election shall be held in the same manner as is provided for the election of town officers in chapter sixty-two, volume two, of The Code.

Ballots.

Election, how held.

Bonds, how signed, &c.

SEC. 3. That said bonds shall be coupon bonds, and shall be signed by the mayor and countersigned by the treasurer of the town, and sealed with the corporate seal, but the coupons may be signed by the treasurer alone.

Coupons receivable for taxes.

SEC. 4. That said coupons shall be receivable in payment of taxes due said town.

Special tax.

SEC. 5. That for the purpose of paying the interest which shall accrue on the said bonds, the said board of commissioners shall have power annually to levy and collect, in the manner and at the time

prescribed for the collection of the general town taxes, an *ad valorem* tax, not exceeding twenty-five cents on the one hundred dollars of the assessed valuation of all real and personal property, and also a tax on all taxable polls, not exceeding seventy-five cents.

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 7th day of March, A. D. 1887.

CHAPTER 107.

An act to incorporate the trustees of the Kittrell Industrial Normal School.

The General Assembly of North Carolina do enact:

SECTION 1. That H. M. Turner, W. D. Cook, G. W. Hunter, R. B. Fitzgerald, James W. Telfair, N. L. Jeffreys, J. E. C. Barham, Jordan Nixon, W. H. Giles, J. S. Carr, H. H. Hall, Stewart Ellison, J. E. Sampson, John W. O. Daniels, Lafayette Harris, John Copenning, W. C. Coleman, Anderson Edwell, Wadkins Roberts, G. F. Bowers, B. B. Goins, Charles D. Winstead, Alfred Jones, W. T. Blackwell, W. Duke, G. W. Blacknall, T. B. Keogh, G. A. Guthrie, John O. Kelly, G. W. Rogers, C. W. Raney, R. H. W. Leak and their successors be and are hereby declared to be a body politic and corporate, for the purpose of educating youth, to be known by the name of the trustees of the Kittrell Industrial Normal School, and by that name shall have succession and continuance for the term of ninety and nine years.

Body politic.

Corporate name.

Corporate existence.

SEC. 2. Said corporation may have a common seal, may sue and be sued, may take by gift or otherwise, lease, hold, sell and convey real and personal property, not exceeding five hundred thousand dollars. May make by-laws, may elect members to fill vacancies, may elect officers of the corporation, and do all other acts necessary for the support, control and good government, beneficial to the said institution of learning.

Corporate powers.

SEC. 3. The faculty of said school, together with the trustees, may confer such degrees and marks of literary distinction as in their opinion may promote the object of the corporation.

May confer degrees, &c.

SEC. 4. That the grounds and other property belonging to said institution for the benefit of said school shall be and the same are hereby exempted from all kinds of public taxation.

Exemption from taxation.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 108.

An act to incorporate the town of Victoria in the county of Buncombe.

The General Assembly of North Carolina do enact :

Incorporated. SECTION 1. That the town of Victoria, in the county of Buncombe, be and the same is hereby incorporated, by the name and style of the

Corporate name. town of Victoria, and shall be subject to all the provisions contained in chapter sixty-two (62) of The Code of North Carolina not inconsistent with this act.

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning on the east bank of the French Broad river at the lower corner of Rev. J. K. Connalley's farm on said river, and runs east with said Connalley's line to A. Garrett's line, thence a northeastwardly course, passing about one rod northwest of the stable of H. H. Webb, leaving his dwelling house on the southeast of said line, to the old Buncombe turnpike road south of the dwelling house of M. Patton, thence with the western edge of said old Buncombe turnpike road to the Swannanoa river below the iron bridge across said river, thence down said river to its mouth, thence down the French Broad to the beginning.

Officers. SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a marshal, and the commissioners when qualified as required by law may elect a town clerk.

Temporary officers. SEC. 4. That until the election hereinafter provided for, the mayor and three commissioners provided for in the preceding section of this act shall be as follows: Mayor, A. Garrett; commissioners, H. H. Webb, L. M. Peas and N. R. Perry, who shall hold their respective offices until their successors are elected and qualified. The commissioners after having taken the oath prescribed by law may elect a town marshal and clerk and require of them such bonds payable to the state for the faithful performance of their several duties as to the said commissioners may seem just and reasonable.

Annual election. SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and eighty-seven, and every year thereafter, in some convenient place in said town to be designated by said commissioners by notice of the time and place thereof posted in three public places in said town, an election for a mayor and three commissioners, who shall hold their offices until their successors are qualified.

No notice of election after first election. SEC. 6. That after the first election held in pursuance to the provisions of the preceding section, the said commissioners may dispense with the notice of the time and place for holding the election pro-

vided for in this act: *Provided*, they shall establish by ordinance or otherwise a permanent polling place in said town. **Proviso.**

SEC. 7. 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 twelve months next preceding the day of election. **Who eligible as mayor and commissioner. Proviso.**

SEC. 8. That all persons entitled to vote in the county of Buncombe for members of the general assembly, and who shall have been *bona fide* residents of the town of Victoria ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to vote at any and all municipal elections for said town. **Electors.**

SEC. 9. That in addition to the powers conferred on the commissioners of incorporated towns, enumerated in chapter (62) sixty-two, The Code of North Carolina, the said 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 of the necessity thereof the said commissioners are to be the sole judges), within the said corporation, 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 said 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 or owners 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, the commissioners and the owner of the land each choosing one freeholder and a qualified elector of said town, and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator then the mayor shall in his stead choose such arbitrator for him, and in case the two chosen as aforesaid cannot agree, they, the arbitrators so chosen, shall elect an umpire, like qualified as themselves, 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 taking and appropriating of said land, and award to the said owner the amount, if any, that shall be paid by the town for the use of the land so taken, 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 the damages agreed upon between the owner of the land and the commissioners, or awarded by the arbitration, shall be paid as other town liabilities: *Provided*, that either party may appeal to the superior court of Buncombe county. **Streets. Condemnation of land. Appeal.**

Animals running at large. SEC. 10. That the said commissioners may prohibit the running at large of horses, cattle, hogs, sheep, jacks, jennets, goats, and other live stock, in the corporate limits of said town, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as well as other live stock not mentioned, found roaming at large in the corporate limits of said town contrary to the ordinances of said town.

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 7th day of March, A. D. 1887.

CHAPTER 109.

An act to incorporate the town of Falkland in the county of Pitt.

The General Assembly of North Carolina do enact :

Incorporated. SECTION 1. That the village of Falkland, in the county of Pitt, be
Corporate name. and the same is hereby incorporated, under the name of Falkland,
Corporate limits. and the limits of said town shall be bounded as follows : beginning at a wild cherry tree on the Wilson road, thence north-east two hundred and twenty-two yards to a telegraph pole on the Scarborough road, thence one hundred and forty-seven east to a lightwood stump, thence south-southeast four hundred and thirty yards, to a red oak on the south side of the Greenville road, then southwest one hundred and sixty yards to a post oak on the Farmville road, then north fifty-five west five hundred and fifteen yards to the beginning.

Officers. SEC. 2. That the officers of said town shall be a mayor, five commissioners and a constable. to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof.

Temporary officers. SEC. 3. That until the next election according to law, and until their successors shall be appointed, the officers of said town shall be, for mayor, James A. Cobb, and for commissioners, P. H. Mayo, Wiley Pierce and C. C. Vines, and for constable, J. F. Fountain.

Corporate powers. SEC. 4. That the said town and the officers thereof shall be governed by and shall have and exercise all jurisdiction, 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 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 and authority to levy a tax on personal property in like manner as on real estate.

Constable.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 110.

An act to repeal chapter thirty-seven, laws of eighteen hundred and seventy-six and seventy-seven, incorporating the Black River Navigation Company.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter thirty-seven of the laws of eighteen hundred and seventy-six and seventy-seven, be and the same is hereby repealed, and every part thereof. Chapter 37, private laws 1876-7, 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 7th day of March, A. D. 1887.

CHAPTER 111.

An act to amend and consolidate the acts incorporating the town of Morehead City.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Morehead City in the county of Carteret be and the same is hereby incorporated, under the name and style of Morehead City, and that Silas Webb, Daniel Bell, A. D. Wade and I. B. Willis, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body politic and corporate, with succession during the corporate existence of said town, and shall be styled "The Commissioners of the town of Morehead City," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of thirty thousand dollars. That M. F. Arendell, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided. Incorporated.
Corporate name.
Commissioners incorporated.
Corporate powers.
Present officers to continue in office.

SEC. 2. That the corporate limits of said town shall embrace the entire plan of the "City of Morehead" as published by "The Shep- Corporate limits.

herd's Point Land Company," and from the terminus of the Atlantic and North Carolina railroad company to Fifteenth street.

Officers.

SEC. 3. The officers of said town shall consist of a mayor and four commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.

Election.

SEC. 4. Said election of mayor and commissioners shall be held at the station-house in said town, and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes unless he shall be an elector of the state of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.

Registrar and judges of election.

SEC. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the door of the station-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 manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election keep open said book for the registration of any electors residing in said town entitled to register whose name have never before been registered in said town or do not appear on the revised lists, but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Duties of registrar.

Oath of registrar and judges of election.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Carteret county.

Challenges.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on the Monday preceding the election, from the hour of nine o'clock, a. m., until the hour of five o'clock, p. m., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election,

shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or to object to the name of any person registering or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Proviso.

SEC. 8. The said judges of election together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at 7 o'clock a. m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners counted out by them; they shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall in any trial for illegal or fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Duties of registrar and judges at election.

Vacancies.

SEC. 9. The voters shall vote by ballots having the name of the mayor and commissioners on one ballot either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Election, how conducted.

Who elected.

Tie vote.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Who eligible to office.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners elect of their election.

Notice to persons elected.

SEC. 12. That the mayor and commissioners elect shall, within three days after having been notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Oath of mayor and commissioners.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one half to the use of the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum

Penalty for failure of officer elect to qualify.

How recoverable. shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the state of North Carolina.

Quorum. SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Duty of mayor. SEC. 15. That the mayor, when present, shall preside at all meetings of the commissioners; he shall also have power to call meetings when he shall deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have all the authority and powers conveyed by this charter on the mayor of said town.

Mayor pro tem. SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies; and their appointee or or appointees shall hold office until the next regular election herein provided for.

Vacancies. SEC. 17. That said commissioners shall at the first meeting after their election select some one as town clerk and treasurer, who shall hold office for one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties to be approved by the board of commissioners of said town, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town shall require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the state of North Carolina to the use of the board of commissioners of the town of Morehead City against the said official and his sureties.

Clerk and treasurer. SEC. 18. The said commissioners shall at the first meeting after their election select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall before entering upon the discharge of the duties of his office enter into bond in the sum of one thousand dollars, with good and sufficient sureties to be approved by the board of commissioners, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Bond. SEC. 19. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Monthly statement. SEC. 20. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Breach of bond. SEC. 21. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Suits on bond. SEC. 22. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Constable. SEC. 23. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

Bond. SEC. 24. That the said constable shall give good and sufficient bond, with sureties to be approved by the board of commissioners, in the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his

faithfully accounting for and paying over to the proper authority all money that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

By-laws, ordinances, &c.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Abatement of nuisances.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days.

Violation of ordinance a misdemeanor.

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for a violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against said offender therefor, may order that on failure to pay such fine to the constable of said town for the space of one day such offender so convicted shall be by the constable of Morehead City put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Persons failing to pay fines liable to work on streets.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

Powers and jurisdiction of mayor.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace in said town and within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees that a sheriff has in the county, and in the collection of taxes of said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this chapter.

Duties and powers of constable.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk or constable, or any other official of said

Officer not to receive compensation for work

done, materials
furnished town,
&c.

Proviso.

Streets.

Condemnation of
land.

town, to demand or receive, either directly or indirectly, any consideration for work or labor done, or materials furnished to said town by said officials : *Provided, however,* that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer, and town constable.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order, directed to the town constable, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity or affinity with the mayor or commissioners of said town or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose land said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors, and the time and place of their meeting and the purpose of meeting for five days before the day when said jurors will meet to open and lay out any new street, or alter, change, or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors shall, under their hands and seals, make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to

the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of the commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

SEC. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town. Sidewalks.

SEC. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things and in what manner, whether by weight or measure. Market.

SEC. 29. They may erect at some suitable place within said corporation, public scales for the purpose of weighing fish, fodder, hay, oats or rye in straw, cotton, crude turpentine, and live stock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher. Public scales.

SEC. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town. Contagious diseases.

SEC. 31. That it shall not be lawful for the board of commissioners of Carteret county to grant any license to retail spirituous or malt liquors within the corporate limits of said town without permission first obtained from the board of commissioners of said town in being at the time of application to the said county commissioners, and if any license to retail spirituous or malt liquor within said town shall be granted by said county commissioners without such permission in writing, attested by the clerk or the secretary of the board of commissioners of said town and exhibited to the board of county commissioners and filed with their clerk, and entered on the minutes of their proceedings, the same shall be utterly void. Every person selling spirituous or malt liquors within the corporate limits of said town in quantities less than five gallons shall be deemed a retailer thereof within the provisions of this section. County commissioners not to grant retail liquor license in town without consent of town commissioners.

SEC. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, "Retail" liquor dealers. Taxation.

- Proviso.** and on the taxable polls within the limits of said town: *Provided, however,* that the taxes levied by them shall not exceed thirty-three and one third cents on the hundred dollars' valuation on all real and personal property, and one dollar on each taxable poll, and the valuation of all property within said town, as taxed by said town commissioners, shall be the same as that at which it is assessed for taxation for state and county purposes.
- Taxes, when due.** SEC. 33. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by distraining any personal property of the tax payer to be found within said town.
- Sale of personal property for taxes.**
- Listing of property for taxation.** SEC. 34. On the first Monday in July in each and every year the town clerk and treasurer of said town shall by advertisement at the station house door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax payers an oath that they will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter: said list so returned shall state the age of the tax payer, and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list takers of Morehead township to be assessed by taxation for state and county purposes.
- All property to be listed.** SEC. 35. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk as provided in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis* shall be returned as herein provided by their guardian or guardians, if they shall have any such.
- Property of minors, &c.**
- Property held by executors, &c.** SEC. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized at any time after the taxes may be due the town on said property as aforesaid to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.
- Tax list.** SEC. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so re-

turned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for for thirty days after the first Monday in July in each year, the town clerk shall make return of the taxable property of such person or persons, and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the constable of said town on the third Monday in August of each year. Such tax list, or a copy thereof, certified by the town clerk, when placed in the hands of the town constable shall have the force and effect of an execution.

Penalty for failure to list.

Duty of clerk.

Tax list to have force of execution.

SEC. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax payers within the town shall be liable to be seized and sold, after ten days' notice at the station house and four other public places in said town, in satisfaction of taxes, by the town constable after said taxes shall have become due and payable.

Lien.

Sale of personal property.

SEC. 39. Whenever the taxes due said town shall be due and unpaid, the constable of said town shall immediately proceed to collect them as follows: first, if the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same, under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, post paid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice, substantially as above described, at the court-house door and four other places in said town, at least thirty days before the sale of the land, and this last mentioned notice shall be posted in

Collection of taxes.

Sale of personal property.

Sale of land.

Levy.

Notice to tax payer.

- Sale, how made.** all cases of sales of lands for taxes in said town; fourth, the sale shall be made at the station house in said town, and shall be conducted in
- Notice of sale.** all respects as are sales under execution. If the delinquent resides out of said town, and his address be known to the constable, the constable shall, within one month after the sale, mail to him notice of the sale, and date thereof, of the name and address of the purchaser, of the sums bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.
- Land, how sold.** SEC. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land. At all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.
- Purchase by town.**
- Redemption of land sold for taxes.** SEC. 41. The delinquent may retain possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto: at the time of said payment to the purchaser, he shall give to delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.
- Duty of constable.** SEC. 42. At the time of such purchase of real estate for taxes, the town constable on the receipt of the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.
- Conveyance to purchaser.** SEC. 43. If the delinquent, his agent or attorney shall fail to redeem, as provided in section forty-one hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-two hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs-at-law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Carteret county within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid which the delinquent, his agent or attorney had at the time of sale for taxes.
- Registration, &c.**
- Redemption of land purchased by town.** SEC. 44. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes may be redeemed as herein before provided by the payment on the part of the delin-

quent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months.

SEC. 45. The commissioners of said town shall have the power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, that is to say on every merchant, lawyer, physician, dentist, druggist, daguerrean artist or other picture taker, jeweller, liquor dealer, confection grocer: on billiard or bagatelle table, public or private bowling, nine or ten pin alley: on all lectures for reward; on every livery stable, cotton gin or turpentine or other distillery: on every hotel or boarding house, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies; on all horses, cattle, sheep, hogs, goats or dogs owned or kept in said town; on every stallion kept or exhibited in said town: on all itinerant traders; on all and every person or persons, company or companies who may exhibit, sing, play, act or perform, or on anything for which they charge or receive any gratuity, fee or pay, or award whatsoever within the limits of said town, and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable. Privilege taxes.

SEC. 46. The board of commissioners of said town shall have control of the sale or vending of spirituous or malt liquors, wines or cider within the limit of said corporation, and may permit the same to be sold by persons of good moral character; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the amount of the license tax therefor and when the same shall become due and payable. Sale of liquors.

SEC. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the station-house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted. Ordinances to be posted, &c.

SEC. 48. That chapter one hundred and seventy-six of the private laws of eighteen hundred and sixty and eighteen hundred and sixty-one, and all laws heretofore passed for the better government and regulation of the "City of Morehead," be and the same are hereby repealed. Prior laws concerning government of town repealed.

SEC. 49. That this act shall be in force from and after its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 112.

An act supplemental to an act to incorporate the town of Charleston in Swain County.

The General Assembly of North Carolina do enact :

Hitching horses
in town regu-
lated.

SECTION 1. That after the authorities of the town of Charleston shall have prepared suitable and convenient places for hitching horses, that hitching horses to gates and fences belonging to individuals in said town shall be construed a nuisance, and the authorities of said town are authorizd to abate such nuisance, and are authorized to impose such fines and penalties as will abate them. Hogs running at large shall also be construed a nuisance.

Hogs running at
large.

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. 1887.

CHAPTER 113.

An act to incorporate the town of Forest Hill.

Incorporated.

SECTION 1. That the town of Forest Hill, in Cabarrus county, be and the same is hereby incorporated, by the name and style of the town of Forest Hill, and it shall enjoy all the rights and privileges of incorporated towns and be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.
Corporate pow-
ers.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows : beginning opposite the old cotton mill on the line of Concord corporate line, and running north with said line fifty-three and one half degrees east one half mile to a stone, thence north forty-eight and one-half degrees west one half mile to a stake, thence south fifty-three and one-half degrees west one mile to a stone, thence south fifty-three and one half degrees east one half mile to a stone, thence north fifty-three and one-half degrees east to the beginning.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, four commissioners and a constable, and the commissioners shall have power to elect a secretary and treasurer, and to elect the constable.

Election.

SEC. 4. There shall be an election for mayor and commissioners on the first Monday of May of each and every year under the same instructions that county and state elections are held. All male citizens over twenty-one years who have resided in the state twelve months and ninety days within said corporation previous to the day of election shall be entitled to vote at said election.

Electors.

SEC. 5. That the said commissioners shall have power to make by-laws, rules and regulations and pass ordinances 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.

By-laws, &c.
Fines, &c.

SEC. 6. That all fines collected for the violation of any of the town ordinances shall go into the town treasury for the benefit of the town.

Fines to go into town treasury.

SEC. 7. That until their successors are elected on the first Monday of May, eighteen hundred and eighty-seven, the following named persons shall fill the offices of said town, viz.: Mayor, John M. Moore; commissioners, W. P. Shealy, J. W. Cook, W. R. Odell and Charles McDonald; constable, J. P. Reavis.

Temporary officers.

SEC. 8. That outside the corporate limits of the town of Concord it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within one mile and a half of the corporate limits of said town of Forest Hill, and any person violating the provisions of this section shall be guilty of a misdemeanor: *Provided*, nothing herein contained shall affect the sale of spirituous, vinous or malt liquors in the town of Concord, or shall be construed either to allow or prohibit the sale of such liquors in the town of Concord.

Misdemeanor to sell liquor outside of corporate limits and within one mile and a half.

Proviso.

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 114.

An act to incorporate the Cape Fear Tent, number two, Grand United Order of Rechabites of North America.

The General Assembly of North Carolina do enact :

SECTION 1. That John H. Jackson, George Heide, William H. Kelley, J. A. Loftin, Henry Hill, William H. Cash, Alfred Hill, Alexander Rhone, D. B. Fulton, Charles R. Mallett, Joseph B. Hall, Frank Bryant, Alfred Davis and Jeremiah Hall, and all such other persons as may be associated with them, and their successors, be and they are hereby created a body corporate and politic, under the name and style of Cape Fear Tent, number two, Grand United Order of Rechabites of North America, to be located at Wilmington, North Carolina, and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of the state, contract and be contracted with, acquire, hold and dispose of such real and personal property as their interest or convenience may require, and have all such rights and privileges as are incident to such corporations.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not

By-laws, &c.

be inconsistent with the constitution and laws of this state or of the United States.

SEC. 3. That all laws and parts of laws inconsistent 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. 1887.

CHAPTER 115.

An act entitled an act to authorize and direct W. H. Yarborough, J. S. Barrow, Joel Thomas and George S. Baker, Trustees of Pettigrew Council, number one, Friends of Temperance, to convey a certain lot in the town of Louisburg to the commissioners of said town.

The General Assembly of North Carolina do enact :

Preamble.

That whereas, W. H. Yarborough, J. S. Barrow, Joel Thomas and George S. Baker, as surviving trustees of Pettigrew Council, number one, Friends of Temperance, are seized of a lot of land in the town of Louisburg, North Carolina, particularly described in the deed made to said trustees, recorded in book number thirty-three, page two hundred and nineteen, of Franklin county; and whereas, the said council of Friends of Temperance has long since ceased to have an organization, and it is the desire and wish of the said trustees and the persons who formerly belonged to said council that the said lot should be conveyed to the commissioners of the town of Louisburg and their successors for the benefit of said town; it is therefore enacted :

Authorized to convey lot to commissioners of Louisburg.

SECTION 1. That W. H. Yarborough, J. S. Barrow, Joel Thomas and George S. Baker, surviving trustees of Pettigrew Council, number one, Friends of Temperance, be and they are hereby authorized, empowered and directed to convey by their deed the afore described lot to the commissioners of the town of Louisburg and their successors, in fee simple.

Commissioners empowered to sell, &c.

SEC. 3. That the commissioners may in their discretion sell the said lot and place the proceeds in the treasury of said town, or invest the same in another lot for public purpose, or they may retain said lot for the purpose of erecting a building thereon necessary for the purpose of the public.

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. 1887.

CHAPTER 116.

An act to incorporate the town of Silverboro in the county of Wilson.*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Silverboro, in the county of Wilson, be and the same is hereby incorporated, under the name of Silverboro, and the limits of said town shall be one quarter of a mile each way from the crossing of the county road and Wilson and Fayetteville railroad, and bounded as follows: Beginning at a pine on south side of Wilson and Fayetteville railroad and running nearly north eight hundred and eighty yards to a pine, thence nearly east eight hundred and eighty yards to a pine, thence nearly south eight hundred and eighty yards to a pine, thence nearly west eight hundred and eighty yards to the beginning.

Incorporated.

Corporate limits.

SEC. 2. That the officers of the town shall be a mayor, three commissioners and a constable, to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof.

Officers.

SEC. 3. That until the next election according to law and until their successors shall be elected or appointed, the officers of said town shall be for mayor, Nathan Boyett, and for commissioners, Henry Kirby, B. A. Scott and H. R. Hinnant, and for constable, Z. R. Balance.

Temporary officers.

SEC. 4. That the said town and the officers thereof shall be governed by and shall have and exercise all the jurisdiction, rights and powers conferred under The Code, volume two, chapter sixty-two, and the constable of said 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 and authority to levy a tax on personal property in like manner as on real estate.

Corporate powers.

Powers of constable.

Taxation.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 117.

An act to incorporate the Atlantic Mutual Life Assurance Company of North Carolina.*Be it enacted by the General Assembly of the State of North Carolina :*

SECTION 1. That George Allen, C. E. Foy, William Hollister, K. R. Jones, Alexander Miller, L. S. Wood, W. P. Wooten and B. M. Gates,

Body politic.

- and their associates and successors, be and they are hereby created a body politic, under the name of the Atlantic Mutual Life Assurance Company, with power to sue and to be sued, contract and be contracted with, and shall have perpetual succession, with the right to hold real estate or other property and funds necessary in the judgment of the board of managers for its use and purposes, and may dispose of the same. They may make and use a common seal, renewable and changeable at pleasure. The incorporators and their associates and successors shall have power to arrange and to determine the interest of each incorporator or member and to issue certificates representing such interest; to make all necessary by-laws and regulations for the government and management of the company and for the purpose of carrying out this act of incorporation.
- Corporate name.** **Corporate powers.** **Place of business.** **Organization.** SEC. 2. The principal place of business shall be in New Berne, North Carolina, and George Allen and any three of the incorporators named in the preceding section (with their associates) may in person or by proxy, upon five days' notice published in the New Berne Journal, or any other paper printed in New Berne, North Carolina, proceed to organize the company and to elect the officers and managers herein provided for.
- Board of managers.** SEC. 3. The affairs of the corporation shall be managed by a board of not less than six nor more than twelve, a majority of whom shall be residents of New Berne, North Carolina, and shall constitute a quorum. Vacancies shall be filled by the board of managers. The board shall elect from their own number a president, vice-president, general manager, secretary, treasurer, and such other officers as they may deem necessary for the management of the business of the corporation, and may enact by-laws to regulate the duties of each.
- Vacancies.** **Officers.** SEC. 4. The object of the association is to provide a beneficiary fund for its members, to be paid at stated intervals, or at the death of the member, in such sums and in such manner as the by-laws may direct and as it shall be provided for in the beneficiary certificate.
- By-laws.** **Objects of corporation.** The board of managers shall determine who shall be members and upon what terms they shall be received, shall determine what sum shall be paid by members, either for membership fees, annual dues or assessments. They shall control and invest the funds of the company as they may see proper. They shall fix the salaries or compensation of the officers and agents, and may require suitable bonds for the faithful performance of their duties, and may do all such acts as shall be necessary to fully carry out the purpose of the corporation.
- Duties of board of managers.** SEC. 5. The company may issue certificates of membership and insurance in value from one to five thousand dollars, and may provide the terms and the time when the same shall be payable, whether during life or at death. Policies can be made payable to the party insured or to the family of the insured, or to a creditor, as the applicant may direct, and the policies may be transferred.
- Corporate powers in respect to insurance certificates, &c.**

SEC. 6. The board of managers shall provide funds for the payment of death losses and for the payment of endowment coupons as they mature and become due, by collecting monthly premiums or assessments from the members in such sums as may be determined upon as being equitable and just according to age, and by similar assessments made upon the death of a member. The annual dues shall not exceed four dollars per thousand dollars insured, and shall be collected under rules to be provided by the board of managers. A failure to pay premiums, assessments or dues within thirty days after notification shall cause a forfeiture of all the rights of a member, unless reinstated by action of the board of managers.

Duties of managers in respect to insurance, &c.

Dues.

Forfeiture.

SEC. 7. The funds due deceased members shall be due and payable within sixty days after legal notice and proper proof of death, and shall be paid upon the surrender of the certificate or policy, and unless a claim be asserted within one year after the death of a member, any right to recover shall be forfeited.

Payment of policies, &c.

SEC. 8. This corporation shall make an annual report of its property, real and personal, choses in action, deposits, reserve funds and cash balances on the first day of July of each and every year, which report shall be published in some newspaper in the city of New Berne, and a copy of the report shall be sent to each policy holder. The company shall be subject to the general insurance laws of the state of North Carolina.

Annual report.

Subject to general insurance laws.

SEC. 9. The individual members of the corporation shall not be individually liable for the corporate debts.

No individual liability for corporate debts.

SEC. 3. This act shall take effect and be in force from and after its passage.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 118.

An act to incorporate Oak Institute Joint Stock Company, at Mooresville, in Iredell county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons are constituted the Oak Institute Joint Stock Company, to-wit: A. Cornelias, M. D. Hobbs, J. B. Cornelias, J. R. Cornelias, W. B. Mott, D. A. Barkley, R. S. Templeton, C. E. Wilkerson, W. L. Turner, M. W. White, S. S. Steele, Richard Brantley, J. F. Johnston, R. W. McKay, A. D. Plyler, W. L. Rankin, W. L. Caldwell, T. L. Triplett, H. A. Muill, J. A. Mills, J. J. Mayhew, J. B. Atwell, R. S. Atwell, C. F. Rink, G. W. Templeton, R. L. Atwell, J. M. Moore, A. M. Walker, W. L. White, D. S. Chandler, and they are hereby intrusted with all powers neces-

Corporate name.
Incorporators.

Corporate powers.

sary to purchase, own and control property for the purpose of founding and conducting an educational institution at Mooresville, in Iredell county.

Capital stock. SEC. 2. The company shall be organized with a capital stock of twenty-five hundred dollars, in shares of twenty-five dollars each.

Officers. SEC. 3. The stockholders shall have power to elect a president, vice president, a secretary, a treasurer, and a board of five directors, of whom the president shall be one.

Election. SEC. 4. The company shall be governed by the president and directors, who, with the other officers, shall be elected annually, at such time as the by-laws may direct; and these shall continue to hold office until their successors are elected.

By-laws. SEC. 5. The company shall have power to make such by-laws and regulations as they may deem proper, not inconsistent with the laws of the state.

No individual liability for corporate debts. SEC. 6. The stockholders of the company shall not be individually liable for its debts.

Increase of capital stock. SEC. 7. The stockholders shall have power to increase the capital stock to the amount of twenty thousand dollars.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 119.

An act to incorporate The Carolina Manufacturing Company.

The General Assembly of North Carolina do enact:

Body politic. SECTION 1. That the following named persons, to-wit: Thomas L. Field, of Baltimore, Md., and Peter M. Wilson, O. H. Foster, B. S. Jerman and C. M. Hawkins, of North Carolina, their associates, successors and assigns, are hereby created a body politic and corporate,

Corporate name. by the name of "The Carolina Manufacturing Company," and by which name said corporation and their successors shall have perpetual succession and all rights conferred upon corporations by chapter sixteen, sections six hundred and sixty-three and six hundred and sixty-four, of The Code of North Carolina.

Corporate powers. SEC. 2. The capital stock shall consist of fifty thousand dollars, divided into shares of the par value of fifty dollars each. The said company shall have authority to organize and transact business whenever five thousand dollars of their capital stock is paid up.

Capital stock. SEC. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, making and finishing bobbins, spools, warps, yarns,

Corporate powers.

cloths, prints, or any other fabric of cotton, wool, or any other material, or engage in any species of manufacturing enterprise, and shall have power to lease, purchase, hold, sell and convey real estate sufficient for the proper conduct of its business, and to borrow money and issue bonds or other evidence of any indebtedness so created and to secure the payment of the same by mortgage upon its property and effects or otherwise, and may also receive subscriptions to its capital stock in cash or real or personal estate of any kind at such rates and upon such terms as said corporation may deem best: *Provided*, that no subscription to stock shall be paid in real or personal estate except by the consent of a majority of the stockholders.

Proviso.

SEC. 4. The owners of stock in this corporation shall not be individually liable for any contract, indebtedness nor liability of any kind whatsoever of said corporation.

No individual liability for corporate debts.

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

In the general assembly read three times, and ratified this 7th day of March, A. D. 1887.

CHAPTER 120.

An act to incorporate the Carolina Lime and Phosphate Company.

The General Assembly of North Carolina do enact:

SECTION 1. That George Z. French, William H. French and Josiah French, and such other persons as may be associated with them, are hereby made a body politic and corporate, to be known by the name and style of the Carolina Lime and Phosphate Company, with power to purchase and own real and personal estate, to have a corporate seal, to sue and be sued, and to do all other things which belong to bodies politic and corporate, with power to purchase, hold, sell, lease, mortgage or otherwise convey and dispose of any real or personal estate; to borrow money and to make and issue bonds and promissory notes or other evidence of its indebtedness and secure the same by mortgage or otherwise, as may be deemed best; to make advances of money or other things, on such terms or on such rates of interest, not exceeding eight per centum per annum, and on such securities, real or personal, as may be agreed on, and with all the rights and powers and privileges incident to or belonging to corporations.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars (\$100,000), and may be increased to two hundred thousand dollars, the capital stock to be divided into shares of one hundred dollars each: and at all meetings of the stockholders of said company each share of stock shall entitle the holder of the same to one vote, either in person or by proxy.

Capital stock.

Stock vote.

Corporate powers.

SEC. 3. The said company is hereby authorized to mine and manufacture lime and fertilizers and chemicals of any character; to manufacture bags, barrels and any such other things as may be necessary in their business; to engage in and conduct any kind of agricultural, manufacturing or merchandising business: to own, employ and use vessels, steamboats, or any other boats; and generally to conduct and carry on in all its branches the business of mining, manufacturing and transporting lime, phosphates and fertilizers.

By-laws, &c.

SEC. 4. The stockholders of said company may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company. They may prescribe the number of directors, and the number and character of the officers of said company, the manner of their election and the amount of their compensation, the terms of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy existing from any cause whatever, either among the directors or officers of said company.

Directors, &c.

Books of subscription.

SEC. 5. That the books of subscription of said company shall be opened at such time and place as the above named incorporators shall determine.

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. 1887.

CHAPTER 121.

An act to incorporate the Cherokee Land and Mining Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Rufus Y. McAden, John H. McAden, W. N. Allman, G. W. Tatham and G. Rosenthal, their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Cherokee Land and Mining Company," with a capital stock of one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with liberty and authority to a majority of the stockholders to increase said capital stock at any time, or from time to time, to any amount not exceeding in the aggregate five millions of dollars.

Corporate name.

Capital stock.

Corporate powers.

SEC. 2. That as said corporation they shall have perpetual succession, a common seal, which they may alter or break at pleasure. They may in their corporate name sue and be sued, prosecute and defend actions and special proceedings in all courts of the land. They may buy, lease, exchange, hold, sell and convey real and personal property at their will and pleasure, and buy land and other

property and issue the whole or any part of the capital stock in payment therefor. They may borrow money and execute notes, bonds, and other evidences of debt and secure the same by mortgage of their property, effects and franchise or otherwise.

SEC. 3. That said company shall have the power and all privileges pertaining to mining and waterways, and all other rights and privileges necessary for the prosecution of mining. That they shall have power to build railroad or railroads, and for that purpose shall condemn land for right of way and have all rights and privileges for the aforesaid purposes not inconsistent with the laws of North Carolina.

Corporate powers.

SEC. 4. That said corporation may make such by-laws, rules and regulations as the stockholders may desire, may elect such officers as they see fit and prescribe their duties, compensation and terms of service.

By-laws.
Officers.

SEC. 5. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the incorporators named herein waive in writing such notice and fix a time and place of meeting.

No notice of first meeting.
Proviso.

SEC. 6. That the corporators and stockholders of said company and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, engagements or torts of said corporation; and no stockholder shall be liable to pay for more stock than he subscribed for.

No individual liability for corporate debts.

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. 1887.

CHAPTER 122.

An act to incorporate the Northeast River Drainage and Land Company.

The General Assembly of North Carolina do enact:

SECTION 1. That R. G. Peters, Horace Butler and M. F. Butler, of the state of Michigan, and O. H. Blocker and W. G. Lewis and their associates and successors be and they hereby are created a body politic and corporate, under the name and style of the "Northeast River Drainage and Land Company," and shall have all the power vested in corporations by sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of The Code.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. The principal place of business of said corporation shall be in such place in the state of North Carolina as may be agreed upon by this corporation.

Place of business.

Capital stock. SEC. 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of the par value of five hundred dollars each, and none of the stockholders of said corporation shall be individually liable for the debts of said corporation.

No individual liability for corporate debts.

Corporate powers in relation to navigation of North East river, &c.

SEC. 4. That said corporation shall have the power to widen, deepen, straighten or change the channel of the same for the purposes of navigation and drainage, the Northeast river and its tributaries, from Bannerman's bridge to the mouth of Gosleen swamp, and said Gosleen swamp and its tributaries from its mouth to the Wilmington and Weldon Railroad, from the mouth of Gosleen swamp and the said Northeast river and its tributaries to a point ten miles above the mouth of said Gosleen swamp, and may cut, dig and construct such canals as may be deemed necessary, of such width and depth as it may think best, which canals it may at any time alter, enlarge or diminish; and shall have the power to go upon the lands of any person adjacent to the said streams and their tributaries for the purpose of surveying the route and cutting said canals; and said corporation shall have power to collect reasonable tolls on merchandise transported over the streams and canals so improved and constructed by it: *Provided*, they shall not charge for transportation over those parts now navigable, and said corporation shall have power to acquire and hold both real and personal property and to sell and convey the same.

Proviso.

Damages, &c., how ascertained, &c.

SEC. 5. That in the absence of any special contract between the said corporation and the owners of lands improved or damaged by the works of said corporation, as herein provided for, said corporation is hereby vested with all the benefits, rights and power given to the Buck Swamp Agricultural Canal Company by sections eight and nine of chapter two hundred and eighty-seven of laws of eighteen hundred and seventy-nine: *Provided*, the proceedings in said act shall be returnable before and had in the counties in which this company shall seek such relief.

Proviso.

Misdemeanor to obstruct canal, &c.

SEC. 6. That if any person shall obstruct the said canal or other works of said corporation by cutting trees into or across the same, or otherwise, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court, and said corporation shall moreover have power to remove said obstructions.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed, and also sections six hundred and sixty-six, six hundred and eighty-seven, six hundred and ninety, six hundred and ninety-three and six hundred and eighty-five of The Code are hereby repealed in so far as they conflict with this act and no farther.

Authorized to purchase land, &c.

SEC. 8. This corporation is hereby invested with power to purchase and to hold in fee simple any number of acres of land in this state,

not exceeding in value the sum of three hundred thousand dollars at the time the same are purchased by said corporation, the value to be fixed at the price paid by said corporation.

SEC. 9. 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. 1887.

CHAPTER 123.

An act entitled an act to amend chapter twenty-nine, section five, of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That in line two strike out the words "ten cents" and insert "twenty-five cents," and in line three strike out "thirty cents" and insert "seventy-five cents," so that the whole section as amended shall read: Section five of said act, "That the authority to tax real and personal estate and polls shall be limited to twenty-five (25) cents annually on the one hundred dollars' valuation and seventy-five (75) cents on the poll."

Chapter 29, private laws 1885, amended.

Taxing power of town of Princeville, Edgecombe 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. 1887.

CHAPTER 124.

An act to amend the charter of the town of Yeatesville in Beaufort county, and change the corporate limits thereof.

The General Assembly of North Carolina do enact :

SECTION 1. That section four (4) chapter seventy-three of the private laws of one thousand eight hundred and eighty-one, be and the same is hereby amended by striking out after the words "to-wit" in line two of said section down to and including the word "beginning" in line eight, and insert in lieu thereof the words, "Beginning at a branch below the church, thence up said branch to W. B. Windley's and J. A. Tankard's lead ditch, with said ditch to the back of said Tankard's farm, and thence southwest to the Shavender and Jones line to the Washington and Leechville road, and thence with the Campbell and Solomon Windley line to back of the Campbell farm, and thence northeast to the beginning."

Chapter 73, private laws 1881, 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 7th day of March, A. D. 1887.

CHAPTER 125.

An act to incorporate St. Andrew's Home for the aged and indigent colored people of the city of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

- Body corporate.** SECTION 1. That Andrew J. Chambers, James F. Shober, Valentine Howe, Joseph E. Sampson, James B. Dudley, J. G. Barney, John G. Norwood, Augustus Williams, John E. Taylor, John S. Gibson, David Jones, J. M. Price, L. D. Kennedy, John Holloway and Hampton Saunders, and their successors in office, be and they are hereby made
- Corporate name.** a body corporate and politic, by the name of " St. Andrew's Home for the aged and indigent colored people of the city of Wilmington, North Carolina."
- Corporate powers.** SEC. 2. That the said corporation shall have the power to acquire and hold property, real and personal, to an amount not exceeding one hundred thousand dollars, and may sue and be sued, and have a common seal.
- Objects of corporation.** SEC. 3. That the object and purposes of such corporation shall be to supply a home for and alleviate the sufferings and necessities of the aged and indigent colored people of the city of Wilmington, North Carolina, and for that purpose the said corporation shall have the power and authority to receive subscriptions, in money or other things, and may receive donations by will or otherwise, for the purposes of said corporation, and invest or otherwise dispose of and use the same for the promotion of the objects of said corporation.
- Meetings.** SEC. 4. The annual meeting of such corporation shall be at such time as the directors of such corporation shall determine, but called meetings of said directors may be held at any time upon the written request of five of the board of directors.
- Officers.** SEC. 5. Until otherwise ordered by the corporation, the officers shall be a president, secretary and treasurer, and the office of secretary and treasurer may be combined in one, who may be a director or some other person, as the directors may select.
- Directors.** SEC. 6. The said corporation shall have fifteen directors, from whom the president shall be chosen by the directors, but the president shall receive no compensation for his services.
- By-laws, &c.** SEC. 7. The said corporation shall have power to make such by-laws and rules and regulations for its government and the management and disposition of its funds as from time to time may be proper.
- First board of directors.** SEC. 8. The persons named in section one of this act shall constitute and be the first board of directors of the corporation, and shall hold their offices for one year from the ratification of this act; at the expiration of which time and annually thereafter a board of directors shall be chosen from the several colored churches in the city of Wilmington that are represented by the persons named in section one
- Election of directors.**

and proportionately in number to those therein represented, a certificate of whose appointment by the said several churches shall be furnished to the secretary of the corporation and by him entered on the records of the said corporation.

SEC. 9. The said corporation shall keep a record of their proceedings and of all moneys received and how disposed of, which shall at all times be subject to the inspection of the officers of the several churches who are empowered to select members of the board of directors. Record.

SEC. 10. That the property of the said corporation shall be exempt from taxation either by the state or by the county or municipal authorities. Exemption from taxation.

SEC. 11. This act shall continue in force for ninety-nine years. Corporate existence.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 126.

An act to incorporate the town of Hickstown in the county of Durham.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Hickstown in the county of Durham be and the same is hereby incorporated, under the name and style of the town of Hickstown, and as such shall be subject to the provisions of chapter sixty-two, volume second of The Code, entitled Towns and Cities. Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: beginning in S. J. Hester's line at W. H. Hicks' and Ella H. Hicks' corner, running thence south twenty-six degrees east twenty-two chains and ninety links to John W. Vickers' and Ella H. Hicks' corner in J. R. Blacknall's line, thence south eighty-nine degrees west thirteen chains fifty links to a stake, thence north twenty-six degrees west twenty-seven chains forty links to Martha Burton's line, thence south seventy-eight degrees east sixteen chains sixty-five links to the first station. Corporate limits.

SEC. 3. That until their successors are elected and qualified as by law directed, the officers of said town shall be as follows: Walter Strickland, mayor; John R. Vickers, J. H. Martin, David Mays, commissioners, and such other officers as they may elect under the provisions of the said chapter sixty-two of The Code aforesaid. Temporary officers.

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. 1887.

CHAPTER 127.

An act to be entitled an act to incorporate Greenwood Methodist Church in Ashe county.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That M. L. Mikel, Wesley O. Plummer, Ely S. Young, W. P. Young and S. M. Duval 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 Greenwood Methodist Episcopal Church, South," in Ashe county; and said corporation shall have power to purchase and hold real 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 in 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.
- Corporate name.**
- Corporate powers.**
- Vacancies.** SEC. 2. That in case of death or refusal to act, or removal, or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the same, provided their number shall not be less than three nor more than five.
- Misdemeanor to sell, &c., liquor within two miles of church; to exhibit one's self drunk; to use loud, &c., language, &c.** SEC. 3. That it shall be unlawful for any person to sell or give away spirituous liquors, except for medicinal purposes, at or within two miles of said church, and that a violation of the same shall be a misdemeanor; that it shall be a misdemeanor for any person to exhibit himself drunk during divine worship within the limits of this corporation; that it shall be a misdemeanor for any person to use loud and profane or indecent language, or any person to engage in a quarrel in an angry manner in the hearing of those assembled in said church for divine worship; that it shall be a misdemeanor for any one to fire off a gun or pistol in the limits of this corporation during divine worship.
- Penalty.** SEC. 4. That any person violating the provisions of section three of this act shall be fined or imprisoned, or both.
- Special police.** SEC. 5. That the trustees of said church 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.
- Ordinances.** SEC. 6. That the said trustees and their successors in office may enact such ordinances for the good government and protection of said church and the people there while occupied for worship, and enforce the same not inconsistent with the constitution and laws of this state.
- Powers of police.** SEC. 7. That the special police shall have power to keep the peace, and to execute all process to them directed by the intendant of police

within the limits of the corporation, and during the time that the people are assembled for or occupied in divine worship.

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 7th day of March, A. D. 1887.

CHAPTER 128.

An act to incorporate the North Carolina Society for the Prevention of Cruelty to Animals.

The General Assembly of North Carolina do enact :

SECTION 1. That H. H. Lyons, W. H. Inloes, Thomas W. Patton, W. T. Penniman, H. B. King, J. P. Sawyer, J. E. Rankin, C. M. McLoud, James Cortland, Jr., Dr. J. L. Carroll, J. G. Martin, Richmond Pearson, Frank Coxe, and such other persons as may be associated with them in conformity to this act, are hereby constituted and created a body politic and corporate in law, by the name of The North Carolina Society for the Prevention of Cruelty to Animals, and as such they shall have and enjoy all the rights, franchises and powers of a corporation, including the right to sue and be sued, to use a common seal, to receive legacies and donations, and to hold real estate not exceeding in value the sum of fifty thousand dollars.

SEC. 2. The objects of the said society are to provide effective means for the prevention of cruelty to animals throughout the state of North Carolina, and for the enforcement of all laws heretofore or hereafter enacted for the protection of such animals. The said society is also empowered to erect and maintain fountains, tanks, troughs or other receptacles of fresh water in eligible localities for gratuitous distribution to the dumb creation, and to purchase, print, publish and circulate such tracts and books as are fitted to promote the objects of the society, and to appoint or employ such agents as the board of managers may from time to time deem necessary.

SEC. 3. It shall be the duty of the incorporators whose names are mentioned in the first section of this act, or any five of them, after notice published for five days in one or more newspapers published in the city of Asheville, to meet together and to elect a president, two vice presidents, a secretary, a treasurer, and seven persons who shall constitute a board of managers, in whom shall be vested the control and management of the affairs of the said corporation, and the board of managers may appoint such other officers as may be necessary for the transaction of the business of the society. The secretary and treasurer may be one and the same person if the managers shall so determine.

Body politic.

Corporate name.
Corporate powers.

Objects of corporation.

Organization.

Board of managers.

Election of officers.

SEC. 4. In the month of January in every subsequent year an election of officers and managers of the said society shall be held in the city of Asheville, at such time and place and after such notice as the managers for the time being may deem proper, and the said managers and officers shall continue to act until their successors shall have been duly elected and qualified. At all such elections every person who shall have been elected by the board of managers a member of the society and who shall within one year have paid such sum as the managers shall fix as a membership fee to the treasurer thereof, for the use of the society, shall be entitled to give one vote.

By-laws.

SEC. 5. The said society for fixing the terms of admission of its members, for the government of the same, for electing its officers and members, and for the general regulation and management of its affairs shall have power to form a code of by-laws not inconsistent with the laws of this state or of the United States, which code when formed and adopted at a regular meeting shall, until modified or rescinded, be equally as binding as this act upon the society, its officers and members.

Duty of police.

SEC. 6. The police force of the city of Asheville as well as of all other places in the state of North Carolina where police organization exists, shall, as occasion may require, assist the society, its members or agents in the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals.

Fines, how applied.

SEC. 7. One half of all fines collected through the instrumentality of the society or of its agents for violations of the law for the prevention of cruelty to animals shall accrue to the benefit of the said society.

Offices.

SEC. 8. The principal office of the society shall be located in the city of Asheville, with full power on the part of the society to establish and locate branches at any place or places within the boundaries of state.

SEC. 9. 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. 1887.

CHAPTER 129.

An act to incorporate the town of Red Springs in Robeson county.

The General Assembly of North Carolina do enact :

Incorporated.
Corporate name.

SECTION 1. That the town of Red Springs in the county of Robeson be and the same is hereby incorporated, by the name and style of Red Springs, and shall be subject to all the provisions contained in chapter sixty-two (62) of The Code.

SEC. 2. That the corporate limits of said town shall be one square mile, run with the cardinal points of the compass, taking the crossing of Spring street by the track of the Cape Fear and Yadkin Valley railroad as the centre of the corporate territory. Corporate limits.

SEC. 3. That the officers of said corporation 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, eighteen hundred and eighty-seven, viz.: Mayor, Hector McNeill; commissioners, B. W. Townsend, R. T. Covington, A. B. Pearsall, J. McC. Buie, J. L. McMillan; marshal, J. T. Musslewhite; all of whom shall hold their offices until their successors are elected and qualified. Officers.
Temporary officers.

SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and eighty-seven, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens who have resided twelve months in the state and ninety days within the corporate limits of the town shall be entitled to vote at said election. Election.
Electors.

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. Powers of officers.

SEC. 6. That this charter shall be subject to all conditions and privileges heretofore granted to Red Springs Baptist church, within the corporate limits of said town, in regard to the sale of spirituous liquors. Sale of liquors.

SEC. 7. That it shall be the duty of the officers of the town appointed by this act within sixty days after its ratification to go before some justice of the peace of said county and take the oath of office prescribed by law for such officers. Qualification of officers.

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 7th day of March, A. D. 1887.

CHAPTER 130.

An act to allow further time to the Raleigh Bank to organize.

The General Assembly of North Carolina do enact :

SECTION 1. That the private act of the general assembly of North Carolina, chapter fifty-nine, passed March second, eighteen hundred and eighty-five, entitled "an act to incorporate the Raleigh Bank," be and the same is hereby amended so as to allow the incorporators in said act named further time, until the second Tuesday in January, eighteen hundred and eighty-nine, to open books and receive sub- Chapter 59, laws 1885, amended.
Further time for organization.

scriptions for stock, and to organize the Raleigh Bank in said act named.

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. 1887.

CHAPTER 131.

An act supplemental to an act chartering the town of Murphy, North Carolina.

The General Assembly of North Carolina do enact :

Corporate limits. SECTION 1. That the corporate limits of the town of Murphy shall be included within the following limits: beginning at the one mile post above Murphy on the Hiawassee river, thence down Hiawassee river to the town commons line, thence with said line on the west side of said river.

Temporary officers. SEC. 2. That Abram Axley, R. A. Aiken and R. H. Hyatt be and they are hereby appointed commissioners of said town until an election is had as provided by law.

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. 1887.

CHAPTER 132.

An act authorizing the mayor and aldermen of the town of Waynesville to change eighty "town of Waynesville improvement bonds," of the denomination of one hundred dollars each, issued June first, eighteen hundred and eighty-six; and to make valid all acts pertaining to the issue of said bonds; and authorizing the aldermen of said town to call an election and submit to the qualified voters of said town a proposition to increase the bonded debt of said town from eight thousand dollars to twelve thousand dollars.

Be it enacted by the General Assembly of North Carolina:

Preamble. That whereas, an ordinance was passed and ratified by the aldermen of the town of Waynesville, on the ninth day of March, eighteen hundred and eighty-six, ordering an election to be held for the town of Waynesville on the third day of May, eighteen hundred and eighty-six, submitting to the qualified voters of said town a proposition to

vote a bonded debt of eight thousand dollars for the improvement of said town, those in favor of the proposition to vote "bonds," and those against "no bonds;" and notice of said election having been advertised for the period of four weeks and held under the rules and regulations prescribed by said aldermen, and the inspectors having declared and certified that a majority of the qualified voters of said town voted in favor of "bonds," whereupon the town of Waynesville issued on the first day of June, eighteen and eighty-six, eighty bonds denominated "town of Waynesville improvement bonds," of the denomination of one hundred dollars each, forty of which are due and payable first June, eighteen hundred and ninety-six, the other forty first June, twenty hundred and six, and caused the same to be signed by the mayor of said town and countersigned by the aldermen thereof; and whereas, the eighth section of said ordinance, ordering said election, restricted the issue of said bonds to the denomination of one hundred dollars each, and the sale of said bonds is greatly impaired by reason of the denomination being so small; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and aldermen of the town of Waynesville be and are hereby authorized and empowered to take up and cancel said bonds, and issue in lieu thereof eight thousand dollars of bonds in such denominations and payable at such time, not to be less than ten years from date of issue, as they may deem to be to the best interest of said town: *Provided, however,* that said bonds shall not bear a greater rate of interest than seven per centum and shall not be sold for less than their par or face value, which condition shall be inserted in the body of the bond or bonds issued. And the authority by which said election was called and held by the aldermen of said town, authorizing the issuing of said eighty "town of Waynesville improvement bonds," shall have the same force and effect as if the election had been authorized by the general assembly of North Carolina: *Provided, further,* that the aldermen of the said town of Waynesville, at any time after the ratification of this act, may submit to the qualified voters of the town of Waynesville, under such rules and regulations as they may prescribe, whether or not bonds to the amount of four thousand dollars more shall be issued by said town, and that such qualified voters at such election shall vote a ticket on which shall be written or printed the words "bonds," or "no bonds," and in case a majority of the qualified voters of said town shall favor the issuing of said bonds, then the mayor and aldermen of said town may cause the same to be issued upon the same conditions and restrictions as is herein provided for the re-issue of the eight thousand dollars "town of Waynesville improvement bonds." and the penalty for illegal voting shall be the same as that

Authorized to take up bonds already issued and issue in place thereof other bonds.

Proviso.

Election upon question of issue of additional bonds.

prescribed for illegal voting in town and city elections in North Carolina.

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. 1887.

CHAPTER 133.

An act to enlarge the corporate limits of the town of Roxobel, Bertie county.

The General Assembly of North Carolina do enact :

Corporate limits enlarged.

SECTION 1. That the boundaries of the town of Roxobel, Bertie county, North Carolina, are hereby enlarged so as to include all the territory embraced in a radius of one mile from W. J. Capehart's store, in said 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 7th day of March, A. D. 1887.

CHAPTER 134.

An act to repeal chapter one hundred and fifty-nine of the private laws of eighteen hundred and eighty-three, relating to the limits of the town of Windsor.

The General Assembly of North Carolina do enact :

Chapter 159, private laws 1883, repealed.

SECTION 1. That chapter one hundred and fifty-nine of the private laws of eighteen hundred and eighty-three be and the same is hereby repealed.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 135.

An act to amend the charter of the town of Selma.

The General Assembly of North Carolina do enact :

Chapter 16, private laws 1872-3, amended.

SECTION 1. That chapter sixteen of the private laws of eighteen hundred and seventy-two and eighteen hundred and seventy-three,

be and it is hereby amended as follows: amend section two by striking out all of said section which follows the word "follows," in the second line thereof and insert in lieu thereof the following words, to-wit: "One mile square, making the North Carolina railroad warehouse the geographical centre." Corporate limits.

SEC. 2. That said chapter sixteen, private laws of eighteen hundred and seventy-two and eighteen hundred and seventy-three, be and it is amended by striking out wherever it occurs the word "marshal" and insert in lieu thereof the words "town constable." Constable.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 136.

An act to repeal chapters thirty-six and forty-five of the private laws of eighteen hundred and eighty-one. Repeals acts incorporating grand and subordinate lodges of Knights of Honor.

The General Assembly of North Carolina do enact :

SECTION 1. That chapters thirty-six and forty-five of the private laws of one thousand eight hundred and eighty-one be and the same are hereby repealed. Chapters 36 and 45, private laws 1881, repealed. (Laws incorporating grand and subordinate lodges Knights of Honor.)

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. 1887.

CHAPTER 137.

An act to amend chapter sixty-three (63) of the private laws of eighteen hundred and seventy and eighteen hundred and seventy-one, entitled an act to incorporate the town of Kernersville.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Kernersville, in Forsyth county, shall continue to be as heretofore a body corporate, under the name and style, "the town of Kernersville," and under such name and style is hereby invested with all the privileges, immunities and franchises, together with all other rights heretofore belonging or appertaining to the town of Kernersville, and in and by that name may sue and be sued, plead and be impleaded, acquire and Incorporated.
Corporate name.
Corporate powers.

hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient, not to exceed in value one thousand dollars at the time of purchase.

Present officers to remain in office.

SEC. 2. The present mayor and commissioners and other officers of the town of Kernersville shall be and the same are hereby declared to be like officers, with the powers and duties of the town of Kernersville, until their successors are elected and qualified as herein after provided.

Corporate limits.

SEC. 3. That the corporate limits of the town of Kernersville shall embrace all that portion of said town within a radius of three quarters of a mile from Kernersville High School building.

Officers.

Election.

SEC. 4. The officers of the town of Kernersville shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year; also a constable, secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold their offices 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 posted at three public places within the corporate limits of said town; and if the board of commissioners of said town shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who, with the registrar, shall hold said election.

Notice of election.

Inspectors.

Who eligible as mayor and commissioner.
Proviso.

SEC. 5. That any qualified voter of this state shall be eligible as mayor or commissioner and entitled to vote in the municipal election of said town: *Provided*, he shall have resided within the corporation for ninety days next preceding the day of election and shall be registered on the registration book of said town.

Duty of inspectors of election.

SEC. 6. That on the day of election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as elections for members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor and the persons for whom he votes as commissioners, otherwise the vote shall not be counted.

Ballots.

Electors.

SEC. 7. That all persons entitled to vote in the state and who shall have resided in the town for a period of ninety days immediately preceding the election shall be allowed to vote for mayor and commissioners: *Provided*, they have complied with the registration laws.

Proviso.

C canvass of vote.

SEC. 8. 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 elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners, and mayor and commissioners shall be notified of their election by the inspectors.

Notice to persons elected.

SEC. 9. That if of the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification to elect a mayor of such persons; and if of the persons voted for as commissioners there shall be a tie, three at least of such commissioners having been elected, the commissioners elect shall, within five days after their qualification, select of such the person or persons to be commissioners. But if three of said commissioners shall not have been elected by reason of a tie or otherwise, the board of commissioners then in office shall select of and from among them receiving the highest number of votes the remaining number or all of the commissioners.

Tie vote.

SEC. 10. That the inspectors before they proceed shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially and according to law, and in the absence of one of the inspectors his place shall be forthwith filled by the mayor or a justice of the peace.

Oath of inspectors.

SEC. 11. That the inspectors shall certify and subscribe the poll and registration books and return them to the clerk of the board of commissioners, who shall keep them among the archives of the town.

Duty of inspectors.

SEC. 12. That the board of commissioners of the town of Kernersville at their meeting not later than the fifteenth day of April of each year shall appoint a registrar of voters for the town of Kernersville, and shall cause publication thereof to be made and notice to be served on such registrar by the constable of the town. Said registrar shall be furnished by the said commissioners with registration books; and it shall be the duty of said registrar appointed to open his books at some convenient place in said town for five days previous to the day of election (Sundays excepted), and to register therein the names of all persons applying for registration, keeping the white voters separate and apart from the colored voters. Any person offering to register may be required to take and subscribe an oath that he has resided in the state of North Carolina twelve months and in the town of Kernersville ninety days preceding the day of election. The registration books shall be closed at sunset on Saturday previous to the day of election. On closing the registration books the registrar shall immediately deposit said books with the secretary of the board of commissioners, and the commissioners shall allow said registrar such compensation as they may deem right and just, not to exceed one dollar per day.

Registrar.

Duties.

Oath of elector.

Compensation of registrar.

SEC. 13. That the mayor within five days after election and before entering upon the duties of his office shall before a justice of the peace take the following oath, to-wit: "I,, do solemnly swear that I will diligently endeavor to faithfully and truly perform according to my skill and ability all the duties of office of mayor in the town of Kernersville while I continue therein, and I will cause to be

Oath of mayor.

executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatever."

Oath of commissioner.

SEC. 14. That each commissioner before entering upon the duties of his office shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his ability and judgment.

Vacancies.

SEC. 15. That 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 number 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.*

By-laws, &c.

The commissioners shall have power to pass, adopt and enact all such by-laws, ordinances and regulations as may in their opinion be necessary for the interests of the town and its citizens, and may enforce the observance and punish the violation thereof by proper fines, penalties and imprisonment: *Provided*, such by-laws, regulations and ordinances be consistent with law: *And provided further*, that no fine greater than fifty dollars or an imprisonment for a longer time than thirty days shall be imposed or inflicted.

Proviso.

Proviso.

Duties of mayor.

SEC. 16. That it shall be the duty of the mayor to communicate quarterly in writing to the board of commissioners: 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 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 town 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.

Mayor an inferior court, &c.

SEC. 17. That the mayor 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 have further power, 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 mayor, not exceeding the amount specified in the ordinances, or ordinance so violated, or imprisoned at the discretion of the 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.

Proviso.

SEC. 18. That the mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town prison until the fine and cost imposed by him and the jail fees are paid, and in all cases where a defendant 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 works of the town.

Persons imprisoned liable to work on streets.

SEC. 19. That the mayor may issue precepts to chief of police and to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the name of a witness on the back of a summons or warrant shall be authority for the officer to execute the same.

Precepts of mayor.

SEC. 20. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment not more than thirty days.

Violation of ordinance a misdemeanor.

SEC. 21. That all fines under the provision of this act for violation of the ordinances of the town shall go to the use of said town.

Fines to be for use of town.

SEC. 22. *It is further enacted*, that it shall not be lawful for the commissioners of the town of Kernersville or the commissioners of the county of Forsyth to grant license to any person or persons to sell spirituous or malt liquors within the corporate limits of the town of Kernersville, and it shall be a misdemeanor for any person or persons to sell spirituous, malt or vinous liquors within the corporate limits of Kernersville, and on conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars, at the discretion of the mayor, together with all costs.

Unlawful to grant retail liquor license.

Misdemeanor.

SEC. 23. That the mayor 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.

Mayor to preside at meetings of commissioners.

SEC. 24. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases.

Fees of mayor.

SEC. 25. That the mayor shall have power under such rules and regulations as the board of commissioners may adopt, to require the arrest of vagrants and other persons without any visible means of support

Vagrants.

in said town, and upon their conviction of vagrancy under the vagrant laws of this state before the mayor, may cause them to work on the public streets in the town from day to day for such a period of time not exceeding thirty days, as in the discretion of the mayor shall be deemed proper.

Persons failing to pay fines, &c., liable to work on streets.

SEC. 26. That the board of commissioners shall have authority to put to and keep at work on the streets or other public works 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 ordinances and by-laws to confine, control and manage such persons until the said fines 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. 27. That the board of commissioners shall have power, at any time whenever by them deemed necessary, to lay out and open new streets, or to widen, enlarge, change, extend, or discontinue any street or streets or any part thereof within the corporate limits of said town, and shall have full power and authority to condemn, appropriate, or use any land or lands necessary for the purpose named in this section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner or owners of said land sought to be condemned or appropriated for public use by the commissioners cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing two, who shall be freeholders and citizens of the town, and in case the owner or owners of the land shall refuse to choose such arbitrators, then the mayor shall in his or their stead choose two (and in case the four 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 or owners in consequence of the change. But before proceeding to view said premises and assess said damages the parties chosen shall take the following oath before the mayor or some justice of the peace: "I,, 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," 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 or owners 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 of Forsyth county, where the same may be heard anew as to

Condemnation of land.

Appeal.

the amount of damages sustained: but such appeal shall not have the effect to stay proceedings for making the desired improvements.

SEC. 28. That the board of commissioners of the town of Kernersville 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.

SEC. 29. That in addition to subjects liable to taxation for state purposes, the commissioners shall have the power to levy and collect a specific or license tax on the following subjects, to-wit: on 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; on each express company; on each telegraph office; on each railroad company having a depot within the corporate limits of the town; on each itinerant photograph artist or person taking likeness of the human face; on each broker's or banker's office; on each dealer in patent rights; on each sewing machine agent; on each life or fire insurance agent; on all commission merchants and commercial brokers; on all hucksters who buy produce on the streets for sale in other markets; on each gift enterprise or lottery; on each circus performance; on each side-show with circus; on all games of hazard; on each sleight-of-hand or ventriloquist performance, concert or exhibition; on each itinerant vender of cakes, candies, ice cream, lemonade, etc.; each day or night on all exhibitions, shows, musical concerts, of any kind where money is received directly or indirectly, except in cases of undoubted charity, or where the proceeds are faithfully applied to moral or religious institutions of the town. License taxes.

SEC. 30. That the board of commissioners of the town of Kernersville be and the same are hereby authorized to issue bonds not to exceed in amount the sum of five hundred dollars and in denominations of not less than twenty-five nor more than one hundred dollars, drawing interest from date of bonds at a rate not to exceed seven per centum per annum, and payable annually on the first day of January of each year until said bonds are paid; that the said bonds shall be made payable after the expiration of five years from date thereof. *It is further enacted*, that said bonds shall be numbered and the bonds signed by the mayor of the town of Kernersville and the secretary of the board of commissioners. That a record shall be kept of said bonds showing the number, amount and to whom sold. That the bonds shall not be sold for less than face value and that the proceeds arising from the sale of said bonds shall be expended by the commissioners of the town of Kernersville in the purchase of a suit- Commissioners authorized to issue bonds.

Proceeds, how applied.

Special tax.	able lot and the erection thereon of a suitable building for a mayor's office and town jail. In order to pay the 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 Kernersville shall levy a special tax of not more than ten cents on the one hundred dollars' worth of real and personal property in the town, and not more than thirty cents on each poll. The board of commissioners of the town shall appoint a
Trustee. Duties.	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 at maturity. The trustee so appointed shall give bond with good and sufficient security in the sum of one 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 said trustee all the special taxes collected as provided in this act, and the said trustee shall pay to the order of the mayor and countersigned by the secretary of the board of commissioners the amount received from the sale of said bonds as they may need it for the purposes specified in this act. The board of commissioners shall order the trustee annually to pay the accrued interest on said bonds, and the bondholders' receipt exhibited to said board of commissioners at their monthly meeting in February of each year shall be <i>prima facie</i> evidence of the discharge of his duty. 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 books 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 security as may be approved by said board of commissioners. The board of commissioners shall every six months examine the books, papers and accounts of said trustee, and the secretary shall spread on the minutes of the town a full and explicit report of such examination. If the board of commissioners find that the trustee has been negligent or careless in the performance of his duty, they shall remove him from his position as trustee and appoint his successor. If the office of trustee becomes vacant from death, resignation or otherwise, the commissioners shall within five days fill such vacancy. The said trustee shall be allowed per annum such compensation for his services, to be paid out of the sinking fund, as the board of commissioners may think right and just.
Bond.	
Investment of fund.	
Duty of commissioners.	
Vacancy in office of trustee.	
Compensation of trustee.	

SEC. 31. That the board of 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 a conspicuous place at the polling place of said town for three days previous to the first Monday in May, and the commissioners failing to comply with the duties in this section shall forfeit and pay for the use of the town fifty dollars.

Commissioners to make annual statement, &c.

Penalty.

SEC. 32. That the board of commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person or persons causing the same, and said commissioners are further empowered to ditch, drain and dry any pond or body of water within the corporate limits of said town whenever in the opinion of two physicians said pond or body of water is in any way injurious to the health of the inhabitants thereof. Said commissioners may take such measures as they may 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 all things and persons coming from places believed to be infested with such diseases and whose stay may endanger the public health; may cause such to be removed to some place within or without the town limits, and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the town treasury.

Abatement of nuisances, &c.

Contagious diseases.

SEC. 33. That at the first meeting of the board of commissioners they shall elect a secretary and treasurer, and a tax collector or constable, who shall respectively hold their office during the term of the board of commissioners electing them and until their successors are elected and qualified, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of commissioners, and each shall execute a bond in such an amount as the board may require, with security, to be approved by the board.

Officers.

Oath.

Bond.

SEC. 34. The secretary and treasurer shall have a reasonable salary, and it shall be his duty to keep a regular and fair record 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 to 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 town, and disburse the same according to an order given in obedience to the directions of said board, appearing on their minutes. He shall keep a fair and correct account of all moneys so received 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.

Duties of secretary and treasurer.

He shall pay over to his successor all moneys in his hands belonging to said town, and to faithfully perform all duties imposed on him as secretary and treasurer by the laws and ordinances of said board.

Powers and liability of constable.

SEC. 35. The constable or tax collector appointed as 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 town taxes. He shall be credited in settlement as sheriffs are credited, with amount on suit by appeal, all poll taxes, and taxes in personal property certified by the clerk of the commissioners of the town, by order of the board of town commissioners, to be insolvent and uncollectible. He shall at no time retain in his hands over twenty-five dollars for a longer time than five days, under a penalty of ten per centum per month to the town upon all sums so unlawfully retained. Said constable shall make full settlement with the town treasurer of all fines and taxes five days previous to first Monday in May of each year. It shall be the duty of said board of commissioners 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.

Removal.

Duties of constable in regard to collection of taxes, preservation of the peace, &c.

SEC. 36. 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 where 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 and taking the parties so engaged 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 in the town lock-up 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. He shall have the same fees for his services as are allowed the sheriff for similar services and such other additional compensation as the board of commissioners may allow.

Fees, &c.

Powers and jurisdiction of mayor.

SEC. 37. That the mayor of the town of Kernersville within the limits thereof shall have and exercise the true jurisdiction and powers which are now or may hereafter be conferred by the general laws governing cities and towns, and the constable of said town shall, within the corporate limits thereof, have and exercise all the authority, rights and powers which are now or may be hereafter conferred by law on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable, and when-

ever an offender against the ordinances of the town is pursued by the constable and escapes beyond the limits of the town the said constable shall have power to pursue and arrest him anywhere within the county of Forsyth. ✓

SEC. 38. That when arrests have been made the person or persons shall be taken before the mayor for trial immediately, except in the following cases: when the arrest is made between sunset Saturday and eight o'clock Monday morning following; second, when the arrest is made in the night; third, when person or persons arrested are in a state of intoxication, or when for the safe keeping of the party arrested imprisonment is necessary; in all which cases the prisoner or prisoners may be committed without mittimus to the town calaboose, to be brought before the mayor for trial as early as practicable. Persons arrested.

SEC. 39. That 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 dollars nor more than fifty dollars. Penalty for resisting an officer.

SEC. 40. That all penalties incurred by a 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 minor.

SEC. 41. All laws and clauses of laws in conflict with this act are hereby repealed, but nothing contained in this act shall have the effect to curtail or lessen the powers and privileges granted to said town by prior acts. Conflicting laws repealed.

SEC. 42. 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. 1887.

CHAPTER 138.

An act to incorporate Winton Academy, in the county of Hertford.

The General Assembly of North Carolina do enact :

SECTION 1. That Joseph B. Caters, Isaiah Boone, M. T. Pope, W. D. Newsom, J. O. Hollmon, A. Parker, William Scott, Nicholas Lassiter, R. A. Reynolds, R. Rooks, A. Cooper, Isaac Jordan, Levi Brown, Hugh Cale and Asbury Reid, and their associates and successors be and they are hereby created a body corporate and politic, under the name and style of "Winton Academy," in the county of Hertford, for the education of colored people, and as such they shall have all the corporate powers, rights and immunities of trustees of similar institutions. The trustees may plead and be impleaded, sue and be sued, and may acquire and hold such real and personal property as may be necessary and suitable to maintain a school of high grade. Body politic.
Corporate name.
Corporate powers.

- Powers of trustees.** SEC. 2. That the said trustees shall be entitled to all the rights and privileges conferred on corporations by chapter sixteen (16) of The Code of North Carolina, entitled corporations.
- Vacancies.** SEC. 3. That all vacancies occurring in said board of trustees, from whatever cause, shall be filled by appointment of the remaining members thereof.
- Misdemeanor to sell liquor within four hundred yards of academy.** SEC. 4. That it shall be a misdemeanor for any one to sell any intoxicating liquors within four hundred yards of said Winton Academy, and for every such offence the offender, upon conviction, shall be fined not more than fifty dollars, or imprisoned not more than thirty days: *Provided*, that this section shall not apply to any portion of the territory embraced in the radius of the said four hundred yards which is within the corporate limits of the town of Winton.
- 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 7th day of March, A. D. 1887.

 CHAPTER 139.

An act to incorporate the "Exchange Bank."

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That William A. Moore, George D. Hensley, Henry C. Brown, James M. Matthews and W. F. Carter, and 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
- Corporate name.** "Exchange Bank," and shall so continue for the term of sixty years,
- Corporate powers.** with the capacity to take, hold and convey real or personal estate, with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of the twenty-sixth (26) chapter of the Revised Code of North Carolina, entitled "Corporations."
- Capital stock.** SEC. 2. The capital stock of said corporation shall not be less than fifteen 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 five hundred thousand dollars.
- Books of subscription.** SEC. 3. The corporators in the first section named, or any three of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine: and the stockholders at any general meeting called after the due organization of said bank may at their discretion, from time to time, re-open books of subscription to said capital stock until the same be wholly taken.
- Organization.** SEC. 4. Whenever fifteen thousand dollars shall be subscribed and fifteen thousand dollars be paid into the capital stock of said bank

the before mentioned corporators, or any three of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice-president to serve during their continuance in office.

Directors.

Officers.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest, not exceeding the legal rate prescribed by the laws of this state, as may be agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The said bank shall pay an annual tax to the state according to provisions of the general revenue law.

Powers of president and directors.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, in current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt and lend money on such terms as may be agreed upon in conformity with law. It may receive on deposit money on terms to be agreed on between the officers and depositors. The bank may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor bearing interest at such rates as may be agreed on between the parties, which certificate may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under seal of the bank. Each stockholder shall be liable to depositors and creditors to the extent of the amount of his stock at the time the deposit was made or debt contracted: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders pro rata.

Corporate powers.

Proviso.

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 (10) days' notice of the motion, or by civil action, or the entire stock may be sold by order of

Remedy against subscriber failing to pay.

the president and directors for cash at its banking house, after advertisement for sale for twenty (20) days in a newspaper of the town, and if at said sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale the subscriber shall be liable for the deficiency in a civil action.

Remedy against assignee.

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.

Offices and agencies.

SEC. 9. The president and board of directors may establish officers [offices] and agencies at such times and places as they may think proper, but the principal office shall be located at some point within the limits of the state of North Carolina.

Principal office.

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 not inconsistent with the laws of this state may be made and deposits received by the bank; and they shall direct to whom dividends of profits shall be made. They may call a meeting of the stockholders whenever they may think proper, and any number of stockholders holding together one tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in the town thereof. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Meetings of stockholders.

Corporate powers in relation to loans to planters, &c.

SEC. 11. That to aid the 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 re-payment of the same by taking in writing a lien or liens on the crop or crops to be raised, or upon any article or articles then existing, and any lien so taken shall be good and effectual in law: *Provided*, the same is duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such loans or advances. And the said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment, and also to receive in storage or warehouse any cotton, tobacco, wheat, corn or other produce, or any manufactured article whatever, as a pledge or pledges for the re-payment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mort-

Proviso.

Loans on mortgage, &c.

gages and deeds of trust, and any sales made thereunder according to the time therein recited shall be good and valid in law.

SEC. 12. 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 property, and their title thereto so acquired shall be valid and binding in all respects.

Bank authorized to purchase at foreclosure sales.

SEC. 13. The bank is authorized to organize in connection with its general banking business a department for savings and to do a saving 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 saving 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. 14. 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. 1887.

CHAPTER 140.

An act to incorporate the Piedmont Bank, to be located at Morganton, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That John L. Martin, John Gray Bynum, R. B. Brittan, E. F. Reid and John H. Pearson, their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of the Piedmont Bank, and shall continue for the term of sixty years, with the 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.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That the capital 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.

Capital stock.

SEC. 3. That the corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription

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 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.

Organization.

SEC. 4. That whenever fifteen thousand dollars shall be subscribed and five thousand dollars shall be paid into said 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.

Powers of president and directors.

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 stocks for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Corporate powers.

SEC. 6. That the said corporation may receive and pay out the lawful currency of the country, and 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 said corporation shall be as binding as if under the seal of the same.

Remedy against subscriber failing to pay.

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 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 town of Morganton, after advertisement of such sale for twenty days in some newspaper published in said town or in the city of Raleigh, 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.

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 in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Remedy against assignee.

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 the affairs of 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 town of Morganton or the city of Raleigh. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

Meetings of stockholders.

SEC. 10. That in case of the dissolution of the said corporation, or at the expiration of the said term of sixty years, depositors shall be paid first, and then the other creditors of the corporation, out of the assets of the corporation; and the stockholders shall not be liable to the corporation beyond the amount subscribed by each stockholder, and shall not be personally liable to the depositors or other creditors of the corporation, except that the president and directors of the corporation, being stockholders, shall be liable for fraud, as prescribed in section six hundred and eighty-six, chapter sixteen, of The Code of North Carolina.

Distribution of assets on dissolution of corporation.

Liability of stockholders.

SEC. 11. 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. 1887.

CHAPTER 141.

An act to amend the charter of the town of Davidson College.

The General Assembly of North Carolina do enact :

Chapter 32, laws
1879, amended.

Streets.

Condemnation of
land.

SECTION 1. That an act entitled "An act to incorporate the town of Davidson College, in the county of Mecklenburg," ratified eleventh February, eighteen hundred and seventy-nine, chapter thirty-two, acts of eighteen hundred and seventy-nine, be and the same is hereby amended, by adding to the fifth section thereof the following: And the said commissioners shall be and are hereby invested with full power to lay out and open new streets and to widen those already open as in their judgment the public convenience may require. When any land or right of way shall be required for the purpose of opening and laying out new streets or widening those already open and the land owner or owners and said commissioners cannot agree upon the price which the land owner or owners will take and convey said land to the town, the same may be taken at a valuation to be made by three freeholders of the said town, to be chosen as follows: The commissioners shall select one and the owner or owners of the land one within three days after notice in writing to the land owner or owners from the commissioners of their selection, and the two freeholders thus selected shall select the third man, and these persons thus selected shall assess the damages, if there be any, within five days after the notice from the commissioners to the land owner or owners above mentioned. And if the owner or owners of the land fails to select a man within three days as aforesaid 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 within the time aforesaid. The said freeholders when so chosen shall be first duly sworn by the mayor or a justice of the peace and shall view the premises or land to be condemned, and in making valuation shall take into consideration any benefit or advantage such owner or owners may receive from the opening or widening of such streets, and shall ascertain and report to the commissioners in writing, under their hands and seals, what amount or sum shall be paid to the land owner or owners, which report, on being confirmed and spread upon the minutes of the said town, shall have the force and effect of a judgment in favor of said land owner or owners against said town and shall pass the title of said land to the said town of Davidson College: *Provided, however,* that said commissioners shall not have power to condemn any land belonging to Davidson college without first obtaining the consent of the executive committee of the said college.

Proviso.

SEC. 2. This act shall be in force from and after the first day of May, eighteen hundred and eighty-seven.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 142.

An act to provide that the general laws on the subject of cities and towns shall apply to the town of Louisburg, and to authorize the commissioners of said town to tax retail liquor dealers one hundred dollars.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of the general laws on the subject of cities and towns as contained in The Code shall apply to the town of Louisburg, anything contained in any special act to the contrary notwithstanding: *Provided, however,* that the commissioners of said town are empowered and authorized to levy a tax not exceeding one hundred dollars for license to retail spirituous liquors for one year, instead of the tax of twenty-five dollars provided for in section thirty-eight hundred of The Code.

General laws applicable to town of Louisburg.

Tax on retail liquor dealers.

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. 1887.

CHAPTER 143.

An act to incorporate Mildred in the county of Edgecombe.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Mildred in the county of Edgecombe be and the same is hereby incorporated, by the name and style of Mildred, 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.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning where the canal crossed the (A. & R. R. R.) Albemarle and Raleigh railroad southwest, thence with the canal to a stake in a corner of D. E. Cobb and Cobb and Mayo's land, thence southeastern to J. C. Harrell's corner line, thence with J. C. Harrell's, Cobb and Mayo's line to a stake near a persimmon tree blazed, thence northeast to a black gum near John B. Harrell's house, thence northwest to the beginning, estimated to be eight hundred and eighty (880) yards square more or less.

Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners, clerk and treasurer and a constable.

Officers.

SEC. 4. The first election for mayor and commissioners shall be held in May, one thousand eight hundred and eighty-eight, and until

Election.

- 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, J. B. Harrell; commissioners, D. E. Cobb, E. J. Hurdle and L. W. Vick; clerk and treasurer, J. O. Worsley; constable, Maçk Porter.
- Temporary officers.** SEC. 5. That the authority to tax real and personal estate and polls shall be fifteen cents annually on the hundred dollars' valuation and thirty cents on the poll: *Provided*, that this shall not restrict the right to tax retailers of liquors or wine or privileges, or any power over animals likely to commit nuisances.
- Taxation.**
- Proviso.**
- Law concerning cotton weighers not in force in town.** SEC. 6. That the law of cotton weighers shall not be in force in Mildred. That the town shall vote as one ward, and be subject to such modification 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 7th day of March, A. D. 1887.

 CHAPTER 144.

An act to incorporate the town of East Bend in the county of Yadkin.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of East Bend in the county of Yadkin be and the same is hereby incorporated, by the name and style of the
- Corporate name.** town of East Bend, 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 Mart Choplin's, then east by Mrs. Jane Martin's and H. F. Manler's to T. P. Webb's, then southward by C. S. Benbow's to E. Benbow's and Armfield's corner, then west by Mariam Sears' into the J. W. Kirk land, then north by J. W. Kirk's, deceased, house back to Mart Choplin's, the beginning point, including all the above named houses inside the incorporation, being about one half mile from the center of the town.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a constable, and the commissioners shall have power to appoint a secretary and treasurer.
- Election.** SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-eight, and every year thereafter, under the same restrictions that county and state elections are held. All male citizens over twenty-one
- Electors.** years 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 all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code, and in addition thereto they shall have power to 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.

Powers of commissioners.

SEC. 6. That all fines collected for the violation of any town ordinance shall go to the town treasury for the benefit of the town.

Fines.

SEC. 7. That until an election is held on the first Monday in May, one thousand eight hundred and eighty-eight, the following named persons shall fill the offices above named, viz.: mayor, J. H. Johnson; commissioners, Dr. E. Benbow, J. H. Jenkins, J. A. Martin, Dr. W. E. Benbow and J. G. Huff; and for constable, J. M. Whittington.

Temporary officers.

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 7th day of March, A. D. 1887.

CHAPTER 145.

An act to incorporate the town of Winfall in Perquimans county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Winfall, in the county of Perquimans, be and the same is hereby incorporated, by the name and style of the town of Winfall, and shall be subject to and possess all the powers bestowed upon incorporated towns by the public laws of North Carolina.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. The limits of said town shall be the perimeter of a circle of one quarter of one mile radius, having for its centre the intersection of the Norfolk Southern Railroad and the county road, at the station known as Winfall, on said railroad.

Corporate limits.

SEC. 3. The officers of said town shall be a treasurer, constable, mayor and three commissioners; until an election can be held, the following shall be the officers: mayor, A. S. Jordan; commissioners, Joseph H. White, Watson Winslow and R. H. Kirby. Said commissioners shall elect constable and treasurer, who shall hold office until an election shall be had.

Officers.

Temporary officers.

SEC. 4. That at the time prescribed for holding municipal elections an election shall be held in Winfall.

Election.

SEC. 5. This act shall be in force from and after its ratification. In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 146.

An act to amend the charter of the town of Rutherfordton.

The General Assembly of North Carolina do enact :

Former acts amended.

Present officers continued in office.

Body politic.

Corporate name.

Corporate powers.

Mayor and commissioners.

Powers, &c.

Taxation.

SECTION 1. That an act of the general assembly of North Carolina entitled an act to incorporate the town of Rutherfordton in the county of Rutherford, and all the amendments to the same, be and are hereby amended to read as follows: That the mayor and board of commissioners of the town of Rutherfordton be continued as such until the next regular election as provided in chapter sixty-two, volume two, of The Code of North Carolina, and they, together with the inhabitants of said town, shall be and continue as they heretofore have been a body politic and corporate, under the name and style of "The Town of Rutherfordton," and under such name and style are hereby invested with all property and rights of property which now belong to said corporation, and by such name may acquire and hold for any legitimate purpose all kinds of property, real and personal, and dispose of such property when, by a two thirds' vote of the board of commissioners for the same, it may deem best.

SEC. 2. That the administration and government of said town shall be vested in one principal officer, styled the "mayor," and a board of commissioners, to be elected as provided for in chapter sixty-two of volume two of The Code of North Carolina, and the said mayor and board, with all subordinate officers, shall have all the powers, privileges and emoluments, and shall be subject to all the forfeitures, pains and penalties granted, provided for and imposed by the provisions of said chapter, and to be subject to all the provisions thereof not in conflict with the provisions of this act.

SEC. 3. That in addition to the special taxes herein provided for, for the purpose of making new streets and improving and working the streets of said town the board of commissioners shall have power annually to levy and collect, in the manner herein prescribed, an *ad valorem* tax, not exceeding fifty cents on the hundred dollars' worth of property, real and personal, and a like tax on all bonds, stocks and other investments in banks, railroads or other incorporated companies, or cash on hand or deposit, or solvent credits, &c., and a tax on all taxable polls, not to exceed one dollar and fifty cents on the poll; and in levying such taxes the constitutional equation between property and poll tax must be observed.

SEC. 4. That the secretary of the board of commissioners shall be a tax lister, and shall give ten days' notice at three public places in said town within the month of June in each and every year of the time and place for listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall to said tax lister return on oath a true and perfect list of his or her taxable property as designated in the preceding section, with the true value thereof, and all taxable polls; and the said secretary shall by the first meeting of the board in July in each year make and return to said board an alphabetical list of the tax payers of said town, together with a classified schedule of all the taxable property, polls, &c., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each tax payer, they shall cause the same to be copied in a book to be kept for the purpose, from which a copy shall be made and placed in the hands of the town tax collector for collection by the fifteenth day of August in each and every year, together with a warrant from the said board through the mayor, returnable on a day certain, not later than the first day of February in each and every year; and said tax list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: *Provided, however,* that said tax list shall in no case be delivered to such collector for collection until he shall have filed with said board a justified bond in double the amount of the taxes to be collected for the current year, with at least two sureties and approved by said board.

Listing of property for taxation.

Collection of taxes.

Proviso.

SEC. 5. That in addition to the *ad valorem* tax on property and polls the said board of commissioners shall have power to levy and collect the following special taxes for the privilege of carrying on the business or doing the acts hereinafter named in said town, to-wit:

Privilege taxes.

(1.) On all retailers of spirituous, vinous, malt or alcoholic liquors, not more than ten hundred dollars.

Retail liquor dealers.

(2.) On all venders of such liquors of the measure of a quart or more, a tax not more than four hundred dollars.

Wholesale liquor dealers.

(3.) On every bowling alley, ten or nine pin alley, billiard, pool and bagatelle table, a tax not more than one hundred dollars.

Bowling alleys, &c.

(4.) On every hotel, boarding house, restaurant, or public eating house, a tax not exceeding fifty dollars, with power in commissioners to classify, etc.

Hotels, &c.

(5.) On all banks or banking agencies, a tax not to exceed one hundred dollars.

Banks, &c.

(6.) On all drays used for hauling goods or merchandise of any kind, a tax not to exceed fifty dollars.

Drays.

(7.) On all peddlers of medicines, goods, wares or merchandise of any kind, except literature, articles manufactured or produced within this state, a tax not to exceed ten dollars.

Peddlers.

- Insurance companies. (8.) On all insurance companies, or their agents doing business as such in said town, a tax not to exceed fifty dollars.
- Lectures. (9.) On all lectures for reward, unless they are given wholly for religious or charitable purposes, a tax not to exceed ten dollars.
- Photographers. (10.) On all photographic artists or picture takers of any kind, and their agents, a tax not to exceed twenty-five dollars.
- Auctioneers. (11.) On every auctioneer, a tax not to exceed fifty dollars.
- Commission merchants. (12.) On every commission merchant, a tax not to exceed fifty dollars.
- Express offices, &c. (13.) On every express office and telegraph office, or resident agent, or office doing business within said town, a tax not to exceed fifty dollars.
- Concerts, &c. (14.) On every concert or entertainment for pay, except wholly given for religious or charitable purposes, a tax not to exceed twenty-five dollars.
- Circuses, &c. (15.) On every exhibition of a circus or menagerie, a tax not to exceed one hundred dollars; and on each side exhibition accompanying such circus or menagerie, which charges admission fees, a tax not to exceed twenty-five dollars.
- Gift enterprises, &c. (16.) On every gift enterprise, or any person offering to present any purchaser with any gift or prize as an inducement to purchase, a tax not to exceed fifty dollars.
- Lightning rods, &c. (17.) On all dealers in lightning rods, and patent pumps, a tax not to exceed twenty-five dollars.
- Lawyers, &c. (18.) On every practicing lawyer, physician, surgeon, dentist, or dealer in patent medicines, a tax not to exceed twenty-five dollars.
- Livery stables, &c. (19.) On every livery stable, a tax not to exceed two hundred dollars, with power in commissioners to classify, and for the purpose of this act, a livery stable shall mean any and every place at which horses, mules or vehicles are kept or let out for pay, or used for hire or compensation within said town.
- Dogs. (20.) On all dogs kept or owned by residents of said town, a tax not to exceed five dollars; and said board shall have power to pass and enforce ordinances for the protection of said dogs.
- Sale of property for taxes. SEC. 6. The tax collector may enforce the collection of taxes due said town by levying upon the personal property, if any be found, and if none be found, then upon the real property of the delinquent within said town, and after he shall have advertised the personal property ten days, and the real property thirty days, at the court-house and two other public places in said town, or for the same time in some weekly newspaper published in said town, shall sell at the court-house door in Rutherfordton at public outcry so much of said property as will pay the tax and costs; and if real property, the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of said board a true return of his proceedings. If the delinquent tax payer, or his agent, within twelve months
- Redemption of land sold for taxes.

from the date of said sale, shall redeem the said real estate by paying to the secretary the amount of said bid and twenty-five per centum on the same, then the delinquent tax payer shall be restored to his or her original rights, but on failure thus to redeem the collector shall make deed to the purchaser, and such deed shall be valid to pass all the rights and interests of the delinquent tax payer. A recital in said deed of such things as were necessary to be done in order to perfect such sale shall be deemed *prima facie* evidence that such things were done. The tax collector shall by survey or otherwise definitely designate what part of said real estate is to be sold when less than the whole will be sufficient.

Conveyance to purchaser.

SEC. 7. The board of commissioners of said town shall have power to open, change, widen or discontinue streets when promotive of the interests of the public. When the board of commissioners shall determine to open a new street or to change any street already opened, they shall select five disinterested freeholders of said town to lay out such new street or to change existing streets, who shall, when notified, at once proceed so to locate the new and make such changes in the old streets as may have been determined by the said board and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration in estimating said damages the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. They shall make within five days of the notice of their selection as a jury a full written report of their action and their findings to the board of commissioners, who shall cause the same to be published in some newspaper having a general circulation in Rutherford county at least once for four successive weeks from the time of making said report. Any person interested may within ten days after notice by publication as aforesaid file with the secretary of said board written exceptions to said report, and the board shall fix a time certain, within five days from the filing of such exceptions, for hearing and determining the same, and if said report shall, upon such hearing, be confirmed by said board, any person affected by said report may within ten days of such confirmation appeal to the next term of the superior court for Rutherford county, by filing bond and giving such notice to the board of commissioners of said town as are required by law in cases of appeal from justices' courts, and such appeal shall not stay or impede the progress of such improvements: *Provided*, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the superior court of Rutherford county, to abide the results of the appeal then pending.

Streets.

Condemnation of land.

Appeal.

Proviso.

Abatement of nuisances.

SEC. 8. When any house or building in said town from any cause shall become a public nuisance by its liability to fire, or dangerous or unsafe from insecure foundation, or any other cause, or being the abode of immoral, indecent or illegal business, or conduct, or become offensive to the senses, the said board shall have power to prevent the erection of such buildings, or to remove or destroy, if necessary to the complete abatement of such nuisance. And for the violation of any ordinance of said town committed openly or secretly in such houses, the occupant of such buildings shall be *prima facie* guilty of such violation, and upon conviction shall be punishable as the ordinance of said town may provide.

Alleys, &c., to be kept clean.

SEC. 9. That the board of commissioners shall have power to cause alley lots, cellars, privies, stables, and other places of like character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

Powers of commissioners in relation to nuisances to extend one half mile beyond corporate limits.

SEC. 10. That the power of the board of commissioners to abate and remove nuisances shall extend one half mile beyond the corporate limits of said town.

Arrests by marshal.

SEC. 11. That the town marshal or arresting officer shall have the right to make arrests in any part of the county of Rutherford, under a warrant issued by the mayor, for violation of the town laws.

Warrants of mayor.

SEC. 12. That the mayor shall have the power to depute any citizen to execute his warrants, in the absence of an officer, and shall also have power to issue his warrants for the arrest and apprehension of offenders against the town laws, without complaint upon oath, when the offence for which a person is to be arrested is committed in the presence of the mayor.

Penalties for violation of ordinances.

SEC. 13. That for the violation of any ordinance or by-law made by said board of commissioners, they may prescribe penalties not to exceed a fine of fifty dollars and imprisonment for one month for each offence: the fine to be recovered by warrant before the mayor.

Imprisonment.

And when any person shall be convicted for a violation of any ordinance or by-law of said town, the party convicted may, unless the penalty and costs be paid, be immediately committed to the calaboose or jail for the space of thirty days, or until payment thereof be made; and the commissioners have the power to work such parties as may be committed to prison upon the streets, under such regulations as they may prescribe.

Arrests by marshal without warrant.

SEC. 14. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have power, and it shall be the duty of all such marshals, to arrest the body of offending parties who have violated the law in the presence of such marshal or marshals, without warrant, and take them as early as practicable before the mayor, to be dealt with as the law directs, and for every resistance to such authority, by offenders or

Penalty for resisting arrest.

others, the party so resisting shall be punished as the ordinance of said town shall provide. And if necessary the marshal shall have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called who refuses or fails so to arrest shall, upon conviction before the mayor, be punished as the ordinance of said town shall prescribe.

Bystanders to aid if called on.

Penalty.

SEC. 15. That said commissioners shall have power to control and direct the manner and place in which commercial fertilizers shall be stored, the manner in which hogs and dogs may be kept, and to prevent the running at large on the streets of all domestic animals and fowls, as they may regulate.

Storage of fertilizers, dogs, &c.

SEC. 16. That the said board, when they deem it necessary, shall have the power to employ a legal counsellor or town attorney.

Town attorney.

SEC. 17. That the corporate limits of said town shall extend one half mile in every direction from the court-house.

Corporate limits.

SEC. 18. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed: *Provided*, that at any time, upon the written application of twenty of the legal voters of said town, shall be submitted the question of the extension of said limits as applied for. At which said election all the legal voters for members of the general assembly within the proposed limits shall be allowed to vote "extension" or "no extension." Said election shall be held under the same rules and regulations as are prescribed by law for the election of board of town commissioners, and if a majority of the votes so cast be for extension, the said board shall declare the corporate limits so extended, and make proclamation thereof at the court-house door, and from and after thirty days from said proclamation the limits of said town shall be extended accordingly.

Conflicting laws repealed.

Proviso.

Election on question of extension of corporate limits.

SEC. 19. The commissioners of said town, upon the petition of one fifth of the registered voters of said town, shall have power to call an election and submit to the qualified voters thereof the question of borrowing any sum of money not to exceed fifty thousand dollars, and if a majority of the qualified voters shall vote "subscription," the said commissioners may borrow said sum of money and issue the bonds of the town, signed by the mayor and countersigned by the secretary, under the seal of the town, for the same.

Election on question of borrowing money.

SEC. 20. 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. 1887.

CHAPTER 147.

An act to amend the charter of the city of New Berne.

The General Assembly of North Carolina do enact :

Chapter 42, private laws 1879, amended.
Penalty for violation of city ordinance.

Work on streets.

SECTION 1. That section nineteen of chapter forty-two (42) of the private acts of one thousand eight hundred and seventy-nine (1879) be amended as follows: Strike out all of said section, after the words "fifty dollars," in the third and fourth line thereof, and insert "or imprisonment, not exceeding thirty days: *Provided*, that any person or persons so sentenced to imprisonment may be compelled to work on the streets of said city during such term of imprisonment."

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. 1887.

CHAPTER 148.

An act to incorporate "The Newbern Cotton and Grain Exchange" of Newbern, North Carolina.

The General Assembly of North Carolina do enact :

Body corporate.

Corporate name.
Corporate powers.

Officers.

SECTION 1. The members of the association known as the Newbern Cotton and Grain Exchange, to-wit.: S. H. Gray, T. A. Green, C. H. Blank, S. W. Smallwood, G. F. M. Dail, A. R. Dennison, C. E. Foy, Wm. H. Oliver, Frank Myer, K. R. Jones, M. Manly, W. S. Wooten, J. W. Smith, E. B. Roberts, A. W. Wood, J. J. Tolson, Thos. Gates, G. A. Oliver, F. G. Simmons, J. J. Wolfenden, W. P. Burrus, J. H. Hackburn, J. M. Reel, Hill Humphrey, George Allen, E. W. Smallwood, Jonathan Havens, J. L. Kinsey, J. D. Yeomans, Wm. Dunn, Wm. Pell Ballance, A. Hahn, Jas. Redmond, E. H. Meadows, Lewis Webb, S. H. Scott, H. W. Wahab, and all other persons who may become associated with them under the provisions of this act, are hereby created a body corporate, by the name of the Newbern Cotton and Grain Exchange, with perpetual succession and power to use a common seal and alter the same at pleasure, to sue and be sued, to take and hold by grant, purchase and devise, subject to the provisions of law relating to devises and bequests by last will and testament, real and personal property to an amount not exceeding one hundred thousand dollars, for the purposes of such association, and to sell, convey, lease and mortgage the same or any part thereof.

SEC. 2. The property, affairs, business and concerns of the corporation hereby created shall be managed by a president, vice-president,

treasurer, secretary and five directors, who together shall constitute a board of directors, to be elected annually at such time and place as may be provided by the by-laws; and the present officers and directors of the said association, as now constituted, shall be the officers and directors of the said corporation until their present term of office shall expire and until others, under the provisions of this act, shall be elected in their place. All vacancies which may occur in said board by death, resignation or otherwise shall be filled by the said board. A majority of the members of such board shall constitute a quorum for the transaction of business.

Present officers to continue in office.

Vacancies.

Quorum.

SEC. 3. The purposes of said corporation shall be to provide, regulate and maintain a suitable room or rooms for a cotton and grain exchange in the city of Newbern, to establish just and equitable principles in the trade, to maintain uniformity in its rules, regulations and usages, to make rules for the purchase and sale of cotton and grain offered on their exchange, to adopt standards of classification, to acquire, preserve and disseminate useful information connected with the cotton and grain interests throughout all markets, to employ all labor that may be required to conduct the business of the exchange successfully and with dispatch, to decrease the local risks attendant upon the business, and generally to promote the cotton and grain trade of Newbern, increase its amount and augment the facilities with which it may be conducted. The said corporation shall have power to make all proper and needful by-laws not contrary to the constitution of North Carolina or of the United States.

Purposes of corporation.

By-laws.

SEC. 4. The said corporation shall have power to limit its membership, to admit new members, and expel any member in such manner as may be provided by the by-laws. The members of said corporation shall not be held individually responsible for the debts, contracts or other obligations of said corporation, nor shall they be held individually liable for damages or losses to persons or property in any way occurring.

Membership.

No individual liability for corporate debts.

SEC. 5. All acts heretofore passed in conflict with this charter shall be void from the date of its ratification.

Conflicting acts void.

SEC. 6. This act shall take effect from and after the date of its ratification.

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 149.

An act to extend the time for the organization of certain corporations.*The General Assembly of North Carolina do enact :*

Time for organization of certain corporations enumerated in chapter 130, private laws 1874-5, extended.

SECTION 1. That chapter eighty-four, section one, of private acts of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, be amended by striking out "seventy" in line seven of said act, and inserting in lieu thereof the words "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 7th day of March, A. D. 1887.

CHAPTER 150.

An act to incorporate the Leaksville High School Company.*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That A. Moir, B. W. Ray, J. B. King, B. F. Ivie, J. H. Lane, W. B. Trogden, D. F. King, and their associates, are incorporated a body politic for educational purposes, under the name and style of the Leaksville High School Company, and as such shall have all the powers of trustees of like institutions: the said trustees may plead and be impleaded, may sue and be sued.

Corporate name.

Corporate powers.

Authorized to grant certificates of merit, &c.

SEC. 2. They shall have power to grant certificates of merit, diplomas, or other evidences of merit or proficiency in any of the departments of sciences and languages, either classical or English.

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. 1887.

CHAPTER 151.

An act to incorporate the town of Rufe (formerly Shine) in Greene county.*The General Assembly of North Carolina do enact :*

Incorporated.

Corporate name.

SECTION 1. That the town of Rufe in Greene county be and the same is hereby incorporated, by the name and style of the town of Rufe, and shall be subject to all the provisions contained in chapter

one hundred and eleven of Battle's Revisal, not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: **Corporate limits.** Beginning at the white telegraph pole and runs east to Fort Run, then down Fort Run to a gum, near Independent Road, then north five degrees east to a stake, then south sixty-five degrees west to a stake, then an air line to the beginning, and shall include all lands in said limits.

SEC. 3. That the officers of said corporation shall consist of a **Officers.** mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand and eight hundred and eighty-seven (1887), or until their successors are elected and qualified, viz.: Mayor, John Grant; commissioners, **Temporary officers.** R. E. Best, G. W. Jackson, John Brown; marshal, C. C. Stallings.

SEC. 4. There shall be an election held for officers mentioned in **Election.** this act on the first Monday in May, one thousand eight hundred and eighty-seven, and in each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens **Electors.** within 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.

SEC. 5. That it shall be the duty of the persons elected to said offices **Duty of persons elected to qualify.** of said corporation to go before some justice of the peace of said county within five days after their election and take the oath prescribed by law for such officers.

SEC. 6. That all fines collected for violation of any of the town ordinances shall be paid into the town treasury for the benefit of said **Fines.** town.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 152.

An act concerning the town of Gatesville.

WHEREAS, the offices of the town of Gatesville have become vacant **Preamble.** by death and other causes:

The General Assembly of North Carolina do enact:

SECTION 1. That the act of assembly ratified the seventh day of **Chapter 103, laws 1876-7, continued in force.** March, eighteen hundred and seventy-seven, continue in full force and virtue.

Temporary officers.

SEC. 2. That the following named persons shall fill the offices of said town until the first Monday of May, eighteen hundred and eighty-seven, with power to appoint a constable until that time: mayor, St. Leon Scull; commissioners, R. B. G. Cowper, T. E. Cross and R. M. Riddick.

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. 1887.

CHAPTER 153.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Rocky Mount in Edgecombe county, ratified March seventeenth, eighteen hundred and seventy-five.

The General Assembly of North Carolina do enact:

Chapter 87, private laws 1874-5, amended.

SECTION 1. That chapter eighty-seven of the private laws of North Carolina, eighteen hundred and seventy-four and eighteen hundred and seventy-five, entitled "an act to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe, ratified the nineteenth day of February, eighteen hundred and sixty-seven," said act hereby amended being ratified the seventeenth day of March, eighteen hundred and seventy-five, shall be amended as follows: in section two, the words "chapter one hundred and eleven of Battle's Revisal, entitled towns," are struck out, and the words "chapter sixty-two of The Code of North Carolina, entitled towns and cities," are substituted.

Election of mayor and commissioners.

SEC. 2. Sections four and eight are struck out, and the following is inserted: "That for the good government of said town, the said commissioners and their successors and the other officers of said town shall have all the rights, powers and privileges, and be governed by the rules, regulations and restrictions conferred upon and to which commissioners and other officers of incorporated towns are subject by chapter sixty-two of The Code of North Carolina, entitled towns and cities, and that said commissioners and other officers shall have all the power and authority for taxation, including the listing, levying and collecting taxes, as is allowed and granted to commissioners and other officers of incorporated towns, of said chapter.

Powers of commissioners.

SEC. 3. 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. 1887.

CHAPTER 154.

**An act to incorporate the town of Conetoe in the county of
Edgecombe.**

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Conetoe in the county of Edgecombe Incorporated.
be and the same is hereby incorporated, under the name of Conetoe,
and the limits of said town shall be bounded as follows: Beginning Corporate limits.
on the Tarboro road at a pine twenty-five yards beyond John War-
ren's. thence north-east one hundred and thirty-seven yards to a
cypress on the canal. thence up the canal eight hundred and twenty
yards to a stake. thence west five hundred and sixty-one yards to a
pine on the county road running from Conetoe church to G. W.
Stancil's. thence down the county road two hundred and fifty-three
yards to a pine at the fork of the path, thence south seven hundred
and fifteen yards to a pine back of Charles Vines', thence five hundred
and seventy-two yards to the beginning.

SEC. 2. That the officers of the town shall be a mayor, three com- Officers.
missioners and a constable, to be elected in accordance with the gen-
eral laws regulating the elections of cities and towns for officers
thereof.

SEC. 3. That until the next election according to law and until Temporary of-
their successors shall be elected or appointed, the officers of said town ficers.
shall be, for mayor, Olen Warren, and for commissioners, J. D. Bul-
lock, N. B. Dawson and J. E. Bullock, and for constable, J. W.
Harrell.

SEC. 4. That the said town and the officers thereof shall be gov- Corporate pow-
erned by and shall have and exercise all the jurisdiction, rights and ers.
powers conferred under the law as contained in chapter sixty-two of
The Code, and the constable of said town shall have the same juris- Constable.
diction and powers possessed and exercised by township constables
in said county, and the commissioners of said town shall also have Tax on personal
power and authority to levy a tax on personal property in like man- property.
ner 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 7th
day of March, A. D. 1887.

CHAPTER 155.

An act to incorporate the town of Benson, Johnston county.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of Benson, in the county of Johnston, be and the same is hereby incorporated into a body politic and corporate, and the corporation shall bear the name and style of the
- Corporate name.** "Town of Benson," and under this name may acquire and hold, for
- Corporate powers.** the purpose of its government and welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value one hundred thousand dollars, and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, and to hold and convey real or personal property.
- Corporate limits.** SEC. 2. That the corporate limits of the "Town of Benson" shall be as follows, viz.: Beginning at a point on the Wilson and Florence railroad one fourth of a mile north-east of the warehouse of said railroad, at Benson's Depot, thence running at right angles from the railroad in a north-westerly direction one fourth of a mile to a corner, at a stake, thence making a right angle with said first line, runs south-west, parallel with said railroad, one half mile to a stake, thence making a right angle with the second and last mentioned line, runs parallel with said first line in a south-eastern direction one half mile, cornering on a stake, thence making a right angle with the last or third line, runs parallel with the second line and with said railroad a north-east course one half mile, cornering on a stake, thence north-west in a straight line to the beginning.
- Temporary officers.** SEC. 3. That D. H. Wallace, S. H. Oneal and C. C. Ryals are hereby constituted and appointed a board of commissioners for said town, and Eli Cavenaugh is hereby constituted and appointed mayor of said town, upon their taking the oaths of office required by this act, and they shall have full power to execute the by-laws and ordinances of said town until their successors shall be elected at the next general election for town officers, under the provisions of this act.
- Election of commissioners.** SEC. 4. There shall annually, on the first Monday in May of each year, be elected three commissioners for said town, who shall hold their offices until their successors are qualified; said commissioners shall be elected by the qualified voters of said town, and before entering upon their duties as such officers shall take an oath before some justice of the peace that they will faithfully and impartially discharge the duties of their office.
- Oath.**
- Registration.** SEC. 5. The board of commissioners of Johnston county shall, at or before their meeting in March of each year, appoint a registrar of voters of said town. Said registrar shall give ten days' notice at some public place in said town of a registration of voters in and for

said town, specifying time and place, and shall be furnished by the commissioners with registration books at the expense of the town, and it shall be the duty of said registrar to open his books at the time and place designated in the notice he is by this section required to give, at least thirty days before the day of election herein provided for, and to register therein the names of all persons applying for registration and entitled to register and vote; and shall designate opposite the name of each person registering whether white or colored, and also his place of residence; and if such applicant for registration shall not disclose his place of residence in said town, his wilful failure so to do shall be *prima facie* evidence that he is not entitled to registration in said town.

SEC. 6. The board of commissioners of said town, at or before their meeting in April of each year, shall appoint two judges of election for said town, who with the registrar shall open the polls and superintend the same on the day of election, and the polls shall be opened at the mayor's office; said judges of election shall have power to administer oaths, and shall have all the powers of such officers under the general laws regulating elections.

Judges of election.

Election, how held.

SEC. 7. All electors who shall have resided in the state twelve months and in the county of Johnston ninety days and in the said town thirty days next preceding the election shall be entitled to register.

Electors.

SEC. 8. That the legally qualified voters of said town of Benson shall, on the first Monday in May, one thousand eight hundred and eighty-seven, and on each succeeding first Monday in May thereafter, by ballot, elect a mayor for said town of Benson, a majority of all the votes cast being necessary to elect said mayor. He shall preside at all meetings of the board of commissioners, and have the rights and powers and perform all the duties heretofore prescribed by law for said officers.

Election of mayor.

Duties.

SEC. 9. That the mayor and commissioners shall hold their offices respectively until the next succeeding election, and until their respective successors are qualified: and that the mayor, immediately after his election and before entering upon the duties of office, shall take before a justice of the peace the following oath: "I,, 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 Benson while I continue therein, and I will cause to be executed, as far as my power lies, all the laws, ordinances and regulations enacted for the government of the town of Benson, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Term of office.

Oath of mayor.

SEC. 10. That on Thursday succeeding the day of election the commissioners elected thereat shall qualify by taking the oath before the mayor, or justice of the peace, as prescribed for commissioners of

Oath of commissioners.

- Powers.** incorporated towns, and when organized shall succeed to and have all the rights, powers and duties prescribed by law.
- Vacancy in office of mayor.** SEC. 11. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the term or unexpired portion of the term, as the case may be, 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.
- Vacancy in board of commissioners.** SEC. 12. That in any case of failure to elect municipal officers on any first Monday in May, the electors residing in 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 of municipal officers, in the same manner as provided in chapter sixty-two of the second volume of The Code of North Carolina.
- On failure to elect officers at regular election another election to be held.** SEC. 13. That the mayor of said town is hereby instituted an inferior court, and as such shall, within the corporate limits of the town of Benson, have all the power, jurisdiction and authority of justice of the peace in criminal cases to issue process, and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute by-laws, rules and regulations made by the board of commissioners, and to enforce the collection of any fines, and may for that purpose order the offender to work on the streets or other public works in said town at a reasonable compensation until the fine imposed is thereby paid.
- Mayor an inferior court, &c.** SEC. 14. That all fines collected under the provisions of this act for violation of the ordinances of said town shall go to the use of said town.
- Fines for use of town.** SEC. 15. That the mayor when present shall preside at all meetings of the board of commissioners, and when there is any equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent they may appoint one of their number chairman *pro tempore* to exercise his duties, or if he be sick or absent from the town the board of commissioners may appoint one of their own number *pro tempore* to exercise his duties as mayor in hearing and trying cases of violators of the ordinances.
- Duties of mayor.** SEC. 16. That at any meeting, whether a regular or a called meeting, of the commissioners of said town, a majority of them shall be competent to perform all the duties prescribed for the commissioners; within five days after the election they shall convene for the transaction of business, and shall then fix stated days of the meeting for the year which shall be not less than once every month. Special meetings of
- Mayor pro tem.**
- Meetings of commissioners.**

the commissioners may be held on the call of the mayor or a majority of the commissioners, and if any commissioner shall fail to attend any regular meeting, or a called meeting, after having notice of the same, unless prevented by sickness or such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of two dollars. Penalty.

SEC. 17. 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' notice publicly in said town, and 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 and have streets opened through said town, and provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires; make regulations to cause the due observance of Sunday, appoint and regulate the town police force, suppress and remove nuisances, to preserve the peace and order, and execute the ordinances of the town; and shall appoint and prescribe the duties and regulate the pay of such officers as may be deemed necessary, and shall fix the salary of the mayor, shall have the power to remove the police, clerk or tax collector, 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 to the faithful discharge of his duties, payable to the town of Benson, in such sum as the commissioners shall determine. Commissioners not authorized to borrow money except by consent of voters, &c.

Powers of commissioners.

Oath of officers.

Bond.

SEC. 18. That all orders drawn on the treasurer by the clerk on orders of the commissioners, shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall file all such orders as his vouchers; and the treasurer, on the expiration of his term of office, shall deliver to his successor all moneys, securities or other property entrusted to him for safe keeping, or otherwise. Orders on treasurer.

Duties of treasurer.

SEC. 19. That the tax collector shall proceed, as soon as the tax-lists shall have been placed in his hands, to collect the taxes laid upon such subjects of taxation as the board of commissioners may direct, and shall complete the same on or before the first day of April next ensuing, and shall pay all moneys, certificates, etc., as they are collected, to the treasurer, taking his receipt for the same; and he shall have all the powers which are now or may be hereafter vested in a sheriff or collector of state taxes, for the purpose of collecting the taxes of said town; and at every monthly meeting of the commissioners he shall produce an abstract showing the sums received by him upon each subject or taxation, and the amount still due thereon. Collection of taxes, &c.

Duties and powers of police.

SEC. 20. The police shall see that the laws, ordinances and orders of the board of commissioners are enforced; to preserve the peace of the town by suppressing disturbances and apprehending offenders against the laws and town ordinances, and for that purpose shall have all the powers of sheriffs and constables: shall execute all precepts lawfully directed to them by the mayor, and shall be allowed the same fees as sheriffs are allowed.

By-laws.

SEC. 21. The commissioners of said town may make by-laws and ordinances for the government of said town, and they may attach penalties to the violation of the same, not inconsistent with the laws of the state. They may, under the power of section thirty-eight hundred of The Code, lay a tax on real and personal estate: *Provided*, the taxes so levied do not exceed thirty cents on the one hundred dollars' valuation thereof, nor shall the poll tax annually exceed one dollar.

Taxation.

License taxes.

SEC. 22. That in addition to the subjects of taxation for state purposes, the commissioners shall have power to levy and collect a license tax not exceeding (\$30) thirty dollars, on the following subjects, to-wit: itinerant merchants, peddlers or auctioneers who shall sell or offer to sell within the limits of said town, each express and railroad company having an office or depot within the town limits, photographers or artists, each broker, each distiller of fruit or grain, each livery stable, each hotel or restaurant keeper, each dray, each barber shop, each insurance agent, each dentist or physician and each dealer in spirituous liquors, provided, liquor dealers may be charged a license tax of fifty dollars quarterly in advance, on each show or sleight-of-hand performance, each bowling alley, each pool table.

County commissioners not to grant retail liquor license in town without consent of town commissioners.

SEC. 23. That it shall not be lawful for the commissioners of Johnston county to grant any license to retail spirituous liquors within the limits of the town or within one half mile thereof without permission first obtained from the board of commissioners for the town, to be presented by the applicant to the county commissioners at the time he applies to them for license; and if any license shall be granted by the county commissioners without permission in writing from the said town commissioners, attested by the clerk of the board of town 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 subject to indictment, and shall forfeit and pay to the town the sum of twenty-five dollars.

Penalties.

SEC. 24. That the board of commissioners of said town shall not have power to impose for any offence a larger penalty than fifty dollars, and all penalties imposed by law relating to the town of Benson or by this act, by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Benson before the mayor or any tribunal having jurisdiction thereof.

SEC. 25. That the town of Benson is hereby vested with all the power, rights, privileges and immunities enumerated in chapter sixty-two in The Code of North Carolina, volume two, and elsewhere in The Code, not inconsistent with any of the provisions of this act. Corporate powers.

SEC. 26. 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. 1887.

CHAPTER 156.

An act to extend the corporate limits of the town of Whitaker in the counties of Edgecombe and Nash.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Whitaker in the counties of Edgecombe and Nash be and the same are hereby extended as follows: Beginning at the railroad warehouse of the said town and extending one half mile north, south, east and west. Corporate limits extended.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 157.

An act to incorporate the Washington Mutual Benefit Insurance Company.

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, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That George H. Brown, Jr., Geo. L. Swindell, A. W. Shaffer, A. B. Chapin, J. B. Whitehurst, M. B. Wilkinson, W. R. Jackson, and their successors, be and are hereby created a body politic, to be known by the name, style and title of the Washington Mutual Benefit Insurance Company, and subordinate branches working under the jurisdiction of the said company, and by such name and title shall perpetuate succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding and receiving in its corporate name, property, real, personal and mixed, and of making such rules and regulations as the com- Body politic.

Corporate name.

Corporate powers.

pany may enact, not in conflict with the laws of this state and United States.

Corporate powers.

SEC. 2. To insure persons of good bodily health and good moral character, who are acceptable, and between the ages of sixteen and sixty-one years, 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 widows and orphans of deceased members, to establish a fund to protect the members against loss or damage by fire or accident, to collect assessments levied upon its members by the company, and upon satisfactory proof of the death of a member who has complied with all its lawful rules and regulations, pay a sum not exceeding five thousand dollars to his or her family, or those dependent upon him or her, or as she or he may direct.

Corporate seal.

SEC. 3. The said company and its subordinate branches thereof shall each have a corporate seal for the making and delivering of all legal acts and proceedings, which they may alter from time to time as they may direct.

No individual liability for corporate debts.

SEC. 4. The private property of members of the corporation shall be exempt from the corporate debts of the company or members thereof.

Officers.

SEC. 5. The company and branches thereof shall provide for the election of such officers as the company may deem necessary to transact the business of the corporation, to fix the compensation for their services, who shall hold office until their successors are duly elected and qualified.

Corporate powers.

SEC. 6. The said company shall have the power to create, hold and disburse the funds named in its objects for aiding members and those dependent upon them, and benefiting the widows and orphans of deceased members, under such rules and regulations as the company may deem necessary to adopt, and said funds shall be exempt from all executions, 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 and regulations governing the insurance companies in this state.

Funds exempt from execution, &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 7th day of March, A. D. 1887.

CHAPTER 153.

An act to amend the charter of the city of Raleigh.

The General Assembly of North Carolina do enact :

- SECTION 1. That chapter ninety-eight of the private laws of one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven be amended as follows:
- (1.) By striking out the word "watches" in line seven of section twenty-six and inserting instead thereof the word "policemen." Chapter 98, private laws 1856-7, amended.
- (2.) By adding at the end of section thirty-three the following: The police officers of the city of Raleigh shall have the power when in hot pursuit of a criminal charged with a commission of any crime within the corporate limits of the said city of Raleigh to continuously follow him to any part of Wake county and may arrest him. Section 26 amended. Policemen.
- (3.) By striking out the word "fifty" in line two of section fifty-four and substituting therefor the words "three hundred dollars." Section 33 amended. Powers of police officers.
- (4.) In section sixty-nine by striking out in line four the words "such of the aldermen as shall be present" and inserting therefor the words "the fire commissioners," and by inserting in line six after the word "down" the following: "and the removal of any other property," and by adding to the said section the following: "And in case the presence of a majority of the fire commissioners cannot be had the mayor, together with two aldermen of the city to be selected by him, shall perform the duties prescribed for the fire commissioners in this section." Section 54 amended.
- SEC. 2. That chapter forty-nine of private acts of one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three be amended by adding to section seven the following: "The board of aldermen of the city of Raleigh shall have the power to require every owner of real estate in the city of Raleigh to pave one third of the street or streets in front of his or her land in such manner and with such material as the street committee of said board of aldermen may direct, and to enforce such requirement by proper fines and penalties, and upon the failure of such owner to do such paving the city of Raleigh may have the same done and the cost thereof may be assessed upon the property of such delinquent and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected; or judgment may be taken by the city of Raleigh before the mayor or any justice of the peace, or in the superior court of Wake county for the cost of such paving, and when docketed in the superior court of Wake county such judgment shall have the same lien as is possessed by other judgments docketed in said superior court and be enforced in like manner." Section 39 amended. Powers of fire commissioners to stop progress of fires.
- Chapter 49, private laws 1862-3, amended.
- Pavement of streets by land-owners.

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. 1887.

CHAPTER 159.

An act to incorporate the town of Southern Pines, in Moore county.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Southern Pines, in Moore county, be
Corporate name. and the same is hereby incorporated, by the name of Southern Pines,
and it shall have the benefit of and 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 shall be as follows :
Beginning at the southern corner of the corporate limits of the town
of Manly, in Moore county, on the east side of the track of the Raleigh
and Augusta railroad, thence west to the Pee Dee road, thence in a
south-west direction, taking in the premises of B. R. Goodridge, to
the boundary lines of Southern Pines plat, thence with the said bound-
ary line to the corner of C. W. Shaw and the corner of Southern
Pines plat, thence with the line of C. W. Shaw and J. W. F. Rogers
to the Morganton road, thence with the Morganton road east to the
thirtieth mile post, thence to the beginning corner.
- Officers. SEC. 3. That the officers of the said incorporation shall consist of a
mayor, five commissioners, and a town marshal; and the following
named persons shall fill said offices until the first Monday in May,
Temporary officers. (1887), eighteen hundred and eighty-seven, viz.: mayor, C. W. Shaw;
commissioners, L. A. Young, A. M. Clarke, S. T. Moffit, S. H. Rock-
well, and W. B. Raymond, marshal.
- Election. SEC. 4. That there shall be an election held for officers mentioned
in this act on the first Monday in May, eighteen hundred and eighty-
seven, and each successive year thereafter, with the same restrictions
Electors. 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.
- By-laws. SEC. 5. That the said commissioners shall have power to pass all
by-laws, rules and regulations for the good government of the town,
not inconsistent with the laws of this state and the United States, and
levy and collect a tax on all subjects of state taxation, not to exceed
one half of the state tax, and impose fines for the violations of town
ordinances, and collect the same.
- Taxation. 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 7th
day of March, A. D. 1887.

CHAPTER 160.

An act to incorporate the Alleghany Mining and Improvement Company, limited.

The General Assembly of North Carolina do enact :

SECTION 1. That Harry E. Mann, W. E. Anderson, F. H. Busbee, and their associates, be and the same are hereby incorporated and made a body politic and corporate, under the name and style of The Alleghany Mining and Improvement Company, limited, and under that name may sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, make by-laws, rules and regulations consistent with the laws of this state, and have, use and enjoy all the rights and privileges granted to corporations by The Code of North Carolina, chapter ----

Body politic.

Corporate name.

Corporate powers.

SEC. 2. The capital stock of said company shall not be less than fifty thousand dollars, and may be increased to any amount not exceeding one million dollars by a vote of the stockholders. The shares shall be of the par value of one hundred dollars, and real and personal property may be received in the payment of the capital stock at such valuation as may be agreed upon between the subscribers and the company or its representative. The stockholders shall not be individually liable for the debts or obligations of the corporation.

Capital stock.

Subscriptions, how made.

Stockholders not individually liable for corporate debts.

SEC. 3. The said company shall be empowered to search for and develop mineral properties, to mine, smelt and work all minerals, ores, metals and earth, to reduce the same, to erect works of any kind for mining purposes, to manufacture metal, earthen ware or brick of any kind, and have and enjoy all privileges and powers necessary to a free enjoyment of such rights.

Corporate powers.

SEC. 4. The said company shall have power to purchase, mortgage and sell real and personal estate; may hold the same, may lay out land in smaller tracts or parcels and dispose of the same at pleasure; it shall have the power to lend money on real or personal security and may take mortgage or other security for the same only so far as necessary for the purposes of mining.

SEC. 5. The company shall have the power to issue bonds and to secure the same by a mortgage upon its real and personal estate and franchises, or upon a part thereof, to lease the property and franchises of other similar corporations, and to make a lease of its own properties and franchises or a part thereof, the rights of its stockholders protected. It shall be empowered to borrow money, to execute notes and in general to do such other things as may be necessary to carry into effect the powers herein granted.

Authorized to issue mortgage bonds, &c.

Authorized to build branch railroads, &c.

SEC. 6. For the purpose of connecting any mine, water power, mill or factory with any existing line of railroad in or out of North Carolina, the company shall be empowered to construct, maintain and operate a branch railroad or railroads not exceeding forty miles in length, under all the restrictions and with all the powers granted in The Code of North Carolina, volume one, chapter forty-nine, entitled Railroad and Telegraph Companies.

Books of subscription.

SEC. 7. The persons named in section one shall have power to open books of subscription to the capital stock, and when the same shall be subscribed and paid in to an amount not less than twenty thousand dollars, may call a meeting of the stockholders and organize the company. The number of directors shall be fixed by the stockholders, but shall be not less than three, and the other officers shall be fixed and their duties determined by the stockholders. Until the election of directors, the persons named in section one shall be the directors of the company; vacancies shall be filled by the board. The principal office of the company and the place of holding the annual meetings of the stockholders shall be determined by the stockholders, and until so determined it shall be in the city of Raleigh.

Organization.

Directors and officers.

Vacancies.

Place of meeting.

Corporate existence.

SEC. 8. The charter granted is declared to be subject to the provisions of the general law, and shall exist for ninety years: *Provided*, that the charter may be adjudged to be forfeited under the laws of the state unless the company shall be formed within five years.

Proviso.

SEC. 9. 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. 1887.

CHAPTER 161.

An act to incorporate the Eastern Carolina Land Company.

The General Assembly of North Carolina do enact:

Body corporate.

SECTION 1. That J. R. Etheridge, A. S. Conklin, W. O. Temple and W. S. Temple, and their successors, be and the same are hereby created a body corporate, under the name and style of the Eastern Carolina Land Company, and by this name shall sue and be sued, plead and be impleaded, have a corporate seal, and do all other acts which a corporation can do.

Corporate name.

Corporate powers.

Corporate powers.

SEC. 2. That said corporation may buy and hold land in this state, purchase lumber and construct roads from any of their said lands to the nearest shipping points and from one place of their said land to another.

Capital stock.

SEC. 3. That the capital stock of said company may be one hundred thousand dollars, in such shares as the incorporators shall determine, and may be increased if the company desire by filing statement be-

fore the clerk of the superior court for the county of Pasquotank and advertising the same as now required by law for the incorporation of companies.

SEC. 4. Said company may begin operations when the sum of two thousand dollars have been paid in.

When authorized to begin business.

SEC. 5. The same powers conferred upon the Western North Carolina Land Company at the present session of this general assembly in reference to the construction of roads of any kind and canals are hereby conferred upon this company.

Corporate powers.

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. 1887.

CHAPTER 162.

An act to incorporate the "Guilford Battle Ground Company."

The General Assembly of North Carolina do enact:

SECTION 1. That for the benevolent purpose of preserving and adorning the grounds on and over which the battle of "Guilford Court House" was fought on the fifteenth day of March, seventeen hundred and eighty-one, and the erection thereon of monuments, tombstones or other memorials to commemorate the heroic deeds of the American patriots who participated in this battle for liberty and independence, it is enacted that J. W. Scott, Thomas B. Keogh, Julius A. Gray, Dr. D. W. C. Benbow and David Schenck be and are hereby declared to be a private corporation until their successors are elected, by the name of the "Guilford Battle Ground Company."

Purposes of act.

Body corporate.

Corporate name.

SEC. 2. That the capital stock of said company shall not exceed twenty-five thousand dollars, to be divided into shares of twenty-five (\$25) dollars each. That when ten shares or more of said capital stock are subscribed and ten per centum thereof paid in, the stockholders may meet and elect not less than five nor more than nine directors of said company by a majority vote of said stockholders, who shall succeed the persons herein before named as incorporators, and this board of directors so elected shall elect one of their number president. The stockholders may also elect any other officers of the company they may deem proper and necessary.

Capital stock.

Organization.

Directors.

President.

Other officers.

SEC. 3. The "Guilford Battle Ground Company" shall have power to contract and sue and be sued by its corporate name; may have a common seal and exercise all the ordinary and general powers of a private corporation of this kind. It shall have power to acquire by gift, grant or purchase the title to all the lands on or over which the said battle of "Guilford Court House" was fought, or any part thereof,

Corporate powers.

or adjacent lands thereto, not exceeding one hundred acres, or rights of way or other assessments of land or water necessary or convenient for the proper enjoyment of said land. It may erect houses thereon for use or ornament, monuments, tombstones or other memorials; may adorn the grounds and walks, supply the grounds with water, plant trees, flowers and shrubs thereon and do any other like thing for the improvement and beautifying of the property. It may allow the United States, or any state or any corporation or individual to erect any monument, tombstone, or other memorial, or any ornament, or useful improvement thereon, to carry out the purposes of this act, on such terms as may be agreed upon by the parties. It may receive gifts or aid from the United States, any state, corporation or individual, or agree with them to make any improvement thereon. Any city, town or other municipal corporation and any other corporation may subscribe to the capital stock of the said company, or make donations to the same. It may make all necessary by-laws, rules and regulations, not inconsistent with the constitution and laws of the state, for the proper care, protection and regulation of the property of the company and the monuments, tombstones, memorials, houses, and other property and ornaments and adornments thereon, or for the protection of the trees, flowers, shrubbery, walks, lawns, springs, wells or other like property thereon. That the principal office of the company shall be in Greensboro, North Carolina.

Subscription by cities, &c., to capital stock.

By-laws, &c.

Principal office.

Misdemeanor to wilfully destroy, &c., monuments, fences, shrubs, &c.

SEC. 4. It shall be a misdemeanor, punishable by fine and imprisonment, if any person or corporation shall wilfully destroy, demolish, deface or misuse any monument, tombstone or other memorial or any fence, enclosure, tree, shrub, flower, spring, well, or any ornament or adornment placed upon the grounds, or any tree growing thereon, or shall wilfully deface, destroy or demolish any house, pavilion or like fixtures thereon, or shall wilfully trespass on the grounds after being notified not to do so or shall wilfully obstruct the ways and walks of the company leading to or over the grounds.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 163.

An act to incorporate The Young Men's Christian Association of Raleigh, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. S. Primrose, E. L. Harris, S. W. Whiting, J. G. Brown, N. B. Broughton, J. N. Holding, H. W. Ayer, J. T. Pul-

len. Josephus Daniels, L. D. Heartt, A. S. Lee, S. D. Wait, their associates and successors, be and they are hereby made, constituted and declared a corporation and a body politic and corporate, under the name and style of "The Young Men's Christian Association, of Raleigh, North Carolina," and by that name and style they shall have perpetual succession and a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state.

Corporate name.

Corporate powers.

SEC. 2. That said association shall have power to lease, purchase, take and receive by gift or devise, and hold in fee simple or lesser estate or estates all manner of lands, tenements, rents, annuities and other hereditaments, and shall further be able and capable in law to take, receive and possess all moneys, books, goods and chattels which may have been or which may hereafter be given, sold, released or bequeathed by any person or persons for the use of said association.

Corporate powers.

SEC. 3. That all such lands, tenements, rents, annuities and other hereditaments, moneys, books, goods and chattels of whatsoever kind, nature or quality, the said association shall hold, possess and use in special trust and confidence for the improvement of the spiritual, mental, social and physical condition of young men, in such manner and by such means as said association shall adopt and provide by by-laws, ordinances and regulations.

Property to be held in trust, &c.

SEC. 4. That said association shall be able and capable in law to bargain, sell, grant and convey to the purchaser or purchasers such lands, tenements and other hereditaments aforesaid, when the condition of the grant to them or the will of their devisor does not forbid it.

Authorized to convey land, &c.

SEC. 5. That the corporators aforesaid and all members and officers of said association shall not be individually liable for the debts of the association.

No individual liability for corporate debts.

SEC. 6. The said corporation shall be and they are hereby authorized and empowered to make, ordain and establish a constitution and by-laws, ordinances and regulations for the government of said association, its members and its business affairs: they shall have power to elect in such manner as they may decide such persons as they may desire to be members of said association and prescribe the requirements for membership: they may elect such officers as they deem necessary, prescribe their duties, compensation, terms of office and service, and the methods by which said officers shall be succeeded by others: and in general, said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the government of said association and the preservation of order and good morals therein, and for the proper conduct and management of its members and officers and its business affairs as they may deem necessary and expedient and best calculated to carry out the objects of said association: *Provided*, the same be not repugnant to the constitution and laws of this state or of the United States.

By-laws, &c.

Membership.

Officers.

Proviso.

Limitation of
right to hold
property.

SEC. 7. That the real and personal estate of said association shall not exceed in value the sum of one hundred thousand dollars.

Exemption from
taxation.

SEC. 8. That such real and personal estate of said association to the limit above prescribed shall be exempt from the payment of all taxes whether city, county or state.

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. 1887.

CHAPTER 164.

An act to extend the corporate limits of the town of Fremont in Wayne county.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the corporate limits of the town of Fremont, in Wayne county, shall be as herein designated, to-wit: Beginning in the centre of Main street, where it crosses the Wilmington and Weldon railroad track, and the centre of said railroad track, running thence south, down the said railroad, six hundred and sixty yards; thence west, at right angles with said road, four hundred and forty yards; thence north, and parallel with said railroad track, thirteen hundred and twenty yards; thence east, eight hundred and eighty yards; thence south, and parallel to said railroad, thirteen hundred and twenty yards; thence west, four hundred and forty yards, to said railroad track.

Electors.

SEC. 2. That all the qualified voters within the above described limits shall be and are hereby declared to be qualified voters in said town of Fremont on the first Monday of May, eighteen hundred and eighty-seven.

Corporate limits
to be surveyed,
&c.

SEC. 3. That within thirty days from and after the passage of this act the board of commissioners of said town shall cause the above limits to be accurately surveyed and posts erected at the four corners thereof.

Assessment of
property for tax-
ation.

SEC. 4. That the board of commissioners of the said town of Fremont shall not assess real estate higher than the state and county, and the clerk of said board shall make his tax list from the copy of the state and county tax list of Nahunta township, when filed in the office of the clerk of the county commissioners.

Tax list.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 165.

An act to incorporate the Henderson Water-Works Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. R. Young, T. M. Pittman, J. D. Cooper, Reddie Perry and J. H. Lassiter, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the Henderson Water-works Company, and as such shall have perpetual succession, with all the rights, powers and privileges granted to corporations by the sixteenth chapter of The Code, entitled "corporations."

Body politic.

Corporate name.

Corporate powers.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each; and said corporation shall have power to increase its capital stock, from time to time, to a sum not exceeding one hundred and fifty thousand dollars, in shares of like amount. But no such increase shall at any time be made unless authorized by a majority in interest of the stockholders; and the said corporation shall have power and authority to borrow money, to make, negotiate and dispose of its promissory notes, bills and bonds, and to mortgage any or all of its property and franchise to secure the payment thereof.

Capital stock.

Authorized to borrow money on mortgage, &c.

SEC. 3. The said corporation shall have power and authority to establish, construct, and at all times maintain in the town of Henderson a system of water-works for the purpose of supplying the said town, its inhabitants, and others resident near thereto, with water for all public and private uses and purposes for which it may be desired; and to charge, demand and collect such reasonable rates for the use and privilege of water as it may establish.

Corporate powers in relation to water-works.

SEC. 4. That said corporation shall at all times have power and authority to lay, build, construct, maintain and repair, tap and remove all necessary pipes, mains, conductors, stand-pipes, hydrants, fixtures and appurtenances, in, upon, through and over any and all roads, streets, avenues, lanes, alleys and bridges within the said town and its vicinity: *Provided, however,* that the said corporation shall, at its own expense and cost, repair, replace and restore all streets, roads and avenues so used by it, and leave them in as good condition as they were before such use. And the said corporation, its officers, agents and servants, may enter upon the land of any person 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 interest therein, this corporation may have the same condemned to its use in the manner now provided for the condemnation of land for town purposes by the charter of the town of Henderson, and upon the same terms: *Provided,* that the commissioners shall be appointed

Corporate powers in relation to laying pipes, &c.

Proviso.

Condemnation of land.

Proviso.

by and make their report to the clerk of the superior court of Vance county, which appointment shall be made upon the petition of the corporation.

Misdemeanor to wilfully injure, &c., pipes, &c.

SEC. 5. Any person who shall wilfully, wantonly or maliciously tap, remove, obstruct, injure, deface or destroy any main, pipe, fire-plug, hydrant, tank, stand-pipe, reservoir, aqueduct, pump, fixture, machinery, structure or building of any kind, or shall open, use or tamper with any fire-plug or hydrant belonging or appertaining to the works of said corporation shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days; and such person shall also forfeit and pay to said corporation, to be sued for and recovered of damages sustained by any such injury.

Water-supply for town.

SEC. 6. That the commissioners of the town of Henderson are hereby authorized and empowered to enter into contract with such corporation for supplying said town with water for fire and other town purposes, and make provision for such sum or sums of money as may be agreed upon as compensation for such supply of water in the annual levy and collection of taxes for town expenses.

Town authorized to guarantee interest on bonds, &c.

SEC. 7. That the town of Henderson may, upon such terms as shall be agreed, guarantee the payment of interest upon not exceeding twenty-five thousand dollars of the first mortgage bonds of said corporation; and the commissioners of said town are hereby authorized to annually levy and collect such taxes as may be necessary for the due performance of said guaranty: *Provided*, that no such guaranty shall be entered into until approved by a majority of the qualified voters of the town, at an election ordered by the commissioners of the town for that purpose, which election shall be held and governed by and under the rules and regulations prescribed by the charter of said town for the election of town officers, so far as the same may be applicable; and ballots favoring the guaranty of said interest shall read "water bond interest—for guaranty," and those in opposition thereto shall read "water bond interest—no guaranty." Such election may be ordered at any time by said commissioners of their own motion, and shall be ordered upon the written application of twenty-five freeholders resident in said town and qualified voters therein, specifying the terms upon which the guaranty shall be made, together with the number and amount of bonds to which the guaranty shall attach.

Special tax.

Proviso.

Election on question of guaranty.

Town authorized to subscribe to stock, issue bonds, &c.

SEC. 8. That the town of Henderson, by and through its commissioners, may subscribe for and take stock in said corporation to an amount not exceeding fifteen thousand dollars; and to enable said town to pay such subscription, its commissioners are hereby authorized and empowered in the name of the town of Henderson to issue and dispose of coupon bonds to the amount of such subscription, to be known as "Henderson Water Bonds," in such manner, denomina-

tion and form, and payable at such place as the said commissioners shall determine; said bonds to run for thirty years, bearing interest at a rate not exceeding eight per centum per annum, payable annually; which bonds shall not be disposed of at less than their par value.

SEC. 9. That the coupons to said town bonds shall represent the annual interest for the first ten years, and thereafter the coupons shall represent the annual interest and five per centum of the principal until the same is discharged: and to meet the payment of said coupons the commissioners of said town are authorized and empowered to apply thereto all dividends accruing to the town from its stock in such corporation, and to meet any deficiency that may exist after such application of the said dividends, the said commissioners may annually assess, levy and collect such taxes as may be necessary to pay such principal and interest as provided in this section.

SEC. 10. That said bonds and coupons shall not be subject to town taxes until after they become due, and the coupons shall be received in payment of town taxes for any fiscal year from and after their maturity; and if the holder of any of said bonds and coupons shall fail to present the same to the town treasurer at the time and place fixed for their payment the interest thereon shall thereupon cease and determine.

SEC. 11. That the commissioners of said town shall not make such subscription to the capital stock of said corporation, and issue the bonds herein authorized, until the same shall be approved by a majority of the qualified voters of said town, at an election to be ordered by said commissioners for that purpose, which election shall be held and governed by and under the rules and regulations prescribed by the charter of said town for the election of town officers, so far as the same may be applicable; and the ballots in favor of said subscription and issue of bonds shall read "for subscription and bonds," and those in opposition thereto shall read "no subscription or bonds." Such election may be ordered at any time by said commissioners of their own motion, and shall be ordered upon the written application of twenty-five freeholders, resident in said town and qualified voters therein, specifying the amount of the proposed subscription to stock.

SEC. 12. That for the elections provided by this act, the said commissioners shall have power and authority to order an entirely new registration of the voters of said town, appoint registrars, furnish a new registration book or books, and do and prescribe such other acts and things as may be necessary to give full effect to the provisions of this act; and the result of such election or elections shall be certified by the inspectors thereof to said commissioners, and shall be entered upon their official record.

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 7th day of March, A. D. 1887.

What coupons to represent.

Application of dividends.

Special tax.

Coupons exempt from taxes until past due.

Receivable for taxes.

When interest to cease.

Subscription to stock by town subject to approval of voters.

Election.

Ballots.

New registration &c.

CHAPTER 166.

An act to incorporate the town of Powellsville in Bertie county.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of Powellsville in Bertie county be and
Corporate name. the same is hereby incorporated, by the name of Powellsville, 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 shall be 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 the officers mentioned in this act on the first day of May, one thousand eight hundred and eighty-seven, and annually thereafter, and until said election and until their successors are duly elected and qualified, the following shall be the officers of the said town, to-wit: W. W. Powell, mayor; W. S. Taylor, C. C. Cherry and G. Morris, commissioners, and P. N. Allsbrook, constable.
- Temporary officers.** SEC. 5. For the good government of said town the said officers and their successors in office shall have all the power, 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.
- Corporate powers.** SEC. 6. This act shall take effect from and after its ratification.
- In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 167.

An act to incorporate the "People's Telegraph Company."

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That Ludwig Hansen, David Windsor, Andrew Smith, Stith Bowling, and such other persons as they may associate with them, be and they are hereby incorporated a body corporate and politic, to be known as the "People's Telegraph Company," for the purpose of constructing, maintaining and operating a telegraph line from the town of Weldon to the city of Raleigh, and such other towns and places in the state of North Carolina, and to such places in other
- Corporate name.**]
Purposes of act.]

states as may be allowed by the laws thereof, as the said corporation may from time to time elect.

SEC. 2. That whenever fifty thousand dollars have been subscribed to the capital stock of the said company, and ten per centum out of said amount paid in, the said incorporators, or a majority of them, shall; summon such subscribers to a meeting, at such time and place as they may name, and that said subscribers shall then proceed to elect from their own number a board of directors, and the said board a president of the said company. Organization.

SEC. 3. That the capital stock of said company may be from time to time increased to such sums as a majority of the stockholders in general meeting may prescribe, and so any part of such capital stock may be preferred or given an annual fixed per centum guarantee, and the payment of such per centum be secured by a mortgage upon its property and revenues, or otherwise; and the said company may raise money by the issue of bonds, likewise secured. Capital stock.

SEC. 4. That the president and board of directors of the said company shall appoint such officers and employees as in the judgment of the said president and board of directors they may deem necessary for the full exercise and enjoyment of the rights and privileges conferred by this act, to fix their compensation, and make rules and regulations for the official conduct, duties and government of the same, whether located in the said state or another state, as the same may be first established and subsequently changed. And the said company is hereby empowered so to establish its principal office. Officers and employees.

SEC. 5. That the said company shall be entitled to exercise and enjoy all the rights, powers and privileges conferred upon corporations generally by the laws of North Carolina, and expressly such as are conferred by the sections of the forty-ninth chapter of The Code of the said state relating to telegraph companies. And the said People's Telegraph Company shall be subject to all the laws of this state not incompatible with the provisions of this act. Principal office.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 168.

An act to re-incorporate the town of Roxboro, and to extend the corporate limits thereof.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Roxboro in the county of Person shall be a body politic and corporate, and in the Incorporated.

- Corporate name. name of the board of commissioners of Roxboro shall have a right to
- Corporate pow- contract and be contracted with, to sue and be sued, to plead and be
ers. impleaded, to purchase and to hold and convey real and personal
property.
- Corporate limits. SEC. 2. The corporate limits of the town of Roxboro shall be as
follows, to-wit: Beginning at the court-house in said town and run-
ning eight hundred yards north, south, east and west, making court-
house centre of square.
- Officers. SEC. 3. That the officers in said incorporation shall consist of a
mayor, five commissioners and a town constable; that the following
named persons shall fill said offices until the first Monday in May,
one thousand eight hundred and eighty-seven, viz.: mayor, J. T. Ser-
geant; commissioners, J. A. Long, S. B. Winstead, J. M. Barnett, A.
R. Foushee and R. K. Daniel; constable, Chas. E. Pugh.
- Temporary offi- one thousand eight hundred and eighty-seven, viz.: mayor, J. T. Ser-
cers. geant; commissioners, J. A. Long, S. B. Winstead, J. M. Barnett, A.
R. Foushee and R. K. Daniel; constable, Chas. E. Pugh.
- Election. SEC. 4. There shall be an election held for officers mentioned in
this act on the first Monday in May, one thousand eight hundred and
eighty-seven, and each succeeding year thereafter, who shall hold
office until their successors are qualified, all to be elected by the
qualified voters of the town.
- Who eligible as SEC. 5. That any qualified elector in the state shall be eligible as
mayor or commis- mayor or commissioner: *Provided*, he shall have resided in the cor-
sioner. poration ninety days next preceding the day of the election.
Proviso.
- Electors. SEC. 6. That all persons entitled to a vote in the county of Person
for members of the general assembly, and who shall have been *bona*
fide residents of the town of Roxboro ninety days next preceding the
election shall be entitled to vote for mayor and commissioners, or at
any election held therein for municipal purposes.
- Elections, how SEC. 7. That all elections held in said corporation for the election
held. of a mayor and commissioners or other municipal purposes shall be
held and conducted as provided in chapter twenty-one, private laws
eighteen hundred and eighty-five, ratified on the sixteenth day of
February, eighteen hundred and eighty-five, which is "an act to
charter the town of Oxford," in sections five, six, seven, eight, nine,
ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen.
- Oath of mayor SEC. 8. That the mayor and each commissioner before entering
and commission- upon the duties of his office shall take before some justice of the
ers. peace or clerk of the superior court an oath that he will truly and
impartially perform the duties of his office for the town according to
the best of his ability, skill and judgment.
- Vacancies. SEC. 9. 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 pre-
scribe their terms of office. The board of commissioners shall be fur-
ther authorized to appoint one of their number a mayor *pro tempore*,
- Officers.
- Mayor *pro tem.*

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: *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 treasurer by members of the board.

Oath of officers.

Bond.

Proviso.

SEC. 10. 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 violations thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the court, or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county, 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.

Mayor an inferior court.

Jurisdiction, &c.

Special court.

Appeal.

SEC. 11. The mayor shall issue his precepts to the town constable, who shall execute the same anywhere in Person 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 to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Precepts of mayor.

SEC. 12. 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 fines, &c., liable to work on streets.

SEC. 13. 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 a right to com-

Imprisonment without warrant, &c.

mit such person or persons to the common jail for Person county 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.

Duties of treasurer.

SEC. 14. 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 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.

Commissioners to make annual statement, &c.

SEC. 15. 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 for the annual election of commissioners.

Orders on treasurer.

SEC. 16. 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. 17. That it shall be the duty of the constable 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 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 or precepts, and also such other compensation as the commissioners may allow.

Fees.

Compensation.

Condemnation of land for streets.

SEC. 18. The commissioners of the town of Roxboro 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 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,* Appeal. 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.

SEC. 19. That the board of commissioners of the town of Roxboro 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 one dollar on the poll. And the said board shall have power to levy and collect a commutation upon all persons residing in the corporate limits of Roxboro, who may be liable to work on the public roads, in lieu of requiring of them such personal services on the roads and streets. Taxation.

SEC. 20. 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 centum 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. Levy of taxes. Collection, &c. Commissions of collector. Proviso.

SEC. 21. 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. Collection by distress, &c.

SEC. 22. That the commissioners shall have the 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 run- Nuisances.

ning 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.

Sale of liquors.

SEC. 23. 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 said commissioners, and they shall fix the amount to be paid for said license, which shall not be less than twenty dollars nor more than fifty dollars per annum, upon each license granted by the board of county commissioners. Any persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the mayor not exceeding fifty dollars or thirty days imprisonment, and shall moreover pay a penalty of five dollars for each day that he shall thus violate this ordinance.

Misdemeanor.

Abatement of nuisances, &c.

SEC. 24. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing 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.

Slaughter-houses.

Powers of commissioners.

SEC. 25. That the board of commissioners shall have power to provide water and take all proper means to prevent and extinguish fires; to make regulations to cause due observation 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 adjacent lots who may refuse to do the same on five days' notice from the mayor of the town.

Imprisonment.

SEC. 26. That every imprisonment or commitment by virtue of this charter shall be in the public jail of the county.

Fees of mayor.

SEC. 27. 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 any offender against the criminal laws of this 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.

Corporate powers.

SEC. 28. The town of Roxboro is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two.

volume two of The Code of North Carolina, entitled "Cities and Towns," not inconsistent with any of the provisions of this act.

SEC. 29. That all laws and parts of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 30. 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. 1887.

CHAPTER 169.

An act to incorporate the town of Ruffin in North Carolina.

The General Assembly of North Carolina do enact:

- SECTION 1. That the town of Ruffin, in the county of Rockingham, is hereby incorporated, by the name and style of "Ruffin." Incorporated.
Corporate name.
- SEC. 2. That the corporate limits of said town shall be one mile in every direction from the depot in said town. Corporate limits.
- SEC. 3. That the officers of said corporation shall consist of a mayor, five commissioners, clerk, treasurer and a constable. Officers.
- SEC. 4. The first election for mayor and commissioners shall be held the first Monday in May, one thousand eight hundred and eighty-seven; 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, J. A. Gibson; commissioners, Wm. Ferguson, Wm. Worsham, C. H. Stokes, W. A. Stacy and R. L. Rawley. Election.
Temporary officers.
- SEC. 5. That the authority to tax real and personal estate and polls shall be governed by the law of the state applying to cities and towns. Taxation.
- SEC. 6. That the tax for the privilege of retailing spirituous, vinous and malt liquors shall not exceed two hundred and fifty dollars. Retail liquor license.
- SEC. 7. That the commissioners of said town shall have the power to make any by-law or regulation for the government of said town not inconsistent with the laws of North Carolina. By-laws.
- SEC. 8. This act shall be in force on and after its ratification.
- In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 170.

An act to incorporate the town of Swepsonville in the county of Alamance.

The General Assembly of North Carolina do enact :

- Incorporated.** **SECTION 1.** That the town of Swepsonville, in Alamance county, be
Corporate name. and the same is hereby incorporated, by the name and style of Swepsonville, and it shall have the benefit of and 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 shall be as follows: Commencing at an ash on the east bank of Haw river, and runs north eighty-three degrees fifteen chains and sixty links to a white oak; thence north forty-two degrees east seven chains and fifty links; thence north sixty-four degrees east two chains and seventy-nine links; thence south forty and one-half degrees east thirteen chains and fifty links; thence south fifty-eight degrees east ten chains and seventy-five links; thence south twenty-five degrees east six chains and thirty-six links; thence south seventy-seven and one half degrees west five chains and seventy links; thence south fifty-one degrees west seventy-five feet; thence south four chains and twelve links; thence south twenty degrees west one hundred and fifty six feet; thence south forty-eight degrees east one hundred and sixty-five feet; thence south twenty degrees west twenty-two chains and eighty links; thence south fifty degrees west fifteen chains and fifty links; thence south eighteen degrees east two chains and fifty-four links; thence south sixty-three and one fourth degrees west fourteen chains and seventy links to Haw river; thence up the east bank of said river as it meanders to the beginning.
- Officers.** **SEC. 3.** That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, Anno Domini eighteen hundred and eighty-seven, viz.: Mayor, A. Rosenthal; commissioners, E. M. Cooke, W. H. Councilman and Dennis Williams; marshal, Brooks Overman.
- Temporary officers.**
- By-laws.** **SEC. 4.** 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.
- Taxation.**
Fines. **SEC. 5.** That this act shall be in force from and after its ratification. In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 171.

An act to incorporate the town of Pactolus in the county of Pitt.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Pactolus in the county of Pitt be and the same is hereby incorporated, by the name and style of the town of Pactolus, 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 as follows: Beginning at a cypress on the run of Grinale creek, running south seventeen west one hundred and ten poles to a stake, thence north seventy-three west one hundred and sixty-six poles to a stake, thence north seventeen east one hundred and twenty-four poles to two pines, thence south seventeen east one hundred and ten poles to the old saw mill, thence down the run of said creek to the beginning, containing ninety-three acres.

SEC. 3. The officers of said incorporation shall consist of a mayor and three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, Anno Domini eighteen hundred and eighty-seven, viz.: for mayor, J. R. Davenport; for commissioners, Rufus Fleming, J. J. Rollins and Robt. R. Fleming; for constable, W. G. Stokes.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, Anno Domini eighteen hundred and eighty-seven, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said incorporation who have resided twelve month within the state and thirty days within the corporate limits previous to the day of election shall be entitled to vote at said election.

SEC. 5. That the said commissioners shall have power to pass all laws, rules and regulations for the good government of the town not inconsistent with the state or the United States, and levy and collect a tax on all subjects of state taxation not to exceed one half of the state tax, and to impose fines for the violations of town ordinances and collect the same.

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 172.

An act to incorporate “The Thompson Orphanage and Training Institute.”

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That the Rt. Rev. T. B. Lyman, the Rev. J. B. Cheshire, the Rev. W. R. Wetmore, the Rev. E. A. Osborne, Dr. F. M. Garrett, J. F. Payne, Esq., and Capt. B. H. Moore and their successors be and they are hereby created a body politic and corporate, under the name and style of “The Thompson Orphanage and Training Institute,” with power to receive 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 necessary for the convenient and efficient management of the business of the institution and carry out the object and intents thereof.
- Corporate name.**
- Corporate powers.**
- Corporators to be officers, &c.** SEC. 2. That the corporators 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.
- Object of corporation.** SEC. 3. The object of said corporation is to prepare orphans and homeless children for the duties and responsibilities of life: to that end the corporation shall have power to adopt such rules and regulations as will enable it to afford protection and extend the benefits of correct training to all such children as may be entrusted to its care by lawful authority.
- Corporate powers in relation to orphans.** SEC. 4. That said corporation shall have power to receive and retain the control of such orphans and homeless children by the consent of those having the lawful control of them, or other means provided by law for the care and protection of such children.
- Discharge of children.** SEC. 5. The said corporation shall have power to discharge any of said children from the said orphanage when in the judgment of the superintendent it shall be necessary for the good of the child or the orphanage.
- SEC. 6. 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. 1887.

CHAPTER 173.

An act to amend chapter one hundred and sixteen of the private laws of eighteen hundred and eighty-five, incorporating the Piedmont Bank of Greensboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven of chapter one hundred and sixteen of the private acts of eighteen hundred and eighty-five be and the same is amended by adding to the end of said section the following words as a part thereof, viz.: "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."

Chapter 116, private laws 1885, amended.

Withdrawal of deposits by married women and minors.

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. 1887.

CHAPTER 174.

An act to be entitled an act to amend the charter of the town of Burgaw.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Burgaw shall be and continue to be as they heretofore have been, a body politic and corporate, and in the name of the board of commissioners of Burgaw shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, receive by donation, devise or otherwise, and to hold and to convey property, both real and personal.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits of Burgaw shall continue to be the same as heretofore they have been, to-wit: Beginning at the centre of the court-house square, running one half mile north, south, east and west, comprising one mile square.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and five commissioners and a marshal or constable, who shall annually on the first Monday in May of each year be elected by the qualified voters of said town.

Officers.

Election.

SEC. 4. That any qualified elector in this state who is a resident within said corporation shall be eligible as mayor, commissioner, or marshal of said town.

Who eligible as mayor, &c.

SEC. 5. That every person entitled to vote in the county of Pender for members of the general assembly, and who shall have been a *bona*

Electors.

fide resident of the town of Burgaw ninety days next preceding the day of election, and duly registered as hereinafter provided, shall be entitled to vote for mayor, commissioners and marshal or constable, or at any election held therein for any municipal purpose.

Oath of mayor.

SEC. 6. That the mayor, immediately after the election and before entering upon the duties of his office, shall take before a justice of the peace or clerk of the superior court the following oath: "I, A B, do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Burgaw, while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatever. So help me, God."

Oath of commissioners.

SEC. 7. That each commissioner, before entering on the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner of the town, according to his best judgment, skill and ability.

Vacancies.

SEC. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint such other officers as 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. They shall further be authorized to appoint one of their number 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 in case of vacancy in the office of mayor they shall have the authority to fill the same by appointment for the unexpired term.

Officers.**Mayor pro tem.****Vacancy in office of mayor.****Registration.**

SEC. 9. That it shall be the duty of the board of commissioners, at their regular meeting in April of each year, to appoint a registrar and inspectors of election, and the registrar so appointed shall open the registration books twenty days preceding the day of election, and shall keep them open for the registration of voters until Saturday preceding the day of election at some convenient place in the town, and that it shall be lawful to challenge any one registering illegally, either at the time of registering, or on the day of election when such illegal voter offers to vote.

Challenges.**Streets, &c.****Persons failing to pay fines liable to work on streets.**

SEC. 10. That the board of commissioners shall have full control and jurisdiction over the streets and roads and sidewalks of said town, and shall have authority to put to and keep at work on said streets, roads and sidewalks any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed upon such person or persons for violations of any ordinance, by-law or regulation of said town.

Taxation.

SEC. 11. That the board of commissioners of the town of Burgaw shall have power not oftener than annually to impose, levy and col-

lect a tax upon all real and personal property within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and other subjects of taxation taxed by the general assembly for public purposes, and said board shall have power to levy a commutation tax upon all persons residing within the corporate limits of said town that may be liable to work on public roads, in lieu of requiring of them personal services on the roads and streets; or if they deem it best they shall have power to require personal services of those liable to work on public roads in keeping in repair the streets, roads, bridges and sidewalks of said town, and shall have power to impose fines and penalties for violation of any by-law, ordinance or regulation of said town relative to work on the said streets, roads, bridges and sidewalks of said town.

Fines, &c.

SEC. 12. That the annual tax on property shall not exceed fifty cents on the one hundred dollars' valuation thereof, nor shall the poll tax exceed one dollar and a half. The commutation tax shall not exceed two dollars.

Limitation of taxation.

SEC. 13. That said taxes when levied shall be due on the first Monday in September of each and every year, but the tax collector shall have no power to enforce collection of the same by sale until the first day of December next ensuing; and whenever the tax shall be due and unpaid on the first day of December, the tax collector shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriff of the county: *Provided*, that the board of commissioners shall have power to change the time of levying and collecting the town taxes.

Taxes, when due.

Collection.

Proviso.

SEC. 14. That in addition to the *ad valorem* tax on property, the board of commissioners shall have power to levy and collect specific privilege or license taxes as follows: first, upon all itinerant merchants or peddlers vending or offering to vend in the town, a tax not exceeding twenty dollars a year, except such only as sell books, charts, maps, pictures and paintings and other articles exempt by law; second, upon every billiard table or bowling alley, except those used in private families, a tax not exceeding fifty dollars a year; third, upon every bar-room or person selling by retail any spirituous liquors, a tax not exceeding twenty dollars a year; fourth, upon every company of circus riders who shall exhibit within the town, a tax not exceeding twenty-five dollars for each exhibition; fifth, upon every person or company exhibiting within the town, stage, theatrical, or sleight-of-hand performances, rope dancing or menageries, a tax not exceeding ten dollars for each exhibition; sixth, upon each show or exhibition of any kind, and upon every strolling musician, a tax not to exceed five dollars for each exhibition; seventh, upon every victualing house or restaurant kept in the town, a tax not exceeding twenty-five dollars a year; eighth, upon every merchant or druggist, a tax not exceeding twenty dollars a year; ninth, upon

Privilege taxes.

each itinerant physician, optician or vender of patent medicines, a tax not exceeding twenty-five dollars a year; tenth, upon each dog owned and kept in the town, a tax not exceeding one dollar: eleventh, upon such other subjects of specific taxation enumerated and taxed by the general assembly, a tax not exceeding the amount levied by the state.

Powers of commissioners.

SEC. 15. That the board of commissioners of the town may pass all ordinances necessary for the good government, quiet and peace of the town not inconsistent with the constitution and laws of the state, and may especially enact any ordinance for the protection of the churches or other places of religious worship in the corporate limits of the town, and for protecting the congregations there assembled for worship, whether directly engaged in religious worship or not, and to prevent any disturbance around said churches while persons are there assembled to engage in worship, and to pass any ordinance for the protection of the schools in said town, and to prevent any disturbance around said schools while they are in session for the instruction of the pupils thereof, and to abate all nuisances in said town.

Fines.

SEC. 16. That all fines and forfeitures imposed and collected for violation of the ordinances of said town shall be paid into the town treasury and constitute a part of the general fund for defraying the expenses of said town.

Corporate powers.

SEC. 17. That the town of Burgaw is hereby vested with all the rights, powers, privileges and immunities enunciated in chapter sixty-two of The Code of North Carolina, entitled "Towns," not inconsistent herewith.

Chapter 23, private laws 1879, repealed.

SEC. 18. That chapter twenty-three of private laws of North Carolina, of session one thousand eight hundred and seventy-nine, and all laws and clauses of laws in conflict herewith are hereby repealed.

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 7th day of March, A. D. 1887.

CHAPTER 175.

An act to lay the town of Shelby off into wards.

The General Assembly of North Carolina do enact :

Town to be laid off into wards.

SECTION 1. That the board of commissioners and mayor of the town of Shelby shall have power to lay off said town into four wards. The boundaries of each of said wards when so laid off shall be recorded in the book of the secretary of said board of commissioners.

SEC. 2. That at each annual election in said town there shall be elected from each of said wards one commissioner, and if more than one person from each of said wards shall be voted for at such election the person residing in said ward or wards receiving the largest number of votes shall be declared elected commissioner of said ward or wards. Commissioners,
how elected.

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. 1887.

CHAPTER 176.

An act for the relief of D. H. Marsh.

WHEREAS, in July, eighteen hundred and eighty-three, the depot and warehouse of the Cape Fear and Yadkin Valley Railroad Company, at Gulf, was destroyed by fire, and that in said building was a bond, number one hundred and seventy-three, issued by the town of Fayetteville in eighteen hundred and fifty-six, maturing in twenty years, which is supposed to have been consumed, which bond was the property of D. H. Marsh; and whereas, by reason of said loss, the said D. H. Marsh was not able to avail himself of the benefits of chapter one hundred and twelve of the private laws of eighteen hundred and eighty-three, and of chapter eighty-six of the private laws of eighteen hundred and eighty-five; now, therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners appointed by chapter one hundred and twelve of the private laws of eighteen hundred and eighty-three are authorized and directed to extend to D. H. Marsh the benefits and privileges of said chapter one hundred and twelve of the private laws of eighteen hundred and eighty-three, so far as said bond number one hundred and seventy-three is concerned, upon said Marsh producing before them satisfactory evidence of the ownership and loss of said bond. Benefits of chapter 112, private laws 1883, extended to D. H. Marsh in relation to lost bond of town of Fayetteville.

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. 1887.

CHAPTER 177.

An act to incorporate the Monkey Island Club.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That William P. Clyde, Samuel Thorne, Heber R. Bishop and their associates and successors be and they are hereby constituted
- Corporate name.** a body politic and corporate, by the name and style of the Monkey Island Club, for the purpose of hunting wild fowl and other games,
- Corporate powers.** and other similar sports for pleasure, and by such name and style may sue and be sued, plead and be impleaded in any and all courts of the state, contract and be contracted with, and have perpetual succession and a common seal.
- Authorized to purchase land, &c.** SEC. 2. The said corporation shall have power to acquire by purchase in fee simple or lease, marsh, beach and other lands suitable for and adapted to the use of said club in the county of Currituck, and hold, use and dispose of the same as it may please, and may also acquire, hold and dispose of such personal property as may be necessary or desirable for the purpose of said club: *Provided*, that the said corporation shall not acquire in fee simple a greater quantity of land than twenty thousand acres: *And provided also*, that the said corporation and the members composing the same shall be subject to all the restrictions in regard to non-residents contained in chapter twenty-one, second volume of The Code: *Provided further*, that it shall be unlawful for said club to shut up any creek by iron chains or otherwise, so as to interfere with or abridge any right of any citizen of Currituck county to pass through said creek, or in any manner to interfere with the rights of the said citizens with respect to any lands or waters in said county.
- Proviso.**
- Proviso.**
- Proviso.**
- Powers of stockholders.** SEC. 3. The stockholders shall have power to make such rules and regulations and by-laws for the government of the corporation and the management and disposition of its property as they may deem fit, not inconsistent with the constitution and laws of the state or of the United States.
- Principal office.** SEC. 4. The principal office or place of business of said corporation shall be on Monkey island in the county of Currituck.
- SEC. 5. This act shall be in force from and after its ratification.
- In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 173.

An act to enable the towns of Salem and Winston to construct a system of sewerage.

WHEREAS, the two towns of Salem and Winston are so located that it is not practicable for one to construct a system of sewerage except conjointly with the other; and whereas, it is of vital importance to the health of each town that such a system of sewerage be constructed; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the respective boards of commissioners of the said towns of Salem and Winston shall have the right and are hereby authorized to construct systems of sewerage in and for their respective towns, and whenever it is deemed necessary to locate sewers on and through the the lands of any person owning lands in either of said towns the respective board of commissioners of the town in which the lands are situated shall have authority and power to condemn, appropriate or use any necessary land in the same manner and form as prescribed in section thirteen, chapter sixty-seven, of the private laws of eighteen hundred and seventy-nine (consolidating and revising the charter of the town of Winston), for appropriating and condemning lands for the use of the streets.

Boards of commissioners authorized to construct sewers, &c.

Condemnation of land.

SEC. 2. All sewers constructed under the provisions of this act must be so arranged as not to be offensive or dangerous to health, and in order to secure this end the out-fall of any sewer main must be into the running water of either Peter's creek or middle fork of Muddy creek, and if to secure such out-fall into the running water of said creeks it becomes necessary in the opinion of said respective board or boards of commissioners to pass over or through any lands lying beyond or outside of the corporate limits of said towns, or either of said towns, the board of commissioners of the town lying contiguous to such lands through which it is desired to run such sewer or sewers shall have the power and authority to appropriate, condemn and use such lands necessary for the purpose in the same way as is provided in section one of this act for the appropriating, condemning and using of lands lying within the corporate limits of said towns, except that in case such lands lying outside of the corporate limits of said town be owned or controlled by a non-resident or non-residents of said town, the arbitrator or arbitrators chosen by such non-resident owner need not be a resident of either of said towns.

Sewers, how constructed, &c.

Condemnation of land outside of corporate limits.

SEC. 3. That in order to defray the expenses of constructing said system of sewers on the part of the town of Winston, the said town may create a debt not exceeding twenty thousand dollars, bearing

Town of Winston authorized to create debt to defray expenses of sewers, &c.

interest not exceeding six per centum per annum, payable semi-annually, and in creating said debt the board of commissioners of Winston shall be governed by and shall proceed as prescribed in the charter of said town as passed and ratified by the general assembly of North Carolina on the eleventh day of March, Anno Domini eighteen hundred and seventy-nine.

Conflicting laws repealed.

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

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

In the general assembly read three times, and ratified this the 7th day of March, A. D. 1887.

CHAPTER 179.

An act to incorporate the Bank of Fayetteville, at Fayetteville, North Carolina.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That John D. Williams, Edmund J. Lilly, R. P. Buxton, A. A. McKethan, Jr., H. W. Lilly, N. R. Blue, John D. McIver, Joseph W. Hollingsworth, C. W. Broadfoot, S. J. Hinsdale, R. M. Nimocks, W. T. Taylor, their present and future associates and successors are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Bank of Fayetteville," and shall continue for the term of thirty years, if accepted by the stockholders within four years from the date of its ratification; with capacity to take, hold and convey real or personal estate, and all the powers, rights and privileges granted to any bank or banking institution by this or any subsequent legislature of this state, together with the rights, powers and privileges incident to or belonging to corporations, as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code of North Carolina, entitled "corporations."

Name.

General banking powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, in shares of one hundred dollars each.

Books of subscription.

SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank, at such time and place, and for such period or periods as they shall determine.

Organization.

SEC. 4. Whenever one hundred thousand dollars or over shall have been subscribed, 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 sub-

- scribers shall elect by ballot, or otherwise, from among their number such directors as they may deem proper, who shall hold office for one year and until their successors are appointed. Said directors shall elect a president and vice-president, by ballot or otherwise, the same being stockholders, and have authority to fill all vacancies that may occur in their own body, or in any office or position in the bank, until the next annual meeting of the stockholders.
- SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, appoint all necessary officers and agents, fix their compensation, prescribe their duties, and take security for the faithful discharge of the same, and may, when they deem it to the interest of the bank to do so, discharge any or all of them and appoint others to fill their places. They shall prescribe the manner of paying for stock and the transfer thereof. May do a general banking business, discount promissory notes, bills of exchange, domestic and foreign, and take interest or discount in advance at a rate not greater than is allowed by law. The corporation may invest in bonds of this state or other states and of the United States, or in the bonds or obligations of any corporation or county in this state.
- SEC. 6. The corporation may receive and pay out the lawful money of the country, deal in gold and silver coin, in bullion, in current papers, may purchase and hold real estate and personal property that may be pledged or mortgaged to secure debts due to the bank, and sold under execution or otherwise, and sell and convey title to the same; may purchase and hold real estate as may be necessary for the convenient transaction of business, and may sell or exchange the same. The bank may receive on deposit moneys held in trust from executors, administrators, guardians or others, and may issue certificates of deposit bearing such rate of interest as may be agreed upon between the parties.
- SEC. 7. The president and directors shall exercise all the necessary authority and power for the proper government of the business of the corporation; they shall direct when dividends shall be paid to stockholders; they may call meetings of the stockholders when they may deem it proper, giving ten days' notice, and any number of stockholders holding one fourth of the capital stock paid up may call a special meeting, giving ten days' notice in a newspaper published in Fayetteville, and at all meetings stockholders not present may be represented by proxy, each share of stock being entitled to one vote.
- SEC. 8. The corporation may loan money on a pledge or mortgage on personal property or real estate not exceeding twenty-five per centum of the capital stock paid in.
- SEC. 9. The corporation shall have authority to establish a savings bank department and operate the same and receive deposits in sums

Directors.

Other officers.

Vacancies.

Seal.

Officers.

Compensation.

Security.

Powers to do a general banking business.

Additional banking powers.

Hold real estate.

Deposits.

Certificates.

Powers of president and directors.

Meetings of stockholders.

May lend on mortgage.

May establish savings bank.

of money of one dollar and upwards, and pay the same with interest as may be agreed on with depositors, and receive deposits in their own name from married women and minors, and pay out the same on their receipts, orders or checks, as to others, unless restrained by some competent tribunal.

Stockholders liable to amount of stock owned.

Pro rata.

SEC. 10. Each stockholder shall be liable to depositors in and creditors of the bank to the amount of stock owned at the time the deposit was made or debt contracted: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders *pro rata*.

SEC. 11. 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. 1887.

CHAPTER 180.

An act to amend the charter of the city of Charlotte.

The General Assembly of North Carolina do enact :

Chapter 40, private laws 1881, amended.

Sewerage.

Condemnation of land for right of way.

Prosecutions before mayor for violation of city ordinances not removable.

SECTION 1. That section forty-one of the amended charter of the city of Charlotte, being chapter forty of the laws of eighteen hundred and eighty-one, be amended as follows: After the word "require," in the fourth line of said section, add the words, "and to construct a system of sewerage for the city, and protect and regulate the same by adequate ordinances. And if it shall be necessary in obtaining a proper outlet to the said system, to extend the same beyond the corporate limits of the city, then in such case the board of aldermen shall have the power to so extend it, and both within and without the corporate limits to condemn a right of way for the purpose, as herein provided for opening new streets and other purposes."

SEC. 2. That section nine hundred and seven of The Code shall not be construed to apply to trials for the violation of city ordinances by the mayor thereof, but the defendant, in all such cases, shall have the right of appeal.

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. 1887.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, May 31st, 1887.

I, W. L. SAUNDERS, Secretary of State, hereby certify that the
foregoing are true copies of the original (manuscript) acts and reso-
lutions on file in this office. Certificate of Sec-
retary of State.

W. L. SAUNDERS,
Secretary of State.

NOTE.—In printing the laws the original manuscript copy was fol-
lowed, without supplying in brackets [] words evidently omitted and
without changing words improperly written in the enrollment, which
in some instances affect the meaning of the law. Note of State
Printer.

STATE PRINTER.

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