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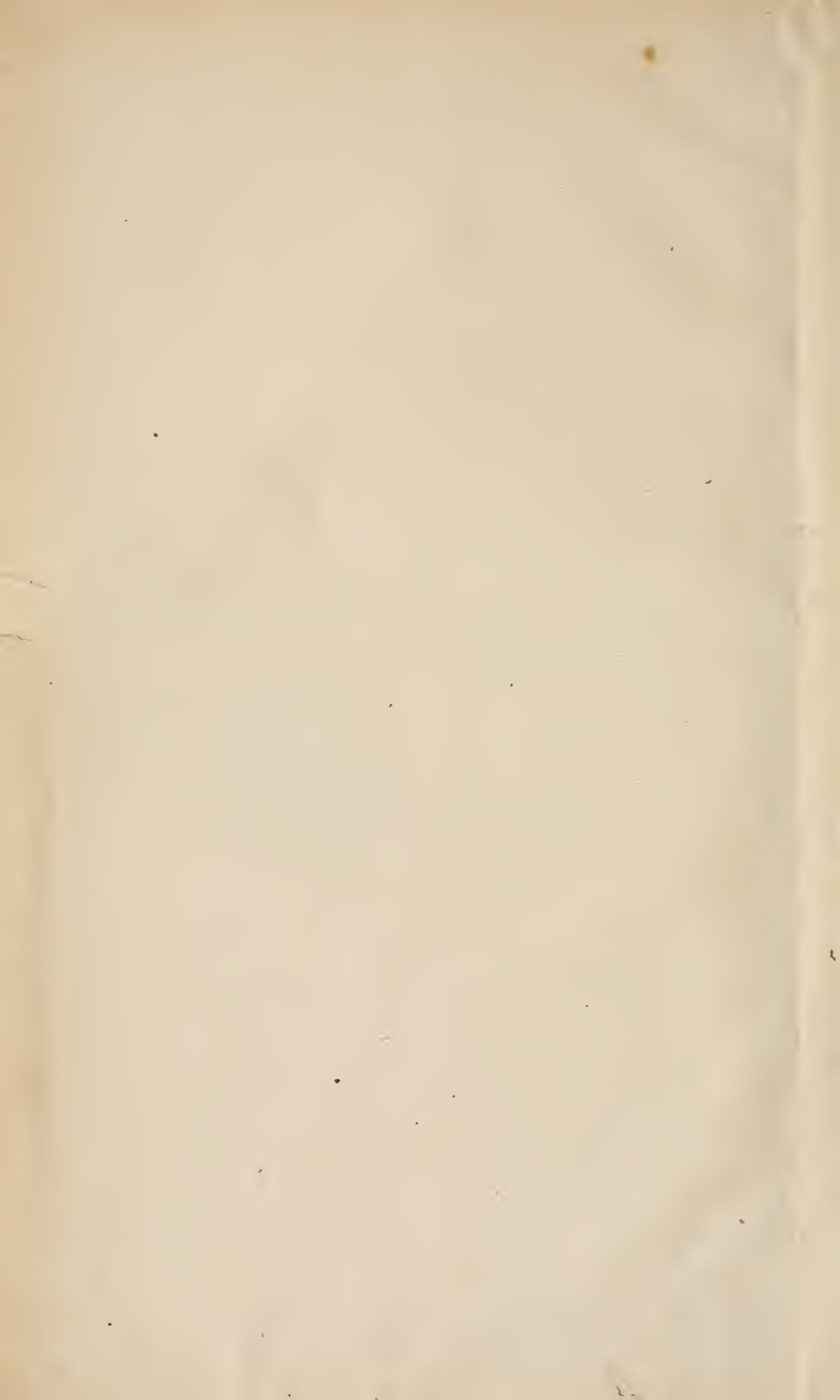
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LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA

PASSED BY THE
GENERAL ASSEMBLY

AT ITS

SESSION OF 1889,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE NINTH DAY OF JANUARY, A. D. 1889.

TO WHICH ARE PREFIXED

A REGISTER OF STATE OFFICERS, JUDICIARY, A LIST OF COM-
MISSIONERS OF AFFIDAVITS, MEMBERS OF THE GEN-
ERAL ASSEMBLY, AND STATE CONSTITUTION.

PUBLISHED BY AUTHORITY.

RALEIGH:
JOSEPHUS DANIELS, STATE PRINTER AND BINDER.
1889.

Presses of
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Raleigh, N. C.

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OFFICIAL REGISTER

FOR THE YEAR 1889.

STATE GOVERNMENT.

DANIEL G. FOWLE.....	Wake county.....	Governor.
THOMAS M. HOLT.....	Alamance county.....	Lieutenant Governor.
WILLIAM L. SAUNDERS.....	Wake county.....	Secretary of State.
GEORGE W. SANDERLIN.....	Lenoir county.....	Auditor.
DONALD W. BAIN.....	Wake county.....	Treasurer.
SIDNEY M. FINGER.....	Catawba county.....	Supt. Public Instruction.
THEODORE F. DAVIDSON.....	Buncombe county.....	Attorney General.
JAMES D. GLENN.....	Rockingham county.....	Adjutant General.
CHAS. M. ROBERTS.....	Vance county.....	Keeper of Capitol.
J. C. BIRDSONG.....	Wake county.....	Librarian.
S. F. TELFAIR.....	Beaufort county.....	Private Sec'y to Governor.
F. B. SATTERTHWAITTE.....	Beaufort county.....	Executive Clerk.
W. P. BATCHELOR.....	Wake county.....	Clerk to Secretary State.
J. D. BOUSHALL.....	Camden county.....	Clerk to Auditor.
H. M. COWAN.....	Chatham county.....	Clerk to Treasurer.
ERNEST BAIN.....	Wake county.....	Teller.
T. A. PARTIN.....	Wake county.....	Clerk for Institutions.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
WILLIAM N. H. SMITH, Chief Justice.....	Raleigh.
A. S. MERRIMON, Associate Justice.....	Raleigh.
JOSEPH J. DAVIS, Associate Justice.....	Louisburg.
J. E. SHEPHERD, Associate Justice.....	Washington.
A. C. AVERY, Associate Justice.....	Morganton.
T. S. KENAN, Clerk.....	Raleigh.
R. H. BRADLEY, Marshal and Librarian.....	Raleigh.

SUPERIOR COURT JUDGES.

NAMES.	DISTRICTS.	RESIDENCES.
GEO. H. BROWN, Jr	1st	Washington.
FRED. PHILLIPS	2d	Tarboro.
H. G. CONNOR	3d	Wilson.
WALTER CLARK	4th	Raleigh.
JNO. A. GILMER	5th	Greensboro.
E. T. BOYKIN	6th	Clinton.
JAS. C. MACRAE	7th	Fayetteville.
R. F. ARMFIELD	8th	Statesville.
JESSE F. GRAVES	9th	Mt. Airy.
JNO. GRAY BYNUM	10th	Morganton.
W. M. SHIPP	11th	Charlotte.
J. H. MERRIMON	12th	Asheville.

SOLICITORS.

NAMES.	DISTRICTS.	RESIDENCES.
JNO. H. BLOUNT	1st	Hertford.
GEO. 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	Rockingham.
B. F. LONG	8th	Statesville.
THOMAS SETTLE, Jr	9th	Reidsville.
W. H. BOWER	10th	Lenoir.
FRANK I. OSBORN	11th	Charlotte.
JAMES M. MOODY	12th	Waynesville.

CRIMINAL COURT JUDGE.

OLIVER P. MEARES.....Wilmington.

SOLICITORS.

B. R. MOORE.....Wilmington.
 J. E. BROWN.....Charlotte.

LIST OF COMMISSIONERS OF AFFIDAVITS 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.	DATE OF APPOINTMENT.	TERM EXPIRES.
Alabama	James Norfleet	Fort Payne	7 May, 1889	7 May, 1891.
California	Wm. E. Mills	Sacramento	6 December, 1888	6 December, 1890.
District of Columbia	James S. King	San Francisco	14 February, 1889	14 February, 1891.
"	Samuel C. Mills	Washington	19 March, 1889	19 March, 1890.
"	Chas. S. Bundy	"	23 July, 1888	23 July, 1890.
"	R. H. Evans	"	27 February, 1889	27 February, 1890.
Georgia	G. H. Tanner	Atlanta	5 February, 1888	5 February, 1890.
"	Harry Krouse	"	20 April, 1888	20 April, 1890.
"	Wm B. Adams	Savannah	30 October, 1888	30 October, 1890.
Illinois	Philip A. Hayne	Chicago	13 October, 1888	13 October, 1890.
Louisiana	Meloney C. Soniat	New Orleans	16 March, 1888	16 March, 1890.
Massachusetts	Chas. I. Rawson	Worcester	20 February, 1888	20 February, 1890.
"	Edward J. Jones	Boston	3 March, 1888	3 March, 1890.
"	Samuel Jamison	"	3 December, 1888	3 December, 1890.
"	Charles Hall Adams	"	9 January, 1889	9 January, 1891.
Maryland	Henry C. Thomas	Baltimore	25 November, 1887	25 November, 1889.
"	Ph. H. Hoffman	"	2 December, 1887	2 December, 1889.
"	G. Evett Reardon	"	23 January, 1888	23 January, 1890.
"	W. H. H. Raleigh	"	28 February, 1888	28 February, 1890.
"	Walter D. Griscom	"	29 March, 1888	29 March, 1890.
"	Samuel S. Boggs	"	18 May, 1888	18 May, 1890.
"	Joseph B. Maguire	"	24 May, 1888	24 May, 1890.
"	Claude J. Jenkins	"	14 September, 1888	14 September, 1890.
"	Murray Hanson	"	17 December, 1888	17 December, 1890.
"	J. Kemp Bartlett, Jr.	"	20 March, 1889	20 March, 1891.
Missouri	Charles D. Greene, Jr.	St. Louis	28 June, 1887	28 June, 1889.
New York	Charles Edgar Mills	New York	28 July, 1887	28 July, 1889.
"	C. H. Hooper	"	6 August, 1887	6 August, 1889.
"	Frank A. Pierson	Brooklyn	11 October, 1887	11 October, 1889.

New York	Frank W. Fullerton	New York	3 November, 1887	3 November, 1889.
"	Geo. H. Corny	"	9 November, 1887	9 November, 1889.
"	W. H. Clarkson	"	5 November, 1887	5 November, 1889.
"	H. C. Banks	"	3 February, 1888	3 February, 1890.
"	Charles Taylor	"	10 February, 1888	10 February, 1890.
"	F. A. Burnham	"	17 March, 1888	17 March, 1890.
"	Thomas W. Falsom	"	23 May, 1888	23 May, 1890.
"	S. A. Emmanuel	"	24 May, 1888	24 May, 1890.
"	Lipman Levy	"	8 November, 1888	8 November, 1890.
"	Thomas B. Clifford	"	16 November, 1888	16 November, 1890.
"	A. C. Anderson	"	6 December, 1888	6 December, 1890.
"	E. T. Branan	"	17 December, 1888	17 December, 1890.
"	Thomas Kilvert	"	19 December, 1888	19 December, 1890.
"	A. H. Nones	"	2 January, 1889	2 January, 1891.
"	Charles Nettleton	"	15 January, 1889	15 January, 1891.
"	Edward D. Grant	"	30 January, 1889	30 January, 1891.
"	Charles T. Grant	"	1 February, 1889	1 February, 1891.
"	Eteazar Jackson	"	11 March, 1889	11 March, 1890.
"	John A. Hillery	"	27 March, 1889	27 March, 1890.
"	Edwin F. Corey	"	2 April, 1889	2 April, 1890.
"	Wm. F. Sett	"	11 April, 1889	11 April, 1890.
"	John J. Ward	"	16 April, 1889	16 April, 1890.
"	Joseph B. Branan	"	19 April, 1889	19 April, 1890.
"	A. H. Osborn	"	27 April, 1889	27 April, 1890.
"	Charles B. Nevin	"	7 May, 1889	7 May, 1890.
"	Vincent Rosemon	"	17 May, 1889	17 May, 1890.
"	Simeon Steinhelmer	"	24 May, 1889	24 May, 1890.
Ohio	J. T. Harrison	Cincinnati	20 December, 1887	20 December, 1889.
"	Gabriel Netter	"	27 March, 1888	27 March, 1890.
Oregon	Eugene D. White	Portland	11 January, 1888	11 January, 1890.
Pennsylvania	Thomas J. Hunt	Philadelphia	12 November, 1887	12 November, 1889.
"	H. E. Garsed	"	30 January, 1888	30 January, 1890.
"	Charles S. Lockwood	"	12 June, 1888	12 June, 1890.
"	John Sparhawk	"	26 June, 1888	26 June, 1890.
"	Wm. F. Ralsh	Pittsburgh	8 October, 1888	8 October, 1890.
"	Edward H. Cloud	Philadelphia	23 October, 1888	23 October, 1890.
"	H. Gordon McCouch	"	28 November, 1888	28 November, 1890.
"	Samuel S. Taylor	"	10 December, 1888	10 December, 1890.
"	Theodore Rand	"	12 December, 1888	12 December, 1890.
"	J. H. Wheeler	"	13 December, 1888	13 December, 1890.
"	Alexander Ramsey	"	9 January, 1889	9 January, 1891.

LIST OF COMMISSIONERS OF AFFIDAVITS—Continued.

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	TERM EXPIRES.
Pennsylvania	Edward Shippen	Philadelphia	10 January, 1889	10 January, 1891.
"	Wm. Jenks Fell	"	18 February, 1889	18 February, 1891.
South Carolina	Thomas Frost	Charleston	26 January, 1888	26 January, 1890.
"	T. E. Dudley	Bennettsville	19 March, 1888	19 March, 1890.
Tennessee	C. B. Freeman	Chattanooga	30 July, 1887	30 July, 1889.
Texas	Wm. R. Dicks	Dallas	18 April, 1889	18 April, 1891.
Virginia	Norman Cassell	Portsmouth	24 August, 1887	24 August, 1889.
"	J. Hardy Hendren	Norfolk	1 October, 1887	1 October, 1889.
"	T. R. Borland	"	3 January, 1888	3 January, 1890.
"	R. L. Woolfolk	Danville	28 January, 1888	28 January, 1890.
"	Francis R. Lassiter	Petersburg	15 February, 1888	15 February, 1890.
"	James M. Donnan	Richmond	17 March, 1888	17 March, 1890.
"	Edmund S. Ruffin	Norfolk	30 October, 1888	30 October, 1890.
"	W. B. Martin	"	13 February, 1889	13 February, 1890.
"	L. D. Starke	"	13 February, 1889	13 February, 1890.
England	Aug. F. Warr	Liverpool	20 June, 1887	20 June, 1889.
"	Alfred Heales	London	10 December, 1887	10 December, 1889.
"	T. R. Pennington	Liverpool	27 March, 1888	27 March, 1890.
"	Aug. F. Warr	"	28 May, 1889	28 May, 1891.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, June 6th, 1889.

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.

SENATORS.

THOMAS M. HOLT, LIEUTENANT GOVERNOR. Haw River.

NAME OF SENATOR.	NO. DISTRICT.	POST-OFFICE.	COUNTY.
J. K. ABBOTT	1st	South Mills	Camden.
B. T. AYCOCK	10th	Fremont	Wayne.
T. B. BAILEY	30th	Mocksville	Davie.
T. L. BANKS	18th	Banks	Wake.
W. W. BARBER	34th	Wilkesboro	Wilkes.
JOHN N. BENNETT	13th	Winnabow	Brunswick.
H. S. BLAIR	36th	Cedar Valley	Caldwell.
S. B. BRIGGS	36th	Burnsville	Yancey.
BENJ. BROCK	9th	Trenton	Jones.
J. W. BROWN	21st	Fally Ho	Granville.
MELTON CAMPBELL	15th	Lake Waccamaw	Columbus.
BENJ. T. COPELAND	3d	Rich Square	Northampton.
S. J. CRAWFORD	22d	Pleasant Grove	Alamance.
T. L. EMBRY	4th	Weldon	Halifax.
HENRY H. FALKENER	19th	Littleton	Warren.
W. S. FARTHING	35th	Sweet Water	Watauga.
GEORGE GREEN, JR	8th	Newbern	Craven.
W. W. HAMPTON	33d	Hay Stack	Surry.
A. S. HOLTON	24th	High Point	Guilford.
THOS. H. HUGHES	20th	Cedar Grove	Orange.
E. W. KERR	14th	Clinton	Sampson.
DR. R. W. KING	7th	Wilson	Wilson.
JOHN F. LEEPER	38th	Belmont	Gaston.
JAMES T. LEGRAND	26th	Rockingham	Richmond.
EDGAR LEINBACH	32d	Bethania	Forsyth.
R. E. LITTLE	27th	Wadesboro	Anson.
J. A. LONG	20th	Roxboro	Person.
W. H. LUCAS	2d	Middleton	Hyde.
V. S. LUSK	40th	Asheville	Buncombe.
PAUL B. MEANS	28th	Concord	Cabarrus.
A. L. MOORE	23d	Leaksville	Rockingham.
J. F. PAYNE	15th	Alma	Robeson.
JAMES H. POU	17th	Smithfield	Johnston.
J. SOL. REID	29th	Matthews	Mecklenburg.
FRED. B. RICE	12th	Wilmington	New Hanover.
ABNER ROBINSON	10th	Magnolia	Duplin.
W. P. SHAW	1st	Winton	Hertford.
J. G. SILLS	7th	Nashville	Nash.
L. J. SMITH	42d	Sylva	Jackson.
HARRY W. STUBBS	2d	Williamston	Martin.
P. C. THOMAS	31st	Thomasville	Davidson.
M. C. TOMS	41st	Hendersonville	Henderson.
J. TURNER	37th	Sherrill's Ford	Catawba.
W. D. TURNER	34th	Statesville	Iredell.
T. B. TWITTY	39th	Rutherfordton	Rutherford.
JOHN WARTERS	11th	Falling Creek	Lenoir.
J. J. WHITE	25th	Trinity College	Randolph.
W. L. WILLIAMS	16th	Little River Academy	Cumberland.
W. R. WILLIAMS	6th	Falkland	Pitt.
D. WEMBERLY	5th	Tarboro	Edgecombe.

REPRESENTATIVES.

A. LEAZAR, SPEAKER, Mooresville, Iredell County.

REPRESENTATIVES.	POST-OFFICE.	COUNTY.
DAVID ALEXANDER.....	Bay	Tyrrell.
RUFUS AMIS	Blue Wing	Granville.
J. L. ANDERSON.....	Winton	Hertford.
W. H. ANTHONY.....	Spring Hill	Halifax.
GRAYSON ARLEDGE.....	Mills Spring	Polk.
J. S. T. BAIRD.....	Asheville	Buncombe.
L. M. BANNER.....	Elk Park	Mitchell.
E. J. BARCO	Elizabeth City	Pasquotank.
NATHAN BASS.....	Black Creek	Wilson.
L. D. BAUCOM.....	Morrisville	Wake.
N. H. BEAMAN.....	Snow Hill	Greene.
E. C. BEDDINGFIELD.....	Raleigh	Wake.
J. S. BELL	Warne	Clay.
W. H. BENNETT.....	New Hill	Wake.
WM. M. BLANTON.....	Marion	McDowell.
RILEY BLEVIN.....	Weaver's Ford.....	Ashe.
M. J. BLUE.....	Carthage	Moore.
H. A. BOND, JR.....	Edenton	Chowan.
EDWARD BRIDGES.....	Tarboro	Edgecombe.
MELVIN E. CARTER.....	Asheville	Buncombe.
REUBEN CARVER.....	Robbinsville.....	Graham.
WILSON CAREY.....	Fitch's Store.....	Caswell.
A. H. CHADWICK.....	Straits	Carteret.
THOMAS M. CHEEK.....	Bingham School.....	Orange.
M. C. S. CHERRY.....	Bethel	Pitt.
JOHN T. CLIFTON.....	Louisburg	Franklin.
J. B. COFFIELD.....	Everett's.....	Martin.
CHARLES M. COOKE.....	Louisburg	Franklin.
T. N. COOPER.....	Brevard	Transylvania.
J. A. CRISP.....	Boone	Watauga.
J. F. CROWDER.....	Wadeville	Montgomery.
E. M. DEFORD.....	Camden Court-house.....	Camden.
W. A. DILLS.....	Dillsboro.....	Jackson.
R. A. DOUGHTON.....	Sparta	Alleghany.
JOHN J. DUNLAP.....	Paris	Anson.
J. M. EDWARDS.....	Richmond	Chatham.
C. M. FOSCUE.....	Trenton	Jones.
J. A. FRANKS.....	Charleston.....	Swain.
RUFUS GALLOWAY.....	Winnabow.....	Brunswick.
N. GIBBON.....	Derita	Mecklenburg.
T. E. GILMAN.....	Jacksonville.....	Onslow.
JOHN G. GRANT.....	Bear Wallow.....	Henderson.
MATTHEW J. HAM.....	Goldsboro.....	Wayne.
PIERCE HAMPTON.....	Coinjock	Currituck.
W. C. HAMRICK.....	Shelby	Cleveland.
W. H. HARGROVE.....	Garden Creek.....	Haywood.
JOHN A. HENDRICKS.....	Jerusalem.....	Davie.
J. H. HOFFMAN.....	Morganton.....	Burke.
W. A. HOKE.....	Lincolnton.....	Lincoln.
JOHN HOLLOWAY.....	Wilmington.....	New Hanover.
J. B. HOLMAN.....	Cool Spring.....	Iredell.

REPRESENTATIVES—*Continued.*

REPRESENTATIVES.	POST-OFFICE.	COUNTY.
J. WATT HOOD.....	Hood's.....	Mecklenburg.
THOMAS W. HOPKINS.....	Monroeton.....	Rockingham.
VALENTINE HOWE.....	Wilmington.....	New Hanover.
A. M. HUIT.....	Crossing.....	Catawba.
JOHN E. HUSSEY.....	Newbern.....	Craven.
A. R. JACOBS.....	Lasker.....	Northampton.
JOSEPHUS JOHNSON.....	Ezra.....	Johnston.
R. C. JOHNSON.....	Rhyne.....	Pender.
GEORGE A. JONES.....	Franklin.....	Macon.
DANIEL R. H. JUSTICE.....	Tarboro.....	Edgecombe.
MARTIN KELLOGG.....	Sunbury.....	Gates.
GEORGE B. KING.....	Greenville.....	Pitt.
D. F. LAWSON.....	Marshall.....	Madison.
JAMES A. LEAK.....	Francisco.....	Stokes.
A. LEAZAR.....	Mooreville.....	Iredell.
W. K. LITTLETON.....	Palestine.....	Stanly.
JOHN J. LONG.....	Vineland.....	Columbus.
JAMES C. LONG.....	Charlotte.....	Mecklenburg.
C. C. LYON.....	Elizabethtown.....	Bladen.
M. MAKELY.....	Makelyville.....	Hyde.
JAMES S. MARSH.....	Bath.....	Beaufort.
J. A. MARSH.....	Beaver Dam.....	Union.
EDWARD O. MASTIN.....	Wilkesboro.....	Wilkes.
R. P. MATHESON.....	Taylorsville.....	Alexander.
R. D. MCCOTTER.....	Pamlico.....	Pamlico.
J. S. MCCUBBINS.....	Salisbury.....	Rowan.
C. M. McDONALD.....	Concord.....	Cabarrus.
A. D. MCGILL.....	Fayetteville.....	Cumberland.
JOHN R. MILLER, Sr.....	Hallsville.....	Duplin.
BENJAMIN MILLIKAN.....	Brown's Cross Roads.....	Randolph.
WM. B. MURPHY.....	Clear Run.....	Sampson.
WILL. C. NEWLAND.....	Lenoir.....	Caldwell.
JOHN T. NICHOLS.....	Dayton.....	Durham.
EDWARD R. OUTLAW.....	Windsor.....	Bertie.
JOHN R. OVERMAN, Jr.....	Goldsboro.....	Wayne.
JOHN D. PARKER.....	Nicanor.....	Perquimans.
WILLIAM PEARSON.....	Poe's.....	Harnett.
J. B. PHILIPS.....	Battleboro.....	Nash.
I. H. PUGH.....	Franklinsville.....	Randolph.
N. R. RAWLS.....	Garysburg.....	Northampton.
D. C. REGAN.....	Tolarsville.....	Robeson.
JOHN F. REYNOLDS.....	Winston.....	Forsyth.
S. M. S. ROBINSON.....	Hatteras.....	Dare.
ROBERT W. SCOTT.....	Hawfield.....	Alamance.
J. H. SNELL.....	Scuppernong.....	Washington.
OGDEN A. STARBUCK.....	Kernersville.....	Guilford.
W. E. STEVENS.....	Clinton.....	Sampson.
THOMAS H. SUTTON.....	Fayetteville.....	Cumberland.
THOMAS H. TAYLOR.....	Brinkleville.....	Halifax.
JAMES A. TEMPLE.....	Raleigh.....	Wake.
H. G. TILLEY.....	Tally Ho.....	Granville.
W. R. TRULL.....	Valleytown.....	Cherokee.
M. H. VESTAL.....	Chestnut Ridge.....	Yadkin.

REPRESENTATIVES—*Continued.*

REPRESENTATIVES.	POST OFFICE.	COUNTY.
G. T. WALKER	Reidsville.....	Rockingham.
S. W. WALL	Salem.....	Davidson.
R. C. WARD.....	Manson.....	Warren.
ZEB. V. WALSER.....	Lexington.....	Davidson.
T. M. WATSON.....	Purcepolis.....	Robeson.
JAMES M. WATSON.....	Henderson.....	Vance.
L. G. WAUGH.....	Dobson.....	Surry.
B. A. WELLONS.....	Smithfield.....	Johnston.
ROBERT A. WHITE.....	Old Furnace.....	Gaston.
W. P. WHITTINGTON.....	Burnsville.....	Yancey.
T. J. WILKINS.....	Henrietta.....	Rutherford.
S. G. WILSON.....	Elm Grove.....	Chatham.
J. R. WOODS.....	Lamont.....	Guilford.
SHADE I. WOOTEN.....	LaGrange.....	Lenoir.
T. J. WOOTEN.....	Laurinburg.....	Richmond.
J. T. YANCEY.....	Collier.....	Person.

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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 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 :

Preamble.

ARTICLE I.

DECLARATION OF RIGHTS.

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

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

The equality and rights of men.

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.

Political power and government.

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

Internal government of the State.

- 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 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.
- Bonds issued under ordinance of convention of 1868 and under acts of 1868, 1868-9, 1869-70, declared invalid. 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.
- Exception. SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.
- Exclusive emoluments, &c. 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.
- The legislative, executive and judicial powers distinct. SEC. 10. All elections ought to be free.
- Of the power of suspending laws. 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.
- Elections free.
- 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.

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

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

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

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. Persons restrained of liberty.

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. Controversies at law respecting property.

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. Freedom of the press.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.

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. Property qualification.

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. Representation and taxation.

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 con- Militia and the right to bear arms.

cealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

- Right of the people to assemble together. SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.
- Religious liberty. SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.
- Education. 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.
- Elections should be frequent. SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles. SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, &c. SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, &c. SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.
- Ex post facto laws. 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.
- Slavery prohibited. SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. SEC. 35. All courts shall be open; and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace. SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.
- Other rights of the people. SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

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. Two branches.

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. Time of assembling.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot. Number of 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. Regulations in relation to districting the State for Senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts of the Senate are hereinbefore directed to be laid off. Regulations in relation to apportionment of Representatives.

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

- Qualifications for Senators.** SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.
- Qualifications for Representatives.** SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.
- Election of officers.** SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.
- Powers in relation to divorce and alimony.** SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.
- Private laws in relation to names of persons, &c.** SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.
- Thirty days' notice shall be given anterior to passage of private laws.** SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such a law shall have been given, under such direction, and in such manner as shall be provided by law.
- Vacancies.** SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.
- Revenue.** SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the journal.
- Entails.** SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.
- Journals.** SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.
- Protest.** SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journal.
- Officers of the House.** SEC. 18. The House of Representatives shall choose their own Speaker and other officers.

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

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

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

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

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

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

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. Election for members 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. Pay of members and officers of the General Assembly.

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 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.

Terms of office.

Qualifications of Governor and Lieutenant Governor.

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.

Returns of elections.

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.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

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.

Duties of Governor.

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.

Reprieves, commutations and pardons.

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.

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

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

Commander-in-Chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the 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 Senators shall elect one of their own number President of

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

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.

Duties of other Executive officers.

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

Council of State.

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

Compensation of Executive officers.

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

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.
- 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. Feigned issues abolished.
- 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. Division of Judicial powers.
- 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. Trial Court of 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. Impeachment.
- SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices. Treason against the State.
- 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. Supreme Court Justices.
- 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. Terms of the 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. Jurisdiction of Supreme Court.

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.

In case of waiver of trial by jury.

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

Special courts in cities.

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

Clerk of Supreme Court.

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

Election of Superior Court Clerk.

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

Term of office.

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

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 commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

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

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

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

Transaction of business in the Superior Courts.

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

Solicitors for each Judicial District.

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

Sheriffs and Coroners.

SEC. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointments of the

Vacancies.

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.

Terms of office of first offices under this Article.

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

Jurisdiction of Justices of the Peace.

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

Vacancies in office of Justice.

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

Vacancies in office of Superior Court Clerk.

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

Officers of other Courts inferior to Supreme Court.

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

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

Removal of Judges of the various Courts for inability.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said 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.

Removal of Clerks of the various Courts for inability.

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

Amendments not to vacate existing offices.

ARTICLE V.

REVENUE AND TAXATION.

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.

Taxation shall be by uniform rule and ad valorem.

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

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.

Qualifications of an elector.

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

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

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

Registration of electors.

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) 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."

Oath of office.

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

Disqualification for office.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

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

County officers.

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

Duty of County Commissioners.

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

Counties to be divided into districts.

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.

Trustees shall assess property.

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

No debt or loan except by a majority of voters.

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

Drawing of money.

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

Taxes to be ad valorem.

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

When officers enter on duty.

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

Governor to appoint Justices.

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

Charters to remain in force until legally changed.

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

Debts in aid of the rebellion not to be paid.

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

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.

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

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

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

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

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

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 commis- Separation of the races.

SEC. 4. 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 commis- Counties to be divided into districts.

sioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to 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.

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 Trustees, 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 Education.

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

President and Secretary.

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

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

SEC. 11. The first session of the Board of Education shall be held at the capital of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the Board. 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 execution, or other final process of any court, issued for the collection of any debt. Exemption.

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

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

- Laborer's lien.** SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.
- Benefit of widow.** SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.
- Property of a married female secured to her.** SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and with the written assent of her husband, conveyed by her as if she were unmarried.
- Husband may insure his life for the benefit of wife and children.** SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors.
- How deed for homestead may be made.** SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

- Punishments.** SECTION 1. The following punishments only shall be known to the laws of this State, viz.: death, imprisonment, with or without hard labor; fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public 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:
- Convict labor.** *Provided*, that no convict whose labor may be farmed out shall be
- Proviso.**

punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of this State.

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

Death punishment.

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

Penitentiary.

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

Houses of correction.

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.

Houses of Refuge.

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.

The sexes to be separated.

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.

Provision for the poor and orphans

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.

Orphan houses.

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

Inebriates and idiots.

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

Deaf-mutes, blind and insane.

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.

Self-supporting.

ARTICLE XII.

MILITIA.

- Who are liable to militia duty. SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.
- Organizing, &c. SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.
- Governor Commander-in-Chief. 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.
- Exemptions. 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.

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

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. Indictments.

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. Penalty for fighting duel.

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. Drawing money.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor. Mechanics' lien.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution. Governor to make appointments.

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

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

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



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Constitution of North Carolina.

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
1889.

PUBLIC LAWS

OF THE

State of North Carolina,

SESSION 1889.

CHAPTER 1.

An act to change the time of holding court in Beaufort county.

The General Assembly of North Carolina do enact :

SECTION 1. That the February Term, 1889, of the Superior Court of Beaufort county shall commence on the 18th day of February, 1889, and all process shall be returnable to that day. February Term Beaufort Superior Court when held.

SEC. 2. That chapter 180, acts 1885, shall be amended in the third line on page 331, so as to read, "Beaufort county, second Monday before the first Monday in March." Chapter 180, Laws 1885, amended. Beaufort Superior Court.

SEC. 3. That this act shall be in force from and after its ratification. Conflicting laws repealed.
All laws in conflict are herewith repealed.

Ratified the 15th day of January, A. D. 1889.

CHAPTER 2.

An act for the relief of the county of Northampton, and to enable the commissioners thereof to have the taxes levied for the year 1888, and to be levied for the years 1889 and 1890, collected, and to allow said board of commissioners to appoint special tax-collectors.

WHEREAS, The sheriff of Northampton county failed to renew his bonds for the collection of State and county taxes levied in said county, in and for the year 1888, and the board of commissioners having successively made several appointments of tax-collectors, all of whom refused to give bond and qualify; and said commissioners having earnestly endeavored to induce some suitable persons to accept the office of tax-collector, but without success; and said office is now vacant and the taxes of said county for the year 1888 remain Preamble.

uncollected; and whereas, the sheriff of said county, duly elected for the term of office commencing on the first Monday in December, A. D. 1888 failed to give bonds required by law for the collection and payment of the taxes to be levied in said county during his term of office:

The General Assembly of North Carolina do enact:

Commissioners authorized to appoint special tax-collectors.

SECTION 1. That the commissioners of the county of Northampton be, and hereby are, authorized and empowered, if in their discretion it shall be deemed advisable, to appoint special tax-collectors in and for said county, to collect the taxes levied for the year 1888, and to be levied for the years 1889 and 1890.

One tax-collector to be appointed for each township.
Duties.

SEC. 2. That the tax-collectors to be appointed under the provisions of this act shall consist of one collector for each township in said county, who shall collect the taxes in their respective townships levied upon the poll, and the *ad valorem* taxes levied upon property, and a special collector for the county at large, who shall collect all other taxes levied or to be levied under the provisions of existing or future acts of the General Assembly.

One collector for county at large.
Duties.

Bond of township collector.

SEC. 3. That the said township tax-collectors shall enter into bond, to be approved by the board of commissioners, in double the amount of taxes levied in their respective townships in the year 1887; and such collectors shall be clothed with the same powers, perform the same duties, and be subject to the same penalties as general county tax-collectors appointed under the provisions of existing law, except as herein otherwise provided.

Powers, &c.

Bond of collector at large.

SEC. 4. That the special tax-collector to be appointed for the county at large shall give bond in double the amount derived from taxes other than taxes upon the poll and *ad valorem* taxes upon property for the year 1887.

Compensation.

SEC. 5. That for their services the collectors aforesaid shall receive five per centum of the amount derived from taxes collected by them.

Duties of collector at large.

SEC. 6. That the said special tax-collector, to be appointed for the county at large as above provided, shall pay over to the State Treasurer all taxes due the State of North Carolina, and which are by law payable into the treasury of the State, and to the treasurer of Northampton county all taxes which are by law payable to said treasurer.

Duties of township collectors.

SEC. 7. That the township collectors shall settle with and pay over to the treasurer of said county all taxes collected by them and which shall be due said county, or payable by law to said county treasurer, and said township collectors shall pay over to the county treasurer of Northampton county, or other suitable persons to be appointed by said commissioners, all taxes collected by them and which are by law payable into the state treasury; and said county treasurer, or other person appointed as aforesaid, shall settle for such taxes and pay over

Duties of county treasurer.

the same to the treasurer of the State; and for such services the said Compensation. county treasurer, or other person appointed as aforesaid, shall receive two and one-half per centum on the amount paid to him by the said township collectors, and derived from taxes due the State: *Provided*, *Proviso.* that before the said county treasurer, or other appointee of the commissioners, shall be authorized to receive the taxes due the State, he shall enter into a bond, to be approved by the said commissioners, in an amount double the State taxes levied in said county for the year 1887: *Provided further*, that the said township tax-collectors *Proviso.* shall have until the first day of June, 1889, to settle with the county treasurer for all taxes for the year 1888, payable into the county treasury, and until said date to settle with said county treasurer, or other appointee of the commissioners, for all taxes for the year 1888, due the State; and said county treasurer, or other appointee aforesaid, shall have till July 1st, 1889, to settle with the State Treasurer for the taxes of the year 1888.

SEC. 8. That the time for the sale of real estate, as provided in an act of the General Assembly of North Carolina, session of 1887, chapter 137, be extended until first Monday in May, 1889; the advertisement of such sale commencing the first week in April, 1889, and to continue for four weeks in the manner provided for in said act of 1887, chapter 137. Such advertisement and sale to be made by the collector of each township of the real estate in his respective township subject to sale, and said township tax-collectors, in conducting such sale, and making title to real estate sold, are to have all the powers enumerated in said act of 1887, and given to general tax-collectors under its provisions. Sale of real estate for taxes.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1889.

CHAPTER 3.

An act to authorize the Chowan and Southern Railroad Company to change its name to the Norfolk and Carolina Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the Chowan and Southern Railroad Company, a corporation created by and organized under the laws of this State, may, by consent of a majority of its stockholders in any annual or general meeting, change its name to the Norfolk and Carolina Railroad Company. Name changed to Norfolk and Carolina Railroad Company.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1889.

CHAPTER 4.

An act to change the name of Charleston in the county of Swain to Bryson City.*The General Assembly of North Carolina do enact:*Name changed to
Bryson City.

SECTION 1. That the name of the town of Charleston in the county of Swain be changed to Bryson City.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1889.

CHAPTER 5.

An act to repeal chapter seventy-five, laws of eighteen hundred and eighty-seven, relating to deer in Burke, McDowell and Mitchell counties.*The General Assembly of North Carolina do enact:*Chapter 75, Laws
1887, repealed.

SECTION 1. That chapter seventy-five, laws of eighteen hundred and eighty-seven, be and is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1889.

CHAPTER 6.

An act to authorize the county commissioners of Richmond county to issue bonds to build a court-house.*The General Assembly of North Carolina do enact:*Commissioners
authorized to
issue bonds to
amount of \$20,000
to build a court-
house.

SECTION 1. That the county commissioners of Richmond county, for the purpose of building a court-house in Rockingham in said county, are authorized and empowered to issue bonds, bearing interest at the rate of six per cent. per annum, to the amount of twenty thousand dollars, of the denomination of one hundred dollars, to each and every of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January and July of each year, until the bonds shall become due. The bonds so issued by the said commissioners shall be numbered consecutively from one to two hundred, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent, and when the interest is due, and shall be receivable in

Coupons.

Bonds to be num-
bered, &c.Coupons receiv-
able for county
taxes.

payment of all county taxes. The bonds shall run for a period of twenty years from their issue, and shall be exempt from all county and municipal taxation.

Bonds to run twenty years and to be exempt from county and municipal taxation. Bonds, how issued and disposed of.

SEC. 2. That the said bonds shall be issued under the signature of the chairman of the board of county commissioners, and shall be attested by the register of deeds under the official seal of the board of county commissioners of said county; and the said chairman of county commissioners shall, under the direction of the board of commissioners of said county, dispose of said bonds, as the necessity for the prosecution of the work may require, at a sum not less than their par value: *Provided*, that the bonds may be issued and sold only as the work progresses: *And provided further*, that the issue and sale of said bonds shall cease at the discretion of the said board of county commissioners.

Proviso.

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

Commissioners to levy special tax.

Limitation of tax.

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

Commissioners authorized to purchase bonds, &c.

Proviso.

SEC. 5. That the commissioners of said county shall provide a record, which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed and recorded, shall be destroyed by fire, in the presence of the board of commissioners, by some one of their number, or by their clerk under their direction.

Record to be kept.

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

Ratified the 23d day of January, A. D. 1889.

CHAPTER 7.

An act to amend section eighteen hundred and seventy-six of The Code, so as to allow magistrates to take the justification of sureties upon official bonds.

The General Assembly of North Carolina do enact :

Code, § 1876,
amended.

Justification of
sureties on official
bonds before
Justices of the
Peace.

SECTION 1. That section eighteen hundred and seventy-six of The Code be amended by inserting in line five, after the word "court" and before the word "that," the following words: "or any acting justice of the peace in and for the county in which said official bond is to be given." "But nothing herein shall be construed to abridge the power of the said board of commissioners to require the personal presence of any such surety before the board when the bond is offered, or at such subsequent time as the board may fix for examination as to his financial condition or other qualifications as surety."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 8.

An act to repeal chapter four hundred and fifteen of the laws of eighteen hundred and eighty-three, entitled "An act to establish a graded school in Magnolia, Duplin county."

The General Assembly of North Carolina do enact :

Chapter 415, Laws
1883, repealed.

Magnolia graded
school.

Special taxes col-
lected to be re-
funded.

SECTION 1. That chapter four hundred and fifteen of the laws of eighteen hundred and eighty-three, entitled "An act to establish a graded school in Magnolia, Duplin county," be and the same is hereby repealed.

SEC. 2. That James G. Kenan, sheriff of Duplin county, is hereby authorized and directed to refund and pay over to all parties from whom he has collected taxes assessed for the year eighteen hundred and eighty-eight, under said act, such sum of money as he may have collected, less five per centum commissions.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 9.

An act to amend section one, chapter three hundred and sixteen, of the laws of eighteen hundred and eighty-seven.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter three hundred and sixteen of the acts of one thousand eight hundred and eighty-seven be and the same is hereby amended by striking out the word "Turner," in the fourth line of said section, and inserting in lieu thereof the words "Immes P."

Chapter 316, sec. 1, laws 1887, amended.

Unlawful to obstruct channel of Barnes' creek, Montgomery county, between certain points.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 10.

An act for the relief of John H. Ballentine.*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-seven of The Code shall not be applicable to John H. Ballentine, Esq., of Bladen county, except to prohibit him from appearing as attorney in any case which has been appealed from the court of justice of the peace in which he presided or took part.

Code, sec. 27, not applicable to J.R. Ballentine. Exception.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 11.

An act to give the sheriffs of Tyrrell and Dare counties further time to settle their State taxes.*The General Assembly of North Carolina do enact :*

SECTION 1. That B. Jones, sheriff of the county of Tyrrell, and R. W. Smith, sheriff of the county of Dare, be allowed until the first day of April, A. D. one thousand eight hundred and eighty-nine, to settle the State taxes of their respective counties.

Time allowed sheriff of Tyrrell and Dare counties to settle State taxes.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 12.

An act to allow the county of Iredell to fund her outstanding railroad bonds.

The General Assembly of North Carolina do enact :

Preamble.

SECTION 1. That whereas the county of Iredell, in the State of North Carolina, did, on the first day of January, one thousand eight hundred and seventy-one, issue the bonds of the said county to the amount of sixty thousand dollars, in bonds of one hundred dollars each, for the purpose of paying the subscription of the said county to the capital stock of the Atlantic, Tennessee and Ohio Railroad Company, all of said bonds bearing interest at the rate of eight per cent. per annum, and due and payable on the first day of January, A. D. one thousand eight hundred and eighty-one; and whereas, the said county, by act of the General Assembly of North Carolina, ratified the fifth day of March, A. D. one thousand eight hundred and seventy-nine, funded the said outstanding bonds; and whereas, there is now outstanding forty-two thousand dollars in bonds of one hundred dollars each, bearing interest at the rate of eight per cent. per annum, and due and payable on the first day of January, Anno Domini one thousand eight hundred and ninety-one; and whereas, the said county of Iredell is not likely to be able to pay off and discharge the whole of said bonds by the said first day of January, Anno Domini one thousand eight hundred and ninety-one:

Commissioners authorized to fund county bonds issued in aid of A. T. & O. R. R.

SEC. 2. Therefore it shall be the duty of the board of commissioners of Iredell county aforesaid, at any time after the first day of January, Anno Domini one thousand eight hundred and ninety-one, whenever the holder of any of said bonds or his agents shall present the same at the office of the register of deeds of Iredell county, and request that the same be taken up and a new bond issued therefor, to take up, cancel and destroy said bond or bonds, and issue therefor, and deliver to said holder or his agent, a new bond or bonds for the principal of said old bond or bonds. Said new bonds shall be in the sum of one hundred dollars each, shall be due and payable on the first day of January, Anno Domini, one thousand and nine hundred, and shall bear interest at the rate of six per cent. per annum, and shall be in the same form as the said old bonds. But the said county of Iredell shall have the power and right, at any time after the first day of January, Anno Domini one thousand eight hundred and ninety-six, to call in and pay off and discharge any or all of said new bonds so issued, and this shall be expressed on the face of said new bonds.

Description of new bonds.

Payment of bonds.

Notice to bondholders to present bonds for payment.

SEC. 3. When the board of commissioners of Iredell county shall notify any holder of any said new bond or bonds to present them at the office of the register of deeds for Iredell county for payment on a day certain, which day shall be after the first day of January, Anno

Domini one thousand eight hundred and ninety-six, and the holder of said bond or bonds shall fail to so present the same for payment at the time and place specified in said notice, then all interest on said bond or bonds so notified to be produced for payment shall cease until said bond or bonds are produced for payment to the register of deeds of Iredell county. The notice mentioned in this section may be given by service on the holder of the bond or bonds in person, or by publication in some newspaper published in Iredell county, N. C.

Stoppage of interest.

Notice, how given.

SEC. 4. No bonds shall be issued, or if issued shall be valid against the county, except such as are a duplicate of an old bond in number and value of those taken up and cancelled, except as to the rate of interest; and the register of deeds shall keep a record of all old bonds taken up and cancelled and of the new bonds issued in lieu thereof.

Issue and validity of bonds.

Record to be kept.

SEC. 5. That in the event the holder or holders of the old bond or bonds decline or neglect to exchange their old bond or bonds for the new bond or bonds as provided in section 2 of this act, on or before the first day of September, Anno Domini, one thousand eight hundred and ninety-one, then and in that event the commissioners of the aforesaid county may sell the aforesaid corresponding new bond or bonds at not less than par and apply the proceeds arising from the sale thereof to the payment of the principal of the outstanding old bond or bonds.

Sale of new bonds.

Application of proceeds.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 23d day of January, A. D. 1889.

CHAPTER 13.

An act to elect cotton-weighers for the towns of Salisbury and Charlotte in the counties of Rowan and Mecklenburg.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be elected by the people of Rowan and Mecklenburg counties, every two years, a cotton-weigher each for the towns of Salisbury and Charlotte, in the counties of Rowan and Mecklenburg, who shall hold their offices for two years, and until their successors are qualified.

People of Rowan and Mecklenburg counties to elect cotton weighers respectively for towns of Salisbury and Charlotte.

SEC. 2. That it shall be the duty of the board of commissioners of Rowan and Mecklenburg counties 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 of the General Assembly.

Election, when and how held.

SEC. 3. That upon the election of cotton-weighers, as aforesaid, any persons elected to said offices 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 their offices,

Bond.

and to weigh and give honest weights of all cotton weighed by them to the board of commissioners of said counties, and to be approved by them.

Oath.

SEC. 4. That it shall be the duty of said cotton-weighers to take an oath for the faithful and honest performance of their duties, and to weigh all cotton sold in the towns of Salisbury and Charlotte, and they shall receive for their services the sum of ten cents for each bale of cotton weighed by them, one half to be paid by the seller and the other half by the purchaser.

Compensation.

Temporary cotton-weighers, how appointed.

SEC. 5. That at the next joint meeting of the board of justices of the peace of said counties, and the board of commissioners, it shall be their duty to elect cotton-weighers for the towns of Salisbury and Charlotte, who shall take an oath as above prescribed, file their bonds as aforesaid, and discharge the duties of the office of cotton-weigher, as aforesaid, until the next regular election, and until their successors are elected and qualified, and the persons so elected under this section shall within twenty days after their election take the oath of office and file their bonds, or their offices may be declared vacant by the board of commissioners of said counties, and they shall proceed at the first regular meeting to elect other cotton-weighers in their stead.

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

Ratified the 25th day of January, A. D. 1889.

CHAPTER 14.

An act to authorize the commissioners of Beaufort county to order an election.

The General Assembly of North Carolina do enact :

Local option election in town of Beaufort.

SECTION 1. That upon presentation to them of a petition signed by one-fourth of the qualified voters of the town of Washington, praying therefor to the commissioners of the town of Beaufort, the said board of commissioners shall at once order an election to be held in the said town on the first Monday in May, 1889, to ascertain whether or not spirituous liquors may be sold in said town.

Election, how held.

SEC. 2. That the qualification of voters, together with the manner of voting, and the method of holding the said elections, together with the appointment of inspectors, board of canvassers, and all other details of said election, shall be as prescribed in chapter 32, volume 2, of The Code of North Carolina, and as amended by sections 2 and 3 of chapter 215, acts of 1887.

Conflicting laws repealed.

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

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

Ratified the 25th day of January, A. D. 1889.

CHAPTER 15.

An act to enforce the better drainage of certain lands in Gaston county, on Big Beaver Dam creek.

The General Assembly of North Carolina do enact :

SECTION 1. That Daniel Carpenter, Mary Carpenter, Fanny Pasour, M. C. Carpenter, T. Pasour, Henry S. Carpenter, J. S. Adderholdt, David Hines, Noah Carpenter, T. B. Denhardt, Daniel S. Hines, Philip Kiser, John B. Summey, L. G. Huffstetler, Clarissa Kiser, L. Henry Kiser, Noah Alexander, L. M. Kiser, Caleb M. Carpenter, William B. Carpenter, John T. Carpenter, Marcus Carpenter, John F. A. Adderholdt, Daniel Q. Eaxher, Emanuel Adderholdt and W. L. Adderholdt, owning lands contiguous to and lying upon Big Beaver Dam 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 expenses, to clear out said stream or creek, making the channel thereof not less than twelve feet wide, so as to render the same fit for drainage of the adjacent land for cultivation, hereby excepting the mill-pond now up and owned by said J. C. Adderholdt—the same to remain as now; and shall keep the same clear in like manner from year to year, and as often as the accidents of nature, by storm or flood, or by artificial or other cause, shall make the clearing out necessary: *Provided*, that no land-owner shall be required to clear out said stream or creek, and keep said stream cleared 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 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 otherwise shall be subject to the provisions of this act: *And provided further*, that this act shall extend only to Emanuel Adderholdt's mill.

Certain adjacent land-owners required to clean out Big Beaver Dam Creek, Gaston county.

Exception.

Proviso.

Proviso.

Proviso.

SEC. 2. That if, in the opinion of any of the said land-owners, or subsequent owners, as provided in section one, any other of said owners, at any time, shall fail or refuse to perform the duties required of them 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, on notice to the party complained of, to appoint two disinterested land-holders, who, with himself, shall visit and view the premises complained of, and ascertain whether the cause complained of be true, and render judgment according to their findings, in writing: *And provided*, the said justice of the peace and land-holders so appointed, shall be of the opinion that it would be better and more advantageous to any of the land-owners to cut a new ditch so as to

Remedy for failure of land-owner to comply with provisions of this act.

make the channel or stream more straight, where the same is now very crooked, then, in that event, the said justice of the peace and land-holders shall so report in writing as above stated. If the judgment shall be in favor of complainant, the land-owners, or any of them, are hereby empowered to enter upon the premises or lands of the person or persons so complained of, and to clean out the same, or ditch the same, as the case may 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: *Provided*, the said report of the justice of the peace and land-owners shall be returned to the next term of the Superior Court of Gaston county, for hearing and judgment thereon, if the amount thereof shall exceed two hundred dollars.

Proviso.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 28th day of January, A. D. 1889.

CHAPTER 16.

An act to amend section twenty-eight hundred and twenty-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That the above section be amended by adding, "that said tax may be assessed and collected annually, not to exceed one-fourth of one per centum: *Provided*, the same is necessary to complete or repair the fences in the township or district."

Ratified the 25th day of January, A. D. 1889.

Code, sec. 2824,
amended.

Special tax for
building stock
law fences.

CHAPTER 17.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and nine of the laws of one thousand eight hundred and eighty-seven be amended by striking out, in lines eight and nine, on page four hundred and forty-five, the words "Bladen Union Baptist Church, in Bladen county."

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 25th day of January, A. D. 1889.

Chapter 209, laws
1887, amended.
Bladen Union
Baptist church
stricken out of
omnibus prohibi-
tory act.

CHAPTER 18.

An act to amend chapter forty-five, laws of 1833-'34, entitled
 "An act to incorporate the trustees of New Garden Boarding
 School, in the county of Guilford."

The General Assembly of North Carolina do enact:

SECTION 1. That wherever the words "New Garden Boarding School," or words "boarding school," occur in chapter forty-five of the acts of 1833-'34, the same shall be stricken out, and the words "Guilford College" shall be inserted in lieu thereof.

Chapter 45, laws 1833-'34, amended.

Name changed to "Guilford College."

SEC. 2. That the trustees of the said Guilford College shall have authority to confer literary titles, degrees and honors.

Trustees authorized to confer degrees.

SEC. 3. That it shall be unlawful to sell, or offer for sale, any spirituous, vinous or malt liquors within three miles of the original college building known as "Founder's Hall."

Sale of liquors within three miles prohibited.

SEC. 4. The trustees of said Guilford College shall be members of the Society of Friends, and recognized as such by the North Carolina yearly meeting of Friends.

Trustees to be members of Society of Friends.

SEC. 5. That the corporation of Guilford College is hereby extended for ninety-nine years from the ratification of this act.

Corporate existence extended.

Ratified the 25th day of January, A. D. 1889.

CHAPTER 19.

An act relating to the Lynchburg and Durham Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the Lynchburg and Durham Railroad Company, for any of its purposes, to sell its bonds or obligations, from time to time, for such sums as its board of directors may deem expedient and proper, and to secure the payment of the same by mortgages or deed of trust upon all or any portion of its railroad property and franchises; and it may issue, sell, pledge, or otherwise dispose of, any of its shares of stock, bonds or obligations, whether now or hereafter authorized or created, at such price and below the par value thereof when deemed necessary, either in settlement of contracts and obligations of the company, now or hereafter existing, or for cash, land, labor, materials or other property, at such valuations and on such terms as may be agreed upon for the purpose of the company, especially for the construction and equipment of its railroad.

Empowered to issue and sell mortgage bonds, &c.

SEC. 2. That this act shall be in force from and after its ratification
 Ratified the 28th day of January, A. D. 1889.

CHAPTER 20.

An act to amend chapter 27 of the laws of the special session of 1880, it being an act entitled "An act to authorize the establishment of graded schools for the town of Salisbury," &c.

The General Assembly of North Carolina do enact :

Chapter 27, sec. 3,
Laws Special
Session 1880,
amended.

Duties of Salis-
bury Graded
School Com-
mittee.

Separate schools.

Sec. 4 amended.

Boundaries of
school district
No. 27.

Unappropriated
money in hands
of committee to
be held as com-
mon fund.

Conflicting laws
repealed.

SECTION 1. That section three of chapter twenty-seven of the laws of the special session of 1880 be and the same is hereby amended by adding to said section the following: All moneys which from time to time shall be apportioned under the general school laws of the State for both the white and colored districts included within the territory hereinafter described, and undivided, within the corporate limits of the town of Salisbury, together with the special taxes levied and collected under the provisions of this chapter, and all other moneys to which the Salisbury graded school committee may be entitled by reason of any fines, penalties, gifts, grants, apportionment or otherwise, shall be received and held by the said graded school committee as a common fund for the purpose of keeping up and maintaining the Salisbury graded schools for both races: *Provided*, the school for the white race and the colored race shall be forever kept separate and distinct. And the said committee shall use and apportion the moneys so raised and received for educational purposes in the town of Salisbury, as provided in this chapter, and for the benefit of said graded schools, as shall be just to both white and colored races, without discrimination in favor of or to the prejudice of either race, giving equal school facilities to both races, due regard, however, being paid to the cost of keeping up and maintaining the graded schools of both races.

SEC. 2. That section four of said chapter be and the same is hereby amended by adding to said section the following school district: No. 27 of Rowan county shall embrace and include all that territory now embraced and included within the corporate limits of the town of Salisbury, and no more, and shall not be subject to be changed in any manner except by an act of the General Assembly.

SEC. 3. That all money now in the hands of said committee unappropriated, whether to the credit of the white graded school or the colored graded school, shall be held as a common fund for the purposes herein provided.

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

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 21.

An act to prohibit the shooting of rifles across Currituck Sound.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to shoot a rifle across the waters of Currituck Sound. Unlawful to shoot rifles across Currituck Sound.

SEC. 2. Any person violating section one of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars and not exceeding fifty dollars, or imprisoned not less than ten days and not exceeding thirty days. Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 22.

An act to empower the commissioners of Beaufort county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Beaufort county be and are hereby authorized and empowered to levy a special tax of thirteen and one-third cents on the hundred dollars' valuation of property in said county, and forty cents on each poll, annually, for four years, viz.: for the years eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one, and eighteen hundred and ninety-two, to be expended for the purpose of paying the indebtedness of the county; that said special tax shall be levied and collected as are other taxes in said county. Commissioners authorized to levy special tax to pay county indebtedness.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889. How levied and collected.

CHAPTER 23.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and seventy-one, laws of one thousand eight hundred and eighty-five, be amended by striking out the word "Carteret" wherever it occurs. Chapter 171, sec. 1, laws 1887, amended. Citizens of Carteret county subject to provisions of Code, sec. 1116, in regard to fishing on Sunday.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 24.

An act to prohibit the sale of spirituous, vinous and malt liquors within three miles of the Baptist church situated at Beaver Dam, in Union county.

The General Assembly of North Carolina do enact :

Unlawful to sell liquor within three miles of Beaver Dam church, Union county.

SECTION 1. That it shall be unlawful for any person to dispose of or sell spirituous, vinous or malt liquors within three miles of the Baptist church at Beaver Dam, in Union county.

Misdemeanor.

SEC. 2. That if any person shall violate the provisions of this statute he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, not to exceed a fine of fifty dollars, or imprisoned for more than thirty days.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 25.

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

The General Assembly of North Carolina do enact :

Chapter 144, laws 1887, repealed. Fees payable to impounder of stock.

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

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 26.

An act to change the term of the court in Henderson county from three to two weeks.

The General Assembly of North Carolina do enact :

Chapter 180, laws 1885, amended. Terms of Henderson Superior Court to continue two weeks.

SECTION 1. That chapter one hundred and eighty, laws of one thousand eight hundred and eighty-five, relating to the time of holding the courts in the tenth judicial district, for the county of Henderson, be amended by striking out the words "three weeks," in the third line of this section, and inserting in lieu thereof "two weeks."

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 27.

An act requiring persons in Harnett county who gin cotton for the public to keep standard weights, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That all persons in Harnett county, N. C., who gin or pack cotton for toll, for the public, shall keep standard weights, and correctly weigh, mark or brand all cotton so received and ginned by them, in an intelligent manner, which mark or brand shall plainly appear on every bale or bag of cotton packed by them, unless the owner of the cotton shall object to having it weighed or branded, and shall release the owner of the gin, lessee or person in charge from doing the same.

Duties of persons in Harnett county ginning or packing cotton for toll.

SEC. 2. Every owner of a gin in the county of Harnett, who shall gin and pack cotton for the public, for toll or any other consideration, shall, before doing so, take and subscribe to an oath before some person authorized by law to administer the same, that he will faithfully perform his duty and do exact justice to the person whose cotton he has in charge, and shall not commence the ginning or packing of the same until he be so qualified.

Oath to be taken by gin owners.

SEC. 3. Any person wilfully violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars for each and every offense, and may be, in addition thereto, imprisoned not exceeding ten days, or both.

Misdemeanor.

SEC. 4. This act shall be in force from and after the first day of August, 1889.

When act to take effect.

Ratified the 30th day of January, A. D. 1889.

CHAPTER 28.

An act to authorize the board of county commissioners of Chatham county to levy taxes in stock law territories.

The General Assembly of North Carolina do enact :

SECTION 1. That where two or more stock law territories in Chatham county shall be merged into one by the removal of dividing fences or otherwise, it shall be lawful for, and the duty of, the county commissioners of the said county to levy the taxes necessary for repairs of any part of the "ring" or outside fence of such territory, upon the real property embraced therein.

Commissioners authorized to levy special tax for repair of outside stock law fence.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 29.

**An act to relieve grand juries of the State from coming into court
in a body, except in certain cases.**

The General Assembly of North Carolina do enact :

Grand juries
authorized to re-
turn bills of
indictment
through foreman.
Exception as to
capital felonies.

SECTION 1. The grand juries of the Superior, Criminal and Inferior courts of the various counties of this State are hereby empowered to return their bills of indictment in open court, through their acting foremen respectively, and, except in felonies where life is the forfeit in cases of conviction, it shall not be necessary for the entire grand jury, or a majority of them, to return their bills of indictment in open court in a body, but may return them in a manner herein provided.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 30.

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

The General Assembly of North Carolina do enact :

Commissioners
authorized to
levy special tax.

SECTION 1. That the board of commissioners of Jones county be and the same are hereby authorized and empowered to levy a special tax for the sum of six thousand dollars, one-third of said amount to be levied on all subjects of taxation, and the poll, in said county, in the year one thousand eight hundred and eighty-nine, and another third to be levied in like manner in the year one thousand eight hundred and ninety; the other and last third to be levied in the same manner in the year one thousand eight hundred and ninety-one.

Tax to be applied
to payment of
county indebted-
ness.
Tax, how levied.

SEC. 2. That said special tax shall be applied to the payment of the indebtedness of said Jones county.

SEC. 3. That said special tax shall be levied in the same manner and at the same time that other taxes are levied in said county, observing the constitutional equation between property and poll.

How collected.

SEC. 4. That said special tax shall be collected and accounted for by the sheriff, or other collecting officer, in the same manner and under the same penalties and at the same time other taxes are accounted for by him.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 31.

An act to amend sections 2019 and 2021 of The Code in relation to overseers of roads in Rockingham county.*The General Assembly of North Carolina do enact :*

- SECTION 1. That section two thousand and ni eteen of The Code be amended by adding after the word "storm," in line eight, the words "and for every day actually spent in summoning hands the overseer shall receive one dollar, to be paid out of the county treasury, upon the order of the board of county commissioners, the account for said service having been first approved by the township board of supervisors." Code, sec. 2019, amended.
Compensation to overseers of roads in Rockingham county for summoning hands.
- SEC. 2. That section two thousand and twenty-one of The Code be amended by adding after the word "provided," in line eleven, the words "and for every such report the overseer shall receive the sum of one dollar, to be paid out of the county treasury upon the order of the board of county commissioners, the account for said services having been first approved by the township board of supervisors." Sec.2021 amended.
Compensation for making reports.
- SEC. 3. That this act shall only apply to the county of Rockingham. Act applicable only to Rockingham county.
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 32.

An act to amend section 2834, volume 2 of The Code.*The General Assembly of North Carolina do enact :*

- SECTION 1. That section two thousand eight hundred and thirty-four, volume two of The Code, be amended as follows: strike out the words "doves, robbins, larks," in line two of said section. Code, sec. 2834, amended.
Doves, robins and larks excepted from law prohibiting killing between April 1st and October 15th. Farmers allowed to shoot partridges doing injury to crops.
- SEC. 2. Add the following proviso at the end of said section: "Provided, nothing in this section shall be so construed as to prevent the farmers of Craven, Cumberland and Duplin counties from shooting partridges or quail on their own premises when the same are doing injury to their crops."
- SEC. 3. That this act shall only apply to the counties of Craven, Cumberland and Duplin. Act applicable only to Craven, Cumberland and Duplin counties.
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 33.

An act for the relief of the sureties of Neill McQueen, late sheriff of Cumberland county, and for the relief of the sureties of W. A. McArthur, tax-collector of Cumberland county.

The General Assembly of North Carolina do enact :

Allowed until July 31st, 1889, to collect taxes.

SECTION 1. That the sureties and personal representatives of Neill McQueen, late sheriff of Cumberland county, North Carolina, and W. A. McArthur, tax-collector, and his sureties, are hereby allowed until the thirty-first day of July, 1889, to collect the unpaid taxes on their books, and may make sale of real and personal property of all delinquents for that purpose until the said day; and the advertisement of lands for sale for past due taxes already made by the parties for the first Monday in February, 1889, is hereby declared valid and binding, and all sales of property in pursuance thereof are declared of legal and binding force and effect, provided regular in all other respects.

Effect of sales for taxes.

SEC. 2. That no such sales shall effect former purchasers for value and without notice of unpaid taxes, and no sale shall be made when the party charged shall make oath before some person authorized to administer the same that he, she or they have paid the same.

No sales between first Mondays in February and July.

SEC. 3. That the said sureties and representatives of Neill McQueen and the said W. A. Arthur shall have no power to sell lands or other property for past due taxes after the sale day already advertised for the first Monday in February, 1889, until the first Monday in July, 1889.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 34.

An act to amend section seven hundred and thirty-seven of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 737, amended.
Costs to be paid by prosecutor when defendant discharged for want of probable cause.

SECTION 1. That section seven hundred and thirty-seven of The Code be and the same is hereby amended by adding after the word "arrested" in the second line and before the word "the" in the third line of said section, the following: "or if the defendant shall be discharged from arrest for want of probable cause."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 31st day of January, A. D. 1889.

CHAPTER 35.

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

The General Assembly of North Carolina do enact :

SECTION 1. That for the purposes of completing the building of a court-house in the town of Hayesville, in the county of Clay, and building or repairing one or more bridges across Hiawassee river and one across Brasstown creek, within the county of Clay, the commissioners of Clay county are hereby authorized and empowered to borrow not exceeding six thousand dollars at a rate of interest not exceeding six per centum per annum, and to issue bonds therefor.

Commissioners authorized to borrow not exceeding \$6,000, and issue bonds to build court-house and bridges.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Clay 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 interest thereon annually from the date of said bonds.

Bonds, how issued.

SEC. 3. That said bonds shall be issued in denominations of from one hundred dollars to five hundred dollars, and that fifteen hundred dollars of said bonds shall become due and payable one year after the date thereof, and fifteen hundred dollars shall become due and payable each succeeding year after the maturity of the fifteen hundred dollars in 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.

Denomination of bonds, and when payable.

SEC. 4. That the bonds herein provided for shall be exempt from county tax.

Exemption from county taxation.

SEC. 5. That the commissioners of said county are hereby authorized, 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 equation between property and 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.

Collection of tax.

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

Duties and liability of county treasurer.

above the costs and charges incident thereto shall be applied to no other use than the payment as aforesaid.

Commissioners to advertise for bids, &c.

SEC. 8. That for the purpose of procuring said loan the said commissioners are authorized to advertise for bids for the whole, or 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 of commissioners.

SEC. 10. That the clerk of said commissioners shall keep a book, in which he shall keep an account of the number and denomination of said bonds issued as aforesaid, and the persons to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in, or otherwise cancelled, so that, by inspection of said book, the true status of the bonded debt of said county herein provided for may be readily ascertained. Said book shall be, at all times, open for the inspection of any tax payer of said county.

Duties and liability of county treasurer.

SEC. 11. That as soon as the 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 to such purchasers, upon their compliance, upon 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 denomination of said bonds, and where delivered; and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold such 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 treasurer thereof.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 36.

An act to abolish the June term of the Superior Court of Watauga county.*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 be amended by striking out the words, "thirteenth Monday after the first Monday in March" on page three hundred and thirty-nine in the twenty-first line thereof.

Chapter 180, laws 1885, amended.

June term Watauga Superior Court abolished.

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

Ratified the 31st day of January, A. D. 1889.

CHAPTER 37.

An act to amend section five hundred and thirty-three of The Code, relative to fees of referees.*The General Assembly of North Carolina do enact :*

SECTION 1. That section five hundred and thirty-three (533) of The Code is amended by adding thereto the following paragraph: "Said fees shall be taxed against either party, or apportioned among the parties in such manner as to the court shall seem consonant to right and justice."

Code, sec. 533, amended.

Referee's fees, how paid.

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

Ratified the 31st day of January, A. D. 1889.

CHAPTER 38.

An act to abolish the January term of Halifax Superior Court.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and eighty (180), section one (1), 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 divisions of the "second district," establishing the courts of Halifax county, by striking out "eighth Monday before the first Monday in March, to be for the trial of civil cases alone."

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

January term Halifax Superior Court abolished.

Ratified the 31st day of January, A. D. 1889.

CHAPTER 39.

An act to create a new township in Pender county.

The General Assembly of North Carolina do enact :

- Grady township,
Pender county,
established.
Boundaries. SECTION 1. That a new township, to be called Grady township, is hereby created in the county of Pender, to be taken from Caswell and Lincoln townships, and bounded as follows: Beginning at the New Hanover and Pender county lines on Black river; running thence up said river to the mouth of Moore's creek; thence up the eastern bank of said creek to the mouth of Spring Branch, the boundary line between Caswell and Columbia townships; thence with said line to the Lincoln and Columbia township line; thence with the dividing line of Lincoln and Columbia townships to the western bank of Long creek; thence down the western bank of said creek to the Northeast river; thence down said river to the line between Pender and New Hanover counties; thence with said line to the beginning.
- Voting precinct. SEC. 2. That the voting precinct of said township shall be at the fork's of the Negro Head and Moore's creek roads, which point shall be called Truxton.
- Corporate rights,
&c. SEC. 3. That said township shall have all the rights, powers and privileges now granted to other townships by law.
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 40.

An act to amend section 2281 of the Code, relating to auctioneers.

The General Assembly of North Carolina do enact :

- Code, sec. 2281,
amended. SECTION 1. That section twenty-two hundred and eighty-one (2281) of The Code be amended by striking out, in lines five and six, the
- Bond of auction-
eers. words "in the sum of five thousand dollars," and in line seven of said section, after the words "North Carolina," by inserting the words "in such sum as said commissioners, or other authority, may require, and in no case to be less than five hundred dollars."
- Conflicting laws
repealed. SEC. 2. All laws, or clauses of law, in conflict with this act are hereby repealed.
- SEC. 3. This act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 41.

An act to protect telegrams and letters.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who wrongfully obtains, or attempts to obtain, any knowledge of a telegraphic message by connivance with a clerk, operator, messenger, or other employee of a telegraph company; or, being such clerk, operator, messenger, or other employee, wilfully divulge to any but the persons for whom it was intended, the contents of a telegraphic message or dispatch intrusted to him for transmission or delivery, or the nature thereof, or wilfully refuses or neglects duly to transmit or deliver the same, shall be guilty of a misdemeanor.

Misdemeanor to wrongfully obtain, attempt to obtain, or divulge knowledge of telegram, &c.

SEC. 2. Any person who wilfully, and without authority, opens or reads, or causes to be opened or read, a sealed letter or telegram, or publishes the whole or any portion of such letter or telegram, knowing it to have been opened or read without authority, shall be guilty of a misdemeanor.

Misdemeanor to wilfully open, &c., without authority, letter or telegram, &c.

SEC. 3. That any person so convicted shall be fined or imprisoned, or both, in the discretion of the court having jurisdiction thereof.

Punishment on conviction.

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

Ratified the 31st day of January, A. D. 1889.

CHAPTER 42.

An act to amend section two, chapter one hundred and nineteen, laws of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter one hundred and nineteen of the acts of the General Assembly of 1887, be amended by adding thereto the following: "and they shall employ patrol boats and crews to patrol the waters of Roanoke, Pamlico and Croatan sounds, and arrest and bring to trial all persons who may be guilty of violating the laws enacted for the protection of the natural oyster beds and public grounds of said sounds."

Chapter 119, sec. 2, laws 1887, amended.

Shell-fish commissioners directed to employ patrol boats, &c.

SEC. 2. That all expenses incurred by said county commissioners in this behalf shall be paid by the State treasurer out of the moneys received under section seven of this chapter, on the warrant of said county commissioners.

Expenses, how paid.

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

Ratified the 31st day of January, A. D. 1889.

CHAPTER 43.

An act to authorize the treasurer of Mecklenburg county to pay V. M. Waring the sum of thirty dollars for teaching during the month of November, 1884.

The General Assembly of North Carolina do enact :

Treasurer of Mecklenburg county directed to pay Miss V. M. Waring \$30 out of school fund for Charlotte township.

SECTION 1. That the treasurer of Mecklenburg county be and he is hereby authorized and directed to pay out of the school fund for Charlotte township, to Miss V. M. Waring, the sum of thirty dollars, compensation for teaching a public free school in district No. 80, Charlotte township, Mecklenburg county, during the month of November, 1884.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 44.

An act to amend section 1736 of The Code, in relation to jurors.

The General Assembly of North Carolina do enact :

Code, sec. 1736, amended. Accommodation to be furnished jurors whether they fail to agree upon a verdict or not.

SECTION 1. That section seventeen hundred and thirty-six of The Code is hereby amended by striking out all of the words from and including "shall," in the first line of said section, to and including "and," in the second line thereof.

SEC. 2. This act shall be in force from its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 45.

An act to amend chapter 149 of the acts of 1885, in relation to draining the low lands in the counties of Rowan, Davidson, Davie and Catawba, so that none but residents of said counties may be appointed overseers.

The General Assembly of North Carolina do enact :

Chapter 149, sec. 1, laws 1885, amended. Qualification of overseers.

SECTION 1. That chapter one hundred and forty-nine of the acts of one thousand eight hundred and eighty-five be amended by adding the following words to section one of said acts: "And a resident of the county in which said section is situate."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 46.

An act to amend the laws concerning pilotage.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter ninety-five, laws of one thousand eight hundred and eighty-seven, be amended by striking out the words "five years," in tenth line, and inserting the words "one year" in lieu thereof. Chapter 95, sec. 1, laws 1887 amended. Term of license of pilots on Cape Fear river.

SEC. 2. That section three of chapter ninety-five, laws of one thousand eight hundred and eighty-seven, be amended by adding: "That every vessel coming into Southport, seeking or for orders, and going away light, shall pay one-half the rate of pilotage from sea to Wilmington, in and out." Sec. 3 amended. Rate of pilotage for vessels coming into Southport, &c.

SEC. 3. That section three thousand four hundred and eighty-four of The Code be amended by striking out the words "forty-five," appearing in lines ten, eleven and twelve, and inserting the word "thirty" in lieu thereof. Code, sec. 3484 amended. Number of pilots for Cape Fear river.

SEC. 4. That section three thousand four hundred and eighty-nine of The Code be amended by striking out the word "forty," in fourth line, and inserting the word "twenty," and striking out the word "twenty," in last line, and adding the words "five and not more than ten." Code, sec. 3489 amended. Minimum number of pilots and apprentices.

SEC. 5. That sections three thousand five hundred, three thousand five hundred and six and three thousand five hundred and seven of The Code be and are hereby repealed. Code, secs. 3500, 3506 and 3507 repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 47.

An act amending section seventy-two of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section seventy-two of The Code be amended by adding thereto the following proviso: "Provided, the board of county commissioners of the county of Halifax may, at their meeting on the first Monday in November before each general election, increase said bond to any amount not exceeding forty thousand dollars, by giving twenty days' notice, at the court-house door or in some newspaper published in the county, of the amount of the bond to be demanded." Code, sec. 72 amended. Bond of clerk of Superior Court of Halifax county.

SEC. 2. That this act shall take effect from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 48.

An act to establish a new township in Madison county to be known by the name of Grape Vine.

Preamble.

WHEREAS, The board of commissioners of Madison county, at a regular meeting, upon proper application, ordered a new township to be laid off out of township number three; and whereas, in obedience to said order said township was divided and a new township was constituted by the name of Grape Vine, the same being township number fourteen; and whereas, said report was ratified by the board of commissioners of said county; and whereas, said township should be invested with all the rights and powers of other townships; therefore,

The General Assembly of North Carolina do enact :

Formation of
Grape Vine
township, Madison
county, validated.

SECTION 1. That the action of the board of county commissioners be and the same is hereby ratified and confirmed, and the said township number fourteen, known as Grape Vine township, a full description of the boundaries of which is set forth in said order, is constituted and made a township, with all the rights and powers usually conferred upon townships in the State.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 49.

An act in reference to Deep River township, Moore county.

Preamble.

WHEREAS, The board of commissioners of Moore county, North Carolina, have created a new township in said county, and called the same "Deep River township," upon petition and notice as required by law: *Now, therefore*, for the purpose of confirming and legalizing any irregularities which may have occurred in the formation of said Deep River township, Moore county,

The General Assembly of North Carolina do enact :

Formation of
Deep River town-
ship, Moore coun-
ty, validated.
Boundaries.

SECTION 1. That the formation of said township be and the same is hereby declared valid and lawful, and the boundaries thereof shall be as follows: Beginning on the north bank of Deep river in the line between Moore and Chatham counties; thence west with the county line to Tysor's creek; thence down said creek to Deep river; thence with the river to Tysor's old mill; thence with the old public road to the bridge on Richland creek: thence up said creek to the Carthage

township line : thence with said Carthage township line to Governor's creek ; thence down said creek to Deep river ; thence down the river to first station, and the justices of the peace that are, or may be hereafter appointed in the same, shall be the trustees thereof, and shall have and exercise all such corporate powers as by law belong to the trustees of townships. Trustees.

SEC. 2. That the voting place in said township shall be at T. H. Harrington's, as heretofore, subject to the rights of the said board of commissioners to change the same according to the law as it now exists. Voting place.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 50.

An act amendatory to an act (laws of one thousand eight hundred and eighty-seven) in regard to Landmark Baptist Church in Ashe county.

The General Assembly of North Carolina do enact :

SECTION 1. That an act passed by the General Assembly of one thousand eight hundred and eighty-seven, chapter two hundred and nine, shall be and the same is hereby amended so as to apply to the new church-house recently built. Omnibus prohibitory act to apply to new church.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 51.

An act to punish resistance to a public officer.

The General Assembly of North Carolina do enact :

SECTION 1. Any person who wilfully and unlawfully resists, delays or obstructs a public officer in discharging or attempting to discharge a duty of his office shall be guilty of a misdemeanor. Wilful resistance &c., of a public officer, &c., a misdemeanor.

SEC. 2. Any person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from legal custody, or in executing any legal process, wilfully neglects or refuses to aid such officers shall be guilty of a misdemeanor. Wilful refusal, &c., to aid a public officer, &c., a misdemeanor.

SEC. 3. This act shall be in force from its ratification. Ratified the 2d day of February, A. D. 1889.

CHAPTER 52.

An act in relation to saw-mills.

The General Assembly of North Carolina do enact :

Owner of saw-mill to erect wall to keep saw-dust out of stream.

SECTION 1. That every owner of a saw-mill, or mill site, shall erect a wall or drive piles on the water front, or take some measure effectually to prevent the saw-dust from falling or being swept into the water of any river, creek or stream.

Saw-dust not to be thrown, &c., into stream, &c.

SEC. 2. That no owner or lessee of a saw-mill, or mill site, shall throw or dump, or cause to be thrown or dumped, any saw-dust into any river, creek or stream of water, whereby the channel may be obstructed, or damage done to any oyster-bed, or the health of any person may be impaired.

Misdemeanor.

SEC. 3. That any owner or lessee of a saw-mill, or mill site, offending against section one or section two of this act shall be guilty of a misdemeanor, and fined in a sum not exceeding ten dollars for each offense, or imprisoned at the discretion of the court: *Provided*, this act shall apply only to the county of Pamlico.

Act applicable only to Pamlico county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 53.

An act to authorize the commissioners of Nash county to levy a special tax for the purpose of paying its indebtedness.

The General Assembly of North Carolina do enact :

Authorized to levy special tax.

SECTION 1. That the commissioners of Nash county be authorized and empowered to levy a special tax upon the property and poll of said county, not exceeding twelve and one-half cents upon the one hundred dollars worth of property, and thirty-seven and one-half cents on the poll.

Limitation of tax.

Tax, how levied and collected.

SEC. 2. That the tax authorized to be levied under this act shall be levied and collected as other taxes are, and may be levied and collected during the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, if the levy of one thousand eight hundred and eighty-nine shall be insufficient to pay said indebtedness.

Constitutional equation to be observed.

SEC. 3. That in all levies made pursuant to this act the constitutional equation between property and poll shall be observed.

SEC. 4. That this act shall take effect from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 54.

An act to divide Clinton township, Sampson county, into North Clinton township and South Clinton township.

The General Assembly of North Carolina do enact :

SECTION 1. That all that part of the territory heretofore occupied and covered by Clinton township, in the county of Sampson, and lying north of the line beginning at the center of Kirby's bridge, on Six Runs river, and running thence with the center of the public road to the corporate limits of the town of Clinton, where the said road becomes Elm street of said town, and continuing thence with the center of said Elm street to its junction with Main street, at the center of said Main street to its junction with Wall street, at the center of said junction ; thence with the center of said Wall street to the center of its junction with Fayetteville street ; thence the center of said Fayetteville street to the corporate limits of said town of Clinton, and continuing thence with the center of the public road to the center of Myhand's bridge, on Big Coharie creek, shall constitute and be known as North Clinton township ; and all that part of the territory heretofore occupied and covered by the said Clinton township, and lying south of the above described line, shall constitute and be known as South Clinton township.

Clinton township, Sampson county, divided.
North Clinton township.

South Clinton township.

SEC. 2. All persons now acting as justices of the peace in and for said Clinton township shall continue to act as such till their respective terms of office shall expire, in and for North Clinton and South Clinton townships, according to their places of residence.

Terms of present justices of the peace.

SEC. 3. That B. S. Peterson be and he is hereby appointed a justice of the peace for South Clinton township for the term of six years ; that Bias Underwood be and he is hereby appointed a justice of the peace for South Clinton township for the term of four years ; that B. B. Hobbs be and he is hereby appointed a justice of the peace for South Clinton township for the term of two years.

Justices of the peace appointed for South Clinton township.

SEC. 4. That A. J. Hines be and he is hereby appointed a justice of the peace for North Clinton township for the term of six years ; that David Marshburn be and he is hereby appointed a justice of the peace for North Clinton township for the term of four years ; and that L. S. Bell be and he is hereby appointed a justice of the peace for North Clinton township for the term of two years.

Justices of the peace appointed for North Clinton township.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 1st day of February, A. D. 1889.

CHAPTER 55.

An act for the protection of oysters in the waters of Pamlico and Roanoke sounds.*The General Assembly of North Carolina do enact :*

Oysters to be taken from Roanoke and Pamlico sounds only for certain purposes.

SECTION 1. That no person shall catch or take oysters from any of the natural beds in the waters of Roanoke Sound, or from any of the public grounds of Pamlico Sound, except for immediate use or sale in North Carolina markets, or to plant in regularly licensed oyster gardens or on grounds entered or held under the provisions of chapter one hundred and nineteen, acts of one thousand eight hundred and eighty-seven.

Misdemeanor.

SEC. 2. That any person who shall violate any of the provisions of the preceding section, or who shall carry or attempt to carry beyond the limits of the State any oysters taken within the next preceding twelve months from any of the natural oyster beds in the waters of Roanoke Sound or from any of the public grounds off Pamlico Sound, shall be guilty of a misdemeanor.

Application of fines and penalties.

SEC. 3. That all fines and penalties imposed and collected under section two of this act shall be turned over to and held by the State Treasurer, to defray the expenses pertaining to the oyster business.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 56.

An act authorizing the commissioners of Henderson county to levy a special tax.*The General Assembly of North Carolina do enact :*

Commissioners and justices authorized to sell jail property.

SECTION 1. That the commissioners and a majority of the magistrates of Henderson county, in joint session, shall be empowered, after thirty days' notice in some newspaper circulated in the county of Henderson, to sell, at the court-house door in the town of Hendersonville, the property known as the jail property of said county, at public outcry, to the highest bidder, for cash or on twelve months' time, as they may deem best.

Conveyance to purchaser.

SEC. 2. That the commissioners of said county shall and are hereby authorized to convey to the said purchaser the said jail property, by executing a good and lawful title to the purchaser, signed by the chairman of the board of commissioners for said county.

SEC. 3. That said commissioners and magistrates as above specified shall have the right to select and purchase a suitable site for a new jail, or, if they deem best, may use any of the property now owned by said county for that purpose. Site for new jail.

SEC. 4. That in addition to the amount realized by the sale of the present jail property, the commissioners, with the consent of a majority of the magistrates of the county of Henderson, shall have the power to levy and collect a special tax, not exceeding five thousand dollars, on the property and polls of the said county, observing the constitutional equation, for the purpose of paying for said jail lot and erecting a suitable jail for said county. Levy and collection of special tax, not to exceed \$5,000, to aid in erecting new jail.

SEC. 5. That said commissioners and magistrates aforesaid shall have the power to levy and collect thirty-three and one-third per cent. of the amount of the estimated cost of said jail, on the property and polls in said county each year, until said debt is paid off, beginning said levy and collection at any time they deem best; but said commissioners shall not begin the erection of a new jail until they have collected the first installment of thirty-three and one-third per cent. on the estimated cost of said jail, and shall, after the first levy and collection, continue said levy and collection from year to year in succession, until said debt is paid off. Tax, how levied and collected.

SEC. 6. To take effect from and after its ratification.

Ratified the 2d day of February, A. D. 1889.

CHAPTER 57.

An act to incorporate the Ocean View Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Stacy Van Amringe, A. G. Ricaud, S. H. Manning, John H. Daniel, Marsden Bellamy, J. W. Bolles, C. B. Mallet, their associates and assigns, are hereby constituted a body corporate by the name of The Ocean View Railroad 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 politic.
Corporate name.
Corporate powers

SEC. 2. That the said corporation may establish and run a railway, tramway, shellroad, or other road, on the beach or banks of the Atlantic ocean, in New Hanover county, beginning at or near Barren's Inlet, or beginning at any point on the beach or banks southwardly of Barren's Inlet, and running thence to any point in the county of New Hanover, whether or not such point be on the banks or beach aforesaid. By the words "banks or beach" in this section is meant all the land lying between the surf of the sea and the waters of the sound. Location of road.

- Authorized to transport passengers, &c., at any time or at certain seasons. SEC. 3. That the said corporation may transport passengers and freight upon its lines, 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 said railway or tramway, and may change the same at discretion.
- Authorized to purchase steamers, &c. SEC. 5. That said corporation may purchase, lease or charter such steamers, barges or other vessels as may be required in its business, and all other personal property, and it may acquire such lands and rights of way as may be necessary for its wharves, landings and docks, 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 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 franchises, 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.
- Condemnation of land. SEC. 6. That the capital stock of said corporation shall not be less than thirteen thousand dollars (\$13,000), in shares of one hundred dollars each, and the said capital stock may be increased to one hundred thousand dollars whenever said corporation shall deem same expedient, and the stockholders shall not be individually liable for anything beyond the amount of their subscription to the capital stock.
- Corporate powers SEC. 7. That subscriptions to said stock may be paid in land, lumber, material, labor, or money, as may be agreed upon.
- Capital stock. SEC. 8. That the corporators hereinbefore named, or any one of them, may open books of subscription to the capital stock of said company, in the city of Wilmington, within ten days after the ratification of this act.
- Subscription to stock, how paid. SEC. 9. That as soon as the sum of ten thousand dollars of the capital stock shall be subscribed, and 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, 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.
- Books of subscription. SEC. 10. Said corporation may establish one or more places of resort, at or near the sea-shore, for the accommodation of visitors, and for this purpose may hold and own lands, not to exceed in quantity two thousand acres, and may establish and control hotels, pavilions, bathing-houses and any other property which it may place upon its own banks, or may acquire by rent or lease from other corporations or persons.
- Organization. Officers. Sea-shore resorts, hotels, &c.

SEC. 11. That said corporation is authorized to construct a bridge from any point on its line, from the bank or beach, to any point on the island in Wrightsville sound, known as the Hammocks: *Provided*, that a draw shall be made sufficient for the passage of such vessels and boats as navigate said sound.

Authorized to build bridge, &c.
Proviso.

SEC. 12. This corporation is authorized to issue its bonds, in its discretion, bearing not more than eight per cent. interest per annum, not to exceed fifty thousand dollars.

Authorized to issue bonds.

SEC. 13. That this act shall take effect from and after its ratification. Ratified the 2d day of February, A. D. 1889.

CHAPTER 58.

An act to renew and continue in force the powers of the Lynchburg and Durham Railroad Company.

WHEREAS, The Roxboro Railroad Company and the Durham and Roxboro Railroad Company have, by authority of the General Assembly of this State, merged and consolidated their assets, franchises and effects into and with the Lynchburg and Durham Railroad Company; and whereas, while the Lynchburg and Durham Railroad Company has complied with all provisions of the law as to amount and value of work done and money expended on the line of said road, it has not expended the required amount on each of said original roads merged into said Lynchburg and Durham Railroad Company; and whereas, it is desired to remove any doubt as to the sufficiency of such work and expenditure to prevent forfeiture of any of its rights under the charters of the companies mentioned above:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the rights, powers, privileges and franchises granted to the Roxboro Railroad Company and to the Durham and Roxboro Railroad Company be and are hereby renewed and extended in the Lynchburg and Durham Railroad Company, their successors: *Provided*, this act shall not operate to continue the authority given in the aforesaid acts to work convicts on the said railroads, and the parts of said acts authorizing or allowing or requiring the working and furnishing of said convicts on said railroads are hereby repealed.

Rights, &c., granted to Roxboro R. R. Co. and Durham and Roxboro R. R. Co., extended to Lynchburg and Durham R. R. Co. Proviso.

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

Ratified the 2d day of February, A. D. 1889.

CHAPTER 59.

An act to amend section 2840 of The Code in reference to killing wild fowl in certain counties.

The General Assembly of North Carolina do enact :

Code, sec. 2840, amended. Provisions applicable to New Hanover and Brunswick counties.

SECTION 1. That section two thousand eight hundred and forty of The Code be amended as follows: by striking out in the second line the word "county" and inserting after the word "Currituck" in said line the words "New Hanover and Brunswick counties," and by inserting after the words "waters of" in the eighth line the words "New Hanover and Brunswick."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1889.

CHAPTER 60.

An act to amend the laws of 1885 and 1887 so as to provide additional educational facilities for the Croatan Indians, citizens of Robeson county, North Carolina.

The General Assembly of North Carolina do enact :

Chapter 51, sec. 2, laws 1885 amended.

Negro children excluded from schools.

SECTION 1. That chapter fifty-one, section two, of the laws of one thousand eight hundred and eighty-five be amended by adding after the word "law" in the last line of said section the words, "and there shall be excluded from such separate schools for the said Croatan Indians all children of the negro race to the fourth generation."

Chapter 400, sec. 7, amended.

Appropriation for school continued.

SEC. 2. That section seven, chapter four hundred, of the laws of one thousand eight hundred and eighty-seven be amended as follows: strike out in lines two and three the words, "for two years and no longer;" strike out in line fifteen all after the words "eighty-eight," and insert "and every six months thereafter."

Section 10 amended.

School age reduced to ten years.

SEC. 3. That section ten of said chapter four hundred, laws of one thousand eight hundred and eighty-seven, be amended by striking out in line three the word "fifteen" and inserting the word "ten" in lieu thereof.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1889.

CHAPTER 61.

An act to pay a balance due to the holders of road certificates for the building of the Tuckaseege and Keowee Turnpike Road in Jackson county.

WHEREAS, In the year one thousand eight hundred and fifty, the General Assembly did authorize the building of the Tuckaseege and Keowee Turnpike road leading up the Tuckaseege river in Jackson county to the South Carolina line, and at the session of the Assembly of one thousand eight hundred and fifty-four-fifty-five, passed an act appropriating the proceeds of the Cherokee lands in Jackson county, to the payment of building said road, until said road should be completed; and whereas, upon the faith of the above act appropriating the proceeds of said lands to building said road, the road was let to contract and built by various contractors, who received the proceeds of said lands for building said road as they were paid to the entry-taker, until the first day of November, one thousand eight hundred and eighty-three, when, by omission of The Code commissioners to incorporate said acts of one thousand eight hundred and fifty, one thousand eight hundred and fifty-four-five, into The Code, the proceeds of said lands became payable to the State Treasurer: and whereas, at the adoption of The Code by the General Assembly there was then due contractors and innocent purchasers for building said road about one thousand five hundred dollars, which is still due and outstanding; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceeds of all lands in Jackson county, heretofore entered, and which have not been paid for, and all lands hereafter entered in said county, shall be paid to the entry-taker of Jackson county, and that said entry-taker shall apply the proceeds of said lands to the payment of said debts until the same are paid and discharged.

Proceeds of lands entered in Jackson county applicable to payment of debts contracted in building Tuckaseege and Keowee Turnpike Road.

SEC. 2. That said entry-taker shall, upon payment for tracts of land, give a certificate of payment, which shall be transmitted, with other necessary papers, to the Secretary of State, upon which certificate the Secretary of State shall issue grants.

Grants to be issued upon certificate of entry-taker, &c.

SEC. 3. That if the bond required of entry-takers is insufficient to secure the proper disbursement of said funds, the county commissioners of Jackson county shall require such additional bond as they may deem necessary.

Additional bond of entry-takers.

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

Conflicting laws repealed.

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

Ratified the 5th day of February, A. D. 1889.

CHAPTER 62.

An act to amend the charter of the Hiawassee Railroad Company.

The General Assembly of North Carolina do enact :

Chapter 169, laws
1887, amended.
Name changed to
Chattanooga,
Cleveland and
Hiawassee Rail-
road Company.
Authorized to
issue second
mortgage bonds.

SECTION 1. That the act to incorporate the Hiawassee Railroad Company, ratified March 3d, one thousand eight hundred and eighty-seven, be amended as follows: that the name of said company shall be the Chattanooga, Cleveland and Hiawassee Railroad Company.

SEC. 2. That in the last line of the last paragraph of section one, between the words "first mortgage bonds" and "to the mile," there be inserted the words "and second mortgage income or equipment bonds not to exceed fifteen thousand dollars," so as to read, "at a rate not to exceed twenty-five thousand dollars of first mortgage bonds, and second mortgage income or equipment bonds not to exceed fifteen thousand dollars to the mile of road determined to be built."

Principal office
and branch
offices.

SEC. 3. That the following be made a new section of said act, inserted as section nine, and that section nine be made section ten: Section 9. That the principal office of the said company may be in Cleveland or Chattanooga, Tennessee, or in Cherokee county, North Carolina, and there may be a branch office in the city of New York; but there shall always be the principal or a branch office in Cherokee county, North Carolina, and the secretary of the company or his assistant shall reside there.

Extension and
consolidation of
road approved.

SEC. 4. That the extension of the road to some point in the State of Tennessee, and its consolidation with any company now chartered or hereafter chartered in that State, or any other State to effect that end, be and is hereby approved, recognized, confirmed and validated.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1889.

CHAPTER 63.

An act to amend chapter 265 of the laws of 1887 in relation to the public roads of Tyrrell county.

The General Assembly of North Carolina do enact :

Chapter 265, laws
1887, amended.

SECTION 1. That chapter two hundred and sixty-five of the laws of one thousand eight hundred and eighty-seven be and is hereby amended by striking out section three of said chapter.

Section 3 stricken
out.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1889.

CHAPTER 64.

An act to extend the time for collecting taxes.

The General Assembly of North Carolina do enact :

SECTION 1. That section fifty-five, chapter one hundred and thirty-seven, laws of one thousand eight hundred and eighty-seven, be and the same is hereby amended by striking out the word "February" in the first line of said section and inserting "May," and amend section one hundred and twenty-nine of the said act, in line nine thereof, by striking out "February" and inserting therefor the word "May."

SEC. 2. Strike out "January" in line twelve of said section fifty-five and insert "April" in lieu thereof, and in line twenty of said section strike out "January" and insert "April," and in the last line of said section strike out "January" and insert "April," and amend section fifty-seven of said act by striking out the word "March" and insert "June" therefor.

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

SEC. 4. This act shall be in force from and after its ratification.
Ratified the 2d day of February, A. D. 1889.

Chapter 137,
sec. 55, laws 1887,
amended.
Sale of real estate
for taxes post-
poned to first
Monday in May.
Sec. 129 amended.
Sheriff to account
with county
treasurer on or
before first Mon-
day in May.
Notice of sale.
Delinquent city
and town taxes
to be certified by
mayor on or be-
fore first Monday
in April.
Sec. 57 amended.
Sheriff to file re-
turns of sale on
or before first
Monday in June.
Conflicting laws
repealed.

CHAPTER 65.

An act for the better protection of the books in the North Carolina State library.

WHEREAS, Many rare and valuable books are now owned by the State, and are kept in the State Library; and whereas, by their open and exposed condition are liable to be stolen or greatly damaged by dust and insects; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the State Librarian is hereby directed to have glass doors placed to all the cases in the State library containing the general or miscellaneous books of literature, for the better protection of such books.

State Librarian to
procure glass
doors for book-
cases.

SEC. 2. That the sum of two hundred and fifty (\$250) dollars is hereby appropriated to cover the cost of such doors.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 5th day of February, A. D. 1889.

CHAPTER 66.

An act to amend chapter 98 of the laws of 1879, entitled "An act to compromise, commute and settle the State debt, as amended by act ratified the 16th day of January, 1883, and the third day of March, 1885, and the 8th day of February, 1887.

The General Assembly of North Carolina do enact :

Chapter 98,
sec. 11, laws 1879,
amended.

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 words "eighty-two," in the last line of said section eleven, and inserting the word "ninety," so as to extend the time at which said act shall expire, "July first one thousand eight hundred and ninety," and the Governor is directed to resist the collection of all such bonds as are not funded by the time above specified.

Act extended to
July 1st, 1890.

Governor to
resist collection
of bonds not
funded.

Coupons matur-
ing prior to deliv-
ery of bond to be
cut off.

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."

Advertisement.

SEC. 3. 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 said bonds.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1889.

CHAPTER 67.

An act to repeal chapter two hundred and seventy, laws of one thousand eight hundred and eighty-seven, relating to Cape Hatteras camp-ground.

The General Assembly of North Carolina do enact :

Chapter 270, laws
1887, repealed.

SECTION 1. That chapter two hundred and seventy, laws of one thousand eight hundred and eighty-seven, be and it is hereby repealed.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1889.

CHAPTER 68.

An act requiring certain law books in the public library of the State to be placed in the Supreme Court library.*The General Assembly of North Carolina do enact :*

SECTION 1. That such volumes of the reports of the Supreme Court and of the digests thereof, and of the acts of Assembly of this State, and such other law books as may be in the public library of the State, as the justices of the Supreme Court may require to be placed in the Supreme Court library, shall be placed there from time to time as the same shall be so required.

Certain law books to be transferred from State library to Supreme Court library.

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

Ratified the 5th day of February, A. D. 1889.

CHAPTER 69.

An act to satisfy certain claims against the trustees of the University of North Carolina.

WHEREAS, The Rev. Dr. A. D. Hepburn and Col. W. J. Martin, both of whom were duly elected as, and both of whom duly served as professors in the University of North Carolina during the collegiate year 1866-'67; and whereas, the said Dr. Hepburn and said Col. Martin failed to receive their full salaries for said collegiate year; and whereas, it satisfactorily appears by affidavit and otherwise that a balance of eighteen hundred dollars still remains due Dr. A. D. Hepburn from the trustees of the University, and a balance of one thousand and seven dollars and thirty-three cents still remains due Col. W. J. Martin from said trustees; and whereas, the University has no means with which to pay these gentlemen for services faithfully and truly rendered the said University: now therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the public treasurer be and he is hereby authorized and directed to satisfy said claims by delivering to Dr. A. D. Hepburn eight hundred dollars, face value, of the four per cent. bonds of this State, of the series issued under the act of March the fourth, one thousand eight hundred and seventy-nine, with interest coupons attached only from the ratification of this act, and by delivering to Col. W. J. Martin five hundred dollars, face value, of said bonds, with interest coupons attached only from the ratification of this act, and this to be as full a discharge of the said debts as if paid in current funds.

A. D. Hepburn to be paid \$800 in four per cent. bonds.

W. J. Martin to be paid \$500 in four per cent. bonds.

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

Ratified the 5th day of February, A. D. 1889.

CHAPTER 70.

An act to prevent fraud in the sale of lands and personal property under mortgage or other contract.*The General Assembly of North Carolina do enact :*

Notice of mortgage sales, &c., to be posted at court house door.

SECTION 1. That all property, real and personal, sold under the terms of any mortgage or other contract, expressed or implied, whether advertised in some newspaper or otherwise, shall also be advertised by posting a notice at some conspicuous place at the court-house door in the county where the property is situated, such notice to be posted for at least twenty days before the sale, unless a shorter time be expressed in the contract.

SEC. 2. That this act shall be in force from and after the 1st day of May, 1889.

Ratified the 5th day of February, A. D. 1889.

CHAPTER 71.

An act to incorporate the Aberdeen and West End Railroad Company.*The General Assembly of North Carolina do enact :*

Body politic.

Corporate name.

Corporate powers.

Proviso.

Authorized to construct railroad.

SECTION 1. That A. F. Page, N. A. McKeithan, R. N. Page, D. A. McDonald, Neill Leah, Angus Leach and C. C. Wade, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name of the Aberdeen and West End Railroad Company, and under 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 alter at pleasure; and they, their successors and assigns, under the same corporate name and style, shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and objects of this corporation; they shall have power to make such by-laws and regulations for their own government, and for the due and orderly conducting of their affairs and the management of their property as may be deemed necessary: *Provided*, the same shall not be inconsistent with the Constitution and laws of this State, or of the United States.

SEC. 2. That the said company be and it is hereby authorized and empowered to lay out, construct and equip, maintain and operate a railway in this State, with one or more tracks, which is to be connected

with and is to be a continuation of a railway now extending from Aberdeen, in Moore county, on the Raleigh and Augusta Air-Line Railway, to West End, in said county, and being a part of the railway hereby incorporated, so as to run to some point in the county Location of road line between Moore and Montgomery counties; thence through Montgomery county to Albemarle, in Stanly county. 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 it may think proper.

SEC. 3. That the capital stock of said company shall be thirty Capital stock. thousand dollars, with the privilege and power of increasing the same to one hundred and fifty thousand dollars, divided into shares of one hundred dollars each. The capital stock shall be raised by donation or subscription on the part of individuals, municipal or other corporations, and such donations or subscriptions may be paid in money, labor, land, materials, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers.

SEC. 4. That the corporators herein named, or a majority in interest Books of sub- of the same, may cause books of subscription to the capital stock of the company to be opened at such times and places as may be appointed by said corporators, or a majority in interest of the same; and said corporators, or a majority in interest of the same, at any Organization. time after the sum of twenty thousand dollars has been subscribed to the capital stock of said company, and ten per cent. thereof has been paid, shall be authorized and empowered to call together the subscribers to the capital stock of said company, for the purpose of completing the organization thereof, in accordance with the provisions of this act.

SEC. 5. That at the time of such organization, and annually Directors. thereafter, such stockholders or subscribers, or a majority in interest thereof, shall select from their number not less than three nor more than five directors of said company, who shall hold their offices one year, and until their successors shall be elected and qualified; and the directors chosen at such meeting, and annually thereafter, shall Officers. elect one of their number as president of said company, and shall elect a secretary and treasurer, and such other officers as may be provided for in the by-laws of said company, who shall hold their offices one year, and until their successors shall be elected and qualified, and shall fill any vacancy that shall occur in any of said offices by death, resignation or otherwise; that in all elections Stock vote. provided for in this act each share of stock, represented in person or by proxy, shall be entitled to one vote, such proxy to be verified in the manner prescribed in the by-laws of said company. The meetings Meetings. of the stockholders and directors shall take place at such times and places as may be provided for in said by-laws.

Certificates of stock.

SEC. 6. The said company shall issue certificates of stock to its members, and stock may be transferred upon the books of said company in such manner and form as its by-laws may prescribe.

Township subscriptions or donations.

SEC. 7. That the several townships of the counties through which said railway may pass are respectively authorized and empowered to make such donations or subscriptions to the capital stock of said company in such amounts as may be settled upon in the manner hereinafter prescribed: *Provided*, no donation or subscription shall be valid until the same has been ratified and approved by a majority of the qualified voters of said township, as hereinafter provided.

Proviso.

Election in townships on question of subscription or donation.

SEC. 8. That the board of commissioners of the several counties through which said railway may pass are respectively authorized, empowered and required—upon the written petition of twenty of the qualified voters of any township in either of said counties, specifying the amount in which it is proposed by said township to make a donation or subscription to the capital stock of said company, and praying that the question of donation or no donation, or of subscription or no subscription, be submitted to the qualified voters of said township—to have submitted to the qualified voters of such township the election of making a donation to said company, or of subscribing to its capital stock, as the case may be, the sum of money specified in said written petition, at which election those in favor of such donation shall deposit a ballot, upon which shall be written or printed the words "For Donation," and those opposed to such donation shall deposit a ballot, on which shall be written or printed the words "Against Donation." But if the election be to authorize a subscription to the capital stock of said company, then those in favor of such subscription shall deposit a ballot, on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall deposit a ballot, on which shall be written or printed the words "Against Subscription." Such election, when ordered, shall be held under the rules and regulations prescribed for holding elections for members of the General Assembly, as far as the same may be applicable, except as herein modified—the returns of which elections shall be made to the board of commissioners of the county in which such township may be situated, on the Thursday next after said elections, and said returns shall be canvassed by said board. If a majority of the qualified voters of said township be "For Donation," then the chairman of the board of county commissioners of said county shall deliver his certificate to the board of directors of said railway company, setting forth the fact; and if a majority of all the qualified voters of said township be "For Subscription," then the chairman of the board of county commissioners of said county shall subscribe the amount so authorized by said township to the capital stock of said company. The county commissioners may order a special registration of voters for the elections herein provided for.

Ballots.

Election, how held.

Donation or subscription to be made on majority vote.

Special registration.

SEC. 9. That in payment of any donation or subscription that may be made under the next preceding section, the board of commissioners of the county in which said township is situated shall issue coupon bonds, bearing interest at the rate of eight per cent. per annum, payable on the first day of January in each year by the treasurer of the county in which said township is situated, for the full sum donated or subscribed by said township, to be paid by the tax payers thereof. Said bonds shall express on their face by what authority and for what purpose they were issued. They and the coupons shall be signed by the chairman of the board of county commissioners in which said township is situated, and countersigned by the clerk of the Superior Court of said county, and said bonds shall be sealed with the seal of office of said clerk, and shall be payable ten years after the first day of January next after they are issued, and may be redeemed at any time after the expiration of one year from the date of their issue.

County commissioners to issue coupon bonds.

Description of bonds.

SEC. 10. That to provide for the payment of the interest on said bonds, and for the redemption at maturity, the board of commissioners of the county in which is situated the township on account of which said bonds have been issued, shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds, and to create a sinking fund, for the purpose of paying off and discharging the principal thereof when it shall become due—the amount so levied to create a sinking fund to pay the principal of said debt, shall be annually invested by the said board of commissioners, as the same may be paid into the county treasury, in such solvent securities as may be approved by said board, and shall be set apart by said board for the purpose of paying off and discharging the donation or subscription of said township when the sum therein secured by the bonds shall become due. The taxes herein provided for shall be collected by the sheriff of the county in which is situated the township making such donation or subscription, 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 provided by law for the faithful collection and paying over of the State and county taxes.

Special tax.

Investment of sinking fund.

Collection of tax.

SEC. 11. That said company shall have the right to have land condemned for right of way and for necessary warehouses, and other buildings, according to existing laws, and shall have full power and authority to sell or lease its road bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railway in the State, or to consolidate with any connecting line of railways.

Condemnation of land.

Authorized to purchase, &c., bonds, &c., of other railway companies. Consolidation.

Authorized to borrow money upon mortgage bonds.

SEC. 12. That said company shall have right to borrow money and to make, to issue, negotiate and sell its bonds in such sums and to such amount, not exceeding two thousand dollars for every mile of said railway in operation, as to the directors may seem expedient; and said bonds shall bear interest at the rate of six per cent. per annum, and shall be payable at such times and places as the board of directors may determine; and said company shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchise, including its road-bed, superstructures and real and personal estate of whatever kind, on such terms and to such trustee or trustees as the board of directors may think proper; and said mortgage, or deed of trust, when duly registered, shall have precedence over all other liens on said property.

Conflicting laws repealed.

SEC. 13. That all laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force and effect from and after its ratification.

Ratified the 6th day of February, A. D. 1889.

CHAPTER 72.

An act for the relief of the Clerks of the Superior Court of the counties of Forsyth, Lincoln, Caldwell and Craven.

The General Assembly of North Carolina do enact:

Certain Superior Court clerks not required to open offices for probate business on every Monday in June, July and August.
Proviso.

SECTION 1. That the clerks of the Superior Court of the counties of Forsyth, Lincoln, Caldwell and Craven be and they are hereby exempted from the provisions of section one hundred and fourteen of The Code, and from the liabilities and penalties mentioned in section one hundred and fifteen thereof: *Provided*, that they shall attend at their offices on the first Monday of each month, and there remain for the transaction of probate business, between the hours of nine A. M. and four P. M., until said probate business is dispatched: *Provided further*, that they shall at all times, between the hours aforesaid, keep in their offices during their absence a competent deputy for the transaction of ministerial business: *Provided*, that the exemption from attendance granted by this act shall extend to the months of June, July and August, and no further.

Proviso.

Proviso.

Act to continue in force for two years.

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

Ratified the 7th day of February, A. D. 1889.

CHAPTER 73.

An act to repeal chapter eighty-nine, laws of one thousand eight hundred and eighty-five.*The General Assembly of North Carolina do enact:*

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

Chapter 89, laws 1885, repealed. Unlawful to take live oysters from natural bed for shells only.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of February, A. D. 1889.

CHAPTER 74.

An act to amend chapter 134 of the laws of 1885, in relation to the public roads of Mecklenburg county.*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of chapter one hundred and thirty-four of the acts of the General Assembly of the year one thousand eight hundred and eighty-five be amended by striking out, in line eleven of said section, after the word "of," the words "three dollars," and inserting the words "two dollars."

Chapter 134, sec. 5, laws 1885, amended.

Three dollars received in lieu of labor.

SEC. 2. That section twenty-four of said act be amended by striking out, in line two of said section, after the word "services," the words "one dollar and fifty cents," and inserting the words "one dollar."

Sec. 24 amended. Pay of supervisor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of February, A. D. 1889.

CHAPTER 75.

An act to authorize the commissioners and magistrates of Jackson county to levy a special tax.*The General Assembly of North Carolina do enact:*SECTION 1. That the commissioners and magistrates of Jackson county, in joint session, are hereby authorized to levy a special tax to build a bridge across the Tuckaseege river, at or near the mouth of Barker's creek: *Provided*, said levy shall not exceed eight hundred dollars.

Authorized to levy special tax to build bridge.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 8th day of February, A. D. 1889.

CHAPTER 76.

An act to change the time of holding the Superior Courts of Granville county.*The General Assembly of North Carolina do enact :*

Chapter 351,
sec. 1, laws 1887,
amended.
September term
Granville Superior
Court abolished,
and July term
established.
Process, &c.

SECTION 1. That in line fifteen of section one, chapter three hundred and fifty-one of the laws of one thousand eight hundred and eighty-seven, the words "second Monday in September" be stricken out, and in lieu thereof the words "sixth Monday before the first Monday in September."

SEC. 2. That all process, summons, recognizance, bonds for appearance, subpoenas, or other papers which are made returnable to the term of the court abolished by the first section of this act, shall be returned to the term of the court provided for therein, to be held on the fifteenth Monday after the first Monday in March, and no person shall be released from any recognizance, bond, or other obligation returnable to the term of said court heretofore held on the second Monday in September, abolished by this act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of February, A. D. 1889.

CHAPTER 77.

An act to prevent trespass.*The General Assembly of North Carolina do enact :*

Misdemeanor to
remove from
another's land,
without permis-
sion, marketable
products of the
soil.

SECTION 1. That it shall be unlawful for any person to enter upon and remove from the lands of any other person, without first obtaining permission from the land-owner, any dogtongue (or vanilla), whortleberries or other fruits, or any other marketable product of the soil; and any person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars, nor more than fifty dollars, for each offense, or imprisoned not more than thirty days: *Provided*, that this act shall only apply to the counties of Sampson and Duplin.

Proviso.

Conflicting laws
repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1889.

CHAPTER 78.

An act to amend chapters 395 and 399 of the laws of 1885.*The General Assembly of North Carolina do enact :*

SECTION 1. That the word "Jackson" be stricken out of chapter three hundred and ninety-five and chapter three hundred and ninety-nine of the public laws of one thousand eight hundred and eighty-five.

Chapters 395 and 399, laws 1885, amended.
Code, sec. 2834 (bird law), applicable to Jackson county.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 8th day of February, A. D. 1889.

CHAPTER 79.

An act to repeal chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-seven.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and fifty-nine of the laws of North Carolina, passed by the General Assembly of North Carolina at its session of one thousand eight hundred and eighty-seven, and entitled an act to abolish the office of county superintendent of public instruction in Rockingham county, be and the same is hereby repealed.

Chapter 159, laws 1887, repealed.

Office of superintendent of public instruction of Rockingham county re-established.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 8th day of February, A. D. 1889.

CHAPTER 80.

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 :*

SECTION 1. That section one, chapter one hundred and eighty, of the laws of one thousand eight hundred and eighty-five, be amended by striking out, on page three hundred and thirty-eight, in lines twenty-eight and twenty-nine, the words "eighth Monday after the first Monday in March," providing for a term of the Superior Court of Wilkes county.

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

May term Wilkes Superior Court abolished.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 8th day of February, A. D. 1889.

CHAPTER 81.

An act for the relief of B. F. Fonville, treasurer of Alamance county.*The General Assembly of North Carolina do enact :*

Commissioners and justices of Alamance county authorized to forgive to B. F. Fonville, county treasurer, amount of loss by failure of State National Bank.

SECTION 1. That the commissioners and justices of the peace of Alamance county be and they are hereby authorized, by a majority vote, both of the commissioners and justices of the peace, to forgive to B. F. Fonville the amount that shall be a final loss of the sum deposited to his credit, as the treasurer of said county, in the State National Bank in Raleigh, at the time of the failure of said bank.

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

Ratified the 9th day of February, A. D. 1889.

CHAPTER 82.

An act to allow the treasurer of Haywood to pay a school claim.*The General Assembly of North Carolina do enact :*

Treasurer of Haywood county authorized to pay Mrs. C. E. McCloud \$41.

SECTION 1. That the treasurer of Haywood county is hereby authorized to pay out of any moneys in his hands due school district number twenty-one, to Mrs. C. E. McCloud, for services rendered as teacher of white race for said district, in the year eighteen hundred and eighty-seven, the sum of forty-four dollars upon the order of the school committee of said district, countersigned by the county superintendent of public instruction.

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

Ratified the 12th day of February, A. D. 1889.

CHAPTER 83.

An act to simplify indictments for perjury.*The General Assembly of North Carolina do enact :*

Form of indictment for perjury.

SECTION 1. That in indictments for perjury the following form shall be sufficient in form and substance, to-wit: The jurors for the State on their oath present, that A B, of ----- county, did unlawfully commit perjury upon the trial of an action in ----- court, in ----- county, wherein ----- was plaintiff and ----- was defendant, by falsely asserting, on oath (or solemn affirmation) (here set out the statement or statements alleged to be false), knowing the said statement, or statements, to be false, or being ignorant whether or not said statement was true.

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

Ratified the 12th day of February, A. D. 1889.

CHAPTER 84.

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

The General Assembly of North Carolina do enact :

- SECTION 1. That the county commissioners of Montgomery county are hereby authorized and empowered to levy a special tax, at the same time with other levies, on all property, solvent credits and other subjects of taxation in said county, which are taxed for State and county purposes, not to exceed twenty cents on every one hundred dollars' valuation thereof, and sixty cents on every taxable poll annually, beginning with the year one thousand eight hundred and eighty-nine, and annually thereafter, for the purpose of paying the indebtedness of said county: *Provided*, that the first four thousand one hundred and sixty-one dollars collected under the provisions of this act shall be applied to the payment of whatever sum may be due at the time of the collection of said taxes on a bond executed by the board of commissioners of said county to W. A. McKinnon, in the sum of two thousand six hundred and sixty-one dollars, for the building of a court-house in said county, and to the payment of the claims against said county which have been incurred since the 5th day of December, one thousand eight hundred and eighty-seven, the payment of which has been deferred on account of the application of the county fund to the payment of the debt created in building a court-house in said county.
- SEC. 2. That after the application of the four thousand one hundred and sixty-one dollars to the purpose expressed in section one of this act, the balance of the taxes collected under the provisions of this act shall be applied to the general indebtedness of said county *pro rata*: *Provided*, the commissioners of said county may have power to compromise with any and all persons holding claims or judgments against said county at seventy-five cents on the dollar, and pay the same to the exclusion of other claims.
- SEC. 3. That the above tax, when collected, shall be paid to the treasurer of said county, and shall be kept separate and apart from the other county fund for the purpose mentioned in sections one and two of this act.
- SEC. 4. That said tax shall be collected by the sheriff or tax-collector of said county in the same manner and under the same penalties and within the same time as other taxes levied and collected in said county.
- SEC. 5. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

Commissioners authorized to levy special tax.

Limitation of tax.

Application of tax to amount of \$4,161.

Application of excess of tax over \$4,161.

Proviso.

Tax when collected to be kept separate, &c.

Tax, how collected.

CHAPTER 85.

An act to amend chapter 70, laws of 1883, in reference to the stock law for Greene and Lenoir counties.*The General Assembly of North Carolina do enact :*Chapter 70, laws
1883, amended.Levy of tax by
commissioners of
counties adjoining
Greene and
Lenoir for purposes
of stock
law.

SECTION 1. That chapter seventy, laws of one thousand eight hundred and eighty-three, be amended by adding the following additional section: "That whenever the boards of commissioners of the counties of Greene and Lenoir shall certify to the board of commissioners of any adjoining county that the boards of county commissioners of said counties have levied an assessment pursuant to the provisions of this act, the board of commissioners of such county adjoining shall levy and have collected by the sheriff, or other collecting officers of said county, an assessment in an equal amount of the one hundred dollars' valuation of real property on all real property of persons adjoining such counties of Greene and Lenoir who have taken the benefits of the stock law provisions of this act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 86.

An act to fix the capital stock of the Charleston, Cincinnati and Chicago Railroad Company.*The General Assembly of North Carolina do enact :*Authorized to in-
crease capital
stock to an
amount not ex-
ceeding \$30,000,000.

SECTION 1. That the Charleston, Cincinnati and Chicago Railroad Company be and is hereby authorized to increase its present capital stock of fifteen million dollars to such an amount, not exceeding thirty million dollars, as may be found necessary to carry out the intentions and purposes of the several acts creating the several railroad companies, the consolidation of which, under the name of the Charleston, Cincinnati and Chicago Railroad Company, was ratified and confirmed by chapter seventy-seven of the acts of the General Assembly of North Carolina, ratified the seventeenth day of February, one thousand eight hundred and eighty-seven, and all acts amendatory of said acts of incorporation.

Conflicting laws
repealed.

SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 3. That this act shall take effect from and after the date of its passage.

Ratified the 12th day of February, A. D. 1889.

CHAPTER 87.

An act to amend chapter 417 of the laws of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and seventeen of the laws of one thousand eight hundred and eighty-seven shall be so amended as to insert at the end of section first after the words "Henderson county": *Provided*, that this act shall not apply to any part of the corporate limits of the town of Hendersonville.

Chapter 417, laws 1887, amended.

Prohibitory law not applicable to Hendersonville.

Conflicting laws repealed.

SEC. 2. That all laws conflicting with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 88.

An act to regulate the working of the Sherrill's Ferry road, in Iredell county.

The General Assembly of North Carolina do enact :

SECTION 1. That the road hands on the Sherrill's Ferry road, in Iredell and Catawba counties, shall hereafter be required to work said road to and no further than the high-water mark at Sherrill's Ferry, the owner of said ferry being required to maintain in good condition the approach from the high-water mark at the ferry.

Road hands to work road only to high-water mark at Sherrill's Ferry.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 89.

An act for the protection of insane persons.

The General Assembly of North Carolina do enact :

SECTION 1. That subsection three, section two hundred and seventeen of The Code of North Carolina, be amended by adding at the end of said subsection three the following words, to-wit: "*Provided*, that if the superintendent of an insane asylum, or the acting superintendent of such asylum, shall inform the sheriff or other officers who is charged with the duty of serving a summons or other judicial process, or notice, on any insane person confined in such asylum, that the summons, or process, or notice, cannot be served without danger of injury to such insane person, it shall be

Code, section 217, subsection 3, amended.

Service of summons on insane person in asylum or jail, when personal service cannot be made without danger of injury to the insane.

sufficient for such officer to return said summons, process, or notice, without actual service on the insane person, but with an indorsement that it was not personally served because of such information, and when an insane person shall be confined in a common jail it shall be sufficient for an officer charged with service of a notice, summons, or other judicial process, to return the same with the indorsement that it was not served because of similar information as to the danger of service on such insane person given by the physician of the county in which said jail it situated."

All defenses deemed to have been pleaded by any insane party to any action or special proceeding.

SEC. 2. That on the trial of any action or special proceeding to which an insane person has been made a party, such insane person shall be deemed to have pleaded specially any defense, and shall on trial have the benefit of any defense, whether pleaded or not, that might have been made for him by his guardian or attorney under the provisions of title three of The Code of Civil Procedure, section one hundred and thirty-six to section one hundred and seventy-six of The Code of North Carolina, both inclusive. And the court, at any time before the action or proceeding is finally disposed of, may order the bringing in, by proper notice, of one or more of the near relatives or friends of such insane person, and may make such other order or orders as it may deem necessary for his proper defense.

Court may make relatives, &c., of insane person parties to action, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 90.

An act to regulate the sale of corn in certain counties.

The General Assembly of North Carolina do enact:

Misdemeanor to buy, sell, &c., corn in the ear or shelled, of less quantity than five bushels, between sunset and sunrise.

SECTION 1. If any person shall buy, sell, deliver, or receive for a price or for any reward whatever, any corn in the ear or shelled of a less amount than five bushels, between the hours of sunset and sunrise, such person so offending shall be guilty of a misdemeanor, and upon conviction be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days.

Burden of proof.

SEC. 2. 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 corn as charged, and the burden shall be upon the defendant to show that the provisions of this act have been complied with.

Act applicable only to certain counties.

SEC. 3. *Provided*, this act shall only apply to the counties of Beaufort, Hyde, Martin, Tyrrell, Washington, Pamlico, Perquimans, Halifax, Edgecombe and Jones.

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

Ratified the 12th day of February, A. D. 1889.

CHAPTER 91.

An act to amend chapter 277, laws of 1887, relative to fishing in Currituck sound.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one, chapter two hundred and seventy-seven, be amended as follows: Add after the word "herring," in line four, and before the word "and," in line five, the word "rock," and by striking out the words "thirty-first," in the fifth line, between the words "the" and "day," and inserting in lieu thereof the word "first," and by striking out the word "March," in said line five, between the words "of" and "and," and inserting in lieu thereof the word "May."

Chapter 277, sec. 1, laws 1887, amended. Unlawful to take any fish with nets, &c., in Currituck sound, Kitty Hawk bay, &c., between May 1st and October 15th, except mullets, herring, rock and shad.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 92.

An act to amend an act entitled "An act to incorporate the East Carolina Land and Railway Company," being chapter 198 of the laws of 1887.*The General Assembly of North Carolina do enact :*

SECTION 1. That the time within which the East Carolina Land and Railway Company, which was incorporated by chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven, is compellable to begin the construction of its road, shall be extended, and is hereby extended, for the term of two years from and after the ratification of this act.

Chapter 198, laws 1887, amended. Time within which construction of road to begin extended.

SEC. 2. That for the purpose of aiding in the construction and equipment of the said railroad, it shall be lawful for the said East Carolina Land and Railway Company to issue its coupon bonds in such denominations and running for such time, not exceeding thirty years, and bearing interest at a rate not exceeding six per centum per annum, and payable at such times and places as its board of directors may direct, to be sold or hypothecated by the directors of the said company, and to secure the payment of the same the said East Carolina Land and Railway Company may execute a mortgage to such person or persons as their board of directors may select on its entire property, road-bed, stock and franchise, or, in case the road be divided and built in sections, which the said company is hereby authorized to do if they should so decide, such mortgage may be placed upon such separate sections in such manner as the company

Authorized to issue mortgage bonds.

- Proviso.** may direct: *Provided*, the said mortgage bonds shall not exceed the sum of twelve thousand dollars per mile, and the same shall be first mortgage bonds.
- Condemnation of land.** SEC. 3. That whenever land shall be required for the construction of the East Carolina Land and Railway Company's road-bed, or for depots, water-stations, or other purposes, and for any cause the same cannot be purchased from the owners of the said lands, the same may be acquired by the said company at a valuation to be ascertained as follows, viz.: The sheriff of the county in which the said lands shall be situated shall, on the written petition of the president of the company, summon three disinterested freeholders of his county, who shall, under oath, ascertain the value of said lands, and upon the payment or tender by said president of the amount so assessed the title of the property so seized and appraised immediately shall vest in said East Carolina Land and Railway Company: *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 sixty feet on each side of the road, measuring from its centre, shall be condemned.
- Proviso.**
- Proviso.**
- Sec. 7 amended.** SEC. 4. That section seven of said chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven, be amended by adding thereto the following clause, viz.: "That 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 the whole of the said White Oak swamp tract of land, without cost of survey, when the said East Carolina Land and Railway Company's road is completed and ready for the cars to run upon it from some point on the Atlantic and North Carolina Railroad to some point on New river, in Onslow county: *Provided*, that the East Carolina Land and Railway Company shall deliver to the said board of education twenty-five thousand dollars of the first mortgage bonds of the said company in payment for the said lands, and the said company may purchase and hold other real estate along its line."
- Board of education to execute title to whole of White Oak swamp to company when road completed from A. & N. C. Railroad to New river, on payment of \$25,000 mortgage bonds of company.**
- Company authorized to purchase, &c., real estate.**
- Sec. 22 amended.** SEC. 5. That section twenty-two of chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven, be amended by adding thereto the following clause, viz.: "That in case any of the other counties, townships, towns, or cities east of the Wilmington and Weldon Railroad, through or near which the said East Carolina Land and Railway Company's road is to be located, desires to subscribe for stock in the said East Carolina Land and Railway 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 remittent tax-payers of the county, to provide for the submission of the question of subscription for stock to the qualified voters of such county or township, town or city in such county or counties, as the case may be, upon the same terms and
- Election on question of subscription by counties, towns and townships east of W. & W. Railroad.**

conditions as is provided in sections eighteen, nineteen, twenty, twenty-one and twenty-two, chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven.”

SEC. 6. That section five and section twenty-four of said chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven, are hereby repealed, and that all other sections in said chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-seven, are hereby re-enacted. Sections 5 and 24 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. Ratified the 12th day of February, A. D. 1889.

CHAPTER 93.

An act to abolish the June term of the Superior Court of Pasquotank county.

The General Assembly of North Carolina do enact :

SECTION 1. That the June term of the Superior Court for Pasquotank county be and is hereby abolished. June term Pasquotank Superior Court abolished.

SEC. 2. That all processes, summonses, recognizances, and other papers returnable to said June term, shall be returned to the term of the court to be held first after the term herein abolished. Process.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 94.

An act to prevent the careless rafting of logs down the French Broad, Mills and Cheoah rivers and their tributaries.

The General Assembly of North Carolina do enact :

SECTION 1. That any person or persons placing logs or timbers in the waters of the French Broad, Mills and Cheoah rivers, or their tributaries, for any purpose or for the purpose of rafting said logs or timbers down the said streams, shall be liable for all damages which may occur in transit to bridges or other property. And the person or persons placing said logs or timbers in the said streams shall be construed to be the owners of said timbers or logs, which may be seized by the party damaged and held or sold as is provided in section three. Persons rafting logs, &c., liable for damages done.
Persons placing logs, &c., in streams construed to be owners.

Certain loose logs, &c., liable to seizure by land-owner.

SEC. 2. Any loose logs, timbers or rafts, found in said streams or on the lands bordering on said streams, collected in lots of as many as six pieces together, without being in charge of some one in person, may be seized and held by any party or parties owning land on either side of said streams.

Sale of logs, &c., seized.

SEC. 3. The said parties who may seize and hold such logs, timbers or rafts, shall advertise the same in three public places in said counties, giving thirty days' notice; after which said logs or timbers shall be sold to the highest bidder at the place where said timbers are kept.

Proceeds of sale, how applied.

The party seizing and making said sale shall receive all costs and damages and one-fourth of the proceeds of sale, and pay the remaining three-fourths into the school-fund of said counties in which the seizure is made: *Provided, however*, if the said owner of such timbers or logs shall pay all damages claimed by the party making the seizure, then he may remove the timbers or logs; but if the damages cannot be agreed upon between the owner and the party making the seizure, then each may choose a referee, and upon the failure of said referees chosen to agree as to said damages, then they may choose an umpire and award the damages due the owner of the property, and upon the payment of said award said logs and timbers shall be released and the said owner allowed to remove the same.

Logs, &c., to be released on payment of damages by owner.

Controverted damages, how determined.

SEC. 4. This act shall apply only to the counties of Henderson, Graham and Transylvania.

Conflicting laws repealed.

SEC. 5. All laws conflicting with this act are hereby repealed.

SEC. 6. This act shall take effect on and after its ratification.

Ratified the 12th day of February, A. D. 1889.

CHAPTER 95.

An act to amend the charter of the Roanoke and Southern Railway Company.

Preamble.

WHEREAS, In accordance with the provisions, and by authority, of an act of the General Assembly of North Carolina entitled "An act to incorporate the Roanoke and Southern Railway Company," ratified the 23d day of February, A. D. 1887, the corporation therein authorized has been duly organized: and whereas, since said organization said railway company has duly consolidated its stock, franchises and property with those of the Roanoke and Southern Railway Company, another corporation organized under the laws of the State of Virginia, the two component companies having consolidated under and by authority granted in their respective charters under the corporate name of the Roanoke and Southern Railway Company; now, to facilitate the building and equipment of the said consolidated

railway from its northern terminus, at the city of Roanoke, in the State of Virginia, southward and across the State of North Carolina, as originally contemplated, and in order to ratify and confirm the contract of consolidation and the acts of the consolidated company,

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter eighty-seven of the laws of eighteen hundred and eighty-seven, ratified the 23d day of February, 1887, be amended by striking out the word "and," after the word "Gaston," in line eight of said section, and inserting after the word "Cleveland," in said line, the words "Randolph, Montgomery, Moore, Stanly, Richmond, Robeson, Anson, Union, Cabarrus, Yadkin, Rutherford and Polk."

Chapter 87,
sec. 2, laws 1887,
amended.
Location of road.

SEC. 2. That section three of said chapter be amended by striking out the word "five," in line two, and inserting in lieu thereof the word "eight."

Sec. 3 amended.
Increase of capital stock to \$8,000,000.-

SEC. 3. That section seventeen of said chapter be amended by adding to said section the words : "Any township through which, or near which, said road passes, upon a majority of the qualified voters therein having voted in favor of a subscription to the capital stock of said railway company by such township, shall be constituted a corporation with full power to subscribe to said capital stock, as provided in said chapter eighty-seven, laws of 1887, as amended by this act, and to assume and contract indebtedness for the purpose of payment of said subscription, and shall have authority, through the board of county commissioners of the county in which such township is situate, as authorized by the said chapter of the laws of 1887, to issue bonds of such township, and to provide for the levy and collection of taxes on property and polls to pay the accruing interest on said bonds, and the principal when the same falls due; and the provisions of this act shall apply to any townships which have heretofore made subscriptions to said railway company under the provisions of its charter, and all such subscriptions and all acts of any board of county commissioners done in pursuance thereof are hereby ratified and confirmed."

Sec. 17 amended.
Subscriptions to capital stock by townships.

SEC. 4. That section eighteen of said chapter be amended by inserting after the words "coupon bonds," in line three, the words "which bonds may be registered as the registered bonds of the company."

Sec. 18 amended.
Registered bonds.

SEC. 5. That section twenty-five of said chapter be amended by inserting after the words "city or town," in line nine and before the words "a sufficient tax," the words "or at any other regular meeting of the board of county commissioners, the same to be computed upon the property and polls in said township as assessed and listed for taxation at the last assessment and levy for State and county taxation;" and that said section be further amended by inserting

Sec. 25 amended.
Special tax to be levied at any regular meeting of county commissioners.

Collection of tax. after the word "county," in line thirteen, the words "or by a tax-collector to be annually appointed for the purpose by the board of county commissioners of the county in which such township is situated." That said section be further amended by adding after the last word therein the words "all tax-collectors, in collecting taxes as provided in said chapter as amended by this act, shall have the same powers and be subject to the same liabilities as are now applicable to sheriffs in the collection of State and county taxes; and said collectors shall apply the said taxes, when collected, either directly to the payment of the bonds, or the interest thereon, of the county, township, city or town, respectively, or shall deposit the same with some other person or banking institution, as directed by the said board of commissioners, which board shall have the right to fix the amount of compensation of said tax-collector, not to exceed five per cent. upon the gross amount collected."

Application of tax.

Authorized to construct telegraph lines.

SEC. 6. That in addition to the powers and privileges heretofore granted to said railway company, all of which are hereby confirmed upon the consolidated company, the company shall have the right and authority to build, equip and operate, in its corporate name, one or more telegraph lines, and to exercise and enjoy all the rights, powers and privileges in respect thereto, and in the operation thereof conferred upon corporations generally by the laws of the State of North Carolina, and expressly such as are conferred by the sections of the forty-ninth chapter of The Code of said State relating to telegraph companies.

Convicts to be furnished.

SEC. 7. That during the construction of the said railroad, and until the same shall have been completed across the State of North Carolina, the State shall furnish to the said railroad company, as called for by the president or board of directors thereof, not less than three hundred able-bodied convicts, to be used in the work of construction within the State; and the said company, in consideration of the services of such convicts, shall pay to the State Treasurer, in equal quarterly installments, in advance, the sum of one hundred and twenty-five dollars per capita per annum, and so much more than one hundred and twenty-five dollars per capita per annum as will cover and pay the entire expense of such convicts, not to exceed altogether the sum of one hundred and fifty dollars per capita per annum; and the cost in excess of one hundred and twenty-five dollars per capita per annum shall be secured by bond of the company, with security, to be approved by the board of directors of the penitentiary: *Provided*, the authorities of the penitentiary shall not be required to furnish such convicts, nor keep them in camp, in bodies of less than one hundred: *And provided further*, that this section and act, and every part thereof, may be amended or repealed by any future General Assembly.

Compensation.

Proviso.

Proviso.

SEC. 8. That during the working of said convicts, all able-bodied persons convicted of crimes in the counties of Forsyth, Stokes, Rockingham, Guilford, Davidson, Davie and Rowan, and sentenced to imprisonment at hard labor, for terms of from one to ten years, may be assigned by the judge in passing sentence to work on said railroad; and, upon such assignment, it shall be the duty of the sheriff having such prisoner in charge to deliver him to the officer having charge of the convict force at work on said road, said convicts to be worked under the terms stipulated in this act.

Convicts in certain counties assigned to road.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 96.

An act to prevent fishing by muddying the streams in Pender county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to catch fish in the streams of Pender county by muddying the waters thereof in any manner.

Unlawful to catch fish in Pender county by muddying waters. Penalty.

SEC. 2. That every offense against the provisions of section first of this act shall be punishable by a fine of not less than one dollar nor more than ten dollars, or imprisonment not more than ten days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 97.

An act to abolish Fishing Creek township in Wilkes county, and to create a new township in said county.

The General Assembly of North Carolina do enact :

SECTION 1. That Fishing Creek township in Wilkes county be and is hereby abolished, and that the territory embraced in said township, together with portions of the present townships of Wilkesboro and Mulberry, shall form a new township to be called Wilkesboro township, with voting place in the town of Wilkesboro, and bounded as follows: Beginning at the Cargyle ford on the Yadkin river and running with the Fishing Creek township line via Brooks' old mill place, Chestnut spur and Dept's knob to Jonathan Canter's; then westwardly to W. H. Sneed's; thence via the top of Owen's knob to Brown's ford on the Yadkin river; thence down said river to a point opposite the mouth of Reddie's river; thence across the Yadkin river and up

Fishing Creek township, Wilkes county, abolished.

Wilkesboro township established. Boundaries.

Reddie's river to the bend of said river near the mouth of Lowery creek ; thence eastwardly to the James Tedder place on the Mulberry road ; thence to the upper Long branch on the Trap Hill road ; thence down said branch to Mulberry creek, and down Mulberry creek to the Yarkin river, and across said river and down the same to the beginning.

Moravian Falls township established.

SEC. 2. That the remaining portion of the present township of Wilkesboro shall hereafter be known as Moravian Falls township, with voting place at the village of Moravian Falls.

Justices of the peace for Wilkesboro township.

SEC. 3. That S. J. Genning, R. M. Staly, T. B. James, Elisha Porter, Anderson Winkles and E. F. Anderson, now justices of the peace of Wilkes county, shall continue to act and exercise the duties of justices of the peace in Wilkesboro township till the first Monday in August, one thousand eight hundred and eighty-nine.

Justices of the peace for Moravian Falls township.

SEC. 4. That W. H. Hubbard, T. J. Gilnath and L. C. Jinnings, justices of the peace of Wilkes county, shall continue to act and exercise the duties of justices of the peace in Moravian Falls township till the first Monday in August, one thousand eight hundred and eighty-nine.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 98.

An act relating to the Lynchburg and Durham Railroad Company.

The General Assembly of North Carolina do enact :

Authorized to lease or consolidate road.

SECTION 1. That the Lynchburg and Durham Railroad Company, with the authority or approval of a meeting of its stockholders, may lease its railroad property and franchises to any railroad company operating or authorized to operate a connecting line of railroad in North Carolina or Virginia, or with like authority or approval, may consolidate or merge its stock, property and franchises with those of any such railroad company or companies, upon such terms as may be agreed upon by the boards of directors of the companies so contracting; and for that purpose, power is hereby given to the Lynchburg and Durham Railroad Company, and to such other railroad company or companies, to make and carry out such contracts as will facilitate or consummate such lease, merger, or consolidation: *Provided, however,* that no power herein contained shall authorize any lease, operating contract, merger, or consolidation with any company owning, operating or controlling a parallel or competing line.

Proviso.

SEC. 2. That the Lynchburg and Durham Railroad Company may, from time to time, with the approval or authority of a majority of its stockholders, make such modification, alterations, amendments, in the terms of the articles of consolidation under which the Lynchburg and Durham Railroad Company was formed, and the said company may, with such approval or authority, establish its principal office either in the State of Virginia or North Carolina, or change the number or qualifications of its directors.

Authorized to modify, &c., articles of consolidation.

Principal office.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 99.

An act for the relief of E. R. Outlaw, late sheriff and ex-officio treasurer of Bertie county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners and the board of education of Bertie county be and they are hereby authorized and empowered to settle and compromise with E. R. Outlaw, late sheriff and ex-officio treasurer of said county, and his sureties, his indebtedness to the school fund of said county, on account of money deposited by him as treasurer of said county in the Exchange National Bank of Norfolk, Virginia, and lost by its failure in April, 1885: *Provided*, this authority shall not extend to the dividends recovered by the said Outlaw, or which may hereafter be recovered by him from the receiver of said bank.

County commissioners and board of education of Bertie county authorized to compromise with E. R. Outlaw, late sheriff, for money lost in Exchange National Bank. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 100.

An act to allow Z. F. Long, clerk of the Superior Court of Richmond county, to be absent the first and second Mondays of March, 1889.

The General Assembly of North Carolina do enact :

SECTION 1. That section one hundred and fourteen, chapter nine, of The Code, shall not apply to Z. F. Long, clerk of the Superior Court of Richmond county, on first and second Mondays of March, one thousand eight hundred and eighty-nine.

Authorized to be absent from office first and second Mondays in March, 1889.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 101.

An act to amend section 1310 of The Code.*The General Assembly of North Carolina do enact:*Code, sec. 1310,
amended.Proportion of
labor to be per-
formed by per-
sons interested in
repairing dams,
&c., to be deter-
mined by pro-
ceeding before
justice of the
peace.

SECTION 1. That section one thousand three hundred and ten of The Code be amended by striking out all after the word "apportioned," in line eight of said section, and inserting in lieu thereof the following: By applying to a justice of the peace, who shall give all parties at least three days' notice, and shall summon two disinterested freeholders who, together with the justice, shall meet on the premises, and assess the damages sustained by the applicant, whereupon the justice shall enter judgment in favor of the applicant for damages or for work done on such ditch or lands. The costs of this proceeding shall be in the discretion of the justice.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 102.

An act to amend chapter 204 of the laws of 1885.*The General Assembly of North Carolina do enact:*Chapter 204,
sec. 1, laws 1885,
amended.Bird law applica-
ble to Johnston
county.

SECTION 1. That section one, chapter two hundred and four, laws of one thousand eight hundred and eighty-five, be amended by striking out the word "Johnston," in line five of said section.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 103.

An act for the relief of D. G. Bingham, ex-sheriff of Jackson county.*The General Assembly of North Carolina do enact:*County commis-
sioners author-
ized to refund
part of interest
collected from
D. G. Bingham,
sheriff.

SECTION 1. That the commissioners of Jackson county are hereby authorized to refund eighteen cents of the twenty-four per cent. interest collected from D. G. Bingham, sheriff of Jackson county, for the year of one thousand eight hundred and eighty-four, and that said commissioners shall only retain six per cent. of said amount.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 104.

An act to provide for the redemption of certain bonds held by the United States government.

The General Assembly of North Carolina do enact :

SECTION 1. That the Treasurer of State is hereby authorized and directed to sell, with the sanction of the Governor, as many of the six per cent. coupon bonds of this State, of the series provided for in section five of chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-nine, as may be necessary to redeem or purchase the bonds held by the United States government, issued in aid of the construction of the North Carolina Railroad.

Treasurer authorized to sell six per cent. bonds for the purpose of purchasing or redeeming N. C. R. R. construction bonds held by United States government.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 105.

An act to prevent fishing in the tributaries of Frying Pan creek.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to set any weir or fish-net, or any other obstruction that prevents the passage of fish, within one-fourth of a mile of the mouth of Frying Pan creek, or in the Frying Pan creek from the mouth of said creek up to a point known as Jarmin's Point, at the two pines and low cypress, in the county of Tyrrell. Any person violating the provisions of this act shall be guilty of a misdemeanor, and be fined or imprisoned at the discretion of the court.

Unlawful to set fish-weir, &c., in certain waters in Tyrrell county.

Misdemeanor.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 106.

An act to amend chapter 410 of the laws of 1887. .

The General Assembly of North Carolina do enact :

SECTION 1. That section three of chapter four hundred and ten of the laws of one thousand eight hundred and eighty-seven be amended by striking out all after the word "colleges," in line twenty of said section.

Chapter 410, sec. 3, amended. Requirement that board of trustees of North Carolina College of Agriculture and Mechanic Arts shall be composed one-half of each political party repealed.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 107.

An act for the protection of fish in Ashe county.*The General Assembly of North Carolina do enact :*

Unlawful to catch fish in Ashe county with traps, &c., for two years.
Exception.

Act not applicable to fish in artificial ponds.

Misdemeanor.

Conflicting laws repealed.

SECTION 1. That it shall be unlawful for any person or persons to catch fish with fish traps, seines, or nets of any kind in any of the waters in Ashe county, for the term of two years from the passage of this act: *Provided*, persons may catch minnows for baiting hooks.

SEC. 2. That this act shall not apply to persons who may be engaged in raising fish in artificial ponds upon their own lands or premises.

SEC. 3. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars, or imprisoned not exceeding twenty days.

SEC. 4. That all laws in conflict with this act are hereby repealed: *Provided*, this act shall only apply to Ashe county.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 108.

An act to provide for the service by publication of summons, notices, orders to show cause, orders and other process in certain cases.*The General Assembly of North Carolina do enact :*

Service of process on insurance and other corporations when no officer or agent can be found in State.

SECTION 1. That whenever a summons, notice, order to show cause, order or other process has been duly issued to or against an insurance company or other corporation created by or organized under the laws of this State, and no officer or agent thereof, upon whom the service of the same can be lawfully made, can, after due diligence, be found within the State, and such facts are made to appear by affidavit to the satisfaction of the Superior Court clerk of that county in which such summons, notice, order to show cause, order or other process was issued, such clerk shall grant an order that the service of such summons, notice, order to show cause, order or other process may be made by publishing the same, once a week for four weeks, in a newspaper published in said county, or if there be none in said county, then in a newspaper published in the county nearest thereto in which a newspaper is published.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 109.

An act to authorize the commissioners of Brunswick county to levy a special tax.*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Brunswick county be and are hereby authorized and empowered to levy a special tax, at such time as they may deem proper, on all the taxable property, moneys, credits and polls of the county, for the year one thousand eight hundred and eighty-nine (1889), which said tax shall be applied to the payment of the indebtedness of the county, and shall not exceed the sum of one thousand three hundred dollars (\$1,300), and shall be levied upon the basis of twelve and one-half cents (12½) on the one hundred dollars of valuation, and the proportionate ratio upon polls and other taxable property.

Authorized to levy special tax, not exceeding \$1,300, to pay county indebtedness.

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

Ratified the 13th day of February, A. D. 1889.

 CHAPTER 110.
An act to levy a special tax to pay for the building of and keeping in repair the stock-law fences in the county of Caldwell.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Caldwell county shall be and are hereby authorized and required to levy a special tax, not to exceed a sum sufficient to finish paying for the building of and keeping in repair the stock-law fences in Caldwell county, to be levied on the taxable real property within the stock-law boundary in said county, the taxes so levied and collected to be accounted for as other taxes by sheriff or tax-collector.

Authorized to levy special tax to build and repair stock-law fences.

SEC. 2. The taxes herein authorized to be collected shall be levied and collected as other taxes, subject to the same rules and regulations as State and county taxes.

Collection of tax.

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 111.

An act to authorize the Superior Court clerk of Dare to pay into the treasury certain funds.*The General Assembly of North Carolina do enact :*

Authorized to pay into county treasury funds collected under section 732 of The Code.

SECTION 1. That John W. Evans, clerk of the Superior Court of Dare county, is hereby authorized to pay into the county treasury of said county all funds collected by him under section seven hundred and thirty-two of The Code, in cases where the parties were adjudged to pay the costs and where no jury was empaneled.

Clerk not liable to action after payment of fund.

SEC. 2. That after paying into the treasury such funds, and after receiving the receipt of the county treasurer therefor, the said John W. Evans shall not be subject to any action for the recovery of the same.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 112.

An act to prohibit killing fish in Jackson county with dynamite.*The General Assembly of North Carolina do enact :*

Misdemeanor to use dynamite to kill fish in waters of Jackson county.

SECTION 1. That any person using dynamite for the purpose of killing fish in any water-course in Jackson county shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty dollars or imprisoned not less than ten days for every offense.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 113.

An act to change the time of holding the fall term of Alamance Superior Court.*The General Assembly of North Carolina do enact :*

Chapter 351, laws 1887, amended.

SECTION 1. That chapter three hundred and fifty-one, laws of one thousand eight hundred and eighty-seven, be amended by striking out the words "third Monday after the first Monday in September," in designating the fall term of Alamance county Superior Court, and inserting the words "eighth Monday after the first Monday in September."

Fall term of Alamance Superior Court.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 114.

An act to prevent the felling of timber in the streams of Granville county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to fell any timber, brush or other obstructions in any of the streams of Granville county on which there are mills, or across which there are bridges, and allow the same to remain in said streams more than five days. Unlawful to fell timber, &c., in waters of Granville county, and fail to remove in five days.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 115.

An act to prohibit persons from putting bushes on their boats, skiffs, or any float of any character, with the intent of decoying or pursuing ducks in the county of Currituck.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to put bushes or other blinds on their boats, skiffs, or any float of any character, with the intent of decoying or pursuing ducks in the county of Currituck. Unlawful to put bushes, &c., on boats, &c., to decoy, &c., ducks in Currituck county.

SEC. 2. Any person violating section one of this act, upon conviction, shall be fined not less than ten dollars and not exceeding fifty dollars, or imprisoned not less than ten days and not exceeding thirty days. Penalty.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 116.

An act to make four and one-half feet a lawful fence in certain counties.*The General Assembly of North Carolina do enact :*

SECTION 1. That four and one-half feet shall be a lawful fence in the counties of Clay, Graham and Macon. Four and one-half feet a lawful fence in Clay, Graham and Macon counties.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 117.

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

Preamble.

WHEREAS, Under the provisions of existing law sheriffs and tax-collectors, and their representatives, can only sell land for taxes on the first Monday in February in each year; and whereas, the time for collecting taxes has expired, in many cases, on the thirty-first of December, one thousand eight hundred and eighty-eight; and whereas, several sheriffs, tax-collectors, and their representatives, have advertised lands for sale for taxes on the first Monday of February, one thousand eight hundred and eighty-nine:

The General Assembly of North Carolina do enact:

Sheriffs, &c.,
authorized to col-
lect arrears of
taxes.

SECTION 1. That all persons who are now, or have been, sheriffs or tax-collectors of the several counties, cities, towns and stock-law districts of the State for the years one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, their bondsmen and legal representatives, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules or regulations as are, or may be, prescribed by law for the collection of taxes: *Provided*, that this act shall not affect purchasers without notice, and no person shall be required to pay any cost to sheriff or tax-collector on the same, except the cost allowed by law for advertising.

Proviso.

Persons making
oath that tax has
been paid ex-
empted.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make oath, before any one authorized to administer oaths, that the tax attempted to be collected has been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

Executors and
administrators
exempt.

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

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

Limitation of act.

SEC. 4. That the authority herein given shall cease and determine on the twenty-eighth day of February, one thousand eight hundred and ninety-one.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 118.

An act to amend section 2828 of The Code in relation to trespassing on crops.*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand eight hundred and twenty-eight of The Code be and is hereby amended by striking out all of said section after the word "misdemeanor," in lines six and seven, and inserting in lieu thereof the following: "and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days."

Code, sec. 2828, amended.

Trespassing upon lands of another without permission. Penalty.

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

Conflicting laws repealed.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 119.

An act to prevent the felling of trees in Cypress run and Perquimans river.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to cut or fell trees or brush in, and not remove the same from, Cypress run and Perquimans river, as low down as Newby's bridge, in Perquimans county, within three days after such cutting.

Unlawful to cut brush, &c., in certain waters in Perquimans county, and not remove same in three days. Misdemeanor.

SEC. 2. That any one violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more than ten dollars for each offense.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 120.

An act to amend chapter two hundred and forty-five, laws of 1885.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and forty-five, laws of one thousand eight hundred and eighty-five, be amended by striking out, in line eleven of said section, the word "Wilkes."

Chapter 245, sec. 1, laws 1885, amended. County commissioners of Wilkes authorized to increase bonds of Superior Court clerk and register of deeds, not to exceed \$15,000.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 121.

An act to amend section 3535, volume 2 of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 3535,
amended.

SECTION 1. That section three thousand five hundred and thirty-five, volume second of The Code, be and the same is hereby amended by striking out the words "fifty cents," between the words "channel" and "per," in line seven of said section, and inserting in lieu thereof the words "one dollar," and by striking out the words "seventy-five," between the words "feet" and "cents," in line eight of said section, and inserting in lieu thereof the words "one dollar and fifty."

Rates of pilotage
at Bogue inlet.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 122.

An act to permit pound-net fishing in Cashie river.

The General Assembly of North Carolina do enact :

Lawful to fish
with dutch-nets,
&c., in Cashie
river, two and
one-half miles
from its mouth.
Proviso.

SECTION 1. That it shall be lawful for any person to fish with dutch-nets, or pound-nets, in Cashie river, two and one-half miles from its mouth: *Provided*, that said nets shall not extend more than one-third of the width of said river from the shore.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 123.

An act to authorize the commissioners of Alamance county to levy a special tax to pay cost of erecting stock-law fence around certain townships.

The General Assembly of North Carolina do enact :

Authorized to
levy special tax
to pay for stock-
law fence.

SECTION 1. That the commissioners of Alamance county are hereby authorized to levy a special tax, not to exceed sixty-five cents on the one hundred dollars worth of real property, to pay cost of erecting stock-law fence around Albright's and parts of Newlin's and Coble's townships.

Act not applica-
ble to certain real
property.

SEC. 2. That this act shall apply to real property of said townships embraced by said stock-law fence.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 124.

An act to prohibit the herding of non-residents' stock in the county of Graham.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to range or herd, or cause to be ranged or herded in the unimproved mountain lands of Graham county, any horses, mules, hogs, cattle, or sheep, the property of any non-resident of this State, and any person so offending shall be guilty of a misdemeanor, and fined or imprisoned, or both, in the discretion of the court: *Provided*, this act shall not apply to the horses, mules, sheep, hogs, or cattle of any non-resident who has only ten head of any such stock to the one hundred acres of land owned by him in said county.

Unlawful to range or herd stock of non-residents in unimproved mountain lands of Graham county. Misdemeanor. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 125.

An act to settle the boundary line between the counties of Moore and Harnett.*The General Assembly of North Carolina do enact :*

SECTION 1. That James O. A. Kelly and Malcolm M. Watson, of Moore county, and Neill McLeod and John W. Pipkin, of Harnett county, be and they are hereby appointed commissioners to settle and locate the boundary line between the counties of Moore and Harnett; that it shall be the duty of said commissioners, at such time as they shall agree, within thirty days from the first day of October, one thousand eight hundred and eighty-nine, to proceed, with a surveyor chosen by them who is capable to perform the duty, whether he be a county surveyor of any county or not, and that the said commissioners, or a majority of them, with the aid of said surveyor, shall run and plainly mark the boundary line between the counties of Moore and Harnett; that the line shall be marked thus: All trees standing in the line shall be marked with three hacks on the side of approach and that of departure, and all side lines shall be marked with three hacks facing to the line; that the line so run and marked shall hereafter be the county line between said counties.

Commissioners appointed to locate boundary line.

Duties of commissioners.

Line, how marked.

SEC. 2. That the said commissioners shall be paid the sum of three dollars each per day for the time employed in the discharge of their said duties, and that the surveyor chosen by them shall receive a like sum, one-half of which expense shall be paid by each of the counties

Compensation of commissioners and surveyor.

How paid.

named, to be paid by the treasurer of such county upon the order of the chairman of the board of county commissioners of such county.

Vacancies, how filled.

SEC. 3. That in case either of the persons named in this act shall neglect, refuse, or, from any cause, be unable to act, or in case there should be a vacancy from death, resignation or otherwise, the board of commissioners of the county where such neglect, refusal or vacancy shall occur shall, within thirty days thereof, proceed to fill such vacancy by appointment, and notify the other county and the other person named in this act, or commissioners, of their action; and any person named in this act who shall, after signifying his acceptance of the duties herein devolving upon him, fail, refuse or neglect to discharge the same within thirty days after notification of his appointment, forfeit the sum of ten dollars, to be recovered before a justice of the peace, which, when collected, shall be paid into the school fund of the county where the neglect or refusal occurred.

Penalty for failing to discharge duties.

SEC. 4. That the board of commissioners of the counties herein named shall notify the persons of their appointment and duties by or before the first day of October, one thousand eight hundred and eighty-nine.

Notice to commissioners.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 126.

An act to regulate the shooting of wild fowl in the counties of Currituck and Dare.

The General Assembly of North Carolina do enact:

Unlawful to place decoys in waters of Currituck county, or to ship wild fowl out of State between April 1st and November 10th.

SECTION 1. That no person shall place in the waters of Currituck county decoys of any kind whatever between the first day of April and the tenth day of November of each year, or ship out of the State any wild fowl between these dates.

Unlawful for non-residents to shoot wild fowl in Currituck and Dare counties from blind, &c., not on land. Misdemeanor.

SEC. 2. No non-resident shall shoot any wild fowl in the waters of the counties of Currituck and Dare from any blind, box, battery or float not on land at the time.

SEC. 3. That any person violating sections one and two of this act shall be deemed guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Conflicting laws repealed.

SEC. 4. Any law or clauses of law conflicting with this act are hereby repealed.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 127.

An act explaining and amending chapter 119, laws of 1887.

WHEREAS, The General Assembly in acts of one thousand eight hundred and eighty-seven, chapter one hundred and nineteen, article three, did create a commission known as the shell-fish commission; and whereas, said act did not provide any compensation for said commissioners; and whereas, said commissioners did perform their duties faithfully:

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer be and is hereby authorized to pay said commissioners out of the moneys that have or may come into the State treasury from the entry of said shell-fish lands, not otherwise appropriated, the sum of one hundred and fifty dollars each for services rendered under this act.

Preamble.
Compensation of shell-fish commissioners.

SEC. 2. The board of commissioners of shell-fisheries, established by section third, chapter one hundred and nineteen, laws of one thousand eight hundred and eighty-seven, shall be abolished from and after the first day of March, one thousand eight hundred and eighty-nine, and all maps and records then in the custody of said board shall be transferred to the Secretary of State, who shall thereafter be charged with the requirements of said section.

Board of shell-fish commissioners abolished after March 1st, 1889.

Duties of Secretary of State.

SEC. 3. All acts or parts of acts in conflict with the preceding sections are hereby repealed.

Conflicting laws repealed.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 128.

An act to change the name of Holden township in Pender county to Burgaw township.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Holden township in Pender county be and it is hereby changed to Burgaw township.

Name of Holden township, Pender county, changed to Burgaw township.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 129.

An act incorporating and protecting camp-grounds on Hatteras circuit of the M. E. Church, South.

The General Assembly of North Carolina do enact :

Unlawful to sell, &c., liquors within one mile of any camp-ground of the M. E. Church, South, on Hatteras circuit, while occupied for religious services.

SECTION 1. That it shall be unlawful for any person to sell, give away, or otherwise dispose of any brandy-peaches, brandy-cherries, beer, medicated bitters, or other alcoholic liquors, within one mile, on land or afloat, of any camp-ground of the Methodist Episcopal Church, South, on Hatteras circuit, while such camp-ground is occupied for holding religious services.

Unlawful to sell, &c., lemonade, &c.

SEC. 2. That no person shall, within one mile of any such camp-ground, sell or dispose of any lemonade, soda water, bottled beverages, watermelons or confections of any kind. No person shall open or establish within one mile of such encampment any restaurant, boarding tent, picture-taking or photographic gallery: *Provided*, the presiding elder, and in his absence the preacher in charge of such meeting, may, at his discretion, grant permission to any person or persons to vend any of the articles or to carry on any of the trades enumerated in this section, such venders and traders being subject to the rules governing such encampment.

Unlawful to establish restaurant, &c.

Proviso.

Business of permanent establishments not interfered with.

SEC. 3. That the provisions of section two of this act shall not interfere with the business of any permanently established resident from, nor prevent persons from taking boarders at their places of residence.

Presiding elders, &c., to make rules, &c.

SEC. 4. That the presiding elder or preacher in charge shall make and proclaim such rules and regulations (not inconsistent with the laws of the State) as he may deem necessary for the protection and government of such camp-meeting, and for the enforcement of the same shall appoint ten persons denominated camp-ground policemen, who shall be empowered to enforce the rules and to arrest any violator of the same.

Policemen.

Misdemeanor.

SEC. 5. 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, shall be fined not less than one nor more than twenty dollars, or imprisoned not less than one nor more than twenty days.

Application of fines, &c.

SEC. 6. That all fines and penalties imposed by this act shall be paid into the school fund of the said county of Dare.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 130.

An act to protect private grave-yards.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to take away any stone, brick, iron or anything that encloses private grave-yards. Unlawful to remove stone, &c., inclosing private grave-yards. Misdemeanor.

SEC. 2. That any person violating this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than ten dollars or imprisoned not more than thirty days.

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

Ratified the 14th day of February, A. D. 1889.

CHAPTER 131.

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

SECTION 1. That the railroad now being built by the Albemarle and Raleigh Railroad Company, from near Williamston to Plymouth as a branch road shall be and constitute an extension and part of its main line with right to build branches therefrom as now granted by its charter, and upon completion thereof as hereby authorized the said company may extend the same or any branch thereof or both into the counties of Hyde and Tyrrell or either of them as may be desired. Road being built from Williamston to Plymouth to constitute part of main line.

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

Ratified the 15th day of February, A. D. 1889.

CHAPTER 132

An act to authorize the board of commissioners of Anson county to regulate the weighing of cotton and to appoint cotton-weighers for Anson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Anson county shall at their meeting on the first Monday in April, A. D. 1889, and on the first Monday in April annually thereafter, appoint a cotton-weigher for each of the towns of Wadesboro, Lilesville, Polkton, Morven, McFarland, and for such other places in said county as the board of commissioners shall deem proper and to the interest of the citizens County commissioners to appoint cotton weighers for certain towns in Anson county.

- Vacancies. of said county, and which the said board of commissioners may declare entitled to the provisions of this act by an order of said board of commissioners : *Provided*, that the board of county commissioners may at any time fill vacancies occurring in any of the offices of cotton-weigher appointed under this act by resignation, removal or other cause, and that said board of commissioners may at any time appoint a weigher for such place as they shall have declared by their order, made since the last general appointment, entitled to the provisions of this act.
- Term of office. SEC. 2. That the weigher so appointed for each of the several towns and places entitled to the benefit of this act shall be inducted into their respective offices on the first Monday in May after their appointment and hold their respective offices until the first Monday in May of the following or succeeding year and until his successor be appointed and qualified : *Provided*, that any one appointed by the board of commissioners after the general appointment to fill vacancies or otherwise may be inducted into office at any time, and in this case the term of office of such appointee shall only extend to the first Monday in May after his induction into office and until his successor be appointed and qualified.
- County commissioners to regulate weighing of cotton. SEC. 3. That the board of county commissioners may make such rules and regulations for the weighing of cotton in said county as they shall deem proper and necessary, not inconsistent with the provisions of this act or the general law of the land.
- All cotton to be weighed. SEC. 4. That each of said weighers appointed under this act shall weigh all of the cotton sold at the respective places for which he was appointed, and shall receive for his services such sum or sums of money as shall be fixed by the board of commissioners, not to exceed ten cents for each bale of cotton weighed by him, and to be paid at such time or times and in such manner as the board of commissioners may by their order direct.
- Compensation of weigher. SEC. 5. That the board of county commissioners shall cause to be collected by such weighers a fee not exceeding ten cents, to be fixed by order of the board of commissioners, for every bale weighed by them, to be collected by the weigher weighing the same, and to be paid by the seller and deducted out of the price of the cotton, unless the board of county commissioners shall otherwise direct—then, as they so direct—and there shall exist a lien on the cotton so weighed for the fees herein charged, which may be enforced by the weigher by distress, seizure and sale, or otherwise. And every weigher who shall have to enforce such lien shall have such additional compensation as sheriffs have for levy and sale of personal property for taxes, and be reimbursed for all actual expenses, to be paid out of the proceeds of the cotton sold under this act.
- Fee to be paid by seller. SEC. 6. That each and every weigher appointed under this act shall make monthly reports to the board of county commissioners, under
- Lien.
- Additional compensation of weigher.
- Weighers to make monthly reports.

oath, of all cotton weighed by him and of all moneys collected by him, to such person or persons as the board of county commissioners may direct: *Provided*, that said board of commissioners may require any of said weighers to make reports and settlements at any time. Proviso.

SEC. 7. That the board of county commissioners shall use all moneys collected under this act in paying the weighers, in paying all expenses of providing means, help and conveniences for weighing, and in paying all costs incident to the carrying of this act into execution, and to no other purpose. And all moneys collected by any weigher shall be expended exclusively for the benefit of the place for which he was appointed. Application of funds collected under this act.

SEC. 8. That every weigher appointed under this act shall, before entering upon the discharge of the office of cotton-weigher, take and subscribe an oath before some justice of the peace or clerk of the Superior Court of said county, that he will faithfully, honestly, fairly, impartially and truly discharge and perform the duties of the office of cotton-weigher for the place for which he was appointed, which oath shall be filed with the clerk of the board of county commissioners. Oath of weigher.

SEC. 9. That before any weigher appointed under this act shall take the oath of office and enter upon the discharge of the duties of his office, he shall execute a bond payable to the State of North Carolina in a sum not less than five hundred dollars nor more than two thousand dollars, as may be fixed by said board of commissioners, conditioned for the faithful and impartial discharge of the duties of the office of cotton-weigher and to pay over all moneys collected by him to such person or persons as the board of commissioners may direct; which said bond shall be signed by at least two sureties, who shall be freeholders of Anson county, and who shall justify in the manner prescribed for the justification of official bonds, that they are worth the sum set out in their affidavits over and above their liabilities, homestead and personal property exemption allowed by law. Any one surety may justify in a sum less than the face of the bond, but the aggregate of the justifications must be at least equal to the face of the bond; which said bond shall be recorded as provided for sheriff and other official bonds. Bond of weigher.

SEC. 10. That said board of county commissioners may at any time remove any cotton-weigher appointed under this act for such cause as they may deem sufficient. Removal of weigher.

SEC. 11. That any cotton-weigher who shall wilfully violate the provisions of this act, or shall refuse to make such report and settlement as may be required of him by said board of county commissioners, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Misdemeanor for weigher to wilfully violate provisions of this act.

Misdemeanor to wilfully disregard, &c., rules of county commissioners.

SEC. 12. That any person who shall wilfully disregard or violate any of the rules or regulations made by the board of county commissioners under this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Conflicting laws repealed.

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. Ratified the 16th day of February, A. D. 1889.

CHAPTER 133.

An act to authorize justices of the peace to take bonds upon continuance of certain criminal cases.

The General Assembly of North Carolina do enact:

Bond upon continuance of criminal action before justice of the peace.

SECTION 1. That upon the continuance of any criminal action returned before any justice of the peace for trial in which the said justice would be authorized to take bail on a finding of probable cause, or in which action he would have final jurisdiction, it shall be the duty of said justice of the peace, and he is hereby authorized and directed to take such bond payable to the State of North Carolina, on the same being tendered by the accused, with such security as in his opinion will be sufficient to insure the appearance of the accused before him for trial at the time and place (which shall be mentioned in said bond) set for the trial.

Judgment *nisi* for breach of bond.

SEC. 2. That on the failure of the accused to appear at the time and place mentioned in said bond and answer the charge, or having appeared shall depart the court without leave thereof first had and obtained, it shall be the duty of the said justice of the peace then presiding to enter judgment *nisi* against the principal and his securities in said bond for the amount mentioned therein: *Provided*, the sum does not exceed the sum of two hundred dollars, and immediately issue notice to the principal and the sureties in said bond, giving ten days' time, specifying time and place, to appear and show cause, if any they have, why the said judgment *nisi* shall not be made final.

When final judgment to be entered.

SEC. 3. That if the defendant shall fail to appear or show satisfactory reasons for not complying with the provisions of said bond, it shall then be the duty of the justice of the peace to render a final judgment thereon for the amount of the same, and immediately make and transmit to the clerk of the Superior Court a transcript thereof, which shall be entered upon the judgment docket of said court, and the clerk shall issue execution on said final judgment against the

Transcript to Superior Court.

Execution.

principal and his sureties for the collection of the amount thereof as in other judgments in behalf of the State.

SEC. 4. That if the bond provided for in the first section of this act shall exceed the sum of two hundred dollars, and the accused shall fail to appear as therein provided to answer the charge, or having appeared shall depart the court without leave first had and obtained, it shall be the duty of the said justice to have the accused called, and enter upon the bond that the defendant was called and failed to answer, and immediately return the original papers in the case, together with the bond, to the clerk of the court having jurisdiction to try such action, who shall immediately enter the case upon the criminal docket of his court and enter judgment *nisi* for the amount of the said bond, and issue notice to the accused and his sureties to appear at the next term of said court to show cause why said judgment should not be made final and proceeded in as other cases of forfeited bonds in behalf of the State in said court: *Provided*, that the entry on said bond by the justice of the peace shall be *prima facie* evidence that the principal therein had been called and failed to answer: *Provided further*, that this act shall not be so construed as to authorize justices of the peace to take bond if the offense charged in the warrant be punishable with death. That nothing in this act shall be so construed as to prevent justices of the peace from remitting the penalty of the bond or the right of appeal from the justice of the peace to the Superior Court by the defendant or his security.

Upon breach of bond exceeding \$200 in amount, papers to be certified to clerk of court having jurisdiction of the action.

Judgment *nisi*.

Notice to show cause why final judgment shall not be entered.

Proviso.

Proviso.

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

Ratified the 15th day of February, A. D. 1889.

CHAPTER 134.

An act to promote the efficiency of the State Guard.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand two hundred and eighty-eight of The Code be amended by adding to said section the following: "and in order to defray the expenses of such camp of instruction he is authorized to draw annually upon the treasurer of the State for an amount not to exceed five thousand dollars."

Code, sec. 3238, amended.

\$5,000 annually appropriated for expenses of camps of instruction.

SEC. 2. That section three, chapter one hundred and ninety-three, laws of one thousand eight hundred and eighty-seven, be amended by striking out all after the word "office," in line five of said section, and after the words "that the," in the first line of section three, insert the words "brigadier general and."

Chapter 193, sec. 3, laws 1887, amended.

Brigadier general allowed \$100 annually.

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

Conflicting laws repealed.

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

Ratified the 15th day of February, A. D. 1889.

CHAPTER 135.

An act in relation to undertakings on appeal to the Supreme Court.*The General Assembly of North Carolina do enact :*

On appeals to Supreme Court (except in appeals *in forma pauperis*) Superior Court clerks not required to prepare record on appeal until undertaking given or deposit made. Appeals not dismissed because undertaking not filed earlier. Undertaking to be filed before record sent to Supreme Court. Supreme Court authorized to permit undertaking to be supplied.

SECTION 1. That in cases of appeal to the Supreme Court the clerks of the Superior Court, except in cases where parties are allowed to appeal without giving an undertaking, shall not be required to make the copy of the record in the case for the Supreme Court until the appellant shall have given the undertaking on appeal or made the deposit required.

SEC. 2. That no appeal shall be dismissed in the Supreme Court on the ground that the undertaking on appeal was not filed earlier or the deposit made earlier: *Provided*, the undertaking shall be filed or such deposit made before the record of the case is transmitted by the clerk of the Superior Court to the Supreme Court. And when no undertaking on appeal has been filed, or deposit made before the record of the case is transmitted to the Supreme Court, the Supreme Court may, in its discretion, thereafter allow, on such terms as may seem best, the appellant to file an undertaking on appeal or make the deposit. The provisions of this act shall apply to cases now pending in the Supreme Court.

Act applicable to pending appeals.

SEC. 3. Any and all acts and parts of acts inconsistent 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. Ratified the 16th day of February, A. D. 1889.

CHAPTER 136.

An act for the relief of the sureties of James T. Hunter, late sheriff of Alamance county.*The General Assembly of North Carolina do enact :*

County treasurer authorized to refund interest collected in excess of eight per cent.

Proviso.

SECTION 1. That the county treasurer of Alamance county is hereby directed and authorized to refund to the sureties of James T. Hunter, ex-sheriff of Alamance county, the interest collected from such sureties in excess of eight per centum per annum: *Provided*, said James T. Hunter shall pay all expenses incurred by the commissioners in the suit for the collection of such taxes and interest.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 137.

An act to improve the drainage of Benaja creek in Rockingham county.*The General Assembly of North Carolina do enact:*

SECTION 1. That all persons owning land adjoining Benaja creek and Haw river in Rockingham county or through which said creek and river flow, are hereby required to clean out said creek and river during the months of July, August, September or October of each and every year, by removing from said creek (where the same adjoins their land) all logs, brush or anything of like kind which obstructs the flow of water in said streams.

Owners of adjoining lands to clean out Benaja creek and Haw river, Rockingham county.

SEC. 2. That all persons who fail to observe and carry out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be punished by a fine not less than five nor more than ten dollars for each and every offense.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 138.

An act to authorize the county of Robeson to issue bonds.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of Robeson county are hereby invested with power to issue bonds of the county to an amount not exceeding two thousand five hundred dollars, in such denominations, not less than one hundred dollars, as in their judgment may be best, for the purpose of paying the indebtedness of said county.

Commissioners authorized to issue bonds, not exceeding \$2,500, to pay county indebtedness.

SEC. 2. That said bonds shall be due and payable five years from date, and shall be dated on the day of their issue, with interest from date at eight per centum per annum, payable semi-annually on the first Monday in June and first Monday in December of every year, the interest accruing to be indicated by coupons in the usual way; and the bonds shall be signed by the chairman of the board of commissioners of said county and countersigned by the clerk of said board.

Description of bonds.

SEC. 3. That in order to pay the interest accruing on said bonds, and to provide a sinking fund for the payment of the principal money due thereby, the commissioners of said county may levy a special tax on polls and property not exceeding two cents on the one hundred dollars' worth of property and six cents on each poll.

Special tax.

Bonds to be sold at par.

SEC. 4. That it shall be unlawful for the commissioners of said county to sell or negotiate said bonds for less than par; and the tax-levy herein provided for may be omitted by the commissioners if there be funds on hand from other sources to pay accruing interest and provide a sinking fund to extent of levy herein authorized or such less levy as may raise the interest and sinking fund herein provided for.

When tax-levy to be omitted.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 139.

An act to authorize the commissioners of Yadkin county to sell stock-law fence and levy tax.

The General Assembly of North Carolina do enact:

Authorized to sell stock-law fence, &c.

SECTION 1. That the county commissioners of Yadkin county are hereby authorized to sell the stock-law fence and gates erected in and around the townships or territories in said county when the same has become useless or unnecessary, and the money realized from such sales to be applied to the payment of the outstanding debts contracted for the erection of the fences and gates in the respective townships or territories.

Application of proceeds.

SEC. 2. That the money arising from such sales not necessary for the payment of the debts contracted for the erection of the fences and gates in such township or district shall be applied to the payment of the costs of erecting the fence inclosing the county.

Application of surplus funds.

Commissioners to assume payment of cost of fence around Buck Shoal township.

SEC. 3. That the commissioners of said county are authorized to assume the payment of the cost of that part of the stock-law fence in and around Buck Shoal township, used by them in inclosing the county, to be paid in like manner with the costs of erecting other portions of the fence.

Special tax.

SEC. 4. That in case the money arising from said sales should not be sufficient to pay off the outstanding claims for the erection of the fences around such township or territory, the board of commissioners of Yadkin county are authorized to levy on the real property within such township or territory sufficient to pay the outstanding claims against such township or territory; the commissioners within their discretion may levy and collect a part of the amount necessary to discharge the indebtedness in the year one thousand eight hundred and eighty-nine and the remainder in the year one thousand eight hundred and ninety.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 140.

An act for the relief of the clerks of the Superior Court of Mitchell, Yancey, McDowell, Burke, Caldwell, Pender and Guilford counties.

The General Assembly of North Carolina do enact:

SECTION 1. That the judge resident in or riding the judicial district in which are embraced the counties herein mentioned be and he is hereby authorized and empowered, upon application made by the clerks of the Superior Court of Mitchell, Yancey, McDowell, Burke, Caldwell, Pender and Guilford counties, to give written permission to the said clerks of the Superior Court to absent themselves from their offices of clerk on such Monday or Mondays in such months during the year one thousand eight hundred and eighty-nine as in the said judge's discretion may not be inconsistent with the public interest: *Provided, however,* that said clerks shall leave in and at their said offices a competent deputy to transact any business which by law a deputy clerk may be authorized so to do.

Judge authorized to permit clerks of certain Superior Courts to be absent from office on any Monday in 1889.

Proviso.

SEC. 2. That any such written permission given to said clerks by any judge as aforesaid, shall exempt said clerks from any liability to indictment or from any suit for any penalty arising by reason of such absence.

Exemption from indictment or penalty.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 141.

An act for the protection of oysters in the waters of Carteret county.

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall catch or take oysters from any of the natural beds in the waters of Carteret county, except for immediate use or sale in North Carolina markets, or to plant in regularly licensed oyster gardens.

Unlawful to take oysters from natural beds in Carteret county, except for immediate use, &c.

SEC. 2. That any person who shall violate any of the provisions of the preceding section, or who shall carry or attempt to carry beyond the limits of the State any oysters taken within the next preceding twelve months from any of the natural oyster beds in the waters of Carteret county, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. That all fines and penalties imposed and collected under section two of this act shall be turned over to and held by the State Treasurer to defray the expenses pertaining to the oyster business, the balance to go to the public school fund.

Fines, &c., how applied.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 142.

An act to protect manufacturers of lumber.

The General Assembly of North Carolina do enact :

Manufacturers of lumber authorized to use brand. SECTION 1. That any person engaged in the manufacture of lumber in this State may have a mark or brand, which shall be different from that of other persons, a description of which mark or brand shall be filed in the office of the register of deeds for the county in which said business is carried on, and recorded by said register of deeds in a book to be kept for that purpose, which book shall be marked "Registry of Timber Marks."

Registration.

Brand to be property of owner. SEC. 2. That after the registration of said mark or brand the same shall be the property of the person having the same so registered in his name, and the owner of said mark or brand may have the same put or cut on any and all logs or pieces of timber belonging to him.

Misdemeanor to change, erase, &c., brand.

SEC. 3. That any person who shall wilfully change, alter, erase or destroy any such mark or brand so put or cut upon any logs or timber, except by the consent of the owner thereof, with intent to steal the said logs or timber, shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars or imprisoned not more than thirty days, or both, and if the same shall have been done with a felonious intent, such person shall be guilty of a misdemeanor, and punished as for that offense.

Felonious intent.

Misdemeanor to take up, &c., branded log, &c., without consent of owner.

SEC. 4. That if any person shall knowingly and wilfully take up or have in his possession any log or timber upon which said mark or brand has been put or cut, except by the consent of the owner thereof, he shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars or imprisoned not more than thirty days, or both.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 143.

An act to amend chapter 105 of the laws of 1885.

The General Assembly of North Carolina do enact :

Chapter 105, sec. 1, laws 1885, amended. Clerks of criminal courts authorized to take probate of deeds, &c. Sec. 2 amended. Former probates validated.

SECTION 1. That section one of said act be amended by inserting the words "and criminal" between the words "inferior" and "courts" in the first line of said section.

SEC. 2. That section two of said act be amended by inserting the words "or criminal" between the words "inferior" and "court" in the second line of said section.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 144.

An act to correct the calls of the State grant No. 2443 of Jackson county.

WHEREAS, On the 22d day of July, one thousand eight hundred and fifty-six, a grant for fifty acres of land to Sarah Raby, assignee of Noah Birchfield, under the great seal of the State, was issued and duly recorded in the office of Secretary of State, said land being in Jackson county, in section No. 81, in district No. 1, the same being number two thousand four hundred and forty-three, and having been issued upon a certificate of a commissioner; and whereas, there is an error in the calls of the beginning corner of the said grant, the certificate and the plat annexed thereto, to-wit: Upon the face thereof they call for "beginning at a double white oak, the northeast corner of number five," and the same should be "beginning at a double white oak, the southeast corner of number five," instead of the northeast corner of number five, as called in the certificate and the plat and the grant aforesaid; now, therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the certificate and the plat annexed thereto, and the grant as aforesaid of Cherokee lands, be and the same is hereby corrected to read as follows: Beginning at a double white oak, the southeast corner of No. 5; then north 60 poles with the line of No. 5 to a post oak; then east 100 poles to a pine on a ridge; then south 85 poles to a white oak on the bank of Tuckaseege river; then down the river as it meanders to the Big Bear creek; then north 20 poles to a stake in the line of No. 5; then east to the beginning. And the register of deeds of Swain county, wherein the lands are now situated, be and is hereby authorized and directed to correct the said grant in the manner aforesaid, when the same is registered or shall be registered, so as to conform to the corrections herein authorized to be made; and the Secretary of State is hereby authorized and instructed to correct the said grant in the manner aforesaid: *Provided*, that nothing in this act contained shall operate to prejudice the rights and claims of any junior patents, or statute of limitations, or other vested right accrued prior to or subsequent to the issue of said grant, which may have accrued prior to the ratification of this act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

Grant to Sarah
Raby corrected
as to boundaries

Proviso.

CHAPTER 145.

An act to ratify, confirm and make valid the action of the board of commissioners of navigation and pilotage for the Cape Fear river and bars in relation to a fund for the benefit of the widows and children of deceased pilots of Southport, North Carolina.

Preamble.

WHEREAS, James H. Chadbourn, Donald MacRae, David G. Worth, James Sprunt, R. E. Heide and James W. Craig, commissioners of navigation and pilotage for the Cape Fear river and bars, at their meeting held on the 24th day of May, one thousand eight hundred and eighty-seven, resolved that the sum of three thousand dollars, not needed for the use of the board, be taken from the amount of money on hand and placed in the hands of three trustees to be appointed by this board, two from Wilmington and one from Southport, whose duty it shall be to keep this fund loaned upon good and sufficient security, at the best legal rate of interest obtainable, to collect the interest annually, and to pay over the same from time to time to such persons, being poor and needy widows and children of deceased pilots of the Cape Fear river and bars, in such sums or proportions as the municipal authorities of the town of Smithville, now called Southport, may by resolution direct; and whereas, Eugene S. Martin, Norwood Giles, of Wilmington, and J. W. Craig, of Southport, were appointed by said board the trustees hereinbefore provided for, and have received said fund and entered upon the discharge of said trusts,

The General Assembly of North Carolina do enact :

Action of commissioners of navigation for Cape Fear river in loaning certain funds validated. Trustees.

SECTION 1. That the aforesaid action of the board of commissioners of navigation and pilotage be and the same is hereby, in all things, ratified, confirmed and declared legal and valid to all intents and purposes; and the said Eugene S. Martin, Norwood Giles and J. W. Craig, and their successors in said trusts, are hereby constituted and declared perpetual trustees of said funds upon the trusts and for the purposes declared and set forth in the preamble to this act: *Provided*, that the said board of commissioners of navigation and pilotage shall have power and it shall be their duty to fill all vacancies occasioned by the death, resignation or inability to serve of any of said trustees.

Proviso.

Principal not to be used.

SEC. 2. That no part of the principal of said sum shall be used, but shall remain a perpetual fund in the hands of the said trustees and their successors, for the purposes declared in the preamble of this act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 146.

An act to empower the county of Mecklenburg to refund its bonded indebtedness.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of the county of Mecklenburg are authorized and empowered to issue coupon bonds, bearing interest payable annually, at a rate not exceeding six per centum per annum, in such denominations as they may deem best, and to an amount sufficient for the purposes hereinafter specified, but not to exceed the amount of the bonded indebtedness of the said county, which will mature in the year one thousand eight hundred and ninety, the said indebtedness having been created to pay for the subscription of the said county to the stock of certain railroad companies.

Commissioners authorized to issue bonds to fund bonded indebtedness for county subscription to certain railroad companies, maturing in 1890.

SEC. 2. That said bonds may be issued in such form as the said board of commissioners may prescribe, and shall have coupons attached for interest, at the rate aforesaid, payable annually. That said bonds shall be made payable thirty years after their date at such place or places as the board may determine, and shall be signed by the chairman of the board and countersigned by the clerk.

Description of bonds.

SEC. 3. That said bonds shall be exchanged at par, and at no less rate, for the coupon bonds of the said county which will mature in the year one thousand eight hundred and ninety.

Exchangeable at par.

SEC. 4. All executors, administrators and guardians, trustees and other persons acting in any fiduciary capacity, who now hold or may hereafter hold or become possessed of any of the said coupon bonds of the said county maturing in the year one thousand eight hundred and ninety, are hereby fully authorized and empowered to exchange the same for bonds issued under this act.

Executors, &c., authorized to fund old bonds.

SEC. 5. It shall be the duty of the board of commissioners of said county to destroy all bonds received in exchange for bonds issued under the provisions of this act, and all bonds issued under this act which may not be required to be used for the purposes therein specified.

Commissioners to destroy old bonds, &c.

SEC. 6. That the board of commissioners and justices of the said county, or other persons or body having power and authority to levy taxes in said county, shall levy a tax upon property and polls in the manner provided for other taxation to pay the interest as it accrues upon said bonds, and shall in like manner provide for the payment of the principal of said bonds when they mature. That the holders of the bonds issued under this act shall have the same rights in respect thereof as are now possessed by the holders of the bonds which may mature in the year one thousand eight hundred and ninety.

Special tax.

Rights of bondholders.

If exchange of bonds cannot be made commissioners authorized to sell new bonds and pay indebtedness.

SEC. 7. That if the board of commissioners are unable to effect an exchange of bonds as herein provided for, they shall have the power to sell at par, and not below par, the bonds authorized to be issued by this act, or as many of said bonds as may be necessary to refund the entire bonded debt of the county maturing in the year one thousand eight hundred and ninety, and with the proceeds of such sale they shall pay the bonds of the county which mature in 1890, or so many of said bonds as may not have been exchanged under the provisions of this act.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 147.

An act to amend chapter 77 of the laws of 1887,

The General Assembly of North Carolina do enact :

Chapter 77, sec. 3, laws 1887, amended. Charleston, Cincinnati and Chicago R. R. Co. authorized to consolidate with any railroad company in South Carolina.

SECTION 1. That chapter seventy-seven of the laws of one thousand eight hundred and eighty-seven be and the same is hereby amended by inserting the word "South Carolina" after the word "North Carolina" in line four of section three of said act.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 148.

An act for the better drainage of certain lands in Mecklenburg county.

The General Assembly of North Carolina do enact :

Certain adjoining land-owners required to clean out Paw creek, Mecklenburg county.

SECTION 1. That J. T. Mitchell, Mrs. Margaret Tate, S. J. Sloan, the heirs of Harriet Sloan, Mrs. D. F. Kelley, A. H. Collins, T. F. Walker, James Hipp, Henry Cathey, Margaret Cathey, Mary Sloan, H. L. Sloan, Mrs. W. L. Bingham, G. C. Cathey, F. L. Clark, A. W. Clark, W. L. Hoover, S. M. Ford, S. A. Berryhill, Frank Roddin, J. N. Rhyner, George Williamson, William Reed, A. H. Rhyne, William and Samuel Porter, owning lands contiguous to and lying upon the waters of Paw creek, in Mecklenburg county, from the mouth of said creek to W. S. Todds' mill on said stream, be and the same are hereby required within ninety days after the ratification of this act,

each at his or her own expense and cost, to clean out said stream so as to give fall for the better drainage of said adjacent lands and thereby render the same fit for cultivation, and keep the same clear from year to year or as often as the same may be necessary: *Provided*, that no land-owner shall be required to clean out said stream and keep the same cleaned out only so far as said stream shall be upon and next to his or her own lands: *And provided further*, that if any of the lands of the parties aforesaid shall by purchase or otherwise be transferred to any other person or persons, such person 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 may apply in writing to the board of commissioners of Mecklenburg county, setting forth specifically his cause of complaint; and thereupon, it shall be the duty of said board to appoint three disinterested land-owners, who shall visit and view the premises complained of, ascertain whether the cause of complaint be true, and render judgment according to their findings, in writing, to be filed with the board of county commissioners; if the judgment be in favor of complainant, then the land-owners, or any of them, are hereby empowered to enter upon the lands of the person complained of and do the work found to be necessary at the cost and expense of the party complained of; said cost and expense to be estimated by said three disinterested land-owners, and their estimate shall be filed with their judgment as before provided. If judgment be for respondent, then it shall be filed as before provided for. The cost of the proceedings, with the estimate of work, shall be paid by the party against whom judgment is rendered, and shall be a lien on the land of the person or persons against whom judgment shall be given. Proceeding against land-owner falling to perform the duties required by this act.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 149.

An act to repeal chapter twenty-one of the laws of one thousand eight hundred and eighty-five, in reference to the killing of deer in the counties of Pender and New Hanover.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-one of the laws of one thousand eight hundred and eighty-five shall not apply to the counties of Pender and New Hanover. Section 2822 of The Code applicable to Pender and New Hanover counties.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 150.

An act for the drainage of Lick creek in Stokes and Forsyth.

The General Assembly of North Carolina do enact:

Commissioners to lay off creek in sections.

SECTION 1. That R. V. Wagoner, Jno. D. Waddill, Jr., Jno. Strader, Dr. E. Fulp and W. W. Fulp be appointed commissioners, whose duty it shall be as soon as practicable to lay off Lick creek and tributaries in Stokes and Forsyth counties from where it empties into Townfork creek to its head or source, into sections of convenient length, and appoint one overseer to each section, who shall hold his office for a term of two years, who shall be a land-owner in the section for which he is appointed an overseer.

Overseer's term and qualifications.

Chairman.

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

Vacancies.

Duty of commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land, sobbed or overflowed, and the number of acres each individual in either or both counties on the streams between the points mentioned in the first section of this act, and within one-fourth mile of the channel of the main stream and one-eighth of a mile of the channel of its tributaries, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie, and upon notice of seven days by said overseer, each of said owners shall furnish one hand sufficient, with appropriate tool, as required by the overseer, for every ten acres of land sobbed or overflowed, and one such hand for every twenty acres not overflowed, and in that proportion for any number of acres, for said number of acres less than ten and twenty acres in the meaning of this act, and on failing so to do, shall forfeit and pay one dollar per day for failure on each hand, which shall be an assessment against the land of such owner, and which may be recovered by action before a justice of the peace of the county in which the land lies, in the name of the overseer: and all lands of such owners shall be liable for such assessments and judgments rendered to enforce the same, and a lien is hereby granted on the same to the amount of such assessment, which may be enforced by sale under execution.

Land-owners to furnish hands.

Penalty.

Liability for assessments. Lien.

Duty of commissioners to distribute labor.

SEC. 4. That it shall be the duty of the commissioners, in laying off the stream and sections as provided for in section first of this act, to distribute the labor among the land-owners in proportion of the number of acres of sobbed land and other lands owned by them within the estimate provided for in section three of this act as equally

as may be, and allot to the overseer of each section the hands required of the owners of the lands embraced in his section.

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

Duty and powers of overseer.

Proviso.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the flow of waters and sand in the channel of said stream between said points of said boundaries in said counties, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars.

Misdemeanor to fell timber into streams.

SEC. 7. That all fines and assessments for failure to work as herein provided shall be received and recovered by the said respective overseers, to be by them expended in the work of improving the channels of said streams or stopping washes as hereinafter provided for. Any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, one or both, at the discretion of the court: *Provided*, that no person shall be required without his consent to serve as such overseer more than two years at any one time.

Fines, &c., applied to expenses of work on streams.

Failure of overseer to perform duty a misdemeanor.

SEC. 8. That the commissioners shall have power to stop all washes emptying into said streams or upon said bottom lands to prevent the inflowing of sand, and may exercise such power in the same way and under the same rules and regulations as are provided in this act for draining the lowlands by opening the streams as fully as the power given in the foregoing sections; and for the purpose of stopping said washes, said overseers and hands shall have the right to cut brushes and timber and gather stone from the land of the several and respective owners.

Commissioners empowered to stop washes.

SEC. 9. That any owner of land affected by the provisions of this act, who shall wilfully obstruct the said commissioners, overseers or hands in carrying out the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars.

Misdemeanor for land-owner to wilfully obstruct commissioners, &c.

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.

Ratified the 18th day of February, A. D. 1889.

CHAPTER 151.

An act to provide for the taking of depositions in certain cases.*The General Assembly of North Carolina do enact :*

Boards of aldermen, &c., authorized to take depositions for use in proceedings pending before board, &c.
Method of taking depositions.

SECTION 1. That any board of aldermen, board of town or county commissioners or any person interested in any proceeding, investigation, hearing or trial before such board, may take the depositions of all persons whose evidence may be desired for use in said proceeding, investigation, hearing or trial; and to do so, the chairman of such board or such person may apply in person or by attorney to the superior court clerk of that county in which such proceeding, investigation, hearing or trial is pending for a commission to take the same, and said clerk, upon such application, shall issue such commission; that the notice and proceedings upon the taking of said depositions shall be the same as provided therefor in civil actions; that if the person upon whom the notice of the taking of such deposition is to be served is absent from or cannot after due diligence be found within this State, but can be found within the county in which the deposition is to be taken, then, and in that case, said notice shall be personally served on such person by the commissioner appointed to take such deposition; that when any such deposition is returned to the clerk it shall be opened and passed upon by him and delivered to such board, and the reading and using of such deposition shall conform to the rules of the superior court.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 152.

An act for the relief of Joseph H. Wheeler, of Anson county.*The General Assembly of North Carolina do enact :*

Jos. H. Wheeler, Anson county, allowed pension.

SECTION 1. That Joseph H. Wheeler, of Anson county, be allowed to receive the pension allowed those persons who lost their sight or limbs in the Confederate service, under sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-eight and three thousand four hundred and seventy-nine of The Code.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 153.

An act to amend chapter 180 of the acts of 1885, in relation to Craven county superior court.*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, page 332, under caption of "second district," be amended by adding after the last line under said caption "except jail cases on the criminal docket."

Chapter 180, laws 1885, amended. February term Craven superior court to be for the trial of jail cases as well as civil cases.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 154.

An act repealing chapter 126 of the acts of the General Assembly of 1887.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-six of the acts of the General Assembly of one thousand eight hundred and eighty-seven is hereby repealed.

Chapter 126, laws 1887, repealed. Bond of register of Halifax county.

SEC. 2. That the provisions of chapter two hundred and forty-five of the acts of the General Assembly of one thousand eight hundred and eighty-five, ratified on the 6th day of March, 1885, shall be in full force and effect.

County commissioners authorized to increase bonds of superior court clerk and register not to exceed \$15,000.

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

Ratified the 18th day of February, A. D. 1889.

CHAPTER 155.

An act to amend chapter one hundred and thirty-two, laws of one thousand eight hundred and eighty-one.*The General Assembly of North Carolina do enact :*

SECTION 1. That section four, chapter one hundred and thirty-two, laws of one thousand eight hundred and eighty-one, be amended by adding at the end of said section the following: *Provided*, that any land-owner may perform his proportionate part of any such work on his own land, subject to the approval of the overseers and commissioners, and when so performed shall not be required to work on any other lands.

Chapter 132, sec. 4, laws 1881, amended.

Land-owner performing proportionate share of work on his own land not required to work other lands.

Conflicting laws repealed.
Act applicable to other drainage laws relating to Davidson county.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall be construed to apply to all other laws on this subject relating to Davidson county.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 18th day of February, A. D. 1889.

CHAPTER 156.

An act to bridge Tuckaseege river in Jackson county.

The General Assembly of North Carolina do enact :

Commissioners of Jackson county authorized to levy special tax to build bridge across Tuckaseege river.
Proviso.
Proviso.

SECTION 1. That the commissioners of Jackson county are authorized to levy a special tax to build a bridge across Tuckaseege river at or near Wilmot, in Barker's Creek township: *Provided*, that the amount shall not exceed eight hundred dollars: *Provided further*, that there shall not be two bridges built in said township in any one year by public taxation.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1889.

CHAPTER 157.

An act in relation to the working of convicts on the Cape Fear and Yadkin Valley Railroad.

Preamble.

WHEREAS, The State Treasurer has now in his keeping certain bonds and other securities of the Cape Fear and Yadkin Valley Railroad deposited with said treasurer under acts of the General Assembly assigning convicts to said road; and whereas, it has been and is necessary for the preceding and present General Assembly to so reduce the appropriation to the penitentiary that convicts can be no longer furnished to said road under the provisions of said statutes; now, therefore,

The General Assembly of North Carolina do enact :

Treasurer directed to deliver to C. F. & Y. V. R. R. Co. all securities held by him in relation to the assignment of convicts to road.

SECTION 1. That the State Treasurer be and he is hereby directed to deliver the said bonds, coupons and securities to said company, and that all laws and clauses of laws assigning convicts to said railroad company be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1889.

CHAPTER 158.

An act for the relief of James W. Copeland, treasurer of Northampton county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners and the board of education of Northampton county be and they are hereby empowered to compromise and settle with James W. Copeland, treasurer of Northampton county, and his sureties, on such terms as said commissioners and board of education shall deem just, his loss by reason of the failure of the Exchange National Bank of Norfolk, Virginia, of the school fund placed there by him: *Provided*, that this provision shall not extend to any dividend that has been or may be recovered by the said Copeland from the receiver of said bank.

County commissioners and board of education, Northampton county, empowered to compromise with J. W. Copeland, county treasurer, for money lost by failure of Exchange National Bank. Proviso.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 159.

An act to abolish one term of the superior court of Pender county, and to regulate the terms of the superior court of said county.*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, under the division headed "sixth district," in the clause headed "Pender," be amended by striking out the words "ninth Monday after the first Monday in March."

Chapter 180, laws 1885, amended.

May term Pender superior court abolished.

SEC. 2. That chapter two hundred and thirty-two of the laws of one thousand eight hundred and eighty-seven is hereby repealed.

Chapter 222, laws 1887, repealed.

January term abolished and March term restored.

SEC. 3. That the times for holding the superior courts of Pender county shall be as follows: The second Monday in March and the second Monday in September, the latter term to continue two weeks if necessary.

Times of holding Pender superior court.

SEC. 4. That all bonds, recognizances and process of every kind made returnable to the term of the superior court commencing on the ninth Monday after the first Monday in March is declared to be returnable on the second Monday in September:

Process, &c.

SEC. 5. That this act shall take effect and be in force from and after the first day of May, one thousand eight hundred and eighty-nine.

When act to take effect.

Ratified the 25th day of February, A. D. 1889.

CHAPTER 160.

An act to prohibit the sale of spirituous liquors by druggists on prescription within the corporate limits of the town of Lumberton, Robeson county.

The General Assembly of North Carolina do enact :

Druggists in Lumberton prohibited from selling liquor upon physicians' prescription while town is under operation of local option law. Misdemeanor.

SECTION 1. That no druggist within the corporate limits of the town of Lumberton, Robeson county, shall sell any spirituous, vinous or malt liquors upon the prescription of any physician whatsoever, while the granting of license to sell spirituous, vinous or malt liquors therein is excluded by election under the local option law.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than fifty dollars nor more than two hundred and fifty dollars, and imprisoned not less than thirty days nor more than one hundred and fifty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 161.

An act to amend sections 549, 550 and 553 of The Code.

The General Assembly of North Carolina do enact :

Code, secs. 549, 550 and 553, amended.

SECTION 1. That sections five hundred and forty-nine, five hundred and fifty and five hundred and fifty-three of The Code be amended as follows: After the word "rendition," in section five hundred and forty-nine, and the word "party," in the fourth line of section five hundred and fifty, add the words "unless the record shows an appeal taken or prayed at the trial, which shall be sufficient"; strike out the word "five," in the twelfth line, and insert "ten," and strike out the word "three" and insert "five" in the thirteenth line of section five hundred and fifty; in line six, section five hundred and fifty-three, after the word "judge," add "or clerk," and in line ten, after the word "shall," add "within five days": *Provided*, that the appeal when passed upon and granted by the clerk shall be within ten days from the expiration by law of said term of court; and the same shall apply to appeals now pending.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 25th day of February A. D. 1889.

Appeal to supreme court taken or prayed at trial sufficient. Case on appeal to be served within ten days and exceptions to be same within five days. Appeal in forma pauperis allowable by clerk. Proviso. Applicable to pending appeals.

CHAPTER 162.

An act to protect the fish interests in Graham and Yancey counties.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to use dynamite in the waters of Cheoah river or its tributaries for the purpose of killing fish. Unlawful to use dynamite in Cheoah river, &c., to kill fish.

SEC. 2. That any person or persons 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 twenty. Misdemeanor.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 163.

An act to create Holly Springs township, in Wake county.*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township is hereby created and established in the county of Wake, to be known as Holly Springs township, out of parts of Buckhorn and Middle Creek townships, bounded and described as follows: Beginning at the point where Buckhorn creek crosses the line between Wake and Chatham counties, and running up said creek to Cary's creek; thence up Cary's creek to the Worthington Ferry road; thence with said road to White Oak bridge; thence up White Oak creek to White Oak township; thence with the line of White Oak and Swift Creek townships to Lick branch; thence down said branch to Alford bridge, on Middle creek; thence southward with the pathway now open to the Middle creek and Buckhorn road at Mrs. Rebecca Alford's; thence with said road to the Atkins Ferry road, near A. F. Stephens'; thence with said road to Harnett county line; thence with the line of Harnett and Chatham counties to the beginning. Holly Springs township, Wake county, established.

Boundaries.

SEC. 2. That said township shall have all the rights, powers and privileges as other townships.

Powers, &c.

SEC. 3. That the voting precinct in said township shall be at Holly Springs.

Voting place.

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

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 164.

An act to prevent the catching of diamond-back terrapins in the waters of Brunswick county, N. C.

The General Assembly of North Carolina do enact :

Unlawful to catch diamond-back terrapins in Brunswick county between April 15th and August 15th, or at any time under a certain size, &c.

Possession *prima facie* evidence.

Misdemeanor.

Proviso.

Duty of sheriffs and constables.

Application of fines, &c.

SECTION 1. It shall be unlawful for any person to take or catch diamond-back terrapins in any of the waters of Brunswick county, North Carolina, between the fifteenth day of April and the fifteenth day of August in each year, or any diamond-back terrapins at any time of a less size than five inches in length upon the bottom shell, or to interfere with or in any manner destroy any eggs of the diamond-back terrapin; and the possession of any diamond-back terrapin between the fifteenth days of April and August shall be *prima facie* evidence that the person having the same has violated this section, and any person violating this section shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than ten dollars for each and every diamond-back terrapin so taken and caught, and a like sum for each and every egg interfered with or destroyed: *Provided*, this section shall not apply to parties empowered by the State to propagate the said diamond-back terrapins.

SEC. 2. It shall be the duty of all sheriffs and constables to give immediate information to some justice of the peace of any violation of the above section; and all fines and penalties arising from the provisions of this act, one-half shall go to the informer and the other to the school fund.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 165.

An act changing the time for holding the spring term court of Caswell county.

The General Assembly of North Carolina do enact :

Chapter 351, laws 1887, amended.

Time of holding courts in Caswell county.

SECTION 1. That chapter three hundred and fifty-one (351) of the laws of one thousand eight hundred and eighty-seven be amended by striking out of section one all of that part of subsection after the word "September," in line three, page six hundred and twenty-six, as relates to the time for holding the courts in Caswell county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 166.

An act in regard to special tax for Sharon township, in Mecklenburg county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Mecklenburg county be authorized and empowered to levy and collect a special tax in Sharon township, not to exceed the sum of five hundred dollars, said tax-levy not to exceed twenty cents on the hundred dollars of real and personal property and sixty cents on every taxable poll in said township, for the purpose of building a township house to be used for holding elections and other public business in said township, said tax to be collected under the same restrictions and regulations as other county taxes.

County commissioners authorized to levy special tax not exceeding \$500 to build township house.

Collection of tax.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 167.

An act for the relief of John C. McLauchlin, clerk of the superior court of Anson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That John C. McLauchlin, clerk of the superior court of Anson county, be and he is hereby exempted from the provisions of section one hundred and fourteen of The Code, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code, during the months of July and August, one thousand eight hundred and eighty-nine: *Provided, however,* that during his absence he shall leave a competent deputy.

J. C. McLauchlin, clerk of Anson superior court, exempted from provisions of secs. 114 and 115 of The Code, during July and August, 1889.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 168.

An act to protect the owners of timber growing on the lands of others.*The General Assembly of North Carolina do enact :*

SECTION 1. That if any person not being the bona fide owner thereof shall knowingly and wilfully cut down, injure or remove any standing, growing or fallen trees or logs, the property of another, he shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars or imprisoned not more than thirty days, or both.

Misdemeanor to cut down, &c., trees, &c., the property of another.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 169.

An act in relation to indigent and other apprentices.

The General Assembly of North Carolina do enact :

Apprentices, how indentured.

SECTION 1. That indigent children when apprenticed in this State shall be indentured in the name of the superior court clerk of the county where they reside, of the first part, and the employer or employers to whom apprenticed, of the other part, which shall be recorded and filed in the office of said clerk ; but no white child shall be bound to a colored person in this State.

No white child to be bound to colored person.

Who to be considered "indigent children."

SEC. 2. Indigent children within the meaning of this act shall include (1) all orphans whose estates are of so small value that no person will educate and maintain them for the benefit thereof; (2) all infants whose fathers have deserted their families and been absent six months, leaving them without sufficient support; (3) any poor child who is or may be chargeable to the county, or shall beg alms; (4) any child who has no father, and the mother is of bad character, or suffers her children to grow up in habits of idleness, without any visible means of obtaining an honest livelihood; (5) all infants whose parents do not habitually employ their time in some honest, industrious occupation.

For what time children to be apprenticed.

SEC. 3. Indigent male children may be apprenticed till the age of twenty-one and females till the age of eighteen; but said children shall be apprenticed for a less number of years, whenever in the opinion of the clerk the best interests of the apprentice will be subserved thereby, and the age of children when apprenticed shall always be inserted in the indenture.

Duty of employer to apprentices.

SEC. 4. Whenever an indigent child is apprenticed, his or her employer shall, in the indenture, agree to provide (1) diet, clothes, lodging and accommodations fit and necessary; (2) that the apprentice be taught to read and write and the rules of arithmetic to the double rule of three; (4) such other education as may be agreed upon and inserted in the indenture by the clerk; (5) the clerk shall also insert in the indenture the amount of money or other thing of value to be paid to the apprentice by his employer annually during the continuance of the apprenticeship, so that the indenture will show the compensation to be paid the apprentice for each year's service.

Wages paid to apprentice, how disposed of.

SEC. 5. When money or other thing of value is agreed to be paid or wages to the apprentice, the clerk shall be empowered to direct such disposition of the same as shall seem to him just and proper, and in the case of money, he may either direct that so much be placed at the disposal of the apprentice as shall be proper or so much paid to the parents of the apprentice for their use or so much paid into the clerk's office to the credit of the said apprentice.

SEC. 6. Whenever as much as one hundred dollars shall come into the hands of any clerk of the superior court belonging to an apprentice by reason of the preceding section, it shall be his duty to appoint and qualify a guardian for the estate of said apprentice, and turn the said funds over to said guardian for investment; and the said guardian shall be appointed and qualified and be governed by the same rules and regulations as general and testamentary guardians as to said estate.

When guardian to be appointed.

SEC. 7. Employers of apprentices shall be required in the indentures made before the clerk, to make a report annually to him as to whether the stipulations in the indenture have been performed or not, as required in the same, in which shall be set forth the amount to be paid, and actually paid said apprentice and also the progress and general condition of the apprentice, including his moral, mental and physical condition, which report shall be required under the same pains, penalties and regulations as is required of general and testamentary guardians. The said employer shall also, at the end of the apprenticeship, make a final report to the clerk as to the apprenticeship as general and testamentary guardians are required to do.

Annual report of employer.

Final report.

SEC. 8. On application of any person to have an apprentice bound to him, it shall be the duty of the clerk to inform himself of the circumstances of the case, and for this purpose he may cite before him the relatives of the orphan or infant for examination on oath, and he may examine also such other persons as he may deem proper. In the selection of an employer, he shall prefer, so far as may be consistent in other respects for the comfort and interest of the apprentice, some tradesman of a useful art or mystery.

Duty of clerk upon application to have apprentice bound, &c.

SEC. 9. If an apprentice refuses to serve as required by the indenture or by law, the clerk may, on application of the employer, compel him by citation or otherwise to appear for inquiry into the facts, and if the complaint is well founded and the apprentice persists in such refusal, the clerk may commit him by warrant to the house of correction or to the common jail of the county until he consents.

Duty of clerk in regard to apprentice refusing to serve.

SEC. 10. Upon the complaint of any apprentice that his employer is guilty of cruelty or ill usage towards said apprentice, or refuses him necessary provisions or clothing or violates any other stipulation of the indenture or of the law toward such an apprentice, the clerk may, by order, compel the appearance of the said employer before him, where he shall examine and determine the complaint, and if the same is well founded, he shall cancel the indenture and discharge such apprentice from his obligation of service, and may proceed to apprentice the discharged infant to some other employer.

Duty of clerk upon complaint of cruelty, &c.

SEC. 11. The apprentice may bring an action on the indenture in the name of the clerk and his successors in office and recover any damages sustained by reason of the breach of the covenants therein

Action on indenture by apprentice.

contained in said indenture; but no action on an indenture shall be commenced after two years from the expiration of the term of service.

Employer wilfully violating duty, &c., guilty of misdemeanor.

SEC. 12. If any employer shall wilfully violate any duty to his apprentice as stipulated in the indentures binding said apprentice, and refuses to make amends therefor, for the period of thirty days, and that fact shall appear in the judgment of the clerk cancelling the indentures, or at the conclusion of the apprenticeship, the said employer shall be guilty of a misdemeanor, and on conviction may be fined or imprisoned at the discretion of the court.

Clerk empowered to modify indenture, discharge apprentice, &c.

SEC. 13. The clerk shall have power when circumstances require it, upon application of either the employer or the apprentice, to modify the indentures of an apprentice or to discharge him from his apprenticeship; and in case any money or other thing of value has been paid by either party in relation to such apprenticeship, the clerk shall make such order concerning the same as shall be just and reasonable, and he shall have power where an apprentice is discharged to reapprentice him again, when such a course shall seem proper and practicable.

Unlawful to remove apprentice from State.

SEC. 14. It shall not be lawful for an employer to remove an apprentice out of this State, and whenever any employer of an apprentice shall wish to remove out of this State, or to quit his trade or business, he shall appear with his apprentice before the clerk of the proper county, and if the clerk be satisfied the employer has done justice to the said apprentice for the time he has had charge of him, he shall have power to discharge such apprentice from the service of such employer and again bind him, if necessary, to some other person.

Penalty for enticing away apprentice or harboring him, &c.

SEC. 15. If any person shall entice away an apprentice from his employer he shall pay therefor three dollars for every day the apprentice shall remain out of the service of the said employer: and any person who shall knowingly conceal, harbor or employ such an apprentice shall in like manner pay the employer therefor three dollars per day for every day such apprentice shall be concealed, harbored or employed.

Foregoing section applicable to all indigent children apprentices.

SEC. 16. The foregoing sections shall apply to the apprenticing of indigent children in this State by clerks of the superior courts, and is designed to take the place of the present apprentice law of the State as contained in chapter three of The Code.

When and how children apprenticed to learn trade, &c.

SEC. 17. Minor children above the age of fourteen and under twenty-one years being males, and eighteen being females, whether indigent or not, may be apprenticed to learn the art or mystery of any trade or craft by their father, or in case of his death, incompetency, or where he shall have wilfully abandoned his family for six months without making suitable provisions for their support, or has become an habitual drunkard, by their mother or by their legal guardian; and if illegitimate, they may be bound by their mother, and if they

have no parent competent to act and no guardian, they may bind themselves with the approbation of the superior court clerk of the county where they reside; but the power of a mother to bind her children, whether legitimate or illegitimate, shall cease upon her subsequent marriage and shall not be exercised by herself or her husband at any time during such marriage. But no white child shall be bound to a colored person, and no colored child shall be bound to any white person if a competent and suitable colored person can be found in the county.

No white child to be bound to colored person and no colored child to white person if suitable colored person can be found.

SEC. 18. When an apprentice is bound who is over fourteen years of age, as provided in the foregoing section, his or her consent shall be expressed in the indenture and testified to by signing the same, and the age of said apprentice shall also be inserted in said indenture.

Consent of apprentice over fourteen years of age necessary.

SEC. 19. Incapacity, desertion or drunkenness shall be decided before the clerk of the superior court upon application, as in special proceedings, when necessary.

Questions of incapacity, &c., to be decided before superior court clerk.

SEC. 20. Every indenture binding an apprentice to be effectual shall be proved and recorded in the register of deeds' office of the county where the parties thereto reside as deeds and conveyances, and shall be subject to the same rules of evidence as deeds and conveyances.

Probate and registration of indenture necessary.

SEC. 21. Any orphan asylum or charitable institution organized and incorporated for the purpose of taking care of indigent children under any general or special law of this State, is hereby authorized and empowered to execute indentures apprenticing children in their charge for the purpose of learning trades, the said children being fourteen years of age, and they shall have the same rights and assume the same liabilities thereunder as in case of natural persons, and such indentures shall be executed for and in the name of such corporation by the trustees thereof, or by some officer or person thereto authorized by such trustees.

Orphan asylums, &c., empowered to execute indentures apprenticing children over fourteen years of age to learn trades.

SEC. 22. All indentures apprenticing minors to learn trades shall contain the following covenants and provisions: (1) that said minor shall be bound to serve his employer for a term of not less than three nor more than five years; (2) that said minor so indentured shall not leave his said employer during the term for which he shall be indentured, and if any apprentice so indentured as aforesaid shall leave his employer, except as hereinafter provided, the said employer may compel the return of said apprentice under the penalties of this act; (3) that said employer shall covenant and agree in said indenture as to the compensation which is to be given the apprentice annually, specifying board, medical attention, lodging and clothes, when they are to be given, and also the wages to be paid in money and at what periods to be paid, and to whom; (4) that the said employer shall teach or cause to be carefully and skillfully taught to said apprentice every branch of the business to which he is indentured; (5) that said

Indentures, how executed.

What indentures to contain.

employer shall, at the expiration of said apprenticeship, give to said apprentice a certificate in writing stating that said apprentice has served a full term of apprenticeship of not less than three nor more than five years at such trade or craft as may be specified in said indenture; (6) that if either the employer or the apprentice, during the continuance of the apprenticeship, shall be unavoidably prevented from performing any of the conditions of the indenture and a settlement with respect to the same cannot be made by the parties to the indenture, the matter shall be referred to arbitrators for settlement, one to be selected by the employer and one on the part of the apprentice, and if they cannot decide the controversy, the two arbitrators chosen to select a third, and the decision of any two of said arbitrators to be final as to the matters in controversy.

Apprentice leaving employer without consent liable to arrest, &c.

SEC. 23. Any apprentice so indentured who shall leave his employer without his consent or without sufficient cause, and shall refuse to return, may be arrested upon complaint of said employer and taken before any magistrate of the county where the employer resides, and said magistrate may order said indentures cancelled, and on conviction may commit said apprentice to the house of correction or county jail until said apprentice agrees to abide by the indenture, which shall not exceed thirty days; and in case said apprentice so indentured shall still wilfully neglect or refuse to perform his portion of the contract as specified in said indenture, then said indenture may be cancelled in the manner aforesaid, and said apprentice so violating said indenture shall forfeit all back pay and all claims against said employer: *Provided*, either party shall have right of appeal.

Cancellation of indenture.

Forfeiture.

Action against employer for damages.

SEC. 24. Should any employer neglect or refuse to teach or cause to be taught to said apprentice the art or mystery of the trade or craft to which said apprentice has been indentured, or fail to perform any of the stipulations of the indenture, said apprentice, by his parent, guardian or next friend, may bring an action against said employer to recover damages sustained by reason of said neglect or refusal; and if proved to the satisfaction of the court, said court shall direct said indentures to be cancelled and may impose a fine on said employer not exceeding three hundred dollars and not less than fifty dollars, and said fine shall be collected and paid over to said apprentice or his parent or guardian for his sole use and benefit.

Cancellation of indenture. Fine for benefit of apprentice.

Conflicting laws repealed.

SEC. 25. All laws and clauses of laws in conflict with the foregoing sections are hereby repealed.

SEC. 26. This act shall be in force from and after its ratification.

Ratified the 23th day of February, A. D. 1889.

CHAPTER 170.

An act to amend section 677 of The Code and chapter 19, laws of 1885, in reference to forming corporations before the clerk.

The General Assembly of North Carolina do enact :

SECTION 1. That section 677 of The Code as amended by chapter nineteen of the laws of the session of one thousand eight hundred and eighty-five be amended by adding thereto the following: "Provided, that no corporation shall be formed under this section and chapter, nor shall any letters of incorporation issue thereunder to any corporation or company whose capital stock shall amount to more than one million dollars; nor shall any act or charter of incorporation which has been or may be taken out, formed or issued under this section and chapter be changed or amended before the clerk under section three of said chapter nineteen so as to increase the capital stock to an amount exceeding one million dollars: *And provided further*, that the General Assembly shall have power at any and all times by statute to revoke, annul or repeal any letters or charter of incorporation which have been or may be taken out or issued or formed under this section and chapter, and shall so have power to alter, amend or modify the same.

Code, sec. 677 and chap. 19, laws 1885, amended.

No corporation to be formed before clerk of superior court with capital stock exceeding one million dollars.

Power of General Assembly to repeal, &c., charter.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 171.

An act for the relief of George C. McLarty, clerk of the superior court of Union county.

The General Assembly of North Carolina do enact :

SECTION 1. That George C. McLarty, clerk of the superior court of Union county, be exempted from the provisions of section one hundred and fourteen of The Code, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code, during the months of July and August, one thousand eight hundred and eighty-nine: *Provided*, said clerk shall keep a competent deputy during such time as he shall be absent.

G. C. McLarty, clerk Union superior court, not required to attend at office on Mondays in July and August, 1889.

Proviso.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 172.

An act to create a new township in the county of Ashe, to be called
Creston township.*The General Assembly of North Carolina do enact :*Creston town-
ship, Ashe coun-
ty, created.
Boundaries.

SECTION 1. That a new township to be called Creston township is hereby created in the county of Ashe, to be taken from the townships of North Fork and Big Laurel, and bounded as follows: Beginning near A. M. Maxwell's and running with Stagg's Creek township line to where the road crosses the ridge between W. S. Roton's and James Oliver's; then a straight line to the mouth of Little Laurel; then up the Little Laurel to Jonathan Osborne's; then a straight line to Joseph Johnson's; then to the top of the peak; then to the top of the Bald mountain; then a straight line to where the road crosses the ridge above Thomas Ray's; then with the height of said ridge to Rocky Gap; then to the top of the bluff; then to the Middle Rock on Three Top mountain; then to Stagg's Creek township line; then with said line to the beginning.

Corporate powers

SEC. 2. That the said township shall have all the rights, powers and privileges now granted to the townships by law, and the permanent place of voting therein shall be at Creston.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 173.

An act to prevent the increase of hog cholera.

*The General Assembly of North Carolina do enact :*Owners of swine
afflicted with
cholera to secure
and isolate them.

SECTION 1. That any person having swine affected with the disease known as hog cholera, and discovering the same, or to whom notice of the fact shall be given, shall immediately secure the diseased swine from the approach or contact with other hogs not so affected, by penning or otherwise securing and effectually isolating them.

Animals dying
with cholera to
be buried.

SEC. 2. That when any hog or other animal shall die with the hog cholera or other infectious disease, it shall be the duty of the owner thereof to so bury the same as to secure it from the reach or contact with other hogs or other domestic animals of value.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act or neglecting for five days after it shall come to his or their notice that the swine are affected, and failing to comply with this act, shall be

guilty of a misdemeanor and fined not exceeding five dollars or imprisoned not more than ten days: *Provided*, that this act shall only apply to the counties of Cumberland, Camden, Perquimans, Haywood, Columbus, Jones, Bertie, Henderson, Jackson, Duplin, Wayne, Robeson and Pamlico.

Act applicable only to certain counties.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 174.

An act to protect the waters of Flat swamp, Evans' creek and Lock Creek canal, in Cumberland county.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall wilfully cut down or fell any trees or timber of any kind so that the same shall fall into or across the waters of Flat swamp, Evans' creek and Lock Creek canal, in Cumberland county, or who shall in any other way or manner obstruct the flow of the waters of said creeks and canal so as to stop or retard the natural flow of the waters therein, shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Misdemeanor to obstruct Flat swamp, Evans' creek and Lock Creek canal, Cumberland county.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 175.

An act to prescribe what is a lawful fence.

The General Assembly of North Carolina do enact:

SECTION 1. That a fence four and one-half feet high shall be and is hereby declared to be a lawful fence in North Carolina.

Fence four and a half feet high a lawful fence.

SEC. 2. That in all prosecutions for an unlawful fence arising under this act, justices of the peace shall have final jurisdiction: *Provided*, that the penalty for each offence shall not exceed a fine of ten dollars or imprisonment not exceeding ten days: *Provided*, that this act shall only apply to the counties of Cumberland, McDowell, Currituck, Cherokee, Burke, Swain, Rutherford, Hyde, Yancey, Wilkes, Caldwell, Duplin, Jackson and Henderson: *Provided*, that this act shall not apply to fences surrounding stock-law territory.

Justice to have jurisdiction of prosecutions for unlawful fence. Penalty.

Act applicable only to certain counties.

Not applicable to fences around stock-law territory.

SEC. 3. That either party shall have the right to appeal from the decision of the court.

Right of appeal.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 176.

An act to amend chapter 337, laws of 1887, in regard to the drainage of Hogan's creek, in Rockingham county.

The General Assembly of North Carolina do enact :

Chapter 337, sec. 6, laws 1887, amended.

Misdemeanor to obstruct stream for three days.

Act applicable to north prong of Hogan's creek.

Commissioners.

Powers and duties of commissioners.

SECTION 1. That section six of chapter three hundred and thirty-seven of the laws of one thousand eight hundred and eighty-seven be amended by striking out the word "ten," in line five of said section; and inserting in lieu thereof the word "three."

SEC. 2. That the provisions of said chapter of said laws shall also apply to the north prong of Hogan's creek from the north fork thereof to Smathers' mill; that the following persons are appointed commissioners to discharge the duties prescribed in said act in reference to the north prong, to-wit: William Manley, William Sommers, J. R. Dilworth and Frank Paschal, who shall hold their office for the term of two years, and who shall enter upon the discharge of their duties on or before the first day of July, one thousand eight hundred and eighty-nine.

SEC. 3. That the provisions of said act shall govern the said commissioners in the discharge of their duties in every respect, except as herein altered, and said act shall fully apply to the north prong of said creek, with the changes herein expressed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 177.

An act to amend chapter 63 of the laws of 1885, in regard to the criminal court for Mecklenburg county.

The General Assembly of North Carolina do enact :

Chapter 63, sec. 15, laws 1885, amended.

June term Mecklenburg criminal court abolished.

October term held on first Monday.

Conflicting laws repealed.

SECTION 1. That section fifteen, chapter sixty-three of the laws of eighteen hundred and eighty-five, be amended by striking out in line seven after the word "be," and before the word "terms," the word "six," and inserting in lieu thereof the word "five," and in line ten of said section after the word "April," strike out the words "first Monday of June," and in line ten of said section strike out the word "second" and insert in lieu thereof the word "first."

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. Ratified the 28th day of February, A. D. 1889.

CHAPTER 178.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter ninety-two (92) of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended as follows, to-wit: Insert after the word "Weldon," in line four, section one, the words "or any other point or points on the inland waters of"; and insert in line six, after the word "railroad," the words "or steamships"; and in line eleven, after the word "road," insert the word "built"; and after the word "built," at end of sentence, in line eleven, add, "and build such branch or branches from any point or points on the main line as the board of directors may deem beneficial: *Provided*, such branches shall not exceed twenty miles in length."

Chapter 92, sec. 1, laws 1872-73, amended.

Terminal points of Great Western Air-Line Railway Company. Connection with steamships. Consolidation with other roads.

Branch roads.

Proviso.

SEC. 2. That section two, line three, be amended by inserting, after the word "corporations," "including townships."

Sec. 2 amended. Subscription by townships.

SEC. 3. That section three be amended by adding after the word "Franklin," in line eight, the following names, to-wit: "E. K. P. Osborne, Walter Brem, J. H. Vanlandingham, P. M. Brown, J. H. Weddington, E. B. Springs, R. J. Brevard, Jno. E. Brown, John R. Hall, Joseph Graham and F. B. McDowell of Charlotte, S. H. Hearne of Albemarle, C. C. Wade of Troy, Duncan E. McIver and J. W. Scott of Sampson, and J. C. Black of Carthage."

Sec. 3 amended.

Commissioners to open books of subscription.

SEC. 4. That line five in section five be amended by inserting after the word "Weldon" the words "or any other point or points on the inland waters of North Carolina."

Sec. 5 amended.

Location of road.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 179.

An act to promote the immediate cultivation of shell-fish by citizens of the State.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for any citizen of the State of North Carolina to purchase and hold in fee simple any grounds that have been entered from the owners thereof or to enter any grounds that are subject to entry in any of the waters of Pamlico Sound or in any of the creeks, or bays, or tributaries thereof, in such quantities as may be desired for the immediate cultivation of shell-fish.

Citizens of State empowered to purchase lands entered or to enter lands on waters of Pamlico sound and tributaries for immediate cultivation of shell-fish.

Lands to be planted with not less than five hundred bushels of oysters per acre before January 1, 1891.

SEC. 2. That any person or persons taking advantage of the above section shall actually plant all the grounds entered or held by him, his wife or minor children, and also all the ground purchased under the provisions of this act, on or before the first day of January, one thousand eight hundred and ninety-one, with not less than five hundred bushels of oysters in the rough, with shells as taken from the natural oyster beds or public grounds without culling, per acre.

Forfeiture of lands not planted.

SEC. 3. That any grounds purchased or entered under provisions of this act, the person or persons taking the same shall plant that which was held by him and his family first: and any ground not planted in the time stated in the above section shall be forfeited and become the property of the State. Only that which is actually planted as prescribed in the above section shall be held in fee simple by the person or persons taking advantage of this act.

Rights and privileges in waters of Pamlico Sound and tributaries.

SEC. 4. That any person or persons planting or cultivating shell-fish under the provisions of this act and complying with the same shall enjoy all the rights and privileges enjoyed by any other person engaged in the cultivation of shell-fish in any of the waters named in the first section of this act.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 180.

An act to amend chapter 310 of the laws of 1885.

The General Assembly of North Carolina do enact:

Chapter 310, sec. 2, laws 1885, amended.

SECTION 1. That section two of chapter three hundred and ten of the laws of North Carolina, enacted at the session of one thousand eight hundred and eighty-five, be amended by inserting immediately after the word "that," in first line of said section, the words "the term of office of said water-course commissioners shall be two years and."

Term of office of water-course commissioners.

Sec. 3 amended. One hand to be furnished for each five acres or fractional part. Sec. 6 amended. Work of overseers subject to direction of commissioners.

SEC. 2. That section three of said chapter be amended by striking out the words "ten acres" in said section and inserting in lieu thereof the words "five acres or fractional part of five acres."

SEC. 3. That section six of said chapter be amended by adding at the end of the first sentence of said section after the words "flow of water," the following: "subject to discretion and direction of the water-course commissioners."

Sec. 14 amended. Not applicable to Little Cold Water creek, Cabarrus county.

SEC. 4. That section fourteen of said chapter shall not apply to Little Cold Water creek in the county of Cabarrus.

SEC. 5. That any and all official action heretofore taken in regard to said creek under said chapter is hereby annulled and declared void; and the terms of office of all water-course commissioners for any part of said creek are hereby terminated.

Action heretofore taken in regard to Little Cold Water creek, amended.

SEC. 6. That said creek shall be considered as only one stream under said chapter, and that R. M. Blackwelder, M. A. Lipe, D. M. Lipe, H. A. Blackwelder and D. C. Dayvadlt, are hereby appointed water-course commissioners for said creek from its mouth to its source, with full power to act as such under said chapter, and their terms of office shall begin twenty days after the ratification of this act.

Creek considered one stream. Commissioners.

Powers.

Term of office, when to begin.

SEC. 7. That this act shall take effect immediately.

Ratified the 28th day of February, A. D. 1889.

CHAPTER 181.

An act to amend chapters one hundred and seventeen and two hundred and sixty-one of the laws of 1885, and chapter thirty-four of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and seventeen of the laws of the session of one thousand eight hundred and eighty-five be amended by striking out all of said section after the words "and provided further," and inserting "that this act shall not apply to any reputable physician or surgeon resident in a neighboring State coming into this State for consultation with a registered physician resident therein. But this proviso shall not apply to physicians resident in a neighboring State regularly practicing in this State."

Chapter 117, sec. 2, laws 1885, amended. Misdemeanor for physician resident in neighboring State to practice in this State without license.

SEC. 2. That chapter two hundred and sixty-one of the laws of the session of one thousand eight hundred and eighty-five be amended by inserting after the word "college" the words "and were practicing medicine and surgery in this State," and by striking out the words "January the first, one thousand eight hundred and eighty," and inserting the words "the seventh day of March, one thousand eight hundred and eighty-five."

Chapter 261, laws 1885, amended. Physician having diploma from regular medical college prior to March 7th, 1885, and now practicing in this State entitled to bring suit for medical services without obtaining license. Code, sec. 3125, amended.

SEC. 3. That chapter thirty-four of The Code be amended by striking from section three thousand one hundred and twenty-five the words "for confirmation," and by adding immediately after section three thousand one hundred and thirty-four the following words: "All persons who are now practicing medicine or surgery in this State shall, before the first day of January, one thousand eight hundred and ninety, personally appear before the clerk of the superior court of the county where any such person resides or practices for registration

Two members of State board of medical examiners authorized to grant temporary license. Sec. 3134 amended. Practicing physicians to appear before superior court clerk for registration.

as herein provided; and any person who shall begin the practice of medicine or surgery in this State after the passage of this act shall likewise personally appear before the clerk of the superior court of the county in which he resides or practices within thirty days after obtaining a license from the board of medical examiners of the State, as now provided by law for such registration."

- Persons applying for registration to produce license or diploma or make oath, &c. SEC. 4. That any person applying for registration as herein provided shall produce and exhibit before the clerk of the superior court a license obtained from the board of medical examiners aforesaid, or a diploma issued by a regular medical college prior to the seventh day of March, 1885, or make oath that he was practicing medicine or surgery in this State prior to said seventh day of March, 1885; and upon such exhibit or oath being made as aforesaid, the clerk shall register the date of registration with the name and residence of such applicant in a book to be kept for this purpose in his office, marked "Register of Physicians and Surgeons," and shall issue to him a certificate of such registration under the seal of the superior court of the county upon the form furnished him, as hereinafter provided, for which the clerk shall be entitled to collect from said applicant a fee of twenty-five cents. The person obtaining said certificate shall be entitled to practice medicine or surgery, or both, in the county where the same was obtained, and in any other county in this State; but if he shall remove his residence to another county he shall exhibit said certificate to the clerk of such other county and be registered, which registration shall be made by said clerk without fee or charge: *Provided*, that any one having obtained a temporary license, as provided in section three thousand one hundred and twenty-five of The Code, shall not be entitled to register, but may practice during the time such license shall remain in force.
- Registration. Certificate. Fee. Person obtaining certificate entitled to practice, &c. SEC. 5. That any person who shall practice or attempt to practice medicine or surgery in this State without first having registered and obtained the certificate as aforesaid shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned at the discretion of the court, for each and every offence: *Provided*, this act shall not apply to women pursuing the avocation of midwife, nor to reputable physicians or surgeons resident in a neighboring State coming into the State for consultation with a registered physician of this State.
- Person obtaining certificate entitled to practice, &c. SEC. 6. That any clerk of the superior court who shall register or issue a certificate to any person in any other manner than that prescribed by this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars and shall be removed from office.
- Person obtaining certificate entitled to practice, &c. SEC. 7. That it shall be the duty of the medical society of the State of North Carolina to prescribe a proper form of certificate required
- Registration. Certificate. Fee. Person obtaining certificate entitled to practice, &c. Misdemeanor to practice without registration, &c. Proviso. Misdemeanor for clerk to register physician improperly. State Medical Society to prescribe form of certificate, &c.

by this act, and on or before the first day of July, one thousand eight hundred and eighty-nine, to furnish the clerk of the superior court of each county in the State blank forms thereof, and also one or more copies of this act; and it shall be the duty of said clerk, immediately upon receipt of this act, to post a copy thereof in some conspicuous place in the court-house of the county. Said society shall likewise furnish every physician in the State, whose address can be obtained, a copy of this act, on or before said first day of July, one thousand eight hundred and eighty-nine.

SEC. 8. That all laws and parts of laws in conflict with this act are hereby repealed.

Duty of clerk.
Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 182.

An act to regulate fishing in the northeast branch of the Cape Fear river.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish in the northeast branch of the Cape Fear river with seine, net or trap, from the 23d day of February to the first day of July each year, between the hours of twelve o'clock midnight on Saturday nights and 6 a. m. on Wednesdays of each week; and at no time shall it be lawful to use more than one seine at a time in any fishing hole in said river, or to use, set or place in said river any hedge, trap or other obstruction which will prevent the free passage of fish up said river, which said hedge, trap or other obstruction shall extend more than one-third across the main channel of the said river: *Provided, however,* that this act shall not apply to that portion of said river which lies between the city of Wilmington and a point on said river known as the Three Cypresses, twelve miles distant from said city of Wilmington.

Unlawful to fish with seine, &c., from 12 o'clock midnight Saturday to 6 a. m. Wednesday, or to use more than one seine at one place, or to obstruct free passage of fish.

SEC. 2. Any person violating the provisions of section first of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars and imprisoned not more than thirty days, either or both.

Proviso.

Misdemeanor.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 183.

An act for relief of sureties of J. T. Hunter, late sheriff of Alamance county.*The General Assembly of North Carolina do enact :*

Authorized to collect unpaid taxes for certain years.

SECTION 1. That the sureties on the official bonds of James T. Hunter, late sheriff of Alamance county, be and they are hereby empowered to collect such taxes as remain unpaid 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, one thousand eight hundred and eighty-six, and that they have until the first day of January, one thousand eight hundred and ninety, to collect the same, after which date the power hereby granted shall cease.

Limitation of act.

Collections, how made.

SEC. 2. That the collections shall be made by such person or persons as said sureties may authorize thereto, and the person or persons so authorized shall have all the powers now vested by law in sheriffs or tax-collectors with respect to collection of taxes.

Taxes against persons deceased not collectable.

SEC. 3. That no taxes listed for the years named in section one against any person now dead or who may die before the same are paid, shall be collected by authority of this act.

Taxes not collectable against minors, insane persons and persons making oath that taxes have been paid.

SEC. 4. That no taxes under the authority of this act shall be collected against the property of minors or persons of unsound mind, nor shall any taxes be collected for the years named from any person who will make affidavit that to the best of his or her knowledge and belief said taxes have been paid; and in case such affidavit is necessary to avoid the payment of any taxes hereby authorized to be collected, the said sureties shall pay the cost of such affidavit.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 184.

An act in relation to the commissioners of Clay county.*The General Assembly of North Carolina do enact :*

Code, sec. 706, amended.

SECTION 1. That section seven hundred and six of The Code be and the same is hereby amended by inserting the following after the word "month," in line four: *Provided*, the commissioners of Clay county shall only meet every two months in special session, and shall remain one day only at the expense of the county.

Meetings of board of commissioners of Clay county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 185.

An act for the relief of D. H. West, a totally disabled ex-Confederate soldier of Cumberland county, North Carolina.

WHEREAS, D. H. West, of Cumberland county, was a member of Preamble.
Company "E," Third North Carolina Regiment, in the late war between the States, and while such and in the active discharge of the duties devolving upon him as a Southern soldier, was twice severely wounded, and as a direct consequence of said wounds has been helplessly disabled, bed-ridden for several years past—a pauper, dependent upon charity for his sustenance and now almost totally blind in both eyes and continually growing worse; all coming from the result of said wounds; now, therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the name of D. H. West, of Cumberland county, be placed upon the roll of totally disabled Confederate soldiers and receive the pension annually allowed such. D. H. West placed on roll of totally disabled soldiers.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 186.

An act to establish local option in parts of Green Hill and Rutherford townships in Rutherford county.

The General Assembly of North Carolina do enact :

SECTION 1. That all the qualified voters within a radius of three miles of Mountain Creek Baptist church in Rutherford county, be allowed to vote on the question of prohibiting the manufacture and sale of spirituous liquors within the above described area, according to the rules and regulations as is prescribed in sections thirty-one hundred and thirteen, thirty-one hundred and fourteen, thirty-one hundred and fifteen and thirty-one hundred and sixteen of The Code inclusive. Local option election in territory within three miles of Mountain Creek Baptist church, Rutherford county.

SEC. 2. That the county commissioners, on the application of a sufficient number of good citizens and for good reason, may, if they deem it best, order said election on any day other than the first Monday in May, one thousand eight hundred and eighty-nine. When election to be held.

SEC. 3. It shall be the duty of the county commissioners to appoint a registrar within said district and have the election held as is provided for members of the General Assembly, due notice being given: Registration and mode of election.
Provided, the election shall not be held oftener than once in two Proviso.

Proviso.

years: *Provided further*, they may in their notice put the time longer than two years, and if it so appears in the order for election and in the notice thereof, then no election can be held in said district till that time expires.

Misdemeanor.

SEC. 4. *Provided*, if the voters in said district shall vote as is prescribed by law, the majority of them voting to prohibit the sale and manufacture of liquors within said district, then all persons so violating this act shall be guilty of a misdemeanor and fined not more than ten dollars or imprisoned at the discretion of the court, for each and every offence.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 187.

An act to amend chapter 81, section 3, laws of 1887, in regard to the sale of seed cotton.

The General Assembly of North Carolina do enact:

Chapter 81, laws 1887, (concerning the sale of seed cotton) applicable to certain additional counties.

SECTION 1. That chapter eighty-one, section three, of the laws of one thousand eight hundred and eighty-seven, be amended by adding the words "Lenoir, Greene, Jones, Edgecombe, Nash and Pitt," in line thirteen, between the words "Anson" and "and."

Conflicting laws repealed.

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

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 188.

An act for the relief of P. T. Massey, late treasurer of Johnston county.

The General Assembly of North Carolina do enact:

Commissioners of Johnston county authorized to settle with P. T. Massey, county treasurer, for funds lost in State National Bank.

SECTION 1. That the board of county commissioners of Johnston county are hereby authorized and empowered to settle and finally adjust with P. T. Massey and the sureties of his official bond the amounts now due from him to the school or county funds of said county, and which were lost in the failure of the State National Bank of Raleigh, and the said commissioners are authorized and empowered to relieve the said P. T. Massey and his sureties from all liability on account of said loss, if, in their judgment, they deem it proper to do so.

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

Ratified the 1st day of March, A. D. 1889.

CHAPTER 189.

An act to alter the charter of the Polk County Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-seven be and the same is hereby amended as follows: Strike out, in line two of said section, the word "or" where it appears between the words "Columbus" and "Mills Springs," and insert in lieu thereof the words "by way of": also, wherever the word "or" appears in said chapter between the words "Columbus" and "Mills Springs," strike the same out and insert in lieu thereof the words "by way of."

Chapter 134, sec. 1,
laws 1887,
amended.
Route.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 1st day of March, A. D. 1889.

CHAPTER 190.

An act to change the names of Lincoln and Grant townships, in the county of Pender.

The General Assembly of North Carolina do enact :

SECTION 1. That the name of Lincoln township, in the county of Pender, be and the same is hereby changed to Long Creek township; and that the name of Grant township, in said county, be and the same is hereby changed to Topsail township.

Lincoln township
changed to Long
Creek township.
Grant township
changed to Top-
sail township.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 1st day of March, A. D. 1889.

CHAPTER 191.

An act to correct State grant number 1730.

WHEREAS, Adam M. Cable was purchaser entry number six thousand two hundred and thirty-two, grant number one thousand seven hundred and thirty, in Macon county; and whereas, grant issued for said land to Edward N. Cable; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That wherever the name Edward N. Cable appears in said grant and certificate that the same be stricken out and the name Adam M. Cable be inserted in lieu thereof.

Name of grantee
changed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 1st day of March, A. D. 1889.

CHAPTER 192.

An act to prevent the putting of dead bodies of animals in the waters of Roanoke river.

The General Assembly of North Carolina do enact :

Unlawful to put dead body of animals in Roanoke river.

SECTION 1. That it shall be unlawful for any citizen in North Carolina to put into the waters of Roanoke river the dead body of any horse, mule, cattle, hog, sheep, or dog, by which a nuisance is or might be created to persons residing near the banks of said river.

Misdemeanor.

SEC. 2. That any person or persons who shall put or cause to be put into the waters of the Roanoke river any horse, mule, cattle, hogs, sheep, or dogs, in the State of North Carolina, shall be guilty of a misdemeanor, and on conviction for the same shall be fined not more than twenty-five nor less than five dollars or imprisoned twenty days in the common jail.

Justice to have jurisdiction.

SEC. 3. That justices of the peace shall have jurisdiction over the aforesaid act.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 193.

An act for working the public roads in Clay and Graham counties.

The General Assembly of North Carolina do enact :

Road supervisors to meet first Saturday in September, &c.

SECTION 1. That the words "first Saturday in February and August" be stricken out wherever they occur in the public road law of North Carolina, and insert in lieu thereof the words "first Saturday in September."

Code, sec. 2017, amended. Who liable to work on roads.

SEC. 2. That section two thousand and seventeen of The Code be amended in line two by striking out the word "eighteen" and inserting in lieu thereof the word "sixteen," and after the word "provided," in line seven of said section, "that they shall work so many days only as are necessary to put and keep the roads in lawful condition."

Sec. 2019 amended. To work not longer than five days. Notice.

SEC. 3. That section two thousand and nineteen of The Code be amended in lines five and six by striking out the words "two days," and insert in lieu thereof the words "five days." Also strike out the words "three days," in line nine, and insert in lieu thereof the words "one day."

Sec. 2015 amended. Supervisors not required to examine roads.

SEC. 4. That section two thousand and fifteen of The Code be amended by striking out all the words after the word "townships," in line six, and before the word "they," in line nine: "Provided

further, that the supervisors shall be exempt from road service for four days only in each year.”

SEC. 5. That section one, chapter seventy-three, of the laws of eighteen hundred and eighty-seven, be and the same is hereby repealed. Exemption of supervisors.
Section 1 of chap. 73, laws 1887, repealed.

SEC. 6. That sections two thousand and forty-one and two thousand and forty-two of The Code be and the same are hereby re-enacted: Code, secs. 2041 and 2042, re-enacted.
Act applicable only to Clay and Graham counties.
Provided, that this act shall only apply to the counties of Clay and Graham.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 194.

An act to provide additional accommodations for the deaf, dumb and blind.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven of chapter four hundred and ten of the laws of one thousand eight hundred and eighty-seven be and the same is hereby repealed. Section 7, chapter 410, laws 1887, repealed.

SEC. 2. That the use of the one hundred acres (more or less) of land known as the Camp Mangum tract, belonging to the State of North Carolina and situated about one-half mile west of the fair ground of the North Carolina Agricultural Society, is hereby given to the North Carolina Institution for the Deaf and Dumb and the Blind. Use of certain land belonging to State given to Institution for Deaf and Dumb and the Blind.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 195.

An act for the relief of W. P. White, a public school teacher of Alamance county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county treasurer of Alamance county be and he is hereby authorized and directed to pay to W. P. White, a teacher of public schools of the white race for Alamance county, for his service in teaching a public school in district number forty-three, in the year of one thousand eight hundred and eighty-eight, a sum not exceeding one hundred dollars, to be paid out of the funds of said district. County treasurer authorized to pay W. P. White, school teacher, not exceeding \$100.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 196.

An act to authorize the State Board of Education to sell to Anson M. Swindell certain lands on which he now lives.*The General Assembly of North Carolina do enact :*

State board of education authorized to sell certain land to A. M. Swindell.

SECTION 1. That the State board of education be and is hereby authorized to sell to Anson M. Swindell, a citizen of Hyde county, North Carolina, lands on which he now resides, not less than five hundred acres, at such price as may be agreed upon between the parties: *Provided*, it shall not be less than fifteen cents per acre.

Proviso.

When deed to be executed.

SEC. 2. That if the said Anson M. Swindell shall, at any time between now and the first day of October, one thousand eight hundred and eighty-nine, present the plats and surveys, accompanied with the money, at the price aforesaid, the said board of education shall give him a grant or deed for the same.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 197.

An act in relation to the election of justices of the peace.*The General Assembly of North Carolina do enact :*

Persons named in report of joint committee on election of justices declared duly elected, &c.

SECTION 1. That the persons named in the report of the joint committee on the election of justices of the peace, adopted by the two houses of this General Assembly in joint session, March the seventh, eighteen hundred and eighty-nine, be and the same are hereby declared elected justices of the peace for the various townships in the different counties of the State, as set forth in said report.

Who to be commissioned when greater number elected in any township than are necessary to fill vacancies occurring on first Thursday of August, 1889.

SEC. 2. That in all cases where it appears from said report so adopted that a greater number of persons have been elected as justices of the peace for any township than are necessary to fill the vacancies which would occur on the first Thursday in August, Anno Domini eighteen hundred and eighty-nine, by the expiration of the terms for which justices of the peace now in office have been elected or appointed, then the persons whose names appear first in order on the lists opposite the names of the respective townships, to the number of the vacancies so occurring or likely to occur on the first Thursday in August, Anno Domini eighteen hundred and eighty-nine, shall be commissioned as the successors of those justices of the peace in the respective townships whose terms of office expire on that date.

SEC. 3. That the persons named on said lists in excess of the number necessary to fill the vacancies so occurring or likely to occur on the first Thursday in August, Anno Domini eighteen hundred and eighty-nine, shall be commissioned to fill vacancies existing at the time this act shall go into effect, those whose names appear on the lists next in order after the names of those commissioned for a full term of six years being commissioned for the longest unexpired term in order until all existing vacancies are filled: *Provided*, a sufficient number have been elected to fill such vacancies.

When persons appointed in excess of number necessary to fill vacancies occurring on first Thursday of August, 1889, to be commissioned.

Proviso.

SEC. 4. That in case a larger number of persons have been elected justices of the peace for any township than are necessary to meet all the requirements of sections two and three of this act, then those elected in excess of the number necessary for that purpose shall be commissioned for a full term of six years from the first Thursday in August, eighteen hundred and eighty-nine.

If larger number appointed than necessary to meet requirements of sections two and three then they to be commissioned from first Thursday of August, 1889.

SEC. 5. That it shall be the duty of the clerks of the superior courts of the different counties to determine, in accordance with the provisions of this act, the length of the term for which each of the persons elected justices of the peace for their respective counties by the General Assembly shall be qualified.

Duty of superior court clerks.

SEC. 6. That as soon as practicable, after the ratification of this act, there shall be printed for the use of each member of the House of Representatives fifty copies of this act, with the same number of copies of the list of justices elected by this General Assembly for his county.

Fifty copies of this act and of list of justices to be furnished each member of General Assembly.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 198.

An act for the relief of certain soldiers of the late war between the States.

The General Assembly of North Carolina do enact :

SECTION 1. There shall be paid out of the treasury of the State of North Carolina, on the warrant of the auditor, to every person who has been for twelve months immediately preceding his or her application for pension a *bona fide* resident of this State, and who is incapacitated for manual labor by reason of a wound received while in discharge of his duty as a soldier or sailor in the service of the State of North Carolina or of the Confederate States of America, during the war between the States, and to the widow remaining unmarried of any deceased officer, soldier or sailor who lost his life while a citizen of this State or of the Confederate States, during the

Annual pensions to be paid to certain soldiers and sailors injured in the war between the States, and to certain widows.

To those totally incapacitated, \$100.
 To those having lost leg above knee or arm above elbow, \$75.
 To those having lost foot or hand, &c., \$50.
 To those having lost one eye, or otherwise disabled, &c., and to indigent widows remaining unmarried, \$25.

Certain persons excluded from benefits of act.

If appropriation be insufficient, amount realized to be apportioned *pro rata*.

Pensioner to file application before first Monday in July.

County pension board. What application to set forth.

Application to be verified and witnessed.

late war between the States, the following sums, annually, according to the degree of disability ascertained by the following grade, viz.: 1st. To such as have received a wound which renders them totally incompetent to perform manual labor in the ordinary avocations of life, one hundred dollars; 2d. To such as have lost a leg above the knee or an arm above the elbow, seventy-five dollars; 3d. To such as have lost a foot or leg below the knee, or hand or arm below the elbow, or have a leg or arm rendered utterly useless by reason of a wound or permanent injury, fifty dollars; 4th. To such as have lost one eye, and to all indigent widows remaining unmarried, and all other soldiers who are otherwise disabled to perform manual labor by reason of wounds received while in the Confederate service, twenty-five dollars.

SEC. 2. That no person shall be entitled to receive the benefits of this act who owns property whose tax valuation exceeds the sum of five hundred dollars, or who, having owned property in excess of five hundred dollars, has disposed of the same by gift or voluntary conveyance to his wife, or child, or children, or next of kin, or to any other person, since the 11th day of March, 1885.

SEC. 3. That in case the amount appropriated by the General Assembly in any year for the purpose of paying the above allowances be insufficient to pay the same in full, then the same shall be annually apportioned *pro rata* among the foregoing grades, observing the gradation, so as to give the greater proportionate amount of aid to those more seriously disabled, as in this act set forth.

SEC. 4. That before any officer, soldier or sailor shall receive any part of the annual appropriation herein made, he shall on or before the first Monday in July of every year, file with the county commissioners of the county wherein he resides, who, together with the sheriff and the clerk of the superior court of said county shall constitute a pension board for their county, an application for relief setting forth in detail the company and regiment or battalion in which he served at the time of receiving the wound, the time and place of receiving the wound, whether he is holding an office in the State, United States, or county from which he is receiving the sum of three hundred dollars in fees or as a salary, whether he is worth in his own right or in the right of his wife property at its assessed value for taxation to the amount of five hundred dollars, and whether he is receiving any aid from the State of North Carolina under any other statute providing for the relief of the maimed and blind soldiers of the State, and whether he is a citizen of the State of North Carolina, which said application shall be verified by the oath of the applicant, made before any one empowered to administer oaths, and shall be accompanied by the affidavit of one or more credible witnesses stating that he or they verily believe the applicant to be the identical person named in the application, and that the facts stated in the application

are true; and when said board is satisfied with the justness of the claim made by the applicant, they shall so certify the same to the auditor of State under their hands and the seal of the superior court of their county, which shall be impressed by the clerk of the superior court of the county: *Provided*, that for the services herein required of the clerks of the superior courts they shall receive no fees whatever, and there shall accompany said certificate so sent to the auditor of the State the application, affidavits and proofs taken by them, which said papers shall be kept on file in the auditor's office; and the governor, attorney general and auditor shall be constituted a State board of pensions, and it shall be their duty to examine each case, and for this purpose they may take other testimony than that sent up by the local boards, and such as are approved by the State board shall be paid by the treasurer upon the warrant of the auditor.

To be certified to auditor.

Superior court clerks to have no fees.

Affidavits, &c., to be forwarded to auditor.

State board of pensions. Duties.

Treasurer to pay approved cases.

SEC. 5. That it shall be the duty of the clerk of the superior court of the county where the application is filed to forward to the auditor of the State, immediately after making the certificate as required in section four of this act, and before the first Monday in August, A. D. 1889, and in every year thereafter, the application and proofs and certificate, and upon the State board of inquiry being satisfied of the truth and genuineness of the application, the auditor shall issue his warrant on the State treasurer for the same.

Superior court clerks to forward applications, proofs, &c., to auditor before first Monday in August.

When auditor to issue warrant.

SEC. 6. After an application has been once passed upon and allowed by the county and State boards, it shall be necessary only for the applicant to file with the auditor of the State a certificate from the clerk of the superior court of the county in which his application was originally filed, setting forth that the applicant is the identical person named in the original application which is on file in the auditor's office, and that the applicant is alive but still disabled, and a citizen of this State, and still entitled to the benefits of this act, which certificate may be passed upon by the State board, upon suggestions of fraud, before the auditor draws his warrant upon said certificate.

What certificate to be filed annually by pensioner after original application allowed.

SEC. 7. That no warrant shall be issued for any sum appropriated under this act in favor of any applicant until after the first day of September of each year. No soldier, officer, sailor, or widow, as provided in section one, shall be entitled to the benefits of this act except upon his or her own application, or, in case he or she is insane or lunatic, upon the application of his or her guardian or committee having charge of him or her, as herein provided.

When warrant to be issued by auditor.

Applications to be personally made, except in cases of insane persons, &c.

SEC. 8. That no officer, soldier, sailor or widow holding a national, State or county office which pays annually a salary or fees the sum of three hundred dollars, or who owns, in his or her own right, or in the right of his wife, property of the value of five hundred dollars, as assessed for taxation, or who is receiving aid from the State under any act providing for the relief of soldiers who are blind or maimed, shall be entitled to any of the benefits of this act.

Certain persons excluded from benefits of act.

Act not to be construed to repeal any act for relief of soldiers wounded or blind, &c. Auditor to provide form of application, &c.

SEC. 9. That this act shall not be so construed as to repeal any act providing for the relief of soldiers, wounded or blind, and who do not participate in any of the benefits of this act.

SEC. 10. The auditor of the State shall provide a form of application according to the terms of this act, and the auditor is hereby authorized and instructed to have the same printed and sent to the registers of deeds of the several counties of the State for the use of applicants.

Misdemeanor to speculate in claims allowed under this act.

SEC. 11. Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor, or widow of a deceased soldier or sailor, allowed under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

How warrants to be endorsed and paid.

SEC. 12. That the auditor shall issue his warrant payable to the pensioner or order, and such warrants shall not be paid by the public treasurer without the endorsement of the payee, or his or her duly appointed attorney in fact, specially authorized to make such endorsement; and if such endorsement is made by the payee, it shall be attested by the official signature of the clerk of the superior court or some justice of the peace of the county in which said payee resides; and if such endorsement is made by the attorney in fact of the payee, as in this section provided, a copy of the power of attorney, duly attested by the clerk of the superior court or a justice of the peace of the county in which the payee resides, shall be attached to said warrant.

Warrants to be sent by auditor to registers of deeds and distributed by them.

SEC. 13. That the warrants for pensions shall be sent by the auditor to the register of deeds of the county in which the pensioners reside, and it shall be the duty of the register of deeds to acknowledge to the auditor the receipt of said warrants by the next mail after their receipt, and the said register of deeds shall forthwith deliver or mail to each pensioner in his county his or her warrant, and post in the court-house a list of the pensioners to whom he has mailed or delivered warrants.

List of pensioners to be posted by register.

Auditor to send to registers list of pensioners allowed by State board.

SEC. 14. That the auditor shall, as soon as the same is ascertained, transmit to the register of deeds of the several counties a correct list of the pensioners (with their post-offices) as allowed by the State board of pensions.

Neglect, &c., of duties imposed by this act a misdemeanor.

SEC. 15. Any officer or other person who shall neglect or refuse to discharge the duties imposed upon him by this act shall be guilty of a misdemeanor, and upon conviction thereof in the superior court shall be fined or imprisoned at the discretion of the court.

State board to prescribe rules, &c.

SEC. 16. The State board of pensions are hereby empowered to prescribe rules and regulations for the more certainly carrying into effect this act according to its true intent and purpose.

SEC. 17. That a tax of three cents on every one hundred dollars value of real and personal property of this State, and moneys, credits,

investments in bonds, stocks, joint stock companies or otherwise; and also a tax of nine cents 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 accord fit subjects for exemption, shall be and are hereby levied to be applied to the special object of paying the pensions provided for in this act and to no other purpose.

Ad valorem tax of three cents on the \$100 and poll-tax of nine cents levied for purposes of this act.

SEC. 18. That the auditor be and he is hereby directed to provide a column on the tax-list for the year one thousand eight hundred and eighty-nine and annually thereafter and to be called "pensions for disabled Confederate soldiers, sailors and widows." This tax shall be collected and paid into the State treasury by the sheriffs as are other State taxes.

Auditor to provide special column on tax-list.

SEC. 19. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed: *Provided*, that nothing in this act contained shall be construed to repeal or in any wise interfere with the appropriation and payment of pensions provided for in chapter two hundred and fourteen of the laws of one thousand eight hundred and eighty-five, entitled "an act for relief of certain soldiers of the late war between the States," as amended by chapter one hundred and sixteen of the laws of one thousand eight hundred and eighty-seven, for the year one thousand eight hundred and eighty-nine: *Provided further*, the appropriation made by the present act shall be instead of appropriations made by chapter two hundred and fourteen of the laws of eighteen hundred and eighty-five, as amended by chapter one hundred and sixteen of the laws of eighteen hundred and eighty-seven, and not additional thereto.

Tax, how collected, &c.

Conflicting laws repealed.

Construction of act.

SEC. 20. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 199.

An act to amend the public school law.

The General Assembly of North Carolina do enact:

SECTION 1. That the fiscal school year shall begin on the first day of July and close on the thirtieth day of June next succeeding.

Fiscal year.

SEC. 2. That the term of office of the county boards of education holding office at the date of the passage of this act shall expire on the thirtieth day of June, eighteen hundred and eighty-nine (1889), and thereafter the regular term of office of these boards shall begin on the first day of July and be two years; but the boards shall hold until their successors are elected and qualified.

Term of office of county boards of education.

- Term of office of county superintendents.** SEC. 3. That the term of office of the county superintendents holding office at the date of the passage of this act shall expire on the thirtieth day of June, eighteen hundred and ninety, and after that date the terms of office of the superintendents shall be two years from the first day of July of the year of their election; but the superintendents shall hold office until their successors are elected and qualified.
- Bond of treasurer of county board.** SEC. 4. That the bond of the treasurer of the county board of education shall be approved by the board of county commissioners, and they shall bring action for any breach thereof, and on their failure to bring such action, it may be brought by the county board of education, or in the name of the State on the relation of any tax-payer. The said bond shall be separate, not including liabilities for other funds, and shall be in double the amount of school funds which he may receive or which were received by his predecessor during the previous year.
- Action on bond.**
- When treasurer to balance accounts.** SEC. 5. That the treasurer shall balance his accounts on the thirtieth day of June, instead of on the thirtieth day of November, as now required by section two thousand five hundred and fifty-six of The Code.
- Code, section 2558, repealed.** SEC. 6. That section two thousand five hundred and fifty-eight of The Code is repealed.
- Code, section 2560, amended.** SEC. 7. That section two thousand five hundred and sixty of The Code, as amended by the laws of one thousand eight hundred and eighty-five, is amended to read as follows: "The treasurer of the county board of education of each county shall report to the State superintendent of public instruction on the first Monday of July of each year the entire amount of school money received and disbursed by him during the preceding school year, designating by items the amounts received respectively from property tax, poll-tax, liquor licenses, fines, forfeitures and penalties, auctioneers, estrays, from State treasurer, and from all other sources. He shall also designate by items the sums paid to teachers of white and colored children respectively, and for school houses and school house sites in the several districts, and for all other purposes, specifically and in detail by items, and on the same day he shall file a duplicate of said report in the office of the county board of education. He shall make such other reports as the board of education of the county may require from time to time."
- Annual report of treasurer of county boards to State superintendent.**
- Duplicate report to county board.**
- Other reports.**
- Moneys paid over by sheriff to be itemized.** SEC. 8. That whenever the sheriff or other collecting officer pays over moneys to the treasurer of the board of education, he shall designate the items as indicated in section two thousand five hundred and sixty of The Code, as amended by this act, and these items shall be stated in the receipts given by the treasurer.
- SEC. 9. That the auditor of the State shall include on the form which he furnishes to the board of county commissioners, and on

which the tax-lists are to be made out, separate columns for school poll-tax and school property tax, in one of which columns shall be entered the total poll-tax levied by the General Assembly and the county authorities for schools due by each tax-payer, and in the other the total property tax levied by the General Assembly and the county authorities for schools due by each tax-payer. The auditor's form shall likewise show, in separate columns, the white and colored polls, and in separate columns the property of whites and colored, and the list-taker's form shall be arranged accordingly.

Auditor to provide separate columns in tax-list for school poll-tax and school property tax.

SEC. 10. That partial third-grade certificates are hereby abolished. No examination of teachers shall be held on days other than those named in the school law for that purpose, unless the applicant was prevented from attending at the regular time on account of sickness, or unless the school interests would, in the judgment of the superintendent, suffer by delaying the examination to the regular day, and for each examination not made on the regular days the applicant shall pay the superintendent one dollar (\$1.00), which shall be turned over to the treasurer and placed to the credit of the general school fund of the county.

Partial third-grade certificates abolished.

Examination of teachers, when held, &c.

SEC. 11. That for immoral conduct or other conduct unbecoming a teacher, the county superintendent shall have power to revoke any certificate given by a county superintendent; and for the same cause, and for other causes damaging to the school interests, and satisfactory to himself, he may, with the approval of the chairman of the board of education, discontinue any school and pay the teacher to the date of such discontinuance.

Revocation of certificate, discontinuance of school, &c.

SEC. 12. That teachers may be qualified to their orders by any person authorized to administer an oath.

Teachers, how qualified.

SEC. 13. That the report of the county superintendent to the State superintendent, now required to be made on the first Monday in December, shall be made on the first Monday in July.

Report of county superintendent, when made.

SEC. 14. That the census now required to be taken on or before the first day of November shall be taken on or before the first day of June, and on failure to receive it before the first Monday in July, the county superintendent shall take the census of the preceding year as the basis of his report to the State superintendent.

Census, when taken, &c.

SEC. 15. That section two thousand five hundred and eighty-three of The Code is amended to read as follows: "The school committee may receive suitable sites for school houses by donation or purchase. In the latter case they shall report the price to the chairman and secretary of the county board of education. If the latter are satisfied that the price is not excessive, and that it is suitable in respect to its location, they shall approve the order of the committee on the treasurer of the county board of education for the purchase money, and upon payment of the order the title to said site shall vest in the committee and their successors in office. Whenever the committee are unable

Code, section 2583, amended.

Acquisition of sites for school-houses by donation or purchase.

- to obtain a suitable site for a school by gift or purchase, they shall report to the county superintendent of public instruction, who shall, upon five days' notice to the owner of the land, apply to the clerk of the superior court for the appointment of their [three] appraisers, who shall lay off, by metes and bounds, not more than one acre, and assess the value thereof. They shall make a written report of their proceedings, to be signed by them or by a majority of them, to the said clerk within five days from their appointment, who shall enter the same upon the records of the court. If said report is confirmed by the clerk of the court, the chairman and secretary shall approve the order which the district school committee shall give on the treasurer of the county board of education in favor of the owner of the land thus laid off, and upon payment or offer of payment of this order the title to said land shall vest in the school committee and their successors in office: *Provided*, improved land shall not be condemned under this section unless it be essential to secure a proper location: *Provided further*, any person aggrieved by the action of said appraisers may appeal to the superior court of the county in which the land is situate upon giving bond to secure the board against such costs as may be incurred on account of said appeal not being prosecuted with effect."
- Condemnation of land.** SEC. 16. That section twenty-one of chapter one hundred and seventy-four, laws of one thousand eight hundred and eighty-five, be amended by substituting the word "July" for "December."
- Improved land not to be condemned.** SEC. 17. That section twenty-six, chapter one hundred and seventy-four, laws of one thousand eight hundred and eighty-five, is hereby repealed, and the following substituted in lieu thereof: "No contracts for teachers' salaries shall be made during any fiscal year for a larger amount of money than is actually to the credit of the respective districts for that year, and no committee shall give an order unless the money to pay it is actually to the credit of the district."
- Right of appeal.** SEC. 18. That section twenty-five, chapter one hundred and seventy-four, laws of one thousand eight hundred and eighty-five, is hereby repealed, and the following substituted in lieu thereof: "The treasurer of the county board of education shall, on the last Saturday of each month, attend at the office of the county board of education for the purpose of paying school orders (provided, that in those counties where the sheriff is *ex-officio* treasurer of the county he shall not be required to attend his office on the last Saturday in each month); but this shall not be construed to prevent the payment of orders at other times; and he shall be allowed for compensation as treasurer of the school fund such sum as the board of education may allow him, not to exceed two per centum of his vouchers paid on orders of school committees."
- Chapter 174, section 21, laws 1885, amended.** SEC. 19. That on the first Monday of July the board of education, county superintendent, and treasurer shall meet at the office of the board and settle all the business of the preceding fiscal year. The
- Sec. 26 repealed.**
- Contracts for teachers' salaries.**
- Orders for money.**
- Sec. 25 repealed.**
- School orders, when paid, &c.**
- Exception.**
- When and how business of preceding fiscal year to be settled, &c.**

board shall, on that day, examine the reports of the treasurer and county superintendent, which are required to be made to the State superintendent, and, if found correct, shall direct them to be forwarded.

SEC. 20. That should any day specified in this act on which any duty should be performed fall on Sunday, such duty shall be performed on the day following.

SEC. 21. That the register of deeds shall furnish to the board of education, as soon as the tax-lists are made out, an abstract of said list, showing, in separate columns, the total amount of poll-tax borne on said lists, and also the total amount of property tax borne on the same, and shall furnish such other information from his office as the county board of education may from time to time require.

SEC. 22. That the books recommended by the State board of education, in accordance with section two thousand five hundred and thirty-nine, shall be used in all public schools of the State, and the State board of education shall have discretion to recommend more than one series on such subjects as they may deem it desirable.

SEC. 23. That section two thousand five hundred and fifty-one, as amended by the laws of 1885, is amended to read as follows: "The county board of education of every county shall, on the first Monday in January of each year, apportion among the several districts of the county, designating the amount to each school-house, if more than one in the district, all school funds in the following manner: First, deduct an amount sufficient to defray the general school expenses of the county authorized by law; then apportion two-thirds of the funds to the several districts in proportion to the whole number of children between the ages of six and twenty-one years, and at the same time the remaining one-third shall be apportioned in such manner as to equalize the average length of school terms for the two races, as far as may be practicable, without discrimination in favor of or to the prejudice of either race. As soon as the apportionment is made, the county board of education shall post a statement at the court-house door, showing the amount apportioned to the several districts or schools of the county, and they shall also notify each committee of the amount apportioned to their district and to each school. The board shall also furnish the treasurer of the county board of education a statement of the amounts apportioned to the several districts and schools."

SEC. 24. That as far as practicable the county board shall require all schools to be in session at the same time, and there shall be but one continuous session during the year, and no school shall be in session at the close of the fiscal year.

SEC. 25. That section two thousand five hundred and fifty-three of The Code, as amended by chapter 174, laws of 1885, is amended by adding to the end thereof the following: "Provided, that all orders

When any day specified in this act falls on Sunday, duty to be performed on day following.
Duty of register of deeds.

Books recommended by State board to be used in all public schools.

Code, section 2551, amended.
Apportionment of county school fund.

Statement to be posted, &c.

School sessions.

Code, section 2553, amended.

Orders for money,
how signed, &c.

by committees for money, and all contracts made by them in writing, shall be signed in the legible handwriting of the committeemen purporting to sign such orders or contracts, or in case any committeeman cannot write his name, his signature by making his mark shall be witnessed by at least one disinterested witness in his own proper handwriting."

Treasurer going
out of office, &c.,
to make detailed
statement, &c.

SEC. 26. That if the term of office of any treasurer shall expire on the thirtieth day of November during any fiscal school year, or if for any reason he shall hold office beyond the thirtieth of November and not for the whole of the correct [current] fiscal school year, he shall, at the time he goes out of office, file with the county board of education and with his successor a report, itemized as required by section 2560 of The Code as amended by this act, covering the receipts and disbursements for that part of the fiscal school year from the thirtieth of June preceding to the time at which he turns over the office to his successor, and his successor shall include in his report to the State superintendent the receipts and disbursements for the current fiscal school year.

Treasurer going
out of office to
deposit books
with county
board, &c.

SEC. 27. That each treasurer of the county board of education, on going out of office, shall deposit in the office of the board of education of his county his books in which are kept his school accounts, and all records and blanks pertaining to his office.

Code, section 2563,
amended.
Action against
sheriff on relation
of county board
of education.
Code, section 2545,
amended.

SEC. 28. That section 2563 of The Code be amended by substituting for the words "board of county commissioners," in the last two lines thereof, the words "county board of education."

County board of
education incor-
porated.

SEC. 29. That section 2545 of The Code is amended by adding at the end thereof the following: "The said board shall be a body corporate, with power to sue and be sued, and to take, receive and convey property, real and personal, for the purpose of more effectually performing the duties imposed upon them."

Code, section 2555,
amended.

SEC. 30. That section 2555 of The Code is amended down to the word "provided," in line thirteen, to read as follows: "All orders upon the treasurer of the county board of education for school money for the payment of teachers, and all orders for the purchase of sites for school-houses and for the cost of building, repairing and furnishing school-houses, shall be signed by the school committee of the district in which the school is taught, or in which the site or school-house is situated, and shall be countersigned by the county superintendent of public instruction, which orders, duly endorsed by the person to whom the same are payable, shall be the only valid vouchers in the hands of the treasurer of the county board of education, to be paid out of the funds apportioned to the district."

Orders upon
treasurer of coun-
ty board, how
issued, &c.

Code, section 2580,
amended.
School commit-
tee authorized to
employ teachers.

SEC. 31. That section 2580 of The Code, as amended by the law of 1885, is amended to read as follows: "The school committees shall have authority to employ and dismiss teachers in their respective districts; but no contract shall be made during any year to extend

beyond the term of office of the committee, nor for more money than is placed to the credit of the district for the fiscal year during which the contract is made. No person shall be employed as a teacher who does not produce a certificate from the county superintendent of public instruction dated within the time prescribed by law. Teachers of third grade shall receive out of the public fund not more than fifteen dollars per month; of the second grade, not more than twenty-five dollars per month, and teachers of first grade may receive such compensation as shall be agreed upon; but no teacher shall receive any compensation for a shorter term than one month, unless provisionally hindered. Twenty school days shall be a month: *Provided*, that the county board of education shall have authority to fix a maximum price for first grade teachers, and otherwise superintend the employing and dismissing of teachers not inconsistent with the specific prohibitions in this section."

Persons employed to produce certificate, &c.
Compensation.

Proviso.

SEC. 32. That section 2584 of the Code is amended to read as follows: "All deeds to school committeemen shall be delivered for safe keeping to the board of education of the county, and they shall have them recorded, if not already recorded, and all deeds hereafter made shall be delivered to said board for their inspection before registration."

Code, section 2584, amended.
Deeds to be delivered to county board and registered.

SEC. 33. That section 2588 of The Code is amended by adding a second proviso, as follows: "*Provided further*, that the committee or the county superintendent or the board of education may exclude persons of immoral lives or character."

Code, section 2588, amended.
Exclusion from schools of immoral persons.

SEC. 34. That section 2591 of The Code is amended by adding to the end thereof the following: "*Provided further*, that the board of education of the county and the county superintendent shall have the same authority in respect to the employment and dismissal of teachers under this section and in every other respect as is conferred in other sections of the law: *And provided further*, that all contracts made under this section shall designate the length of the public school term, which shall not be less than the average length of the public school terms of the county of the preceding year."

Code, section 2591, amended.
Powers of county boards in respect to teacher of private school employed by them.

Contracts with teacher of private school.

SEC. 35. That section 2592 of The Code is amended by adding at the end thereof the following: "Any person who shall wilfully set fire to, or procure the same to be done, any school-house, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the penitentiary or county jail, and may also be fined in the discretion of the court."

Code, section 2592, amended.
Misdemeanor to set fire to school-house, &c.

SEC. 36. That section 2544 of The Code is amended by adding at the end thereof: "The solicitors of the several judicial districts, criminal and inferior courts shall prosecute all penalties and forfeited recognizances entered in their courts respectively, and as compensation for their services shall receive a sum to be fixed by the court, not less than five per centum of the amount collected upon such penalty or

Code, section 2544, amended.
Duty of solicitors.

Compensation.

forfeited recognizance, for the collection of which execution was found to be necessary.”

Code, section 652, amended.
County board of education may punish for contempt, for disorderly conduct, &c.
Clerks of criminal courts to furnish statement of fines, &c., to county board.

SEC. 37. That section 652 of The Code is amended by inserting after the word “commissioners,” in the first line, the following words: “and the county board of education.”

SEC. 38. The clerks of all criminal courts shall furnish immediately upon the close of the term to the board of education of the county a detailed statement of fines, forfeitures and penalties which go to the school fund that have been imposed or which have accrued during the terms. Any clerk failing to comply with the duties herein prescribed shall be guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned at the discretion of the court.

Misdemeanor.

County board authorized to purchase fuel, &c.

SEC. 39. That the county board of education are authorized to purchase fuel and stationery and to pay other necessary expenses which they may incur in the discharge of their official duties.

Conductor of any county institute acting with county superintendent authorized to hold examinations, grant certificates, &c.

SEC. 40. That the conductor of any county institute, acting with the county superintendent, may hold examinations and grant first-grade certificates, which shall be signed by both, and shall be valid for three years, subject to revocation by the chairman of the board of education and county superintendent of any county for immorality, incompetency and other reasons satisfactory to themselves, of which they shall be the judges, and such certificates may be made valid in any county by endorsement of the superintendent thereof.

Additional requirements for obtaining first-grade certificates.

SEC. 41. That in addition to the requirement for obtaining a first-grade certificate, as now provided by section 2566 of The Code as amended by laws of 1885, the applicant must, from and after one year from the ratification of this act, stand a satisfactory examination upon some books on school economy and theory and practice of teaching, to be selected by the State superintendent of public instruction.

Distinction between white and colored children.

SEC. 42. That in determining the right of any child to attend the white or colored schools, the rule laid down in section 1810 of The Code, regulating marriages, shall be followed.

Code, section 2546, amended.

SEC. 43. That section 2546 of The Code be amended by inserting after the word “enforced,” in line six, the following: “and shall have power and authority and it shall be their duty to institute and prosecute any and all actions, suits or proceedings against any and all officers, persons or corporations and their sureties for the recovery, preservation and application of all moneys or property which may be due to or should be applied to the support and maintenance of the schools.”

Duties of county board of education.

Code, section 2654, amended.
Election on question of special tax for graded school upon petition of one-third of the freeholders, &c.

SEC. 44. That section 2654 of The Code be amended by striking from lines one, two and three thereof the words, “having two thousand inhabitants and upwards, any one hundred respectable citizens thereof,” and by inserting instead the words “one-third of the.”

SEC. 45. That section 2582 of The Code be amended by adding to the end thereof the following: "*Provided*, that the committee shall be allowed to remove the house if the grantor or his representative refuse to purchase it, and its value shall, in that case, not be considered in the appraisement."

Code, section 2582, amended.
Right of committee to remove school-house when original grantor refuses to purchase, &c.

SEC. 46. That section 2542 of The Code as amended by the laws of 1885 be amended by striking out the words "his additional expenses while engaged in this duty not to exceed the sum of," and inserting instead thereof the words "for traveling expenses and for additional clerical assistance," and by striking out section two of chapter 174, acts 1885.

Code, section 2542 amended.
Compensation of State superintendent while engaged in making public addresses, &c.

SEC. 47. By and with the consent of the county board of education, the committees of two or more contiguous districts in any city or town may, by a majority vote of the committee in each district, employ a practical teacher, who shall be known as the superintendent of the public schools of said districts, and he shall perform all the duties of the county superintendent as to said districts, and shall make to the county superintendent all reports that may be necessary to enable him to make his reports to the State superintendent.

Consolidation of contiguous school districts and employment of practical teacher, &c.

SEC. 48. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 49. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 200.

An act to abolish the white normal schools of the State, and to provide for holding county institutes throughout the State.

The General Assembly of North Carolina do enact:

SECTION 1. That the eight normal schools heretofore established for the whites are hereby abolished, and the four thousand dollars (\$4,000) heretofore appropriated to said schools is hereby appropriated for the purpose of holding county institutes and conducting examinations of teachers, and for such other work for the instruction of teachers as may be deemed advisable in the various counties of the State.

White normal schools abolished and county institutes established.

SEC. 2. That the State board of education shall make all needful rules and regulations, and shall provide for the holding of the institutes in all the counties of the State as often as practicable, and the money to defray expenses shall be paid as the said State board of education may direct out of the fund appropriated by this act.

Duties and powers of State board of education.

SEC. 3. It shall be the duty of the county superintendent to assist in the institute work, and the county board of education shall provide a suitable building and defray all expenses except the salary and traveling expenses of the instructors employed by the State board.

County superintendent to assist in institute work. County board to provide building. Expenses.

White school teachers to attend institute.
Penalty for failure.

SEC. 4. It shall be the duty of all white public school teachers of the county in which the institute is held to attend continuously the sessions of said institute, and on failure so to do, without satisfactory reasons, they shall not be certified as teachers for the ensuing year; and in case an institute is held while the schools are in session in any county, they shall be suspended during the session of the institute.

Written examination of teachers.

SEC. 5. At the close or during the sessions of every institute, the conductor thereof, in connection with the county superintendent, shall hold written examinations of all public school teachers, white and colored, who may apply, and shall grant first and second grade certificates, which shall be signed by both and be good for three years in the county in which the institute is held, and in any other county of the State, when endorsed by the county superintendent thereof; but the said certificates shall be subject to revocation by any county superintendent for immoral conduct.

Certificates.

State superintendent authorized to send down questions for examinations, &c.

SEC. 6. The State superintendent may, in his discretion, send out from his office questions for the examinations of teachers, which, when sent, shall be used by the county superintendents in their regular examinations, as specified in the public school law.

SEC. 7. This act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 201.

An act for the relief of J. G. Hughes (and his securities), late treasurer of Camden county, N. C.

The General Assembly of North Carolina do enact:

County commissioners and board of education of Camden county authorized to compromise with J. G. Hughes, county treasurer, for money lost in Farmers' Bank.

SECTION 1. That the county commissioners and the board of education of Camden county be and they are hereby authorized and empowered to settle and compromise with the said J. G. Hughes, late treasurer of said county, and his sureties, his indebtedness to the school fund of said county on account of money deposited by him as treasurer of said county in the Farmers' Bank of Norfolk, Virginia, and lost by its failure in April, one thousand eight hundred and eighty-five: *Provided*, this authority shall not extend to dividends recovered by the said J. G. Hughes and his securities, or which may hereafter be recovered by him and his securities from the receiver of said bank.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 1st day of March, A. D. 1889.

CHAPTER 202.

An act to establish a new township by the name of Dillsboro, in Jackson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township be established in Jackson county by the name of Dillsboro.

Dillsboro township, Jackson county, established.

SEC. 2. That the boundary of said township shall be as follows: Beginning at a large rock at the mouth of Dick's creek in the line of Barker's Creek township, and running with said line to a stake on top of the mountain to where a ridge leaves said mountain, and running between A. B. Dills' and J. A. Monteith's; then down said ridge to Scott's creek; then crossing the creek and running with a ridge between Joseph Baum's and J. M. Parris's to a stake on top of the mountain east of David Shuler's, so as to include said Shuler's; then along the top of said mountain to a stake where the ridge east of J. M. Love's leaves said mountain; then down with the top of said ridge to Tuckaseege river, and crossing said river and running so as to follow the top of the ridge between Jason Sherill's old farm and Philip Dill's, and along with said divide between the waters of Savannah and Tuckaseege river to the top of the high mountain west of McMahan's; then down a ridge west of Joseph Sutton's to the Tuckaseege river at the mouth of the Laurel branch; then up the river to the beginning.

Boundaries.

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

Ratified the 1st day of March, A. D. 1889.

CHAPTER 203.

An act with regard to railroad tax in Onslow county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the proceeds, or a sufficient part thereof, of all county taxes which shall be levied by the county of Onslow upon the property and franchises of the Wilmington, Onslow and East Carolina Railroad Company shall be applied to the payment of the coupons on the bonds which may be issued by the county of Onslow in payment of its subscription to the capital stock of said railroad company: *Provided*, such application shall always be in the discretion of the board of county commissioners, who may, at any time, withhold, annul or revoke the same.

Application of county taxes collected in Onslow county, from Wilmington, Onslow and East Carolina R. R. Co.

Proviso.

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

Ratified the 1st day of March, A. D. 1889.

CHAPTER 204.

An act to authorize the treasurer of the county of Swain to pay school claim.*The General Assembly of North Carolina do enact :*

County treasurer
authorized to pay
J. G. Hoffman
\$45, on written
order of board of
education.

SECTION 1. That upon the written order of the board of education for the county of Swain, the treasurer of said county is hereby authorized and empowered to pay to J. G. Hoffman the sum of forty-five dollars for services as teacher in school district number twenty-seven in said county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 205.

An act to repeal chapter 223, laws of 1887.*The General Assembly of North Carolina do enact :*

Chapter 223, laws
1887, repealed.

SECTION 1. That chapter two hundred and twenty-three of the laws of eighteen hundred and eighty-seven, entitled "An act for the relief of the sheriff of Warren county," be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 206.

An act to prevent the obstruction of the southwest branch of New river, in Onslow county.*The General Assembly of North Carolina do enact :*

Unlawful to ob-
struct southwest
branch of New
river, Onslow
county, between
certain points.

SECTION 1. That it shall be unlawful for any person or persons to construct any hedge in or across, or set any nets or seines across, or obstruct in any manner the southwest branch of New river, in Onslow county, from the Big Southwest bridge to the mouth of said branch; and any person violating the provisions of this section shall be guilty of a misdemeanor, and punished by a fine of not more than ten dollars or imprisonment for not more than ten days.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 207.

An act to protect fish in Rockingham 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 Haw river and Troublesome creek in Rockingham county, any nets, seines, fish-traps or any other nets of any description for the purpose of taking fish, from the fifteenth day of March until first day of June in each year.

Unlawful to use nets, &c., in Haw river and Troublesome creek, Rockingham county, from March 15th to June 1st.

SEC. 2. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be fined not more than five nor less than two dollars for each and every offence.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 208.

An act to prohibit the deadening of timber within sixty feet of the public highways in Stokes county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons in Stokes county to deaden timber in sixty feet of the public highways in said county.

Unlawful to deaden timber within sixty feet of highways in Stokes county. Misdemeanor.

SEC. 2. That any person or persons who shall be found guilty of violating section first of this act shall, upon conviction thereof before any justice of the peace, pay a fine of not less than two dollars nor more than five, at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 209.

An act for the relief of Daniel W. Patrick, clerk of the superior court of Greene county.*The General Assembly of North Carolina do enact :*

SECTION 1. That Daniel W. Patrick, clerk of the superior court of Greene county, be and he is hereby exempted from the provisions of section one hundred and fourteen of The Code during the months of March and August, one thousand eight hundred and eighty-nine, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code for said period.

D. W. Patrick, clerk Greene superior court, not required to attend office on Mondays of March and August, 1889.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 210.

An act to prohibit the hunting and chasing deer on the North river side of Poplar Branch township, in Currituck county.*The General Assembly of North Carolina do enact :*

Unlawful to hunt deer on North river side of Poplar Branch township, Currituck county, between March 1st and September 20th. Misdemeanor.

SECTION 1. That it shall be unlawful for any person to hunt or chase deer on the North river side of Poplar Branch township, in Currituck county, from the first day of March to the twentieth day of September following.

SEC. 2. That any person violating the provisions of section one of 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.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 211.

An act to authorize the commissioners of Watauga county to issue bonds and to levy a special tax.*The General Assembly of North Carolina do enact :*

Authorized to issue bonds to amount of \$5,000 to pay for building county jail.

SECTION 1. That in order to make payment for the building of a county jail, the commissioners of Watauga county are hereby authorized to issue four bonds in denominations of one thousand two hundred and fifty dollars each, with coupons attached calling for interest at the rate of six per cent. per annum upon the principal of each bond, and said interest as by said coupons shall be due and payable annually.

When and how bonds to be issued

SEC. 2. Said bonds shall be issued as soon as said jail shall have been completed according to contract, and shall be due as follows : The first of said bonds of one thousand two hundred and fifty dollars shall be due on the first day of January, 1890; the second on first day of January, 1891; the third on the first day of January, 1892; the fourth on the first day of January, 1893, and shall be signed by the chairman and countersigned by the clerk of said board of commissioners. Said clerk shall keep in a book suitable for that purpose a complete record of said bonds.

Special tax.

SEC. 3. In order to pay the interest on said bonds and to raise a sinking fund for the payment of the principal of said bonds, the commissioners and justices of said county, at their joint annual meetings to be held in the years one thousand eight hundred and

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

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

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 212.

An act to authorize the treasurer of Randolph county to pay a certain school claim.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Randolph county be and he is hereby authorized to pay John T. Rush thirty dollars (\$30.00) out of the public school funds due district number fifty-three (53), white race, as a residue for services rendered as teacher in said district from the thirtieth day of July, one thousand eight hundred and eighty-five (1885) to the seventeenth day of December, one thousand eight hundred and eighty-five (1885). County treasurer of Randolph county authorized to pay J. T. Rush, school teacher, \$30.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 213.

An act to authorize the county commissioners, in joint session with the magistrates, to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners, in joint session with the magistrates of the county of Greene, are hereby authorized to levy a special tax for the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, at the same time other taxes are levied, upon the taxable property and polls and other subjects of taxation in said county, not to exceed the sum of six thousand dollars, observing the equation prescribed in the constitution, for the purpose of paying off the indebtedness of the county and for building and repairing bridges of the county. Authorized to levy special tax not exceeding \$6,000 to pay county indebtedness and to build bridges.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 214.

An act to change the line between Chadbourn and Williams townships, in Columbus county.*The General Assembly of North Carolina do enact :*

Change of line
between Chad-
bourn and Wil-
liams townships,
Columbus county

SECTION 1. That that portion of Chadbourn township in Columbus county lying south of Beaver Dam swamp be and the same is hereby transferred to and made a part of Williams township in said county.

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

Ratified the 2d day of March, A. D. 1889.

CHAPTER 215.

An act to elect cotton-weighers for the towns of Monroe, Waxhaw and Beaver Dam, in Union county.*The General Assembly of North Carolina do enact :*

Board of justices
and county com-
missioners to
elect cotton-
weighers for cer-
tain towns in
Union county.

SECTION 1. That the board of justices of the peace and county commissioners shall, on the first Monday in June, one thousand eight hundred and eighty-nine, and every year thereafter, elect a cotton-weigher for each of the towns of Monroe, Waxhaw and Beaver Dam, in the county of Union, who shall hold their office for the term of one year and until their successors are qualified.

Bond of weighers.

SEC. 2. That upon election of said cotton-weighers, they shall file a bond—the one elected for the town of Monroe in the penal sum of one thousand dollars, and the ones elected for the towns of Waxhaw and Beaver Dam, five hundred dollars each, payable to the State of North Carolina (conditioned to the faithful performance of the duties of their respective offices, and to weigh and give honest weights of all cotton weighed by them), and to be approved by them.

Oath of weighers.

SEC. 3. That it shall be the duty of said cotton-weighers to take an oath for the faithful performance of their duties, and to weigh all cotton sold in their respective towns: and the said weighers shall receive for their services a sum not exceeding ten cents for each bale of cotton weighed by them (the same to be determined by the board of commissioners), one-half to be paid by the seller and the other half by the purchaser.

Compensation.

How paid.

Office of weigher
failing to qualify
within twenty
days to be de-
clared vacant.

SEC. 4. That the persons so elected under section one of this act shall, within twenty days after their election, take the oath of office and file their bonds, or his or their office may be declared vacant by the board of county commissioners of said county, and they shall proceed to elect another weigher or weighers in his or their stead.

SEC. 5. That the board of county commissioners, for just and sufficient cause, may declare said office or offices vacant, and proceed to fill said vacancies as provided in section four of this act.

Commissioners authorized to declare office vacant for just cause.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after the first Monday in June, one thousand eight hundred and eighty-nine.

Ratified the 2d day of March, A. D. 1889.

CHAPTER 216.

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 seventy-five cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the constitution of the State.

Poll tax.

How applied.

SEC. 3. There shall be levied and collected annually an *ad valorem* tax of twenty-five cents on every one hundred dollars' value of real and personal property in this State, and moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, required to be listed in "an act to provide for 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.

Ad valorem tax twenty-five cents.

Limitation of taxing power of municipal corporation.

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

Taxes on bank stock, &c.

How paid.

On failure to pay State treasurer to institute action	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. 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 deduction shall be made in the case of banks organized under the laws of this State.
Stock of residents	
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 hundred and sixty-eight, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to 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 not held for speculation.
Exceptions.	

SCHEDULE B.

License tax.	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 <i>ad valorem</i> tax on his property as required in the preceding schedule.
Tax on theatres, &c., graded according to population.	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, two hundred dollars per annum; less than ten thousand inhabitants and over five thousand, one hundred and fifty dollars; under five thousand inhabitants and not less than twenty-five hundred, one hundred dollars; less than twenty-five hundred inhabitants and over one thousand, fifty dollars; less than one thousand inhabitants, thirty 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.
- SEC. 9. On every traveling theatrical company giving exhibitions or performances in any hall not licensed as provided in the next preceding section, ten dollars on each exhibition or performance.
- SEC. 10. On each concert or musical entertainment for profit, not given in a hall licensed as provided in section eight of this act, except the same be given exclusively for religious, charitable or educational purposes, three dollars.
- SEC. 11. On each lecture for reward, three dollars, unless the same be given exclusively for religious, charitable or educational purposes, or in a licensed hall.
- 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.
- 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 canvas, 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.
- 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, charitable or educational 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 the immaterial worlds, and giving public exhibitions.
- 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 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.

Sheriff to issue licenses.
Tax divided between State and county.
Companies, &c., exhibiting in licensed halls not required to pay any tax.

Traveling theatrical companies exhibiting in halls not licensed.

Concerts, &c., in halls not licensed.

Lectures for reward.
Exceptions.

Museums, &c.
Exceptions.

Circuses, &c.
Side-shows, &c.

County tax.

Other exhibitions

Exemptions.

Proviso.

Gift enterprises.

Lotteries.

Itinerant dealers in prizes, &c.

Tax, how paid.

- Billiard tables. SEC. 16. On each billiard table kept for public use, whether in connection with or separate from any place where liquor is sold, twenty-five dollars.
- Bowling alleys, skating rinks, &c. 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.
- Public ferries, bridges, &c. SEC. 18. On public ferries, bridges and toll gates across highways, five dollars, and one-half of one per centum on gross receipts.
- Livery stables, &c. SEC. 19. On every person who keeps horses or mules for hire or to let, with or without vehicles, one dollar per annum for every horse or mule kept for that purpose. Such person shall, on the first day of January and July in each year, furnish the register of deeds a sworn statement of the number of horses and mules so kept at any time during the preceding six months, the taxes to be collected by the sheriff: *Provided*, that this section shall not apply to draymen.
- Sworn statement to be furnished register. SEC. 20. 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.
- Not applicable to draymen. Itinerant dentists, photographers, &c. SEC. 21. On every commission merchant, agent or dealer buying or selling for another, one per centum on his commissions.
- Proviso. SEC. 22. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name and description not specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax on his stock, pay as a license tax one-tenth of one per centum on the total amount of purchases in or out of the State (except purchases of farm products from the producer) for cash or on credit, whether such persons herein mentioned shall purchase as principal or through an agent or commission merchant. Every person mentioned in this section shall, within ten days after the first 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 day 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
- State treasurer to issue license.
- Commission merchants.
- Merchants, &c., license tax.
- Sworn statement of purchases.
- Duty of sheriff.

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 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 upon conviction shall be fined not more than fifty dollars, nor 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.

SEC. 23. 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.

SEC. 24. Every person, a citizen of the United States, authorized to do business in this State, who, as principal 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, ten dollars for every county; each peddler with one horse or mule, with or without a vehicle, twenty dollars for every

Agent, &c., to
make statement
for principal.
Proviso.

Duty of clerk of
board of commis-
sioners.

Duty of sheriff.

Commissioners
empowered to re-
quire production
of books.

Merchant falling
to produce books
guilty of misde-
meanor.

Penalty.

Duty of chairman
to prosecute.

Compensation of
clerk.

Liquor dealers.

Peddlers.

- county; each peddler with two or more horses or mules, with or without vehicle, thirty dollars for every county; every itinerant merchant or dealer, whether as principal or agent, who solicits orders by retail, with or without sample, 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 who shall expose for sale, either on the street or in houses rented temporarily for that purpose, goods, wares or merchandise, 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. 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, or to printers soliciting orders.
- Itinerant merchants.**
- Licenses to be obtained in advance from county commissioners**
- Proviso.**
- Clerk to countersign license.**
- Exceptions.**
- 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. 25. 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 and fifty dollars and obtain a license which shall operate one year from its date; and all licenses provided for in this section 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 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 thereof to be paid into the treasury as other taxes, and one hundred dollars to the officer making the arrest. It shall be the duty of all county, town and township bonded officers to prosecute for penalties under this section. 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.

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 be so construed as to exempt them from indictment or penalties imposed by law.

SEC. 27. On every itinerant who deals in or puts up lightning rods, fifty dollars annually for each county in which he carries on business.

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.

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.

Separate tax.

Sub-agents.

Exemption from other taxes.

Misdemeanor.

Penalty.

Duty of certain officers to prosecute.

Section not applicable to certain merchants.

Gypsies, &c.

Itinerant lightning rod dealers.

Itinerant peddler of clocks, &c.

Insurance companies.

Tax reduced on companies investing one-half of their gross receipts in this State.

Exemption 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 five thousand dollars and less than twenty-five thousand dollars, twenty-five dollars; on a capital of less than five thousand dollars, five dollars; 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.

Auctioneers. SEC. 31. 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."

Liquor dealers. SEC. 32. 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 five gallons or less, fifty 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 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; third, 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 spirits or wines of his own manufacture at the place of manufacture in quantities of not less than one quart.

Selling in quantities of five gallons or less.
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. Every person, company or firm wishing to sell liquors under this section, except manufacturers, shall apply to the board of county commissioners for an order to the sheriff to issue a license, stating the place at which it is proposed to conduct the business. The board of commissioners shall, upon satisfactory evidence of good moral char-

Sheriff to issue license on order of county commissioners.

acter 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 spirituous, 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. Any person failing to post up the license and stamp as provided in this section shall be considered as doing business without license. The sheriff and register of deeds, for their services under this section, shall each be allowed a fee of twenty-five cents, to be paid by the person taking out the license. Any person, company or firm taking out license as provided in this section on any date between the first day of January and first day of July shall pay the whole amount of tax for the six months ending the thirty-first day of December and the thirtieth day of June as the case may be, after the date of the license.

SEC. 33. On every tobacco warehouse where tobacco is sold or exhibited for sale the annual tax shall be: for one hundred thousand pounds or less, five dollars, and five dollars for each additional one hundred thousand pounds sold. 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 the 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 [twenty-two] of this act in respect to merchants, etc., and the same penalties prescribed in said section twenty-two of this act are hereby imposed

County taxes.

License to be posted at place of business.

License and stamp, how furnished.

Penalty.

Fees of sheriff and register.

License taken out between January 1st and July 1st.

Tobacco warehouses.

Sworn statement to be made to clerk of commissioners.

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.

for refusal on the part of any person referred to in this section to submit his books for inspection when demanded.

Penalty for failure to obtain license.

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.

How recovered.

How accounted for.

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 work-shop locations, shall, in addition to other taxes, pay a tax upon said corporation equal to one-half of one per centum upon the gross receipts of said company. Upon each share of the capital stock of the Raleigh and Gaston Rail-

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.

road Company shall be taxed the sum of twenty-five cents annually for the years of 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, and thenceforth.

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.

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 the State shall designate, by distress or otherwise.

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.

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

Tax of twenty-five cents on each share of stock of Raleigh & Gaston Railroad Company for certain years. Tax payable by lessee, &c., of railroad.

How collected.

Express, telegraph and telephone companies

Duty of sheriffs.

Penalty for failure to pay tax.

Sleeping and parlor car companies.

Tax on seals.

Accounts to be kept.

- Tax on scrolls.** statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or State, or other government, or used on commissions of officers in the militia, justices of the peace, or any other public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation.
- What seals exempt.**
- Officers' fees.** The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commission shall be
- Penalty.** allowed by the auditor. 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.
- Marriage licenses** SEC. 42. On each marriage license, one dollar. The tax on marriage
- Duty of register.** 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 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.**
- Fines, &c., to be paid to treasurer of county board of education.** 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.
- Embezzlement, &c.** 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
- Penalty.** not exceeding five years in the State prison at the discretion of the court.
- Repealing clause.** SEC. 45. All laws imposing taxes, the subjects of which are revised
- Proviso.** 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.
- Duty of auditor.** 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.
- Penalty.**

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.

Auditor empowered to reject returns of sheriffs believed to be incorrect and make investigation.

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.

Treasurer authorized to expend not exceeding \$2,500 to secure proper and prompt collection of taxes.

SEC. 49. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 217.

An act to work public roads in Alamance county by taxation.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Alamance county be and they are hereby empowered and directed, for the year 1889 and each successive year, to levy a tax of not less than five nor more than ten cents on the hundred dollars valuation of taxable property, and not less than fifteen nor more than thirty cents on the taxable poll, in addition to the taxes for ordinary county purposes, and that the money raised by the said additional levy shall be kept by the treasurer of said county separate and distinct from other funds in his hands, and shall be held and deemed a special tax to be applied to the mending and keeping in repair the public roads in said county, under the provisions of the succeeding sections of this act.

Commissioners of Alamance county to levy special tax for maintaining public roads.

SEC. 2. That the commissioners of said county shall, on or before the first Monday in September, 1889, select such public roads or parts of public roads in said county as they may deem most essential to public necessity and convenience, taking care not to select more than can be properly mended and kept in repair by the funds raised by the additional levy provided for in section first of this act, and shall designate the roads and parts of roads so selected as tax roads, and shall give public notice of the intention for at least four weeks by publication in the newspapers of the county.

On or before 1st Monday in September, 1889, commissioners to select certain roads and parts of roads as most necessary to the public and to be called "tax roads."

SEC. 3. That on the first Monday in October, 1889, the commissioners shall provide for the mending and keeping in repair of the

Commissioners to provide for keeping "tax roads" in repair.

roads and parts of roads designated as tax roads by hired labor, either by letting to contract or otherwise as said commissioners may deem best for the public interest.

"Tax roads" to be withdrawn from control of road supervisors.

SEC. 4. That the public roads and parts of public roads designated as tax roads shall, from and after the first Monday in October next after their designation, be withdrawn from the control and management of the board of supervisors of the township in which they are respectively located, and the overseers and hands assigned to duty thereon shall be withdrawn therefrom and assigned to other public roads in their respective townships.

On 1st Monday in September, 1890, commissioners to select other "tax roads."

SEC. 5. That on the first Monday in September, 1890, and the first Monday of each successive September, the commissioners of said county shall, under the provisions of section two of this act, select other public roads and parts of public roads and designate them as tax roads, to be mended and kept in repair in the same manner as those first selected; and the said commissioners shall proceed in respect thereto in all respects as provided by this act for those roads and parts of roads first designated as tax roads: *Provided, however,* said commissioners shall designate no more tax roads than can be mended and kept in repair by the funds raised by the special levy of taxes and authorized by this act.

Proviso.

Roads let to contract.

SEC. 6. That in cases where said roads and parts of roads designated as tax roads shall be let to contract, the contract shall be for not less than one year, and the contractor shall be paid the contract price in quarterly instalments by order of the commissioners upon the county treasurer, but no instalment shall be ordered paid till the commissioners are satisfied of the faithful performance of duty by the contractor for the preceding quarter.

Payment of contractor.

Contractor failing to keep road in repair guilty of misdemeanor.

SEC. 7. That any contractor to mend and keep in repair any road or part of a road designated as a tax road, who shall negligently or wilfully fail to perform his contract, shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not exceeding fifty nor less than twenty dollars or imprisoned not more than thirty nor less than fifteen days.

On conviction of contractor contract to be let to another contractor.

SEC. 8. That whenever any contractor shall have been convicted of failure to perform his contract, the commissioners shall forthwith withdraw the contract and let the road or part of road theretofore let to the defaulting contractor to another contractor for the unexpired term of contract, or otherwise provide for mending and keeping the same in repair.

Commissioners failing to keep "tax roads" in repair guilty of misdemeanor.

SEC. 9. That the failure on the part of the commissioners to faithfully carry out the provisions of this act shall render them guilty of a misdemeanor, and their failure to properly mend and keep in good repair such roads and parts of roads as they may from time to time designate as tax roads, and which they may select to mend and keep in repair otherwise than by contract, shall render said commissioners

guilty of a misdemeanor, and upon conviction of either of the fail-
ures mentioned in this section, said commissioners shall be fined or
imprisoned, or both, in the discretion of the court.

SEC. 10. That this act shall only apply to Alamance county, and
shall be known as the Alamance road law.

Act applicable
only to Alamance
county.

SEC. 11. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1889.

CHAPTER 218.

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 appli-
cation 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 prop-
erty 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 expi-
ration of the calendar year, and the person owing such debt or having
such property in possession shall be liable for said tax. For the pur-
pose of carrying into effect the provisions of this section, the follow-
ing form shall be used as an attachment, viz. :

Exemption from
poll-tax.

Certificates.

Duty of list-
takers on exhibi-
tion of certificate.
Collection of poll-
tax by attach-
ment.

"To A. B.: Take notice, that this is to attach any debt that is now
due or may become due to C. D., a delinquent in his poll (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.

Form of attach-
ment.

.... 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 and assessors.

Authorized to administer oaths.

List-takers and assessors for towns and cities having more than 2,000 inhabitants.

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.

Joint meeting of commissioners and list-takers on first Monday in June.

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. Said county commissioners and assessors may adjourn from day to day until their work is completed.

Adjournment from day to day.

List-takers to give notice to tax-payers.

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.

To attend at two or more places in township to list property, &c.

Returns of assessments to be made on or before first Monday in July.

SEC. 6. The board of list-takers and assessors shall make a complete return of their assessments, embracing an abstract of the taxable

property in their respective townships, 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:

“We, the list-takers and 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 its true value in money, and have endeavored to do equal justice to the public and to the tax-payers concerned.”

Affidavit.

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: 1st. They shall raise the valuation of such tracts or lots of real property or articles 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. 2d. 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. 3d. 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.

County board of equalization.

Increase of valuation.

Reduction of valuation.

Real property.

No reduction below aggregate value of property in county as returned by assessors.

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 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.

Compensation of list-takers.

Compensation of board of equalization.

How paid.

List-takers in years when there is no assessment.

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, to be paid by the county treasurer.

Compensation.

Accounts of list-takers and assessors to be made out in detail.

SEC. 10. 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 commissioners, 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 entitled to compensation.

Proviso.

Compensation of chairman of board of commissioners.

SEC. 11. 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.

List-takers to give notice to tax-payers.

SEC. 12. Each township list-taker appointed under the authority of section nine of this act 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.

To attend at two or more places, &c.

Tax-payer to make verified statement of taxable property.

SEC. 13. 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: *Provided*, that whenever personal property has been conveyed in trust and the trustee resides outside of the State,

Property held by non-resident trustee, how listed.

but the trustor resides within the State, then and in that case such property shall be listed for taxation in this State by such trustor.

SEC. 14. 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.

When and by whom list to be given in.
Agents.

SEC. 15. 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 tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interest respectively.

Property of corporation, by whom listed.

Real property, farming stock, &c., where listed.

Separate entries when ownership of soil is in one and of mineral rights in another.

SEC. 16. 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 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, except banks. The tax assessed on shares of stock embraced in said list shall be paid by the corporations respectively. The shares in any branch bank shall be returned and the taxes thereon paid in the counties where such branches are located.

Other property, where listed.

Residence of corporation.

Shares of stock in corporations, how listed.

Banks excepted.

Branch bank.

SEC. 17. At the time and place appointed by the list-taker the taxpayer 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 taxpayer. The taxpayer shall also swear to the true value of his property and chuses in action, except land, which oath shall be in the

Tax-payer to list property on oath.

Form of oath.	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. Trust property to be returned on separate list.	perjury. Property held in trust or as agent, guardian, executor or administrator, or in right of a <i>feme covert</i> , shall be returned on separate lists.
What tax-list shall state.	SEC. 18. 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: 1st.
Land.	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. 2d. The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof. 3d. Farming utensils, tools of mechanics, household and kitchen furniture, provisions, fire-arms, libraries and scientific instruments, without specifying the articles, at the true value thereof. 4th. Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever. 5th. 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. 6th. Money, investments, credits and stocks mentioned in section sixteen of this act. 7th. 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 silver ware and the watches and jewelry possessed by the party, his wife or any minor child, at their value. 8th. 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. 9th. If the party be a non-resident of the county and owns lands therein, the list shall state his address, and may name
Live stock.	
Farming utensils, furniture, &c.	
Money on hand, &c.	
Solvent credits.	
Deductions.	
Investments, stocks, &c. Other personal property.	
Net income.	
Non-residents.	

any agent in the county to whom notices may be given respecting his taxes.

SEC. 19. 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, and it shall be the duty of the State treasurer to decide all questions presented to him which may arise in the execution of this act or the act to raise revenue.

List-taker to examine each person on oath.

Commissioners to consult State treasurer as to doubtful questions.
Duty of treasurer.

SEC. 20. 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. 21. 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 assessment of real estate on which buildings have been erected or destroyed.

SEC. 22. The value of the franchise of every railroad, canal, turnpike, plank road, transportation and telegraph company, whether lying wholly or partly in this State, shall be given in by the president or other chief officer of the said several corporations on the day fixed by this act for the giving in of the taxable property to the treasurer of the State, and shall be assessed by the treasurer, the auditor and the governor of the State on the third Monday in June each year, and their valuation shall be returned to the board of commissioners in any county in which any portion of said road, canal or navigation works shall be; and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively. In fixing the valuation of any franchise, the assessors shall regard the list returned as *prima facie* evidence of the value thereof; but such assessors may, if they deem needful, avail themselves of other additional evidence, under oath, as to the completeness of the list and the affixed valuation, 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

Franchise of railroad, &c.

How assessed.

Tax, how collected.

Valuation, how fixed.

Duty of assessors on failure of officers of company to return valuation, &c.

in this State and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

Exemptions. SEC. 23. The property mentioned in this section shall be exempt from taxation, to-wit: 1st. That belonging to the United States or this State, or to any county or incorporated town, and used for public purposes.

University, colleges, benevolent orders, schools, churches, &c.

2d. 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: *Provided*, that any such property is used exclusively for religious, charitable or educational purposes, and not held for the purpose of speculating in the sale thereof or for rent.

Proviso.

Grave-yards, &c.

\$25 of personal property.

3d. Such property as may be set apart for grave-yards or burial lots, except such as are held with a view to profit or for the purpose of speculating in the sale thereof. 4th. Twenty-five dollars of personal property of each individual tax-payer.

Auditor to provide forms, &c.

SEC. 24. 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 assessors' forms shall be furnished every fourth year and the list-takers' forms annually.

How often furnished.

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.

SEC. 25. 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.

Returns open to inspection.

Oath of list-taker.

SEC. 26. The list-taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners, or any other officer authorized to administer oaths: "I, -----, list-taker of -----, in the county

of -----, do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned as set forth in such statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of any person, company or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the real value thereof; and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property, or of the amount of moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of any kind for taxation, and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return." And any list-taker making a false return as aforesaid shall be deemed guilty of perjury.

Perjury.

SEC. 27. 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-list 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 list 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.

Commissioners to revise tax-list after notice.

Tax-payer may list before commissioners.

Increase of tax.

Complaints of over-valuation or excessive taxation.

SEC. 28. 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.

Application for relief after settlement of sheriff.

SEC. 29. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the auditor of the State, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the treasurer of the State for the amount of State tax specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Double tax on unlisted property and polls.

SEC. 30. 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 fifty dollars or imprisoned 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. 31. In all cases where the board of commissioners shall have omitted, or in any future year shall omit, to enter upon the duplicate of their county any land or town lots situated within their county,

subject to taxation, it shall be their duty, when they enter the same on the duplicate of the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto as far back as the said lands have escaped taxation. Where no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years.

Back taxes.

Assessment.

SEC. 32. 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, and the total amount of property school tax levied by the General Assembly and the 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:

Copies of revised tax-list, how distributed, &c.

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:

Copy delivered to sheriff.

Order of collection to sheriff.

Appeals.

“STATE OF NORTH CAROLINA, ----- COUNTY,
OFFICE BOARD OF COMMISSIONERS ----- COUNTY.

To the Sheriff of ----- County:

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

Form of order of collection.

In witness whereof, I hereunto set my hand and seal, ----- day of -----, 18..

-----,
Clerk of Board of Commissioners.”

SEC. 33. 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 real estate.

Lien of taxes on personal property.

SEC. 34. 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., paying tax.

SEC. 35. 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 returned to auditor by clerk of commissioners on or before first Monday in November.

SEC. 36. 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 default of clerk to perform duties.

SEC. 37. 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 nine 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 thirteen of this act.

Duty of auditor.

Duty of superior court clerk.

Duty of register.

The register of deeds shall transmit to the auditor annually a copy of the bond of the clerk of the superior court.

How valuation of land apportioned in case of division.

SEC. 38. 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

Proviso.

no amendment made after a tax on the land has become due shall operate to affect that tax.

SEC. 39. 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 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 years 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.

SEC. 40. 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. A sheriff or tax-collector shall be entitled to fifty cents for each actual levy or sale, and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made.

SEC. 41. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows: (1) If the party charged have personal property of a value equal to the tax charged

Taxes, when due.
Sheriff to give receipt, &c., when paid.

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.

How sheriff to collect.
Sale of personal property.

Insolvent taxes,
when and how
allowed sheriff.

against him, the sheriff shall seize and sell the same as he is required to sell other property under execution. (2) And no tax due from insolvents shall be credited to the sheriff in the settlements 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.

Pawnbrokers, &c.,
to return value of
property pledged,
&c.

SEC. 42. Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawnor 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.

Corporation to
furnish state-
ment of capital
stock.

SEC. 43. 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

What statement
to show.

How listed.

or statement, it shall be the duty of the list-taker to make such return or statement from the best information which he can obtain.

STATE AND NATIONAL BANKS.

SEC. 44. 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 on the value of the shares of stock therein in the county, town, precinct, village or city where such bank or banking association is located, for the purpose of taxation for the State. Such shares shall be listed in the name of the corporation by the cashier or other principal officer of any bank, and the tax due the State on the value of said shares shall be paid directly to the State treasurer as provided in section four of an act to raise revenue, except that the portion of shares of stock in national banks held by non-residents shall not be deducted. The assessment herein provided shall be with regard to the value of the stock on the first day of June annually, subject 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. The owners of shares in any bank shall list the value of their respective shares in county, town, precinct, village or city where they reside for the purpose of county and school taxation. The provisions of section four of an act to raise revenue are hereby modified to conform to this section in respect to the mode of listing shares of stock for county and school taxation.

Stockholders in banks, where taxed.

Stock, how listed.

Rate of taxation.

How listed for county and school taxation.

PRIVATE BANKS AND BANKERS.

SEC. 45. 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: (1) The amount of property on hand or in transit. (2) The amount of funds in the hands of other banks, bankers, brokers or others subject to draft. (3) The amount of checks or other cash items, the amount thereof not being included in either of the preceding items. (4) 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. (5) 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. (6) 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

Private banks, &c., to furnish sworn statement.

assessed under this act). (7) The amount of deposits made with them by other parties. (8) The amount of all accounts payable other than current deposit accounts. (9) 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.

Property, how listed.

RAILROADS.

Board of appraisers for railroads.

SEC. 46. 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. 47. 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.

President or other officer to make returns to board when any portion of property is situated in more than one county.

SEC. 48. 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 lines in each county in this State and the total number

What property to be listed.

of miles in the State, including the road-bed, right of way and super-structures 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.

What property to be listed with county list-takers

SEC. 49. 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 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. 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.

Rolling stock, when and how listed.

Schedule.

Instructions and forms to be prescribed by auditor.

SEC. 50. The said board shall first determine the value of railroad track, as defined in section forty-eight, and then the value of rolling stock. The aggregate value of the capital stock shall then be determined and value of franchise ascertained as made by governor, auditor and treasurer of State, 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

Method of valuation by board.

- Duty of board.** 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 secretary of the board of assessors 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 the valuation of the board to the auditor of the State. For failure of the secretary to make and forward to the auditor of State the certificate and all papers, as required in this section, 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. All taxes 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 of 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 said railroad passes shall assess against the same only the tax imposed by the State for school purposes and those imposed for county purposes.
- Misdemeanor.**
- Taxes, how paid.**
- Assessment by county commissioners.**
- Railroad partly in this State and partly in another State, how assessed.**
- Railroads claiming exemption from taxation to make returns, &c.**
- Duty of board to investigate, &c.**
- Leased roads, how assessed.**
- SEC. 51. 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.
- SEC. 52. 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 returns 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.
- SEC. 53. If the property of any railroad company be leased or operated by any other corporation, foreign or 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.

SEC. 54. 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.

Officer failing to attend before board guilty of misdemeanor.

Penalty.

Contempt.
Penalty.

SEC. 55. 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 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.

Canal company, how assessed.

On failure of officer to make returns, board to assess, &c.

SEC. 56. Whenever any sheriff or tax-collector shall be credited on settlement with any tax or taxes by him returned as insolvent, dead or removed, he shall forthwith make publication at the court-house door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each and the sum total so credited, and at least one public place in each township a list of such delinquents of said township. Such complete list, by the order of the board of commissioners, may also be published in any newspaper printed in the county, in which case the expense of the advertisement for such time as may be directed shall be paid by the county. Any sheriff or tax-collector failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Sheriff to post insolvent list at court-house door.

Publication in newspaper.

Misdemeanor.

SALE OF REAL ESTATE FOR TAXES.

Notice of sale to be given by sheriff.

SEC. 57. Before real estate shall be sold for taxes the sheriff or tax-collector shall give notice of such sale by publication thereof once a week for four consecutive weeks 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 door of the court-house or building in which the courts are commonly held for four consecutive weeks previous to the sale, and he may adjourn the sale from day to day until all the property advertised has been offered.

What notice to contain.

The notice shall contain a notification that all the 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 sum shall be added to the amount due on said land or town lots for taxes and collected in the same manner as the taxes.

Expenses of advertisement, how paid.

Purchaser to pay taxes and costs forthwith.

SEC. 58. 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. 59. 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 May 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 failing to attend sale guilty of misdemeanor. Penalty.

SEC. 60. 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

Penalty for selling real estate not subject to taxation, &c.

pay the injured party all damages sustained by any such wrongful act, and all such sales shall be void.

SEC. 61. 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.

SEC. 62. 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.

How tax on personal property charged against real estate.

SEC. 63. 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." 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:

Purchaser entitled to certificate.

Presumptive evidence.

Lien on land.

Tax receipt.

Purchaser of more than one parcel of land.

CERTIFICATE OF SALE.

STATE OF NORTH CAROLINA, County—ss.

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. 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 enti-

Form of certificate.

ted 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.

Certificate assign-
 able.

SEC. 64. 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.

Presumptive evi-
 dence.

Sheriff's fees.

SEC. 65. 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 to make
 memorandum of
 deed in sale book.

Redemption of
 land sold for taxes

SEC. 66. 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
 insure.

Effect of second
 sale of real estate
 for taxes.

SEC. 67. 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 the [which] time the land shall be subject to redemption upon the terms and conditions prescribed in this chapter; but the person redeeming shall only be 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. 68. 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. 69. 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.

SEC. 70. At any time within one year after the expiration of one year from the date of sale of any real estate for taxes, if the same shall not have been redeemed, the sheriff, on request and on the production of the certificate of purchase, 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 deed to be executed by sheriff to purchaser.

TAX DEEDS AND RIGHTS OF PURCHASERS.

SEC. 71. 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 sale of real estate for the non-payment of taxes, made in the county aforesaid on the --- day of -----, A. D. 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 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..

----- [SEAL.]
Sheriff.

Deed to be presumptive evidence of certain facts.

SEC. 72. 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 lands 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 before the time of redemption had expired. And it shall be conclusive evidence of the

To be conclusive evidence of certain facts.

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

In controversies concerning title what person claiming adversely required to prove.

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: *Provided*, that in any case where a person has 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.

SEC. 73. 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 receipt, the county is to hold purchaser harmless by paying 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.

SEC. 74. 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.

SEC. 75. 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.

SEC. 76. In all suits and controversies involving the question of title to real property held under and by virtue of a sheriff's deed, all acts of assessors, sheriffs, clerks, supervisors, commissioners and

Proviso.

Proviso.

County to hold purchaser harmless in certain cases.

Liability of sheriff, &c.

County to have credit for amount paid to purchaser.

Duty of sheriff, when land not subject to taxation, &c., is sold.

Action for recovery of land sold for taxes to be brought within three years. Proviso.

Acts of officers *de facto*.

other officers *de facto* shall be deemed and construed to be of the same validity as acts of officers *de jure*.

Sale of property charged in other name than that of owner.

SEC. 77. 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, &c., proved by records, &c.

SEC. 78. 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 the taxes thereon.

IRREGULARITIES.

Sale not invalidated by irregularities in assessments, &c.

SEC. 79. 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.

Certain defects, omissions, &c., to be deemed mere irregularities.

SEC. 80. 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; the failure or neglect of the sheriff to offer any real estate for sale for delinquent taxes thereon at the time mentioned in the advertisement or notice of such sale; and the failure of the sheriff to adjourn such sale from day to day, or any irregularity or informality in such adjournment; and any irregularity or informality in the manner or order in which real estate may be offered for 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 real or personal property assessed for taxation, or upon which any taxes [are] 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. 81. That when any corporation doing business in this State shall fail or neglect to pay any tax assessed or 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.

Corporations failing to pay taxes.

Sheriff to notify officer, &c., to pay over moneys in his hands, &c.

Misdemeanor.
Penalty.
Forfeiture of charter, &c.

INJUNCTION, WHEN GRANTED, AND SUIT TO RECOVER TAXES.

SEC. 82. 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, or be illegal or invalid, or the assessment be illegal or invalid; 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 persons claiming any tax or any part thereof to be for any reason

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. 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 to refund taxes. SEC. 83. 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. 84. No county, city council or town commissioners 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 jurisdiction 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.

Exception.

TAXES STRICKEN FROM LIST.

Taxes on personal property not collectible, stricken from list. SEC. 85. 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. Credit to be given.

SEC. 86. 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. Unlawful for city or town collector to discount county, &c., warrants.
Penalty.

FORECLOSURE.

SEC. 87. 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 or county 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. Owner of certificate of tax sale authorized to bring action to foreclose.
Proviso.

SEC. 88. If the owner of any such certificates 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 Certificate invalidated if owner fail to demand deed or bring action within two years.

the title adverse thereto, and all other persons, and as against the State, county and all other municipal subdivisions thereof.

Interest. SEC. 89. 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.

DEFINITIONS.

- Definitions. SEC. 90. The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act:
- "Banks," &c. 1. *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 bills 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," 2. *Collector—Collectors.*—County and deputy collectors, including sheriffs.
- "List-taker." 3. *List-takers and Assessors.*—Have all authority conferred upon list-takers in this act.
- "Credits." 4. *Credits.*—Every claim or demand for money, labor, interest or other valuable thing due or to become due, including money on deposit.
- "He." 5. *He.*—Male, female, company, corporation, firm, society, singular or plural number.
- "Real property," &c. 6. *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. 7. *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." 8. *Tax—Taxes.*—Any tax, special assessments or costs, interest or penalty imposed upon property.

MISTAKES IN ASSESSMENTS.

SEC. 91. 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 or the property entered on the list by the assessor after the roll has been returned to the clerk of the board of county commissioners, or such error may be corrected or the omissions supplied by the county commissioners, upon satisfactory evidence of such error or omission, at a regular meeting of the board; and the board may 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.

Correction of errors on assessment roll by county commissioners.

Notice to person affected.

When proceeding to correct error to be instituted.

PURCHASE AT TAX SALE BY MUNICIPAL OFFICERS.

SEC. 92. 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 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.

Commissioners authorized to purchase real estate sold for taxes for use of county, &c.

Certificate.

Assignment of certificate.

SEC. 93. 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

When commissioners may sell and assign tax certificates, &c.

such purchase for an amount not less than fifty per centum of the amount expressed in such certificates: *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. 94. 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-two 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 certificates.

Exception.

When and how sheriff required to account to State treasurer for taxes on real estate purchased by county, &c.

SEC. 95. 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 mayor to assign certificate, &c.

SEC. 96. 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.

FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

SEC. 97. That in all cases whenever the county commissioners of any county in this State have purchased or 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.

County commissioners authorized to bring suit for foreclosure.

Commissioners may purchase.

SEC. 98. 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.

Action to foreclose by assignee of tax certificate.

FORECLOSURE OF TAX LIENS BY OWNERS OF CERTIFICATES.

SEC. 99. 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. 100. That any person, persons or corporation holding or possessing any certificate of purchase of any real estate at public 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, &c., holding certificates of purchase entitled to foreclose.

Proviso.

PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

SEC. 101. 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

Lien of taxes upon railroads.

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.

Road-bed, &c., de-
clared personal
property.

SEC. 102. The property mentioned in the preceding section is hereby declared to be personal for the purpose of taxation and collection of the same.

Penalty for re-
moving personal
property to avoid
listment, &c.

SEC. 103. 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 corpora-
tions.

SEC. 104. 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 ten-
ant, &c.

SEC. 105. 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. 106. 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 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.

Sale of land.

Estate forfeited
to remainderman

Remainderman
may redeem.

Action for dam-
ages.

Person having a
lien on land au-
thorized to pay
taxes.

SEC. 107. 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.

SEC. 108. 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 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 of 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.

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.

SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

SEC. 109. 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,

Sheriff to keep record of taxes collected upon unlisted property

Annual statement of commissioners.

double taxes and taxes on unlisted subjects, and on the first Monday in December in each year shall deliver an [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.

Clerk to record statement and send abstract to auditor.

Copy to be posted

When and how sheriff to settle State taxes.

SEC. 110. 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 nine 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.

Duty of commissioners.

Duty of State treasurer.

How sheriff to be charged.

Duty of auditor.

Deductions.

Insolvent taxes on personal property.

Overpayments in former settlements.

Commissions.

Compensation of sheriff.

SEC. 111. The auditor, in making the settlement of the amount due from the sheriff or tax-collector aforesaid, shall deduct from the lists returned: (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 uncollectible. (2) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables. (3) Five per centum commissions on the amount collected.

SEC. 112. 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.

SEC. 113. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take the oath required in his settlement and pay the amount due to the treasurer, 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 and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the county under section ninety-two 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.

SEC. 114. The sheriff or the tax-collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hand over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained, and shall on oath render a statement to the commissioners at their monthly meetings of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: *Provided*, the board of county commissioners

Failure of sheriff to settle.

Duty of auditor.

Summary judgment.

Superior court clerks to furnish copy of sheriff's bonds to auditor.

Penalty.

Fraudulent failure of sheriff to settle.

Misdemeanor.

When and how sheriff to settle county taxes.

Penalty.

Monthly verified statement to commissioners.

To account with county treasurer.

Penalty.

Proviso.

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.

State treasurer authorized to grant indulgence, &c.

SEC. 115. 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 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. 116. 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 uncollectible 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.

Accounts when audited to be reported and filed.

SEC. 117. 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.

Compensation of committee.

SEC. 118. 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 thirteen of this act.

Penalty for failure of sheriff to settle.

Action on bond.

Penalty for fraudulent failure to account.

SEC. 119. In each year the county treasurer shall give five days notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the court-house on a certain day during the first ten days in January before him and the committee appointed by the board of commissioners and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

When and how other county officers to settle.

Misdemeanor. Accounts to be reported and filed

SEC. 120. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax-collector has been or may be appointed, it shall be incumbent upon the tax-collector to perform the said office instead of the sheriff, and such tax-collector shall collect all taxes, have all the emoluments and be subject to all the penalties as provided in the case of sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax-collector.

Duties of tax-collector.

Compensation and penalties.

SEC. 121. If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose shall have all the powers and means for collecting the same from the collectors and tax-payers as the sheriff would have had, and shall be subject to all the remedies for collection and settlement of the taxes on their bond, or otherwise, as might have been had against the sheriff if he had lived.

Sureties to collect in case sheriff dies.

Powers and liabilities same as sheriff.

Time in which taxes to be collected.

SEC. 122. 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.

Secretary of State to have 5,000 copies of this act and of revenue act printed for distribution.

SEC. 123. 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 for each member of General Assembly.

SEC. 124. 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. 125. 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. 126. 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. 127. This act shall be in force from its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 219.

An act to amend subsection four of section one hundred and ninety of The Code.

The General Assembly of North Carolina do enact:

Code, sec. 190, sub-sec. 4, amended. Action to recover personal property to be tried in county where property is situated.

SECTION 1. That subsection four of section one hundred and ninety of The Code be amended as follows, viz.: Strike out all of said subsection four after the word "property," so that the same will read "for the recovery of personal property."

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 220.

An act to establish a ferry across the Yadkin river.

The General Assembly of North Carolina do enact :

SECTION 1. That John A. Cooper and F. B. Parks of Wilkes county, their heirs and assigns, are hereby authorized to establish a ferry across the Yadkin river at or near the lower end of the farm of F. B. Parks on said river in Wilkes county.

J. A. Cooper and F. B. Parks authorized to establish ferry across Yadkin river.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said John A. Cooper and F. B. Parks, their heirs and assigns, during the full term of thirty years.

Right vested for thirty years.

SEC. 3. That it shall be lawful for the said John A. Cooper and F. B. Parks, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by the board of commissioners of Wilkes county for ferries in said county.

Authorized to receive tolls as prescribed by board of commissioners

SEC. 4. That it shall not be lawful for any other person or persons to construct any ferry or transport any person or persons or vehicle for pay within one mile of said ferry.

Unlawful for any other person to construct ferry within one mile.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 221.

An act to suppress and prevent certain kinds of vicious contracts.

The General Assembly of North Carolina do enact :

SECTION 1. That every contract, whether in writing or not, whereby any person or persons, corporation or corporations shall agree to sell and deliver any cotton, Indian corn, wheat, rye, oats, tobacco, meal, lard, bacon, salt, pork, salt fish, beef cattle, sugar, coffee, stocks, bonds, and choses in action, at a place or places and at a time or times specified and agreed upon therein, to any other person or persons, corporation or corporations, whether the person to whom such article is so agreed to be sold and delivered shall be a party to such contract or not, when, in fact, and notwithstanding the terms expressed of such contract, it is not intended by the parties thereto that the articles or things so agreed to be sold and delivered shall be actually delivered, or the value thereof paid, but it is intended and understood by them that money or other thing of value shall be paid to the one party by the other, or to a third party, the party to whom such payment of money or other thing of value shall be made to depend, and the amount of such money or other thing of value so to be paid to

Certain contracts concerning the sale and delivery of cotton, corn, &c., declared void.

depend upon whether the market price or value of the article so agreed to be sold and delivered is greater or less at the time and place so specified than the price stipulated to be paid and received for the articles so to be sold and delivered; and every contract commonly called "futures" as to the several articles and things hereinbefore specified, or any of them, by whatever other name called, and every contract as to the said several articles and things, or any of them, whereby the parties thereto contemplate and intend no real transaction as to the article or thing agreed to be delivered, but only the payment of a sum of money or other thing of value, such payment and the amount thereof and the person to whom the same is to be paid to depend on whether or not the market price or value is greater or less than the price so agreed to be paid for the said article or thing at the time and place specified in such contract, shall be utterly null and void and of no effect in law or equity; and no action shall be maintained in any court in this State to enforce any such contract, whether the same was made in or out of the State, or partly in and partly out of this State, and whether made by the parties thereto by themselves or by or through their agents, immediately or mediately; nor shall any party to any such contract, or any agent or agents of any such party, directly or remotely connected with any such contract in any way whatever, have or maintain any action or cause of action on account of any money or other thing of value paid or advanced or hypothecated by him or them in connection with or on account of such contract and agency.

No action maintainable.

Burden of proof.

SEC. 2. That when the defendant or defendants in any action pending in any court in this State shall allege specifically in his or their answer that the cause of action alleged in the complaint is in fact founded upon a contract such as is by this act made void, and such answer shall be verified, then, and in that case, the burden shall be upon the plaintiff in such action to prove by the proper evidence, other than any written evidence thereof, that the contract sued upon is a lawful one in its nature and purposes; that the defendant may likewise produce evidence to prove the contrary: *Provided, nevertheless*, that any allegation or statement of fact made in any pleading in any such action, or the evidence produced on the trial in any such action, shall not be evidence against the party making or producing the same in any criminal action against such party.

Proviso.

Parties to contracts, &c., guilty of misdemeanor.

SEC. 3. That every person who shall become a party to any such contract as is by this act made void, and every person who shall be the agent, directly or indirectly, of any such party in making or furthering or effectuating the same; and every agent or officer of any corporation who shall, in any way or manner, knowingly aid in making or furthering any such contract to which such corporation shall be a party, shall be deemed guilty of a misdemeanor, and on conviction in the superior court shall be fined not less than one

hundred dollars nor more than five hundred dollars, and may be imprisoned in the discretion of the court. **Penalty.**

SEC. 4. That every person who shall, while in this State, consent to become a party to any such contract made in another State, and every person who shall, as agent of any person or corporation who shall become a party to any such contract made in another State, in this State do any act, or in any way aid in this State in the making or furthering such contract so made in another State, shall be deemed guilty of a misdemeanor, and on conviction in the superior court shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned in the discretion of the court. **Penalty.**

Persons in this State becoming parties to contract made in another State, &c., guilty of misdemeanor.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 222.

An act to amend section 3410, chapter 43, of The Code, so as to make it applicable to the Catawba river.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand four hundred and ten, chapter forty-three of The Code, be amended by adding the words "Catawba river from the South Carolina line to the town of Old Fort, in McDowell county," after the words "Caldwell county," in the forty-fifth line of said section.

Code, sec. 3410, amended. Dams not having sluice-way for fish not allowed in Catawba river from South Carolina line to Old Fort.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 223.

An act for the disbursement of certain funds in the hands of the treasurer of Cabarrus county.

WHEREAS, there is a fund of nine hundred and eighty-four dollars and ninety-four cents in the hands of the treasurer of Cabarrus county, raised in said county under chapter two hundred and thirty-four of the laws of one thousand eight hundred and eighty-three; and whereas, said chapter, as to Cabarrus county, has been repealed, and the treasurer thereof has no authority to disburse said funds; therefore,

Preamble.

The General Assembly of North Carolina do enact :

Special road tax collected in Cabarrus county, how disbursed.

SECTION 1. That said treasurer shall pay, upon written order or orders signed by the mayor and two members of the board of commissioners of the town of Concord, the sum of nine hundred and nine dollars and ninety-four cents to said board of commissioners; and the said board shall apply said sum solely to the repairing portions or sections of such roads as they shall deem proper lying between the corporate limits of said town as they existed under the amended charter of 1879 and the corporate limits of said town as now established by an act ratified at this session of this General Assembly.

\$75 appropriated to build bridge across Buffalo creek.

SEC. 2. That said treasurer shall pay, upon written order or orders signed by two members of the board of supervisors of public roads of number four township of said county, the sum of seventy-five dollars, to be applied by said board of supervisors in building a bridge across Buffalo creek at Barnhardt's mill, on the Charlotte and Salisbury road.

Treasurer's vouchers.

SEC. 3. That in any settlement of said treasurer the orders specified in the preceding sections of this act shall be lawful vouchers to him for the disbursement of said fund.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

 CHAPTER 224.

An act to empower S. C. Rierson, tax-collector, to collect arrears of taxes.

The General Assembly of North Carolina do enact :

Authorized to collect arrears of railroad taxes in Meadow and Saura townships, Stokes county.

SECTION 1. That S. C. Rierson, tax-collector of railroad taxes in Meadow and Saura townships, Stokes county, is hereby authorized and empowered to collect arrears of railroad taxes for said townships for the years eighteen hundred and eighty-six and eighteen hundred and eighty-seven, both inclusive, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Who not compelled to pay.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make an affidavit before any one authorized to administer oaths that the same has been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

When authority to cease.

SEC. 3. That the authority given by this act shall cease on the first Monday in January, one thousand eight hundred and ninety.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 225.

An act for the relief of C. M. Pace, clerk of the superior court of Henderson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the clerk of the superior court of Henderson county be and he is hereby exempted from the provisions of section one hundred and fourteen of The Code during the month of March, 1889, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code for said period.

Clerk of Henderson superior court not required to keep office open on Mondays in March, 1889.

SEC. 2. This act shall be in force and effect from and after March the 1st, 1889.

Ratified the 25th day of February, A. D. 1889.

CHAPTER 226.

An act to amend section 1014 of The Code.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand and fourteen of The Code be and the same is hereby amended by inserting between the words "agent" and "clerk," in the first line thereof, the word "consignee," and after the word "fraudulently," in the fourth and sixth lines, the words "or knowingly and wilfully misapply or."

Code, sec. 1014, amended. Embezzlement by consignee punished as larceny. Wilful misapplication of goods, &c.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 227.

An act to amend an act entitled "an act to incorporate the Atlanta, Asheville and Baltimore Railroad Company."*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter seventy of the acts of one thousand eight hundred and eighty-seven be amended by adding thereto as section seventeen the following words: "The county commissioners of each of the counties through which the said railroad may be located may, in their discretion, pay one-half of the expenses of a survey of the line or lines locating said road when the said company shall have paid the other half thereof and deposited a profile of such survey and an estimate of the cost of construction of said road in the register's office of the county so consenting to pay such half costs."

Chapter 70, laws 1887, amended.

Expenses of survey.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 228.

An act to extend the time for the registration of dentists in North Carolina.*The General Assembly of North Carolina do enact:*

Time extended for twelve months.

SECTION 1. That the limit of time provided in chapter one hundred and seventy-eight, section four, laws of one thousand eight hundred and eighty-seven, for the registration of dentists, be and the same is hereby extended twelve months from the passage of this act.

State board of examiners to send registration blanks to superior court clerks.

SEC. 2. That the State board of examiners shall, within the above prescribed time, forward the necessary blanks for registration to the clerks of the superior courts of the respective counties, whose duty it shall be to notify all persons practicing dentistry of said requirements in said county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 229.

An act to extend the limit of time provided in section one thousand nine hundred and eighty of The Code to the Caswell Railroad Company.*The General Assembly of North Carolina do enact:*

Time extended for two years.

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty of The Code be and the same is hereby extended for two years to the Caswell Railroad Company.

Chapter 370, sec. 4, laws 1885, amended.
Location of road. Section 12 amended.
Election in townships on question of subscription to be ordered on petition of one-fifth of resident freeholders
Sections 6, 7, 8, 9, 10 and 11 stricken out.
Townships authorized to subscribe \$15,000, and bonds to run fifteen years.
Section 15 stricken out.

SEC. 2. That chapter three hundred and seventy of the laws of one thousand eight hundred and eighty-five be re-enacted and amended by striking out in section four in the third line, after the words "located from" to the words "in Milton" inclusive, and inserting "at some point on the Atlantic and Danville Railroad at or near Milton"; also by striking out of section twelve in seventh line the word "twenty," and inserting therein "one fifth of the."

SEC. 3. That section six, section seven, section eight, section nine, section ten and section eleven be stricken out.

SEC. 4. Strike out "ten" wherever it occurs in section twelve and section thirteen, and insert "fifteen," and strike out "one tenth" in section fourteen and insert "one fifteenth."

SEC. 5. That all of section fifteen be stricken out.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 230.

An act to amend section 956 of The Code, relating to the justices of the supreme court.*The General Assembly of North Carolina do enact :*

SECTION 1. That The Code, section nine hundred and fifty-six, be amended so that the same shall read as follows—that is to say, when any one or more of the justices are absent for any cause, three of the justices shall hold the court, hear and determine causes and possess and exercise every other authority which by law may appertain to said court as fully to all intent [intents] and purposes as if all the justices of the court were present.

Code, sec. 956, amended.

Three of the justices of the supreme court authorized to hold court, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 231.

An act to authorize the payment of school order of Mrs. Nevada E. Roth out of the school funds of Surry county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Surry county is hereby authorized and empowered to pay Mrs. Nevada E. Roth the sum of twenty-one dollars and seventy-five cents, balance due her as teacher in district No. 45 (white race), Surry county, for the year 1885, out of any school funds now due or may hereafter be due said county.

Treasurer of Surry county authorized to pay Mrs. N. E. Roth, school-teacher, \$21.75.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 232.

An act to provide convicts for the Polk County Railroad Company.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of directors of the penitentiary are authorized and empowered to furnish the Polk County Railroad Company or the company or corporation that may succeed them as provided in chapter one hundred and thirty-four of laws of one thousand eight hundred and eighty-seven, one hundred able-bodied convicts not otherwise appropriated.

Directors of penitentiary authorized to furnish one hundred convicts.

Terms.

SEC. 2. That said convicts shall be furnished on like terms and conditions as is provided for the Roanoke and Southern Railroad Company at this session of the General Assembly.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 233.

An act to amend the charter of the Norfolk Southern Railroad Company.

The General Assembly of North Carolina do enact :

Authorized to extend road from Edenton southwardly.

SECTION 1. That the Norfolk Southern Railroad Company is authorized and empowered to extend its road from Edenton, N. C., or any other point upon its present line, in a southward or southwestward direction to any point on the South Carolina line.

Counties, townships, cities and towns authorized to make subscription or donation on vote of majority of qualified voters.

SEC. 2. That it shall and may be lawful for any county, township, city or town in or through which the said road may be located, or which is interested in its construction, to subscribe to the capital stock of said company or to donate to said company such sum in bonds as a majority of all its 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 or donate, anything contained in the charter of the said city or town to the contrary notwithstanding; that the said subscription or donation shall be made in bonds bearing interest at six per centum per annum, 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. This section shall not apply to Bertie and Pitt counties.

Subscription or donation, how made.

Section not applicable to Bertie and Pitt counties. Election, when and how ordered.

SEC. 3. That for the purpose of determining the amount of such subscriptions or donations, it shall be lawful, in the exercise of their discretion, for the county commissioners of any county in or through which the said railroad may be located, or which may be interested in the construction of said road, or in which is situated the township in or through which the said road may be located, or which may be so interested, or the municipal authorities of any city or town in or through which the said road may be located, or which may be so interested, upon a written application of fifty resident freeholders of said county, township, city or town, specifying the amount therein to be subscribed or donated in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of subscription to the capital stock of said company or donation to said company, as the case may be; and said county com-

missioners or municipal authorities of such city or town shall have the power and it shall be their duty to order an election to be held within sixty days, specifying the time, place and purpose of the election, notice of which for at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, and to provide for the holding of the same according to law; that at said election, those who favor said subscription or donation shall vote a ballot on which is written or printed "for subscription" or "for donation," and those opposing, a ballot on which is written or printed "against subscription" or "against donation," as the case may be.

SEC. 4. That all elections under the preceding section shall be held in all respects, except as herein provided, in the manner prescribed for the election of members of the General Assembly. If the election shall be held for a county or township 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 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" or "for donation," 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, or to donate to the said company, in behalf of said county, township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription or donation shall be made in coupon bonds, to be executed in the case of a county or township by the chairman and clerk of the board of commissioners, and sealed with the seal of the county, and in case of a city or town by the mayor and clerk or secretary or the proper municipal authorities thereof, and sealed with the corporate seal thereof, bearing a rate of interest of six per centum per annum, with interest payable semi-annually: *Provided*, that the provisions of sections three and four of this act shall not apply to the counties of Jones, Pitt, Lenoir and Martin.

SEC. 5. That in order to make provision for the payment of interest on said bonds, 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, observing the constitutional equation of taxation, which shall be styled on the tax-lists as the "Norfolk Southern Railroad tax."

Ballots.

Election, how held.

Returns, how made.

Subscription or donation, when and how made.

Proviso.

Special tax.

Townships incorporated.

SEC. 6. That for the purpose of this act all the townships along the line of the railroad, or which are interested in its construction as herein provided, shall be and they are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing or donating are declared to be the corporate agents of the townships so incorporated and situated within the limits of said counties respectively.

Corporate agents.

County taxes collected from company in county in which any township makes subscription or donation to be applied to payment of interest on township bonds, &c.

SEC. 7. That when any township shall subscribe to the capital stock of or make donation to the said railroad company as provided in this act, 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 bonds subscribed or donated 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; that when more than one township in a county shall subscribe or donate its bonds as aforesaid, the said taxes shall be applied to the payment of the said interest on all of the said bonds *pro rata*.

Subscription or donation not invalidated if taxes not applied to payment of interest.

SEC. 8. That nothing herein contained shall be taken in any wise to invalidate the said bonds or the said subscription or donation, should the said taxes for any reason fail to be applied to the payment of the said interest or any part thereof.

Authorized to purchase, &c., other roads.

SEC. 9. That the said railroad company is authorized to purchase, lease and operate such railroads as may connect with its railroad or railroads and such steamboats and steamboat lines as it may deem necessary, convenient or useful to its business as common carriers: *Provided*, that said company shall not purchase, lease or operate a competing railroad line.

Proviso.

Authorized to sell, &c., property.

SEC. 10. That said railroad company is authorized to sell or lease, upon such terms as it may deem best, such property, real or personal, as it may now or hereafter possess.

Authorized to increase capital stock.

SEC. 11. That said railroad company is hereby authorized to increase its capital to the amount of twenty-five thousand dollars per mile of single track road now existing or which it may hereafter construct, and said stock may be, at the option of said company, divided into common and preferred stock, or it may be all of one class and character: *Provided, however*, that no stock shall be given preference over the stock issued to counties, townships, cities or towns.

Proviso.

Authorized to build branch roads.

SEC. 12. That said railroad company is authorized to build branch roads connecting with its main road of not more than fifty miles in length, and to connect its main and branch roads by branches and side tracks with any lumber lands, mills or factories in its vicinity, and shall have, with respect to such branch roads and side-tracks,

the same right to condemn land as is provided with respect to the main track.

SEC. 13. That whenever the routes of any of the roads of the Norfolk Southern Railroad Company now or heretofore authorized intersect or cross any sound, bay, river or other waterway, the said company may build its road across the same: *Provided*, it construct and keep suitable draws or other structures, so as not to obstruct the navigation of such waters; and may run its roads along or across any public road by keeping the same in good repair, or, if necessary, constructing new roads or parts of roads in lieu of such as the company may use: *Provided*, that the new road shall be put in as good a condition for travel as the old road.

Authorized to build road across any sound, &c.

Proviso.

Proviso.

SEC. 14. That the board of directors of said company be and are hereby authorized to issue bonds and mortgages upon any and all the property and franchises of said company, to secure loans, advances, acceptances or debts, made and incurred or to be made by said company in building said railroad and in equipping the same, or purchasing or leasing any property whatever of any nature or kind necessary or convenient to the constructing or operating said railroad or any railroad or route of railroad which said company has heretofore been authorized to construct and operate, or which it may hereafter be authorized to construct and operate.

Directors authorized to issue mortgage bonds.

SEC. 16. That section six of an act ratified January twentieth, one thousand eight hundred and seventy, entitled "an act to incorporate the Elizabeth City and Norfolk Railroad Company," be amended by striking out "probate judge" wherever the same occurs and by substituting therefor "clerk of the superior court," and by striking out "supreme," in the third line from the end, and inserting in lieu thereof "superior."

Chapter 18, laws 1869-70, amended.

Proceedings to condemn land before superior court clerk.

Appeal.

SEC. 17. That section one of an act ratified March seventh, one thousand eight hundred and seventy-nine, entitled "an act to amend section three, chapter sixty-one, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two," be amended by striking out "one hundred" in the last line of said section and inserting "one hundred and fifty," so that the last clause of said section shall read: "*Provided*, that land condemned for the lines of the road shall not be less than fifty or more than one hundred and fifty feet wide."

Chapter 140, laws 1879, amended.

Width of right of way.

SEC. 18. That section three of an act to amend an act entitled "an act to incorporate the Elizabeth City and Norfolk Railroad Company," ratified March fifth, one thousand eight hundred and eighty-one, be amended by striking out the concluding words, "and thereafter elections for directors of said company shall be held annually at such time as the company by its by-laws shall provide," and by substituting therefor the following, "and thereafter elections for directors of

Chapter 190, sec. 3, laws 1881, amended.

Election of directors.

said corporation and the regular or special meetings of stockholders shall be held at such times and places, either within the State or at Norfolk, Virginia, as the company by its by-laws shall provide."

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 234.

An act to extend the provisions of a law enacted by the General Assembly of 1885.

The General Assembly of North Carolina do enact :

Chapter 107, laws 1885, (Halifax and Warren stock law) applicable to Duck and Smallwood's islands, Northampton county.

SECTION 1. That chapter one hundred and seven of the laws of North Carolina, enacted at the session of 1885, shall apply to Duck and Smallwood's islands, in Northampton county, and the water-courses or returns around these islands shall be lawful fences for the islands.

SEC. 2. That this act shall take effect immediately.

Ratified the 2d day of March, A. D. 1889.

CHAPTER 235.

An act to provide for the better drainage of certain lands in Rutherford county.

The General Assembly of North Carolina do enact :

County commissioners appointed drainage commissioners.

SECTION 1. That the board of commissioners of Rutherford county, in addition to the authority they already possess, be and they are hereby appointed commissioners whose duty it shall be to carry out the provisions of this act.

Commissioners to hear petition of owners of land adjoining certain streams after notice.

SEC. 2. It shall be the duty of said board of county commissioners, upon the petition in writing of not less than five persons who own land along either of the streams or water-courses named below, between the following points, to-wit: On Second Broad river from Martin's mill to A. H. Naber's mill: mouth of Cathey's creek to Whiteside settlement road; mouth of Holland's creek to R. O. Ledbetter's mill: mouth of Robertson's creek to Carson's mill; mouth of Cane creek to Piney mountain or Yorkville road: mouth of Big Camp creek to Young's mill: Floyd's creek from its mouth to Vol Hicks' mill: Mountain creek from its mouth to J. W. Lewis' mill: *Provided*, hands shall not be required to work more than twelve days in any one year on the two last named streams;—to hear the petition, after advertising the contents of the same for thirty days at the court-house door, at a time to be named in said notice.

SEC. 3. The said petition shall set forth the stream upon which they desire to drain their lands, and that the same cannot be drained, and that said stream or water-course cannot be kept free from obstructions unless by the combined efforts of the land-owners along said stream or water-course.

What petition to set forth.

SEC. 4. That if at the hearing the said board of commissioners grant said petition (and it shall be their duty so to do if the facts stated in the petition so appear from evidence), then it shall be the duty of said county commissioners to appoint three commissioners, land-owners on said stream or water-course, whose duty it shall be, as soon as practicable—not exceeding thirty days from their appointment—to lay off said water-course or stream between the designated points into convenient sections, and to report the same to said board of county commissioners at their next meeting afterwards. It shall also be the duty of the commissioners appointed by the board of commissioners to ascertain the names of all persons who own land on said stream, and in what section as laid off, and also the names of all persons living upon said tracts of land between the ages of eighteen and forty-five years and cultivating the same or any portion of the same either as tenant or cropper, and report the same to the board of county commissioners.

County commissioners after petition granted to appoint commissioners to lay off stream into sections.

Duties of commissioners.

SEC. 5. The said board of county commissioners shall, at the meeting at which the report of the commissioners is made, or as soon thereafter as practicable, appoint an overseer for each section as laid off, who shall also be a land-owner on the section for which he is appointed; and he shall hold his office for the term of two years or until his successor is appointed. And the board of county commissioners shall also ascertain the value of the tracts of land of each land-owner on said stream or water-course, which shall be done by reference to the tax-lists for the year in which the value is ascertained, and the assessed value as it appears upon said tax-lists shall be the value placed upon said lands by the commissioners for the purposes of this act.

Overseers.

County commissioners to ascertain value of lands.

SEC. 6. The said board of county commissioners shall, after ascertaining the value of the land as prescribed in the preceding section, ascertain and allot to each overseer the number of hands each land-owner is to furnish, upon the following basis, to-wit: one hand for each five hundred dollars worth of assessed valuation of the tract of land lying on said water-course or stream, and if any person shall own land on said stream or streams of less assessed value than five hundred dollars, they shall furnish one hand for the fraction thereof; and they shall also furnish the overseer with the names of each person living upon said tracts of land and cultivating the same, either as tenant or cropper, as reported by the commissioners within their respective sections.

Hands to be allotted overseers

Basis of allotment

Duty of land-owners to furnish hands.

Duty of tenants and croppers.

SEC. 7. It shall be the duty of each land-owner, after five days notice by the overseer, to furnish the number of hands as ascertained and allotted by the county commissioners, and also it shall be the duty of each tenant and cropper assigned by said county commissioners, after five days notice, to furnish such tools as they may be notified by said overseer to furnish, which hands so furnished by the land-owner, and the tenants and croppers, shall work on said stream or water-course under the supervision of the overseer not less than four and not exceeding twenty days in any one year: *Provided, however,* that in lieu of said work any land-owner may pay one dollar per day for each hand each day required to work, or any tenant or cropper paying a like sum for each day required to work they may be discharged from said work.

Proviso.

Duties of overseers.

SEC. 8. That it shall be the duty of said overseers, with the persons or hands as assigned, or with the money received in lieu of work, to clean out the channels, remove all obstructions, improve the banks, widen and deepen the streams, or cut a new channel or straighten the same, as may be deemed necessary by the commissioners; and he is fully empowered to cut any brush or timber necessary for said purposes.

Land-owner failing to furnish hands, &c., guilty of misdemeanor.

SEC. 9. That any land-owner failing to furnish hands as required, or to pay money in lieu thereof, as stated in a preceding section, or if any tenant or cropper shall fail to work on said streams or water-courses or pay money in lieu thereof, after having been duly notified as aforesaid, shall be guilty of a misdemeanor and fined not less than ten dollars or imprisoned not less than ten days, in the discretion of the court; that any justice of the peace of the county shall have jurisdiction to bind over parties violating this act, and the superior court in term time to try and punish the offender: *Provided,* the provisions of this act shall not apply to tenants or croppers working any of the lands herein described under a lease or contract of one year or less.

Justice to have jurisdiction.

Act not applicable to certain tenants, &c.

Powers and duties of stream commissioners.

SEC. 10. That the three commissioners appointed by the county commissioners as directed in section four of this act shall have a general supervision of the work on said streams, and it shall be their duty to lay out and direct such work as in their judgment is needed; and it shall be the duty of the overseers to carry out their directions.

Commissioner or overseer failing to perform duty guilty of a misdemeanor.

SEC. 11. That any person appointed commissioner or overseer as directed by this act [who] shall fail to perform the duties herein prescribed shall be guilty of a misdemeanor, and fined not less than twenty dollars or imprisoned not less than ten days, in the discretion of the court.

Wilful obstruction, &c., of streams a misdemeanor.

SEC. 12. That any person who shall wilfully and knowingly fell timber or otherwise obstruct the waters in the channels of said streams or water-courses, between said points of said boundary, and shall permit the same to remain therein for the space of twenty days,

shall be deemed guilty of a misdemeanor, and on conviction thereof before any competent tribunal shall be fined not less than twenty dollars or imprisoned not less than ten days, in the discretion of the court.

SEC. 13. That nothing contained in this act shall prevent the building of public bridges on public roads across said streams or water-courses and necessary water gates by the land-owners for their convenience. Bridge and water gates not prohibited.

SEC. 14. That nothing herein contained shall be so construed as to prevent persons herein mentioned from working on public roads. No exemption from road duty.

SEC. 15. That all acts and clauses of acts inconsistent with this act are hereby repealed. Conflicting laws repealed.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 236.

An act to authorize the treasurer of the county of Swain to pay a school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That upon the written order of the board of education for the county of Swain, the treasurer of said county is hereby authorized and empowered to pay to A. C. Hoffman the sum of thirty-five dollars (\$35) for services as teacher in school district number ten, in said county. County treasurer authorized to pay A. C. Hoffman, school-teacher, \$35, on written order of board of education.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 237.

An act to allow the board of education of Jones county to rent or build an office.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of education of Jones county be and the same are hereby authorized and empowered to appropriate and use so much of the public school funds of said county as may be necessary to rent or build a suitable office at the county-seat for the use of the said board of education. Authorized to use sufficient amount of public county school fund to rent or build office.

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. Ratified the 2d day of March, A. D. 1889.

CHAPTER 238.

An act to prohibit the sale of spirituous, vinous or malt liquors within the corporate limits of the town of Pineville, Mecklenburg county, by any druggist on the prescription of any physician whatsoever.

The General Assembly of North Carolina do enact:

Unlawful for druggist in Pineville to sell liquor upon physician's prescription while town under operation of local option law.

Misdemeanor.

SECTION 1. That no druggist within the corporate limits of the town of Pineville, in Mecklenburg county, shall sell any spirituous, vinous or malt liquors upon the prescription of any physician whatsoever while the granting of license to sell such liquors therein is excluded under the local option law.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty or more than two hundred dollars or imprisoned not less than sixty or more than one hundred days.

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

Ratified the 2d day of March, A. D. 1889.

CHAPTER 239.

An act to incorporate the Fayetteville and Albemarle Railroad Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That A. B. Williams, John Blue, A. A. McKethan, Jr., Neill R. Blue, C. W. Broadfoot, D. G. McDuffie, J. Milton Hogg, N. W. Ray, Thomas H. Sutton 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 "Fayetteville and Albemarle Railroad Company." and when organized as hereinafter provided said corporation may have and use a common seal, and sue and be sued in all the courts of the State by its corporate name, and shall be capable of purchasing or acquiring, by gift or devise, estate, real, personal or mixed, and of holding or leasing or selling the same as the interest of said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose: *Provided*, the same shall not be inconsistent with the constitution and laws of the State or of the United States.

Corporate name.

Corporate powers

Proviso.

Authorized to build road.

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 Fayetteville to Albemarle, in Stanly county,

with the privilege of extending the same from Fayetteville to Goldsboro, N. C., and from Albemarle westward to some point on the North Carolina Railroad, and said company shall have the power to build and operate branch roads not to exceed twenty-five miles in length.

Right of extension.

Branch roads.

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

Capital stock.

Subscriptions, how paid.

Donations, &c.

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

Books of subscription.

Organization.

SEC. 5. That said company shall hold a meeting of the stockholders at its organization and annually thereafter. Seven directors shall be elected by the stockholders to hold office for one year and until their successors shall be elected; and in all such meetings of the stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner to be prescribed in the by-laws of the company, and each share shall be entitled to one vote on all questions. That it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided for in the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; and any meeting of the stockholders shall have power to make and to alter any by-law or by-laws as they may think best.

Stockholders' meetings. Directors.

President and other officers.

Vacancies.

By-laws.

SEC. 6. That said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Certificates of stock.

SEC. 7. That the commissioners of Moore county and of any other county or any township through which said railroad may pass, shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the

Subscriptions or donations by counties and townships.

respective counties or townships to the amount they shall be authorized by the said county or townships respectively; and the authorities of all incorporated cities or towns, to the amount authorized by the inhabitants of such cities or towns respectively; and the authorities of any other corporation, to such an amount as they may be authorized to do by their directors and members. And to enable them to borrow money to make such donations or subscriptions, they may issue bonds or other evidences of debt; when such subscriptions are made they shall be as binding on the county, township or other corporation making them as individual subscriptions are upon those by whom made. And in all cases where a township shall make a subscription or donation the county commissioners shall be authorized to represent such township and to make such subscription or donation, when authorized by vote as hereinafter provided.

SEC. 8. That the board of commissioners of the several counties through which the road may pass are respectively authorized and required, whenever twenty-five tax-payers of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place or places therein, after thirty days notice of said election by advertisement at the court-house door of said county and at four or more public places in said township, and to submit to the qualified voters of such township the election of donating to said company or of subscribing to the capital stock the sum of money specified in the written request of the tax-payers calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be written or printed the words "for donation," and those opposed shall deposit a ballot on which shall be written or printed the words "against donation." But if the election be to authorize a subscription to the capital stock, then ballots shall be deposited on which shall be written or printed the words "for subscription" and "against subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the qualified voters in said township shall be for "for subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners; and if a majority of all the qualified voters shall be "for donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact. And the commissioners shall have power to order a special registration for the election herein provided for under the law governing

By cities and towns.

By other corporations.

Authorized to issue bonds.

County commissioners to represent township.

Elections in townships upon question of subscription or donation, when and how held.

Ballots.

Subscription or donation to be made on vote of majority of qualified voters.

elections, and they shall also appoint judges, &c., as provided in other elections.

SEC. 9. That in payment of any subscription or donation made as provided in the next preceding section, the board of commissioners of the county wherein said township may be situate shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable ten years after the first day of January next after the years in which they are issued. They shall be coupon bonds and bear interest at the rate of six per cent. per annum, interest payable on the first day of January in each year by the treasurer of the county in which said township is situate, if the county have a treasurer, but if not, then by the sheriff of the county. But the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

Commissioners to issue bonds in payment of subscription or donation.

Description of bonds.

Redemption.

SEC. 10. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate on account of which said bonds have been issued, shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and one-tenth of the amount of the principal thereof, which taxes shall be collected by the sheriff of such county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over the State and county taxes. The sheriff shall pay said taxes, when collected, to the treasurer of his county, who shall first pay the interest on said bonds, and the coupons shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par: *Provided*, if said county have no treasurer, then the sheriff shall retain the taxes in his hands for the performance of the duties hereinbefore required of the treasurer, which duties he shall perform instead of the treasurer.

Special tax.

How collected.

County treasurer to receive taxes and pay interest, &c.

Proviso.

SEC. 11. That the commissioners of any town in any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five tax-payers in said town shall in writing request that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to the capital stock may be submitted to the voters of such town, to cause an election to be held therein under the same rules and regulations as are prescribed hereinbefore for the elections in townships, except that the returns of the elections shall be made to the commissioners of the town, who shall canvass the same; and if a majority of all the qualified voters

Election in towns upon question of subscription or donation, when and how held.

- Subscription or donation to be made upon vote of majority of qualified voters. in said town shall have voted "for subscription," then the mayor of the town shall make the subscription to the [capital] 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 subscription or any donation 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 the said commissioners shall levy tax sufficient to pay the interest on said bonds and one-tenth of the principal. The tax levied under the provisions of this section shall be collected by the constable or the tax-collector of such town in the same manner as the other taxes of said town are collected and subject to the same rules and regulations and with the same penalties and remedies against the constable or tax-collector and his sureties for failure to collect and account for the same. When collected, said taxes shall be paid by the constable or tax-collector to the treasurer of said town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.
- Authorized to issue bonds.
- Special tax.
- How collected.
- Town treasurer to receive taxes, pay interest, &c.
- Township bonds, how executed.
- Town bonds, how executed.
- Condemnation of land, sale or lease of road, &c.
- Authorized to begin construction at any point, &c.
- Branch roads.
- Authorized to borrow money on mortgage bonds, &c.
- SEC. 12. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated and by the clerk of said board, and the coupons shall also be thus signed. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town, and the coupons shall be also thus signed.
- SEC. 13. That said company shall have the right to have land condemned for right of way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railroad in the State, or to consolidate with any connecting line of railroads.
- SEC. 14. That 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 exclusive right of transportation over the same.
- SEC. 15. That said road or company shall have right to build branch roads connecting with it not exceeding fifty miles in length, and for this purpose shall have all the rights and privileges conferred by this act.
- SEC. 16. That said company shall be authorized to borrow money for the construction and operation of said railroad and for the pur-

pose of this act, and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

SEC. 17. That said company shall be further authorized and empowered to extend the line of their road from Albemarle in Stanly county and from Fayetteville as is hereinbefore provided in section two (2), and with respect to such extension shall have and use the privileges, powers and immunities and be subject to the pains and penalties in this act hereinbefore provided. Extension of road

SEC. 18. That the work on this road may be begun within three years. Work to begin within three years.

SEC. 19. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 20. That this act shall take effect from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 240.

An act to amend the charter of the Burgaw and Onslow Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and seventy, one of the acts of the General Assembly, ratified the tenth day of March, one thousand eight hundred and seventy-nine, be and the same is hereby amended by striking out the words "three hundred thousand dollars," as the amount of the capital stock of the Burgaw and Onslow Railroad Company, and inserting in lieu thereof the words "five hundred thousand dollars." Chapter 171, sec. 1, laws 1874, amended.
Increase of capital stock.

SEC. 2. That the capital stock of said Burgaw and Onslow Railroad Company shall be five hundred thousand dollars, and the rights, privileges and franchise, except in the increase of the capital stock as herein provided, shall be the same as contained in the act of one thousand eight hundred and seventy-nine aforesaid, the premises of which are hereby reaffirmed and re-enacted. Capital stock.
Corporate powers

SEC. 3. That this act shall not be construed so as to give the said Burgaw and Onslow Railroad Company any superior rights to have the use of convicts, but that if the same are asked for they must be hired and paid for upon such terms as the directors of the penitentiary board shall name in their discretion: *Provided*, it shall not be less than one hundred and twenty-five dollars *per capita*. Convicts.
Proviso.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 241.

An act to empower the county commissioners of Onslow county to use the surplus of the special tax levied to build a jail, to build or repair bridges or for other county purposes.

The General Assembly of North Carolina do enact:

Commissioners of Onslow county authorized to use surplus remaining of fund raised by special tax to build jail, in repairing bridges.

SECTION 1. That the county commissioners of Onslow county be and they are hereby authorized and empowered to use all the moneys which were received and collected from the special tax levied in said county for the purpose of building a jail in said county, and which now remains in the hands of the treasurer of said county and not used or needed in building said jail, in building or repairing the bridges in said county required to be kept up by the county, or for such other county purposes as they may deem expedient.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 242.

An act to amend The Code.

The General Assembly of North Carolina do enact:

Code, sec. 773, subdivision 4, amended.

Duty of county treasurer to exhibit itemized and verified statement, &c.

SECTION 1. That subdivision four (4) of section seven hundred and seventy-three of The Code be amended as follows: Between the words "hands" and "and," in the twelfth line of said subdivision, insert these words, "and at every such examination of the books and accounts of his office the county treasurer shall exhibit a full, perfect and itemized statement to said committee of the use he has made of every dollar of public funds in his hands since the last exhibition of his books to said committee, and if any part of said funds has been loaned out this statement shall state to whom loaned and on what security and the amount of interest paid on said loan, and such interest shall be by the treasurer covered into the county treasury. This statement shall be sworn to and published in a county newspaper or at the court-house door: *Provided*, that nothing herein contained shall be construed to authorize the county treasurer to lend any public funds."

Statement to be published. *Provido*.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 243.

An act to amend chapter fifteen (15), volume two (2), of The Code, in relation to swamp lands.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-five hundred and twenty-seven (2527) of The Code be amended by adding at the end thereof the following: "And in all controversies touching the title to or the right of possession to any lands claimed by the State, the State board of education or the University of North Carolina, under any sale for taxes at any time heretofore made or which hereafter may be made, the deed of conveyance made by the sheriff or other officer or person making such sale, or who may have been authorized to execute such deed, shall be presumptive evidence that the lands therein mentioned were, at the time the lien for said taxes attached at the time of the sale, the property of the person or persons therein designated as the delinquent owner; that the said lands were subject to taxation; that the taxes were duly levied and assessed; that said lands were duly listed; that the taxes were due and unpaid; that the manner in which the listing, assessment, levy and sale were conducted was in all respects as the law directed; that all the prerequisites of the law were duly complied with by all officers or persons 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 vest the title in the purchaser were done, and that all recitals in such deed contained are true as to each and every of the matters so recited. 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, 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 law and that such redemption was had or made for the use or 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 under such sale and 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."

Code, sec. 2527, amended.

Presumptive evidence of deed for land sold for taxes and claimed by the State, &c.

What party claiming adversely to State, &c., required to prove.

Rights of persons in certain swamp lands failing to pay. Arrearages of taxes under chapter 36, laws 1842-'43, declared forfeited, &c.

SEC. 2. That whereas, by an act of the General Assembly entitled "an act concerning the swamp lands," ratified the twenty-first day of January, one thousand eight hundred and forty-three, being chapter thirty-six, laws of one thousand eight hundred [and] forty-two and forty-three, it was provided that "any person or persons, who have heretofore at any time obtained a grant or grants from the State for any swamp lands in this State, and who or their heirs or assigns have not regularly listed the same for taxation and paid the taxes due thereon to the person or persons entitled to receive the same, such person or persons so having obtained such grant or grants, their heirs or assigns, shall forfeit and lose all right, title and interest in the said swamp lands, and the same shall revert, *ipso facto*, and be vested in the State unless such person or persons, his or their heirs or assigns shall, within twelve months from the passage of this act, pay to the sheriff of the county within which said lands lie all arrearages of taxes due on the said lands, with lawful interest thereon from the time said taxes ought to have been paid"; be it now enacted, that all the right, title and interest of any of the persons, their heirs or assigns, so failing to pay said taxes and interest on or before the twenty-first day of January, eighteen hundred and forty-four, as in said act provided, shall be taken, deemed and declared forfeited and vested in the State board of education, notwithstanding the said board or those under whom it claims may not have taken actual possession thereof or caused the same to be surveyed, and notwithstanding there shall have been no judgment, decree, order or other judicial determination of the said forfeiture, or any suit, action or proceeding instituted to declare the same.

Code, sec. 2522 amended.

Forfeiture of rights in certain swamp lands by persons failing to pay arrearages of taxes before January 21st, 1890.

SEC. 3. That section two thousand five hundred and twenty-two (2522) of The Code be amended by striking out the words "which shall have been surveyed or taken possession of by the State board of education or their agents," in lines three and four, and by striking out the words "forty-four," in the third line from the end of the section, and inserting in lieu the word "ninety." And that said section be further amended by adding thereto the following: "Upon the failure of any such grantee or grantees, their heirs or assigns, to pay to the sheriff or other person authorized to receive the same, all arrearages of taxes which were levied and assessed or which ought to have been levied and assessed, with lawful interest due thereon, on or before the said twenty-first day of January, eighteen hundred and ninety, all the right, title and interest in said swamp lands belonging to or vested in such grantee or grantees, their heirs or assigns, shall become forfeited and vested in the State board of education; and no suit, action, proceeding, judgment, order, decree or judicial determination shall be necessary to such forfeiture, but it shall be absolute at the expiration of the time herein prescribed upon the non-payment of the aforesaid taxes and interest."

SEC. 4. That section two thousand five hundred and twenty-nine (2529) of The Code be repealed, and that the State board of education are authorized and directed to sell and convey the swamp lands at public or private sale at such times, for such prices, in such portions and on such terms as to them may seem proper: *Provided, however,* they shall not sell at a price less than twelve and one-half cents per acre: *And provided further,* they shall report each sale to the next session of the General Assembly.

Code, sec. 2529, repealed.
Sale of swamp lands by State board of education.

Proviso.

SEC. 5. That all 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. Ratified the 2d day of March, A. D. 1889.

CHAPTER 244.

An act to drain the lowlands of Wolf Island creek, in Rockingham county.

The General Assembly of North Carolina do enact :

SECTION 1. That R. H. Pruitt, G. W. Anderson and A. J. Moorefield be appointed commissioners, whose duty it shall be, on or before the first day of June, eighteen hundred and eighty-nine, to lay off Wolf Island creek, in Rockingham county, from Chandler's mill to Rowley's mill-dam, in sections of convenient length, and appoint one overseer to each section, who shall hold his office for a term of two years and who shall be a land-owner in the section to which he is appointed overseer.

Commissioners.

To lay off Wolf Island creek in sections.
To appoint overseers.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number or that of 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 purposes herein mentioned.

Chairman.
Vacancies.

SEC. 3. The 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 estimate of his section of which these lands lie, and upon notice of seven days by said overseer shall each furnish one sufficient hand, with tools such as shall be notified by overseer to furnish, for every fifteen 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 the public roads.

Duties of commissioners.

Hands to be furnished overseers on notice.

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

Distribution of 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 lands embraced in this section.

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

Wilful obstruction of stream a misdemeanor. 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 dollars nor more than ten dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for such offence.

Penalties, &c., to be expended by overseer. 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 five dollars nor more than ten dollars: *Provided*, that no person shall be required to serve more than one term of two years at one time without his consent.

Misdemeanor. SEC. 8. That the commissioners shall 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.

Powers of commissioners. 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 owners for their own convenience.

Building of bridges not prohibited. SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from work on the public roads.

No exemption from road duty. SEC. 11. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1889.

CHAPTER 245.

An act to establish the township of Sylva, in Jackson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That a township be established in Jackson county called Sylva township, Sylva township, Jackson county, established.

SEC. 2. That the boundaries of said township shall be as follows: Boundaries.
Beginning where the Dillsboro township intersects the Barker's Creek township line on top of the mountain between Dick's creek and Scott's creek, running with the top of said mountain to the Scott's Creek township line; thence with Scott's Creek and Webster township lines to the top of Carver mountain; thence with the divide between Cape's creek and Love's mill creek, crossing the Webster and Waynesville road at C. C. Love's; thence up the divide to the top of King mountain, in the line of Dillsboro township; thence with Dillsboro township line to the beginning.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 246.

An act relating to burning woods in Pamlico county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to set fire to any wood land or marsh land between the first day of May and the thirty-first day of December in any year: *Provided, however,* any person having wood land or marsh land separated by cleared land, water-courses, or wet and boggy land from the lands of other persons, may set fire to his wood land or grass land at any time. Unlawful to set fire to any wood land, &c., between May 1st and December 31st. Proviso.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars, which shall be given to the county school fund, or imprisoned not more than twenty days. Misdemeanor.

SEC. 3. That this act shall apply to Pamlico county only. Act applicable only to Pamlico county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 247.

An act to prevent fast riding or driving over the suspension bridge at Henrietta mills, in Rutherford county.*The General Assembly of North Carolina do enact :*

Fast riding, &c.,
across suspension
bridge at Hen-
rietta, Rutherford
county, a misde-
meanor.

Copy of act to be
posted.

SECTION 1. That any person riding or driving across the suspension bridge at Henrietta, on Second Broad river, in Rutherford county, faster than a walk shall be guilty of a misdemeanor, and punished by a fine of not less than five nor more than ten dollars.

SEC. 2. That it shall be the duty of the overseer of the highway leading to the bridge to post a copy of this act on a prominent part of the bridge.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 248.

An act to change the line between Lisbon and Franklin townships, in Sampson county.*The General Assembly of North Carolina do enact :*

Line changed.
Boundaries.

SECTION 1. That all that portion of Lisbon township in Sampson county included within the following boundaries, to-wit: Beginning at Faison's cave, on the east bank of Black river, thence to the old corner of Sampson and Duplin counties, thence with the old line between Sampson and New Hanover counties to Black river, thence down said river to the beginning, be and the same is hereby detached from Lisbon township and annexed to Franklin township in the county of Sampson, to form and constitute a portion of said township of Franklin.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 249

An act to amend section 3619 of The Code.*The General Assembly of North Carolina do enact :*

Code, sec. 3619,
amended.
Secretary of State
to furnish cer-
tain institutions
of learning with
supreme court
reports.
Proviso.

SECTION 1. That section three thousand six hundred and nineteen of The Code be amended by adding: "He shall also furnish to each of said institutions, if he have them on hand, one volume each of such of the supreme court reports as have not been heretofore furnished: *Provided*, the same can, in his opinion, be done without injury to the public service."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 250.

An act to authorize the Enterprise Lumber Company to construct a tramway or railway.

The General Assembly of North Carolina do enact :

SECTION 1. That the Enterprise Lumber Company, of Goldsboro, North Carolina, a corporation created and existing by virtue of the laws of the State of North Carolina, be and the same is hereby authorized and empowered to construct, own, equip and operate a tramway or railway, on which steam may be used as a motive power, from its saw-mill on Neuse river to its factory near the city of Goldsboro, North Carolina, and from its said saw-mill to any timber lands now or hereafter owned by said company in the counties of Wayne, Lenoir, Jones, Duplin and Onslow; and in case title to the same cannot be acquired by gift or purchase, said company shall have such power to condemn lands for the right of way as is provided for railroads by chapter forty-nine (49) of The Code.

Authorized to build tramway or railway.

Condemnation of land.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 251.

An act to drain the swamp lands of Mud creek and its tributaries in Henderson county.

The General Assembly of North Carolina do enact :

SECTION 1. That on the written petition of three or more owners of bottom lands on the waters of Mud creek in Henderson county, the county commissioners of said county shall appoint three discreet and responsible men (owners of Mud creek lands) water-course commissioners, whose duty it shall be to lay off into convenient sections the said creek from some point on French Broad river, to be fixed by them, to the Singleton place above Hendersonville, and the tributary creeks from their mouths to points to be fixed by them, and to appoint one overseer for each section, who shall hold his office for two years and who shall be a land-owner in the section to which he is appointed overseer.

County commissioners to appoint water-course commissioners, on petition.

Water-course commissioners to lay off streams into sections.

To appoint overseers.

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

Chairman. Vacancies.

County commissioners empowered to revoke appointment of water-course commissioners and overseers.

Duties of water-course commissioners.

Hands to be furnished overseers on notice.

Penalty for failure.

Duties and powers of water-course commissioners.

Number of days hands to work.

Penalties, &c., how expended.

Land-owner draining his own land exempt from furnishing hands.

appoint commissioners or overseers for the purposes herein mentioned. The said board of county commissioners shall have power to revoke the appointment of the water-course commissioners and overseers for neglect of duty, and may accept or reject their resignation.

SEC. 3. That water-course commissioners shall fix the number of acres of bottom land on said water-course to be benefited by the drainage herein provided for of each individual and owner thereof between the points fixed and to be fixed as provided in section one of this act, and lying in one-half mile of said streams, and shall furnish each overseer with a copy of the estimate of his section; and upon notice of five days, to be given in writing by the overseer, the owners of said land shall each furnish one able-bodied hand, with the tools designated in said notice, for every ten acres and one for every fraction of ten acres amounting to five acres of land within the meaning of this act. And on failure of the land-owner to furnish said hand or hands he shall forfeit and pay two dollars per day on each hand, which may be recovered by said overseers by warrant as in case of failure to work on public roads, and shall also be guilty of a misdemeanor.

SEC. 4. It shall be the duty of the said water-course commissioners to determine by a proper survey the location, depth and width of a channel or canal to be cut by the overseer and hands mentioned in section three of this act, for the purpose of draining the said Mud creek and its tributaries, and for that purpose they shall have power to employ a surveyor and such other assistants as may be necessary, the expenses of which shall be paid by an assessment to be made by the county commissioners, at a regular meeting, upon the land to be benefited, and collected as other taxes. The said water-course commissioners shall also determine the distance on each side of said canal to be cleared of all obstructions by said overseer and hands.

SEC. 5. That the number of days to be worked by each hand representing said ten acres of land or fraction thereof in each year shall be not less than four nor more than twenty-five, to be fixed by the said water-course commissioners.

SEC. 6. That the penalties and fines collected under the provisions of this act shall be paid into the hands of the county treasurer, to be expended under the orders of the water-course commissioners in defraying the necessary expenses of locating and grading said canal.

SEC. 7. That if any land-owner subject to the provisions of this act will perform all the work herein required that may be necessary to completely drain his own land in a manner and at a time acceptable in all respects to the said water-course commissioners, he shall thereby be exempt from furnishing hands to be worked by the overseer having charge of the section embracing his land.

SEC. 8. That during the canaling and work for the draining of Mud creek lands, in the county of Henderson, said State of North Carolina shall furnish to said water-course commissioners or their assigns not less than one hundred able-bodied convicts as they may be called for, who shall be under the supervision of an officer appointed by the board of directors of the State penitentiary; and said water-course commissioners shall pay to the said State for and in consideration of the services of said convicts, quarterly in advance, not less than one hundred and twenty-five dollars per capita per annum for the time worked, which shall include board, clothing, maintenance, supervision, transportation and all other expenses however incurred: *Provided*, said penitentiary authorities shall not be required to furnish said convicts nor keep them in camps in bodies of less than one hundred.

State to furnish one hundred convicts.

Compensation.

Proviso.

SEC. 9. That said commissioners shall begin said work by the first of May, one thousand eight hundred and eighty-nine, and continue the same as rapidly as practicable until the same is completed.

When work to begin.

SEC. 10. That if any of the water-course commissioners or overseers appointed under the provisions of this act shall fail or refuse to enter upon the duties of their offices or to discharge their duties as prescribed under or by virtue of this act, the party or parties so failing or refusing shall be guilty of a misdemeanor and punished by a fine of not more than two hundred dollars (\$200) or by imprisonment not more than two years.

Water-course commissioners failing to enter upon, &c., duties of office, guilty of misdemeanor.

SEC. 11. That if any person or persons shall in any way obstruct the said canal or canals so as to prevent the free passage of the water in said streams, the party or parties so offending shall be guilty of a misdemeanor.

Obstruction of canal, &c., a misdemeanor.

SEC. 12. That the said water-course commissioners shall estimate the damages which may be sustained by private individuals by the cutting of said canal, to be paid in like manner as provided for the payment of expenses in section four of this act.

Damages, how paid, &c.

SEC. 13. That the water-course commissioners and overseers mentioned in this act shall receive no compensation for their services, but the services of the said commissioners shall be equal to the burden of ten acres of land and the services of said overseers shall be equal to the burden of twenty acres of land.

Services of water-course commissioners and overseers, how estimated.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 252.

An act to amend section 1260 of The Code of North Carolina.

The General Assembly of North Carolina do enact :

Code, sec. 1260, amended. Probates of deeds, &c., before certain judges, clerks and deputy clerks prior to January 1st, 1889, validated.

SECTION 1. That section twelve hundred and sixty of The Code of North Carolina be amended by striking out therefrom the words "twelfth day of February, one thousand eight hundred and seventy-two." and insert in lieu thereof the words "first day of January, one thousand eight hundred and eighty-nine."

SEC. 2. That said section be amended by adding the words "clerk or" before the word "deputy," in second line.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 253.

An act concerning the drainage of lowlands.

The General Assembly of North Carolina do enact :

Proceeding to drain lands, &c., by petition in superior court.

SECTION 1. Any person owning lands lying upon any creek, swamp or other stream not navigable, which are subject to inundation and which cannot be conveniently drained or embanked on account of the volume of water flowing over the same from lands lying above, and by draining the same the lands above will be benefited and better drained, such person may by petition apply to the superior court of the county in which the lands sought to be drained or embanked, or some part of such lands, lie, setting forth the particular circumstances of the case, the valuation of the lands to be drained or embanked, and what other lands above would be benefited, and who are the proprietors of such lands: whereupon a summons shall be served upon each of the proprietors, who are not petitioners, requiring them to appear before said court at a time to be named in said summons, which shall not be less than ten days from the service thereof, and upon said day the petition shall be heard and the court shall appoint three persons as commissioners, who shall, before entering upon the discharge of their duties, be sworn to do justice between said parties.

What petition to set forth.

Summons.

Commissioners.

Duties and powers of commissioners.

SEC. 2. The commissioners or a majority of them, on a day of which each proprietor is to be notified at least five days, shall meet on the premises and view the land to be drained, and the lands effected thereby, and shall determine and report whether the lands of the petitioner or petitioners ought to be drained exclusively by

him or them, and if they are of the opinion that the same ought not to be drained exclusively at the expense of the petitioner or petitioners, they shall decide and determine the route of the canal, ditch or embankment, the width thereof and the depth and height, as the case may be, and the manner in which the same shall be cut or thrown up, considering all the circumstances of the case, and providing as far as possible for the effectual drainage of the petitioner's land, and the protection and benefit of the defendant's land; and they shall apportion the labor to be done or assess the amount to be paid by each of the owners of the lands effected by said canal, ditch or embankment, towards the construction and keeping the same in repair, and report the same to the court, which, when confirmed, shall stand as a judgment of the court against each of the parties, his executors, administrators, heirs and assigns.

Report when confirmed to stand as a judgment.

SEC. 3. Whenever any such ditch, canal or embankment shall need repairs or cleaning out, and any of the parties interested therein refuse to perform the labor apportioned to them, or refuse to contribute the amount assessed against them, the same shall be enforced in the manner now required by law for the joint repair of canals and ditches.

Duty of land-owner to repair ditches, &c., how enforced.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 254.

An act to establish public schools for the town of Littleton, with a special tax supplemental thereto.

The General Assembly of North Carolina do enact :

SECTION 1. That all the territory embraced within a radius of two and one-half ($2\frac{1}{2}$) miles from the centre of the town of Littleton, which lies partly in the county of Halifax and partly in the county of Warren, shall be and is hereby constituted a public school district, and shall be called "the Littleton supplemental public schools for the white and colored races."

"Littleton supplemental public schools" district established.

SEC. 2. That the board of commissioners of Halifax county, upon the written application of a majority of the board of trustees of said school district, is hereby authorized and directed to submit, on the first Monday in May, 1889, to the qualified voters of said school district embraced in said county of Halifax, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of supplemental public schools for white and colored of said district. Each voter shall vote a written or printed ballot with the words "for school" or "no school" thereon,

Election in part of district in Halifax county on question of special tax.

and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election for members of the General Assembly.

Election in part of district in Warren county on question of special tax.

SEC. 3. That the board of commissioners of Warren county, on the written application of a majority of the board of trustees of said school district, is hereby authorized [and] directed to submit, on the first Monday in May, 1889, to the qualified voters of said school district embraced in said county of Warren, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of said schools for white and colored of said district. Such voter shall vote a written or printed ballot with the words "for school" or "no school" thereon, and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the General Assembly.

Tax to be levied and collected on vote of majority of qualified voters

SEC. 4. That in the event a majority of the qualified voters of said district shall vote in favor of such tax, the same shall be levied and collected in the same manner as provided by law for the levying and collecting of State and county taxes. The sheriff of Halifax county shall collect the taxes of said school district embraced in the territory lying in the county of Halifax, and the sheriff of Warren county shall collect the taxes of said school district embraced in the territory lying in the county of Warren; and the said sheriffs shall pay over the same to the treasurers of their respective counties under the same liabilities as are now provided by law for the collection and paying over of county school taxes: *Provided*, that the special tax so levied and collected shall not exceed one-twelfth ($\frac{1}{12}$) of one per centum on the property and one-fourth ($\frac{1}{4}$) of a dollar on the poll.

How collected, &c.

Proviso.

Tax, how expended, &c.

SEC. 5. That the special taxes thus levied and collected from the taxable property and polls of said school district shall be expended in keeping up public schools in said district for the white and colored races of both sexes, between the ages of six and twenty-one years of age, and the said special taxes shall be equally divided between the schools for white and colored—one-half ($\frac{1}{2}$) to the school for the white race and one-half ($\frac{1}{2}$) to the school for the colored race.

Trustees.

Duties.

SEC. 6. That Dr. Willis Alston, Jno. B. Leach, Wm. A. Johnston, M. V. Perry, B. R. Browning, W. F. Young, M. E. Hall and Alexander Brown, be and they are hereby constituted a board of trustees for said school district, and they are hereby authorized and directed to establish at least two public schools in said district, one distinct and separate and apart for the white race, and the other separate and apart for the colored race. That said board shall have power to fill all vacancies that may occur in said board, to employ teachers and do all such acts as may be necessary to carry on said schools, and shall receive no compensation for their services.

Powers.

SEC. 7. That the per capita part of the school fund of the county raised under the general school law shall be applied to keeping up the public schools established by this act in said district, and shall be by said board of trustees disbursed and equally divided between the schools for the white and colored races—one-half for a school for the white race and one-half for a school for the colored race. The trustees and the principals of the said schools shall make to the county superintendents the reports required by the general school law to be made by committees and teachers.

Per capita part of county school fund, how applied, &c.

SEC. 8. That no trustee of said schools shall, while acting as such, be a teacher therein.

No trustee to be a teacher.

SEC. 9. That the board of trustees are authorized and empowered to purchase and hold for the purposes of said schools buildings and suitable grounds, or to purchase suitable lots and erect buildings thereon, within the corporate limits of the town of Littleton, and pay for the same out of the public school money for said district: *Provided, however*, that said schools shall not be located nearer each other than one thousand yards.

Trustees authorized to purchase buildings, &c.

Proviso.

SEC. 10. That in the event that a majority of the qualified voters of said district vote against the special tax provided for in this act, then, and in that case, no special tax shall be levied or collected; but such vote shall not have the effect to annul this act or any portion of it, except the said special tax clause; and the board of trustees are hereby authorized and directed, as early as may be after the ratification of this act, to put in operation and carry on said schools with the public school money of said district.

Effect of adverse vote on question of special tax.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 255.

An act to provide for the exemption from service as jurors of telegraph operators regularly employed in that business.

The General Assembly of North Carolina do enact:

SECTION 1. That all telegraph operators who are in the regular employ of any telegraph company or railroad company be and the same are hereby exempt from service as jurors.

Telegraph operators exempt from jury service.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 256.

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

The General Assembly of North Carolina do enact :

Line between Alleghany and Ashe counties changed.

SECTION 1. That the dividing line between the counties of Alleghany and Ashe shall be changed as follows: Beginning in the county-line in public road on top of Peach Bottom mountain north of A. M. Reeves', running straight to David Osborne's and including him on the Alleghany side; and from said Osborne's a straight line to ford of Cranberry creek northwest of and near James Woody's; and then south two degrees west a straight line to the Wilkes line; and then eastward with the Wilkes county line to the Wilkes and Alleghany line. And all that portion of Ashe county cut off by the line herein established be and the same is hereby attached to and shall form and constitute a portion of Alleghany county.

Territory to constitute part of Cranberry township, Alleghany county.

SEC. 2. That said territory, until otherwise ordered, shall constitute a portion of Cranberry township in Alleghany county; and all the electors residing in said territory, as well as the electors who now reside in Cranberry township, Alleghany county, shall hereafter vote at Laurel Springs academy, in said township. And at all elections hereafter held for said county the voters living in said territory transferred to Alleghany, as well as those at present living in Cranberry township, shall vote at said academy in lieu of the present place established by law for holding elections in said township.

Voting place.

Commissioners to run line.

SEC. 3. That S. M. Transon, of Ashe county, and C. J. Taylor, of Alleghany county, are hereby appointed commissioners to run and mark the line between said counties as established in this act, and they are empowered to employ any person they may see proper as a surveyor to aid them in running and marking said line, which commissioners and surveyor shall be paid for said work by Alleghany county such sum as shall be allowed by the county commissioners of said county: *Provided*, that if either of said commissioners refuse or neglect to act, the other is empowered to act alone and to do anything or act herein allowed or authorized to be done by the commissioners.

Proviso.

Collection of taxes.

SEC. 4. That the sheriff of Ashe county shall be allowed to collect any taxes due him by the citizens of the territory proposed to be transferred from Ashe county: *Provided*, that nothing herein shall be construed to relieve the citizens of the territory so cut off from paying their equitable share of the present indebtedness of Ashe county. But the equitable proportion of the outstanding public debts of Ashe county contracted before the passage of this act for which the persons and property of such detached portion are now liable and also the method of collecting the same shall be ascertained

Proviso.

Payment of equitable share of debt of Ashe county by detached territory, &c.

and determined by the boards of commissioners of the counties of Ashe and Alleghany, in such manner and by such method as may be agreed upon by them. The county of Alleghany may assume and pay off such proportionate part of said public debts determined as aforesaid, in which event the citizens and taxable property of said detached portion shall be liable for and shall pay their proportionate part of the taxes and outstanding public debts of Alleghany county, just as if said detached portion had always been part and parcel of said county of Alleghany.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 257.

An act to authorize the commissioners of Tyrrell county to fund the debt of the county, and levy a special tax to pay the same.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of settling and paying the lawful indebtedness of Tyrrell county outstanding on the first day of December, one thousand eight hundred and eighty-eight, it shall be lawful for the board of commissioners of said county to fund the same by issuing the bonds of the county to the amount of ten thousand dollars in the aggregate, and in denominations of not over five hundred dollars nor less than twenty-five dollars, with coupons attached for the interest, payable annually at the rate of six per cent., the said bonds to run from one to ten years, that is, one-tenth of the total amount, and all accrued interest shall be payable annually until all shall be paid.

Commissioners of Tyrrell county authorized to issue bonds to pay county indebtedness.

SEC. 2. That in order to pay the said bonds and interest, the board of commissioners, in joint session with the justices of the peace of the county, shall levy annually a special tax sufficient to pay the same and interest as they and the interest shall fall due, observing the constitutional equation between property and poll, the same to be collected and accounted for by the same officers who shall collect and receive the other county taxes, and the board of commissioners shall require sufficient bonds of the sheriff, or collector, and county treasurer, for the faithful collection and payment of said funds; and it shall be unlawful for the board of commissioners to apply any of said funds to any other purpose than herein provided for.

Special tax.

How collected, &c.

Tax not to be misapplied.

SEC. 3. That the said bonds shall be signed by the chairman of the board of commissioners, attested by their clerk and the seal of the county; and a book shall be kept by the clerk in the nature of stubs, or otherwise, showing the number and amount of each bond issued,

Bonds, how issued, &c.

- Coupons receivable for special tax
- Purchase of outstanding debts with bonds.
- Proviso.
- Proviso.
- to whom payable, when payable, and when cancelled; also there shall be kept by the clerk in a book an abstract of each coupon cancelled, and showing amount of same and date of cancellation. The coupons shall be receivable in payment of said special taxes, and each bond and each coupon, when detached therefrom, shall, when paid, be endorsed by the person receiving payment therefor, showing amount received therefor and date of payment.
- SEC. 4. That in bonding or paying said indebtedness, or any portion thereof, the board of commissioners of the county may, in their discretion, purchase with said bonds any of the aforesaid outstanding indebtedness of the county, at such discount and on such terms as to time of payment as may be agreed upon between the said board of commissioners and any creditor holding any such indebtedness: *Provided*, that not over one-tenth of the total indebtedness of the county besides accrued interest, if bonded, shall fall due in any year: *Provided further*, that if said bonds are negotiated they shall not be sold for any sum less than their par value.
- SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 258.

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-nine and one thousand eight hundred and ninety for the purpose of paying off the indebtedness of said county.
- Limitation of tax.
- SEC. 2. That the said tax shall not exceed in either of said years twenty cents upon every hundred dollars worth of property and sixty cents upon the poll.
- How collected, &c
- SEC. 3. 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.
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 259.

An act to repeal chapter 160 of the laws of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and sixty of the laws of one thousand eight hundred and eighty-seven, ratified the second day of March, 1887, be and the same is hereby repealed.

Chapter 160, laws 1887, repealed. Use of certain school funds for benefit of Thyatira Academy, Rowan county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 260.

An act to give the county commissioners of Pasquotank county the power to issue bonds and levy a special tax to pay the same.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Pasquotank county shall have full power and authority to issue coupon bonds to an amount not exceeding ten thousand dollars, to mature at such time as may seem best to said county commissioners: *Provided*, none shall mature before January 1st, 1892, and not more than two thousand nor less than one thousand dollars, with interest, shall mature annually thereafter, the same bearing interest at six per centum per annum; said bonds to have coupons attached for the interest, which shall be due and payable annually from the time the said bonds are issued.

Commissioners of Pasquotank county authorized to issue bonds not exceeding \$10,000.

SEC. 2. That the bonds aforesaid shall be negotiated by the said county commissioners, and the proceeds thereof shall be used exclusively for the purchasing of a site and the erection thereon a common jail for the said Pasquotank county.

Proceeds to be used to build jail.

SEC. 3. It shall be the duty of said county commissioners of said county and the justices of the peace of said county to provide for the prompt payment of the bonds and coupons aforesaid upon their maturity, and if necessary for this purpose, they are hereby authorized and empowered to levy a special tax annually until the same are paid, which shall be sufficient to pay said bonds and coupons, and which said tax shall be collected at the same time and in the same manner as the several taxes are collected: *Provided*, they shall observe the constitutional equation between the taxes on the property and on the poll.

Special tax.

How collected, &c.

Proviso.

SEC. 4. *Provided*, that these bonds, when negotiated, shall not sell for less than par.

Bonds to be sold at par.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 261.

An act to protect fish in Pamlico sound.*The General Assembly of North Carolina do enact :*

Code, sec. 3331,
amended.
Shad nets in
Pamlico sound
between certain
points, how set.

SECTION 1. That section three thousand three hundred and eighty-one of The Code be amended by striking out all after the word "and," in line four, and down to and including the words "Long Shoal," and inserting in lieu thereof the following: "Mount Pleasant, in Hyde county, to a point ten miles south of Hatteras inlet."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 262.

An act to prevent netting in Far creek, in Hyde county.*The General Assembly of North Carolina do enact :*

Unlawful to use
strike-nets in Far
creek, Hyde
county.

SECTION 1. That it shall be unlawful for any person to use strike-nets in Far creek, or within two miles of the mouth of said creek, in Hyde county.

Misdemeanor.

SEC. 2. That any person violating the provisions of the above section shall be deemed guilty of a misdemeanor and fined not to exceed twenty-five dollars or imprisoned not to exceed twenty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 263.

An act to make more effective proceedings before boards of aldermen and other bodies.*The General Assembly of North Carolina do enact :*

Provisions of
chapter 108, ante,
applicable to pro-
cess issued by
boards of alder-
men, &c.

SECTION 1. That the provisions of an act entitled "an act to provide for the service by publication of summons, notices, orders to show cause, orders and other process in certain cases," shall apply also to summons, orders to show cause, orders and notices issued by any board of aldermen, board of town or county commissioners or by individuals.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 264.

An act to authorize the commissioners of Columbus county to levy a special tax.*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of the county of Columbus are hereby authorized and empowered, by and with the consent and approval of a majority of the justices of the peace of said county, to levy a special tax for the years one thousand eight hundred and eighty-nine and one thousand, eight hundred and ninety, at the same time other taxes are levied, upon the taxable property and polls of the county, not to exceed fifteen cents on each one hundred dollars worth of property and forty-five cents on each taxable poll for each of the years named, for general county purposes; said tax to be collected and accounted for by the sheriff or tax-collector at the same time and under the same rules and regulations as other county taxes.

Commissioners of Columbus county with concurrence of justices authorized to levy special tax for general county purposes.

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

Ratified the 6th day of March. A. D. 1889.

CHAPTER 265.

An act for the protection of the water supply of cities and towns in Mecklenburg county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or corporation to discharge into any river, creek or stream used as a source of water supply by any city or town or by any person or corporation supplying a city or town with water, within three miles above the point where such supply is taken, any sewerage, drainage, refuse or polluting matter of such quality or amount as to be deleterious to health, and no right shall be acquired by prescription to so befoul such river, creek or stream within such distance against a city or town using such river, creek or stream as a water supply or against the person or corporation owning such supply.

Unlawful to discharge sewerage, &c., into the source of the water supply of any city or town.

SEC. 2. That it shall be unlawful for any person or corporation to erect or maintain any slaughter-house, butcher-pen, tannery, tannery, dye-house, or stock-yard in which stock are penned for fattening or slaughter, upon the bank or water-shed of such river, creek or stream within five miles above the point where such water supply is taken, as provided for in the first section of this act.

Unlawful to erect, &c., slaughter-house, &c., on the bank, &c., of stream, &c.

Slaughter-houses, &c., now standing to be removed, &c. SEC. 3. That any slaughter-house, butcher-pen, tannery, tan-yard, dye-house, or stock-yard in which stock are penned for fattening or slaughter, that may be now located upon the water-shed of such river, creek or stream within the distance prohibited in the second section of this act shall be removed within three months from the passage of this act, and after the expiration of that time the same are hereby declared public nuisances.

Misdemeanor. SEC. 4. That any person or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court: *Provided*, that this act shall apply to Mecklenburg county only.

Act applicable only to Mecklenburg county.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 266.

An act to amend section 2827, chapter 20, of The Code.

The General Assembly of North Carolina do enact:

Code, sec. 2827, amended. Penalty upon conviction of person living within stock-law territory allowing stock to run beyond limits of territory. Proviso.

SECTION 1. That section two thousand eight hundred and twenty-seven of The Code be and the same is hereby amended by adding after the word "misdemeanor," in last line, the following, viz.: "And on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that a person owning land outside of the stock-law territory may turn his or her stock upon the said land outside of the stock-law district."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 267.

An act for the relief of J. Rowan Rogers, sheriff, and R. W. Wynne, treasurer, of Wake county.

Preamble.

WHEREAS, J. Rowan Rogers, sheriff of Wake county, had deposited to his credit as sheriff of said county, in the State National Bank of Raleigh, the sum of six thousand four hundred and fifty and ten one hundredths dollars of funds belonging to said county on March twenty-sixth, one thousand eight hundred and eighty-eight, when the said bank failed; and whereas, he had deposited in the said bank the sum of sixteen hundred dollars belonging to the State of

North Carolina on the same date; and whereas, he has fully accounted for and paid over the whole of said sums of money so deposited; and whereas, R. W. Wynne, treasurer of Wake county, had deposited to his credit as treasurer of said county, in the State National Bank of Raleigh, the sum of six hundred dollars of funds belonging to said county on March twenty-sixth, one thousand eight hundred and eighty-eight, when the said bank failed, for which he has accounted; therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners and justices of the peace of Wake county be and they are hereby authorized, by a majority vote of the commissioners and justices in joint session, to relieve the said J. Rowan Rogers and R. W. Wynne against any and all loss of county funds by reason of the failure of said bank.

SEC. 2. That upon the said commissioners and justices by such vote relieving the said J. Rowan Rogers as aforesaid, the said Rogers shall be entitled to a credit upon a future settlement with the commissioners of said county for that portion of the county funds which shall be ascertained to be a final loss by reason of said failure.

SEC. 3. That upon the said commissioners and justices by such vote relieving the said R. W. Wynne as aforesaid, the said R. W. Wynne shall be entitled to be reimbursed by the county of Wake that proportion of the county funds which shall be ascertained to be a final loss by reason of the failure of said bank.

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

Ratified the 6th day of March, A. D. 1889.

Commissioners of Wake county, with concurrence of justices, authorized to relieve J. R. Rogers, sheriff, and R. W. Wynne, treasurer, on account of loss of funds in State National Bank, J. R. Rogers, sheriff, when relieved to be entitled to credit, &c.

R. W. Wynne, treasurer, when relieved to be entitled to reimbursement.

CHAPTER 268.

An act to equalize the appropriation allowed the State Guard among the several companies.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum appropriated in the aggregate for twenty-five companies of the State Guard under the provisions of section 3289 of The Code shall be equally divided among all the companies that constitute the State Guard (provided they shall not exceed thirty) that comply with all the requirements of the law, regulations and orders governing the active militia.

SEC. 2. 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.

Ratified the 6th day of March, A. D. 1889.

Appropriation to be equally divided among companies.

Conflicting laws repealed.

CHAPTER 269.

An act to amend subsection 9 of section 155 of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 155, subsection 9, amended.
Statute of limitations in actions for relief on ground of fraud or mistake.

SECTION 1. That subsection nine of section 155 of The Code be amended by striking out, after the word "take," in the second line. the words "in cases which heretofore were solely cognizable by courts of equity."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 270.

An act relative to the superior courts of Martin county.

The General Assembly of North Carolina do enact :

Chapter 180, laws 1885, amended.

November term Martin superior court to continue one week and to be for the trial of civil and criminal cases.

SECTION 1. That chapter one hundred and eighty of the acts of one thousand eight hundred and eighty-five be amended as follows: That part of section one of said act which refers to the superior courts of Martin county be amended as follows: strike out after the word "weeks," in the fourteenth line, on page three hundred and thirty-three, the words "and the last term to be for the trial of civil cases alone, except jail cases on the criminal docket," and insert in lieu thereof the words "except the last above mentioned term, which shall continue for only one week."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 271.

An act to amend section six hundred and ninety-six of The Code of North Carolina.

The General Assembly of North Carolina do enact :

Code, sec. 696, amended.
Bills to incorporate fire companies exempt from tax.

SECTION 1. That the following words be inserted after the word "companies," and before the word "nor," in lines seven and eight of section six hundred and ninety-six of The Code of North Carolina: "fire companies."

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 272.

An act to grant certain additional powers to the Suffolk and Carolina Railway Company, and to effect its consolidation with the Edenton and Norfolk Railway Company, and to increase its capital stock.

WHEREAS, By an act of the General Assembly of this State, entitled **Preamble.**
 "an act to confirm and continue unto the Suffolk and Carolina Railway Company its charter, franchises and corporate privileges, and to grant additional powers," passed at its session in the year 1887, the Suffolk and Carolina Railway Company was granted certain amendments and additions to its charter, all of which will appear by reference to said act; and whereas, the Edenton and Norfolk Railway Company has been duly incorporated under the laws of this State by articles of association duly made and recorded in the office of the secretary of State, to-wit: the 15th day of November, 1888, for the purpose of constructing a railway from a point on the said Suffolk and Carolina Railway Company to the town of Edenton, in this State, and it is desired by the stockholders of the two companies that they shall be consolidated into one company, and that the corporate powers, privileges, franchises, property and capital stock of the said last named company shall pass to and become merged in the first named company, which shall have, in addition to the powers and rights already possessed by it, certain additional privileges and powers; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Suffolk and Carolina Railway Company is hereby authorized to consolidate and unite with the Edenton and Norfolk Railway Company on such terms as the board of directors of the said two companies may determine and agree upon, and shares of the capital stock of the Suffolk and Carolina Railway Company may be issued and exchanged for shares of the capital stock of the Edenton and Norfolk Railway Company upon the terms agreed upon as aforesaid, and any guaranty or assumption of any debts or liabilities of the last named company by the first named company now due or hereafter to be due is hereby authorized and declared valid; and from and after the consolidation and exchange of capital stock between the two companies by resolutions of the board of directors as above mentioned, all the corporate powers, rights, franchises and property of the Edenton and Norfolk Railway Company shall pass to and be vested in the Suffolk and Carolina Railway Company.

Authorized to consolidate with Edenton & Norfolk Railroad Company.

SEC. 2. The said Suffolk and Carolina Railway Company is hereby authorized to construct and operate a line or lines of railway from a point at or near its present southern terminus at Edenton southward to or towards any point on the south boundary line of this State, and

Authorized to extend road south from Edenton.

To consolidate,
&c., with other
roads.

to lease or consolidate with any other railway now or hereafter to be constructed and operated by virtue of a charter under the laws of this State which may connect or interchange traffic with said Suffolk and Carolina Railway in the general line of its above proposed route, whether said connection be on land or maintained by the assistance and operation of steamboats or other vessels upon the water.

Authorized to
acquire, &c.,
steamboats, &c.

SEC. 3. That said Suffolk and Carolina Railway Company is hereby authorized to acquire, own and operate steamboats and other vessels for the conveyance of passengers and freight upon the water in connection with its railway operations and traffic, and to pledge, mortgage or guarantee debts upon the property so acquired.

Authorized to
build bridges, &c.

SEC. 4. That said company is hereby authorized to build and construct all bridges which may be necessary for carrying its tracks over the streams and inlets which may cross or intersect its proposed line of railway, subject only to the laws of this State applicable to the bridging of navigable water by railway corporations.

Capital stock.

SEC. 5. The authorized capital stock of said company is hereby fixed at one million dollars, with further authority to the board of directors of said company to increase the same to three million dollars, for the purpose of constructing additional railway or of leasing or otherwise acquiring other property, or of union or consolidation with other companies as above authorized.

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

Ratified the 6th day of March, A. D. 1889.

CHAPTER 273.

An act to incorporate the Milton and Yanceyville Railroad Company.

The General Assembly of North Carolina do enact :

Location.

SECTION 1. That for the purpose of constructing a railroad from Milton, in the county of Caswell, to Yanceyville, in the said county, and to some point on the Virginia line in a western direction intersecting the Richmond and Danville Railroad at or near Reidsville, and in a southern direction intersecting the North Carolina Railroad at some point between Hillsboro and Greensboro, as may be determined upon by the incorporators herein mentioned, T. J. Florance, Preston Poteat, A. J. Hester, J. D. Neal, S. H. Boyd, B. S. Graves, T. H. Street, D. M. Hines, E. Hunt, C. S. Winstead, Julius Johnson, W. G. Graves, L. H. Hunt, S. B. Adams, W. M. Watkins, A. R. Fourshee, N. T. Riggs, James A. Hurdle, A. J. Boyd, H. S. Scott, S. S. Lee, Jr., W. T. Farley, R. P. Richardson, Jr., Nathaniel Hunt, Lewis Walker, J. T. Denoho, E. W. Faucette, and their associates, successors and assigns, are hereby created a body politic and corporate under the name and style of the Milton and Yanceyville Rail-

Body politic.

Corporate name.

road Company, with a capital stock of not less than fifty thousand dollars, with power to increase the same to one million dollars, to be divided into shares of one hundred dollars each, which, as a body politic, shall exercise powers, privileges and franchises as are herein granted, and those which other railroad corporations may lawfully exercise under the general laws of the State, and to make all necessary and needful by-laws and regulations for its government not inconsistent with the constitution of the State and the United States, and by its corporate name may sue and be sued, plead and be impleaded in any court in North Carolina: may have and use a common seal: and shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquiring the same by gift or devise, for the purposes herein stated or contemplated.

Capital stock.

Corporate powers

SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations, in shares of the denomination aforesaid, which may be in land, timber, labor or money, as may be stipulated. Any railroad company, whether incorporated under the laws of this or any other State, is hereby authorized to subscribe to the capital stock of the said railroad company; or to lend money to or indorse the bonds or other evidences of debt of the same, and may pay for their subscription to the capital stock of said Milton and Yanceyville Railroad Company in cash or by the issue of their bonds or otherwise; and said Milton and Yanceyville Railroad Company may mortgage its road-bed, rolling stock and franchises, and may issue bonds, as the directors thereof may determine, and may provide for the conversion of said bonds into the capital stock of said company.

Subscriptions to capital stock.

SEC. 3. The incorporators named in this act, or any ten of them, may open books of subscription to the capital stock of said company at such times as and places as they may prefer, and when five thousand dollars of said stock shall have been subscribed and ten per cent. of the same paid in, the subscribers thereto shall elect a president, and a board of directors to consist of not less than five, who shall serve until the next annual meeting or until their successors are elected and qualified; and upon the subscription of the said sum of five thousand dollars and the paying in of ten per cent. of the same, and the election of a president and board of directors as aforesaid, the said company shall be deemed and held fully organized for all intents and purposes, and may proceed to carry out the objects of this charter.

Books of subscription.

Organization.

SEC. 4. That the president and directors shall, as soon as a sufficient amount is paid in, proceed to have the route surveyed and the road located from some point in or near Milton to some point in or near Yanceyville, and to such points as they may deem advisable. That said company shall have exclusive right of transportation or conveyance of persons or merchandise and produce on said road to be by them constructed, at such charge as may be fixed by a majority of its

Survey and location of road.

Exclusive rights of transportation.

directors. That said company may assign or lease their franchise or their rights of transportation on said road to any person, persons or corporations.

Corporate powers SEC. 5. That the said company shall have power to use and enforce the payment of stock subscribed, and shall have power to condemn lands as is provided for other railroads under the general railroad laws of the State, and shall have power to merge with any other railroad company now created or which may hereafter be created by the laws of this State, and may change its name whenever a majority of the stockholders so desire; and shall have power to contract with individuals, firms and corporations for the construction or operation of said road, and also for the equipment thereof.

Election in counties upon question of subscription. SEC. 6. That upon the petition of one-fifth of the freeholders of the said county of Caswell, or any other county, stating the amount, not exceeding sixty thousand dollars, they wish subscribed, the board of county commissioners of said county shall order an election to be held in sixty days after said petition is filed 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 said county as to whether they will subscribe the sum mentioned in the petition.

How held. SEC. 7. That said election shall take place and be conducted under the laws prescribed for the election of members of the General Assembly, and those voting for subscription shall vote on a written or printed ballot "subscription"; and those voting against subscription shall vote on a written or printed ballot "no subscription."

Ballots. SEC. 8. That if a majority of the qualified votes of the county shall be cast for "subscription," then the board of county commissioners of the county thus voting shall subscribe to the capital stock of said railroad company the amount mentioned in the petition for said election.

Subscription to be made on vote of majority of qualified voters. SEC. 9. That to provide for the payment of said subscription, the county commissioners of said county shall make and issue coupon bonds of said county in denominations not less than five hundred nor more than one thousand dollars, said bonds to run thirty years.

County commissioners to issue coupon bonds. SEC. 10. That said bonds shall be signed by the chairman of the board of county commissioners of such county and countersigned by the clerk of the board of said county commissioners, and shall bear interest at the rate of six per cent., to be paid annually, and that the said bonds may be redeemed at par at any time after the expiration of ten years at the option of the board of county commissioners.

Bonds, how issued, &c. That to provide for the payment of interest on said county bonds and their redemption at maturity, the county commissioners of any county subscribing to the capital stock of said railroad company shall compute [and] annually levy a tax sufficient to meet the annual interest and to provide a sinking fund sufficient to redeem

Redemption.

Special tax.

said bonds at maturity. This tax shall be collected by the sheriff of the county and by him paid over to the treasurer of the county, who shall regularly take up the coupons on said bonds as they become due. He shall also invest the annual amounts collected for the creation of a sinking fund in the bonds of the said county issued on the account of subscription to said railroad company: *Provided*, they can be had at par or less.

SEC. 11. That any township or town in the county of Caswell or in any other county through which the said road may pass shall have power and authority to subscribe for and take any number of shares of the capital stock of said company that a majority of the voters of said township or town may elect to take therein, not to exceed the sum of twenty thousand dollars for any township or seventy thousand dollars for any town. That upon the request in writing of one-fifth of the resident freeholders of any such township or town, the board of county commissioners of the county in which the township is located, or the mayor and commissioners of such town, shall order an election to be held in such township or town in sixty days after said request is filed, upon giving at least thirty days notice in said township or town of said election, which shall be conducted in the manner prescribed by law for holding elections for members of the General Assembly. Those who favor said subscription shall vote on a written or printed ballot, "railroad," and those opposing said subscription shall vote on a written or printed ballot, "no railroad." The returns of said election shall be made to said county commissioners in the case of said township, or to the commissioners of said town in the case of an election in such town, who shall canvass the same, and if a majority of the registered votes of such township or town shall have been cast for "railroad," then the subscription so authorized shall be made to the capital stock of said railroad company for said township or town by an agent properly commissioned to do so by the county commissioners or town commissioners, as the case may be. Such township or town shall be entitled to representation according to the number of shares subscribed in all the general meetings of the stockholders, and for this purpose the justices of the peace of said township or the mayor and commissioners of said town may from time to time, under their hands and seals, commission some suitable person or persons to represent said township or town in said meetings for the term of one year.

SEC. 12. That in payment of such subscription as is provided for in the foregoing section, the board of county commissioners of the county in which said township is situate or commissioners of such town shall have power to issue bonds, in denominations not less than five hundred dollars each, which shall run for thirty years and have coupons attached for interest at six per cent. per annum, not exceeding the sum so authorized to be subscribed; and such bonds shall

How collected, &c

Sinking fund.

Proviso.

Election in townships and towns upon question of subscription.

Ballots.

Returns, &c.

Subscription to be made on vote of majority of registered voters.

Representation in stockholders' meetings.

Bonds.

indicate on account of what township or town subscription they were issued.

Special tax.

SEC. 13. That to make provision for the payment of the interest on said bonds and their redemption at maturity, the county commissioners shall in the case of township, and the town commissioners in the case of town subscription, compute and levy on all property in the township or town so subscribing to the capital stock of said railroad company a sufficient tax to meet the interest on the bonds issued as above prescribed, and to provide a sufficient sum to pay off said bonds at maturity, which amount shall annually be collected by the proper officers and paid over to the treasurer of the county or town, as the case may require, and invested by him in the bonds issued on account of the subscription of said township or town: *Provided*, they can be had at par or less. If the said bonds are above par these annual amounts shall be kept by the treasurer of the county or town, as the case may be, as a sinking fund, and the amount of taxes collected for such township or town for interest shall be paid over to the county or town treasurer, as the case may require, and used by him in the regular payment of the coupons upon the bonds invested as above specified. That after the expiration of ten years, the bonds of any such town or township may be redeemable at the option of the county commissioners or town commissioners, as the case may be.

Collection, &c.

Proviso.

Sinking fund.

Redemption of bonds.

SEC. 14. That this act shall be in force from its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 274.

An act to amend sections thirty-seven hundred and twenty-eight (3728) and thirty-seven hundred and twenty-nine (3729) of The Code, in relation to the attorney general's office.

The General Assembly of North Carolina do enact:

Code, sec. 3728,
amended.
Clerical assistance to attorney general.
Section 3729
amended.

SECTION 1. That section thirty-seven hundred and twenty-eight (3728) of The Code be amended by striking out all that part thereof after the words "per annum."

SEC. 2. That section thirty-seven hundred and twenty-nine (3729) of The Code be amended by striking out the words "three hundred dollars and the fees recovered in behalf of the attorney general on affirmation of judgments by the supreme court against defendants in criminal actions," and insert in lieu thereof the words "seven hundred and fifty dollars."

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

Ratified the 7th day of March, A. D. 1889.

\$750 allowed for
clerical assistance.

CHAPTER 275.

An act to authorize the commissioners of Rutherford county to order an election on the question of local option.

The General Assembly of North Carolina do enact:

SECTION 1. That upon petition or other satisfactory evidence, it shall be the duty of the county commissioners of Rutherford county, after giving lawful notice as is provided for in sections thirty-one hundred and twelve and thirty-one hundred and sixteen inclusive of The Code, to cause an election in that part of High Shoals township in said county south of Main Broad river, on the question of local option.

County commissioners authorized to order election on question of local option in part of High Shoals township.

SEC. 2. That in case the majority shall vote "no license," it shall be unlawful for any person to manufacture or sell spirituous liquors within said boundary, and any person violating the provisions of this act shall be guilty of a misdemeanor and fined not less than ten nor more than fifty dollars for each and every offence.

On majority vote of "no license," unlawful to manufacture, &c., spirituous liquors. Misdemeanor.

SEC. 3. That the county commissioners of said county be and are hereby authorized to call said election on any other day than the first Monday in May, and for a longer period than two years: *Provided*, that the same shall be set forth in the order for the said election.

When election to be held. For longer than two years. Proviso.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 276.

An act to protect fish in Chowan river and Wiccacon creek.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hedge with weir, seine or stationary net more than one-fourth of the channel of the Chowan river.

Unlawful to hedge more than one-fourth of channel.

SEC. 2. That it shall be unlawful for any person or persons to fish with weir, pound net, or stationary net of any description within three hundred yards of the mouth of Wiccacon creek in Hertford county.

Unlawful to fish with weir, &c., within three hundred yards of mouth of Wiccacon creek.

SEC. 3. That any person or persons violating either of the foregoing sections shall be guilty of a misdemeanor, and upon conviction thereof may be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 277.

An act to amend section one, chapter one hundred and eighty, laws of eighteen hundred and eighty-five.*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 eighteen hundred and eighty-five, under "eighth district," and county of Davidson, be amended to read as follows: Davidson, first Monday in March and September, each to continue two weeks; and the thirteenth Monday after the first Monday of September, to continue one week; the last to be for the trial of civil cases alone.

When superior courts to be held in Davidson county.

Conflicting laws repealed.

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

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 278.

An act to repeal chapter one hundred and sixty of the laws of eighteen hundred and eighty-seven.*The General Assembly of North Carolina do enact :*

Chapter 160, laws 1887, repealed. Use of certain school funds for benefit of Thyatira academy, Rowan county.

SECTION 1. That chapter one hundred and sixty of the laws of one thousand eight hundred and eighty-seven, ratified the second day of March, one thousand eight hundred and eighty-seven, be and the same is hereby repealed.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 279.

An act for the relief of the citizens of head of Pungo district, in Beaufort county.

Preamble.

WHEREAS, By virtue of acts of the General Assembly heretofore ratified, the State board of education has constructed a road through its lands at the head of Pungo, in the county of Beaufort, and constructed canals and a system of drainage through the said lands, whereby an immense flow of additional water has been turned into Pungo river at its head, which, owing to its present obstructive condition, the river is unable to carry off, thereby overflowing the farming lands of all the neighboring citizens; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the State board of education is hereby directed to proceed at once to cause the obstructions to be removed from the head of Pungo river, and the same to be so cleaned out at its head as to carry off the water drained into it from the canals heretofore constructed by the said board. State board of education directed to remove obstructions from head of Pungo river.

SEC. 2. That the said board is directed to use so many of the convicts from the State as are necessary for that purpose, to be furnished the said board by the board of directors of the penitentiary upon the same terms and conditions as other convicts are now furnished to said board by the said directors: *Provided*, the directors of the penitentiary shall not be required to furnish convicts for this work to a greater number than one hundred, nor for a longer period than twenty working days. Convicts. Provide.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 280.

An act to prevent manufacturers and others from issuing non-transferable tickets or other scrip in payment for labor done.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation, who employ laborers by the day, week or month, to issue in payment for such labor any ticket or tickets, or other scrip bearing upon their face the words "non-transferable," or to issue tickets or scrip in any form that would render them void by transfer from the person or persons to whom issued; but all tickets or scrip issued to laborers for labor done shall be paid to the person holding the same their face value by the person or persons, firm or corporation issuing the same. Unlawful for employers to issue non transferable scrip to laborers. Payable to holder.

SEC. 2. That any person or persons, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each offence, or imprisoned not more than thirty days: *Provided*, that this act shall only apply to the counties of Bertie, Cumberland, Davidson, Guilford, Gates, Hertford, Mitchell, Randolph, Wake, Gaston and Rockingham. Misdemeanor. Provide

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 281.

An act to protect fish in Beach swamp in Halifax county.*The General Assembly of North Carolina do enact:*

Unlawful to fish
in Beach swamp,
Halifax county,
between certain
points with
seines, &c.

Misdemeanor.

SECTION 1. That it shall be unlawful to fish in the waters of Beach swamp in the county of Halifax, from where it is crossed by the Wilmington and Weldon Railroad to its mouth, with seine, net or grab-hook.

SEC. 2. That any person violating the provisions of section one shall be guilty of a misdemeanor, and fined not less than one dollar and not more than twenty dollars, or imprisoned not more than twenty days.

Fishing with nets
for shad permit-
ted from Febru-
ary 1st to May
10th.

SEC. 3. That nothing in this act shall be construed to prevent any person from fishing in the waters of said swamp for shad with nets from the first day of February till the tenth day of May in each and every year.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 282.

An act to authorize the commissioners of Swain county to refund to J. S. Elmore, tax collector, a part of the interest collected by said county.

Preamble.

WHEREAS, J. S. Elmore was tax-collector for the year 1884; and whereas, said J. S. Elmore, tax-collector as aforesaid, failed to collect, account for and pay over all the county, poor, school and special taxes for said year when the same became due; and whereas, the said Elmore was compelled to pay twenty-four per cent. per year interest on said taxes from the time the same became due till they were paid; now, therefore,

The General Assembly of North Carolina do enact:

County commis-
sioners author-
ized to refund
part of interest
collected.

SECTION 1. That the board of commissioners of Swain county are authorized and empowered to refund to the said J. S. Elmore two-thirds of the twenty-four per cent. interest as collected by and for said county from the said J. S. Elmore: *Provided*, that said Elmore pay to said commissioners the cost in collecting the same.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 283.

An act to prevent the taking of fish in the Swannanoa river, in the county of Buncombe, by traps, seines, drag-nets and the like means.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to take or catch fish in the Swannanoa river, in the county of Buncombe, by means of traps, seines, drag-nets or any other means than by hook and line or by gigging them.

Unlawful to catch fish in Swannanoa river, Buncombe county, with traps, &c.

SEC. 2. That if any person shall violate the provisions of this act, he or she shall be deemed guilty of a misdemeanor, and on conviction in the superior court shall be fined in the discretion of the court.

Misdemeanor.

SEC. 3. That this act shall be in force from and after the first day of April, 1889.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 284.

An act to validate certain State grants in the counties of Haywood, Jackson and Swain.

WHEREAS, For the purpose of preserving peace between the whites and the Cherokee nation of Indians, the Legislature of this State, in the year seventeen hundred and eighty-three, allotted to the said tribe of Indians a certain boundary of land described in section two thousand three hundred and forty-six, volume two, of The Code; and whereas, by the treaty of Holston, concluded between the government of the United States and the said Cherokee Indians on the second day of July, in the year seventeen hundred and ninety-one, all that portion of said lands lying east of the Meigs and Freeman line was ceded and relinquished by the said Cherokee Indians; and whereas, said lands, after the extinguishment of the said Indian title, reverted to the State of North Carolina; and whereas, the said State, between the years seventeen hundred and ninety-one and seventeen hundred and ninety-seven, issued sundry grants within the said territory relinquished by the said treaty of Holston east of the Meigs and Freeman line; and whereas, the supreme court of the State, in the case of *Strother vs. Cathey*, 4 Murphy, 162, declared that the act of seventeen [hundred] and eighty-three was repealed by the treaty of Holston and confirmed the title to said lands lying east of the said Meigs and Freeman line; and whereas, the greater portion of said lands has been purchased by citizens in small tracts for homes; and whereas,

Preamble.

in consequence of a recent decision of the supreme court of this State, doubts exist as to the validity of the said grants; and whereas, certain parties have recently made large entries of said lands for speculation, greatly to the annoyance and anxiety of the good citizens residing in said territory and to the injury of their just rights; therefore,

The General Assembly of North Carolina do enact:

Grants to certain
Cherokee Indian
lands validated.

SECTION 1. That all grants issued by the State of North Carolina between the years seventeen hundred and ninety-one and January the first, eighteen hundred and eighty-seven, for lands lying to the east of the Meigs and Freeman line, within the territory allotted to the Cherokee Indians as described in section two thousand three hundred and forty-six, volume two, of The Code of North Carolina, act of seventeen hundred and eighty-three, section five, be and the same are hereby ratified, confirmed and validated and declared good and effectual to pass all the right, title and interest of the State in and to said lands from the date of said grants: *Provided*, that wherever within said territory and within said dates any such grants may conflict or lap, the junior grants shall be given force and effect.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 285.

An act to amend section 3522 of The Code, in relation to pilots.

The General Assembly of North Carolina do enact:

Code, sec. 3522,
amended.

SECTION 1. That section three thousand five hundred and twenty-two of The Code be and the same is hereby amended by striking out all after the word "jurisdiction," in line seven of said section: *Provided*, this act shall apply only to Hatteras inlet.

Pay of pilots.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 286.

An act to amend section 3417 of The Code.

The General Assembly of North Carolina do enact:

Code, sec. 3417,
amended.

SECTION 1. That section three thousand four hundred and seventy-seven of The Code be and is hereby amended by adding to the end of said section the following: "*Provided*, that nothing herein shall be

construed to prevent the using or fishing with dutch nets or pod nets in Pamlico river and tributaries from the mouth of said river to Bath creek on the north side and Dunham's creek on the south side of said river."

Fishing with dutch nets, &c., permitted in Pamlico river between certain points.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 287.

An act to amend chapter sixteen of The Code in relation to elections.

The General Assembly of North Carolina do enact :

SECTION 1. That section 2674 of The Code be amended by striking out the words "of the month," in the second line of said section, and insert in lieu thereof the words "in September."

Code, sec. 2674, amended. Commissioners to appoint registrars on first Monday in September. Section 2675 amended.

SEC. 2. That section 2675 of The Code be amended by striking out in line nine thereof the words "each election," and insert in lieu thereof the words "the day for closing the registration books as hereinafter provided;" and add to said section the words, "that said books shall be closed for registration on the second Saturday before each election."

Registration books to be kept open for thirty days before day for closing. To be closed second Saturday before election. Section 2676 amended. Requisites of registration.

SEC. 3. That section 2676 of The Code be amended by adding after the last word therein the following: "No registration shall be valid unless it specifies as near as may be the age, occupation, place of birth and place of residence of the elector, as well as the township or county from whence the elector has removed—in the event of a removal—and the full name by which the voter is known."

SEC. 4. That section 2677 of The Code be amended by inserting between the words "the" and "Saturday," in the third line thereof, the word "second."

Section 2677 amended. Registration books to be open to inspection on second Saturday before election. Section 2678 amended.

SEC. 5. That section 2678 of The Code be amended by striking out all after the word "acting," in line thirty thereof.

SEC. 6. That section 2681 of The Code be amended by striking out all after the word "by," in line eight, down to and including the word "oath," in line nine, and insert in lieu thereof the words, "such testimony, under oath, as may be satisfactory to the registrar;" that said section 2681 be further amended by striking out all after the word "and," in line thirty-four, and insert the following: "The registrar shall record the name, age, occupation, place of birth and place of residence of the elector, and the name of the township or county from whence the elector has removed—in the event of a removal—also the date of registration, in the appropriate column of the registration book."

Not necessary for judge of election appointed by registrar to fill vacancy to be of same political party as absent judge. Section 2681 amended. Right to register, how proven. Registrar to record name, age, &c., of elector.

Section 2682 amended.

Registration on day of election of person coming of age since closing of books.

Section 2688 amended.
Ballot boxes to be labelled, &c.

Majority of judges of election authorized to have polling place railed off, &c.

Method of voting.

Separate polling place for members of Congress and presidential electors.

Deputy registrar and additional judges of election.

SEC. 7. That section 2682 of The Code be amended by striking out, in line four, all after the word "election," down to and including the word "register," in line five, and insert in lieu thereof, "or has become twenty-one years of age after the registration books were closed." That said section be further amended by adding after the last word thereof the words: "*Provided*, he be found otherwise qualified."

SEC. 8. That section 2688 of The Code be amended by adding after the last word thereof the following: "Each box shall be labelled in plain and distinct Roman letters with the name of the office or offices to be voted for and the question or questions to be voted upon. The majority of the judges of election for the county and State officers for any voting precinct, with the registrar of such precinct, may, if they think it expedient so to do, rail off, at a cost to be approved by the board of county commissioners and to be paid for by the county, at such precinct a space or enclosure, with an opening at one end or side for the entrance of the voter and an opening at the other side for his exit, as a polling place in which to hold the election for the State and county officers. Only one voter shall be allowed to enter such polling place at one time, and no one except the judges of election shall be allowed to speak to or interfere with the voter while in the polling place casting his vote, which shall be put in the proper box or boxes by said voter or by the judges at the request of the voter. All voters shall pass through said enclosure without any delay of time, so that said passage shall not be obstructed by delay unnecessarily, outside of depositing his vote or votes. A similar but separate and distinct space or enclosure may be railed off as a polling place for the election of members of Congress and presidential electors at such distance from the polling place for State and county officers as the judges of election may designate. In the event such separate polling place shall be designated for holding the election for members of Congress and presidential electors as herein provided, the methods for holding the election and conducting the voting shall be the same in all respects as those provided aforesaid in this amendment to said section 2688 of The Code for the polling places for State and county officers. The registrar appointed for such precinct shall have power and authority to appoint a deputy registrar for such separate polling place, to whom shall be furnished the names of all persons qualified and entitled to vote at such precinct, and the judges of election appointed for such precinct and registrar shall appoint two suitable and discreet persons as judges or inspectors of election for such separate polling place, who shall be of different political parties where possible. The registrar and judges so appointed for such separate polling place shall be sworn to perform their duties according to law, shall make due returns of the election, and have all the powers, privileges and authority conferred on them by law as in the case of other registrars

and judges of election: *Provided, however,* that if the judges of election at any of the voting precincts in this State do not see fit to carry out the provisions of this amendment to said section 2688 of The Code, then and in that event the election at said precinct not adopting such provisions shall be conducted in all respects as is now provided by law.”

SEC. 9. That section 2694 of The Code be amended by adding at the end thereof the following: “Said board shall have power and authority to judicially pass upon all the facts relative to the election and judicially determine and declare the true result of the same; and they shall also have power and authority to send for papers and persons and examine the latter upon oath.”

Section 2694 amended. Judicial powers given to board of county canvassers.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 288.

An act for the relief of the sureties of A. J. McBride, late sheriff of Watauga county.

The General Assembly of North Carolina do enact:

SECTION 1. That David F. Baird, one of the sureties on the tax bond of A. J. McBride, Sr., ex-sheriff and tax-collector of Watauga county, be and he is hereby authorized to collect, for the benefit of himself and the other sureties on the tax bond of the said A. J. McBride for the year one thousand eight hundred and eighty-two, the arrears of taxes due the said A. J. McBride for the years one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two, under such rules and regulations as are or may be prescribed by law for the collection of taxes, with all the power of a tax-collector.

D.F. Baird, surety, allowed to collect arrears of taxes for certain years for benefit of sureties.

SEC. 2. That this act shall not authorize the collection of any insolvent taxes where the same shall have been credited to said A. J. McBride.

Insolvent taxes not collectible.

SEC. 3. That no person shall be compelled to pay any tax under the provisions of this act who will make an oath before any one by law authorized to administer oaths, and in the presence of said David F. Baird, that he or she has paid the same as by law required, nor shall any executor, administrator or guardian be compelled to pay any arrears of taxes under this act.

Certain persons not compelled to pay.

When authority
to cease.

SEC. 4. That the authority hereby given to collect arrears of taxes shall cease and determine on the thirty-first day of December, one thousand eight hundred and ninety.

Who authorized
to collect in event
of death, &c., of
D. F. Baird.

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

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 289.

An act to establish the dividing line between the counties of
Mitchell and Yancey.

Preamble.

WHEREAS, Doubts have arisen concerning the location of the dividing line between the counties of Mitchell and Yancey; and whereas, the citizens living in the immediate vicinity of the line are unable to determine where they shall exercise the rights of citizenship and pay their taxes:

The General Assembly of North Carolina do enact:

Commissioners
and surveyors to
be appointed to
survey line.

SECTION 1. That it shall be the duty of the boards of commissioners of Mitchell and Yancey respectively, at their meeting on the first Monday in May, one thousand eight hundred and eighty-nine, to appoint one commissioner with one surveyor from their respective counties, who shall proceed to locate the dividing line between said counties of Mitchell and Yancey from the ford of Big Crabtree creek up to the east fork of the same to its head, thence a direct course to the Bear Hollow gap on top of the Blue Ridge in the line of McDowell county, and shall mark the same by permanent monuments; and when they have so determined the proper location of the said dividing line, they shall make a report of the same under their hands and seals, or under the hand and seal of a majority of them, to the county commissioners of their respective counties of Mitchell and Yancey, who shall cause the same to be registered in the office of the register of deeds in each of the said counties of Mitchell and Yancey.

To make report.

Report to be
registered.

SEC. 2. That the said report establishing the said dividing line between the said counties of Mitchell and Yancey shall be considered conclusive evidence of the dividing line between said counties of Mitchell and Yancey in all matters of controversy in the several courts of the State.

Report to be conclusive evidence.

SEC. 3. That in the event the county commissioners of either of the said counties shall fail to appoint the commissioner and surveyor provided for in this act at the time hereinbefore specified, it shall be the duty of the county commissioners so failing to appoint said surveyor and commissioner to appoint the same at their subsequent meeting of said board of commissioners occurring next after their said failure, or so soon thereafter as it can be done.

County commissioners failing to appoint commissioners and surveyor to appoint at subsequent meeting.

SEC. 4. That said surveyor shall run and establish the line aforesaid under the direction of the commissioners appointed as aforesaid, and for their services shall be allowed and receive a sum to be allowed by the county commissioners of their respective counties, which sum shall not be less than the amount now allowed the county surveyor for similar services, or for services rendered during the same length of time, the cost of which shall be paid to said commissioners and surveyors by the counties of Mitchell and Yancey respectively.

Surveyors to run line under direction of commissioners. Compensation.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 290.

An act to repeal chapter 321 of the laws of 1885.

The General Assembly of North Carolina do enact :

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

Chapter 321, laws 1885, repealed. Prohibitory law within two miles of Newton Grove, Sampson county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 291.

An act to incorporate the East Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Dennis Simmons, Greenleaf Johnson, Howard N. Johnson, Greenleaf Johnson, Jr., and E. E. Smith, and such other persons as may hereafter be associated with them, their successors or assigns, be and they are hereby created a body politic and corporate by the name of the East Carolina Railroad Company, and by that

Body politic.

Corporate name.

Corporate powers	name shall have perpetual succession and a common seal; may sue and be sued, and shall have all other rights, privileges and franchises granted to railroad companies by chapter forty-nine of The Code of North Carolina, and particularly those enumerated in section 1957 of said chapter.
Capital stock.	SEC. 2. The capital stock of said company shall be not less than two hundred thousand dollars nor more than two million of dollars, divided into shares of one hundred dollars each, and shall be transferable as may be prescribed by the by-laws of the company; and the
Books of subscription.	above named corporators, or any three of them, are hereby authorized and empowered to open books and receive subscriptions to the capital stock of said company, and when the minimum capital stock shall
Organization.	have been subscribed the subscribers may organize said company by the election of a board of directors, not less than three in number, who shall hold their offices for one year and until their successors are
President.	elected and qualified. Said board of directors shall elect a president, who shall hold his office for one year and until his successor shall be
Number of directors.	elected and qualified. The number of the directors may be increased from time to time by the stockholders at any general meeting, and in like manner may be diminished, provided the number shall not be
Stock vote.	reduced below three. Said stockholders may provide for the conduct, management and government of the corporation by such by-laws, rules and regulations as they may deem fit and proper, not inconsistent with the laws of this State or of the United States. Each stockholder shall be entitled to one vote for each share of stock owned by
Individual liability for corporate debts.	him, and no stockholder shall be individually liable for the debts or liabilities of said company in any greater sum than such amount as he may owe upon his unpaid stock subscription.
Authorized to survey, build, &c., said road.	SEC. 3. Said company is hereby authorized and empowered to survey, lay out, locate, construct, equip, maintain and operate a
Route.	railroad from some point to be selected by it on the Roanoke river, in Martin or Washington county, and thence by such route as it may deem most convenient through intermediate counties to such point
Branch roads.	on the South Carolina line as it may select, with the right to build branches to said road not exceeding twenty miles each in length:
Proviso.	<i>Provided</i> , that in crossing any navigable stream its bridge over the same shall be provided with a suitable draw, so as not unduly to obstruct the navigation of such stream.
Condemnation of land.	SEC. 4. Whenever any land or right of way may be needed by said company for the construction of its road or any branch thereof, and the same cannot from any cause be obtained from the owner or owners thereof by private negotiation upon terms satisfactory to all parties, the said company may acquire the same by process of condemnation in the manner prescribed in section eight, chapter forty-five, of the acts of 1873-'74, incorporating the Seaboard and Raleigh Railroad
Width of right of way.	Company: <i>Provided</i> , that such right of way shall not exceed twenty-

five feet in width on each side of the centre of the track of said railroad. Said company shall also have authority in like manner to condemn and appropriate land for depots, shops, warehouses and other necessary purposes, not to exceed two acres in any one lot or station.

SEC. 5. Said company shall have power to borrow money and issue its corporate bonds, and to secure the payment of the same by mortgages or deeds of trust upon its franchises and property or any part thereof. Authorized to borrow money on mortgage bonds.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 292.

An act relative to the clerks of the superior courts of Beaufort and Martin counties.

The General Assembly of North Carolina do enact :

SECTION 1. That Goethe Williams, clerk of the superior court of Beaufort county, and W. L. Crawford, clerk of the superior court of Martin county, upon written permission from the judge of the superior court residing within the first and third judicial districts, or from the judge presiding in the courts in such districts, shall be permitted to absent himself from his office on any Monday or Mondays: *Provided, however,* that during such absence he shall keep for the transaction of all business a competent deputy to act for him, which deputy is hereby authorized to perform all acts now authorized to be performed by said clerk of said superior court. Authorized to be absent from office on Mondays by permission of judge, &c.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 293.

An act concerning the clerk of the superior court of Edgecombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That the judge riding the second judicial district of North Carolina be and the same is hereby authorized and empowered, upon written application made by the clerk of the superior court of Edgecombe county, to give written permission to the said clerk of the superior court to be absent from his office during the months of Authorized to be absent from office on written permission of judge, during certain months except on first Monday.

Proviso.

July, August and September, except on the first Monday of each of said months: *Provided, however*, that said clerk shall leave in and at his office during his absence a competent deputy to transact any business which by law a deputy clerk may be authorized to do, and shall give public notice of the time he shall be absent.

SEC. 2. That this act shall only remain in force for two years after its ratification.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 294.

An act in regard to the time of holding the superior court of Moore county.

The General Assembly of North Carolina do enact:

Times of holding Moore superior court.

SECTION 1. That the superior court for the county of Moore shall be held on the first Monday in March, the third Monday before the first Monday in September, and on the eighth Monday after the first Monday in September, each to continue two weeks, except the March term, which shall continue one week.

When act to take effect.

SEC. 2. That this act shall be in force and effect from and after the first day of July, one thousand eight hundred and eighty-nine.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 295.

An act to repeal chapter thirty-two of The Code, second volume, relating to local option so far as it applies to the town of Seaboard, Northampton county, N. C.

The General Assembly of North Carolina do enact:

Prohibitory law, so far as affecting Seaboard, Northampton county, repealed.

SECTION 1. That the local option law or prohibition, so far as it prohibits the sale of spirituous or other liquors in Seaboard, Northampton county, N. C., be and the same is hereby repealed, and the county commissioners of Northampton county are hereby authorized to grant license to retail or an order to the sheriff for license to retail spirituous or other liquors under the revenue laws of this State regulating the sale of spirituous or other liquors in the manner as prescribed by the general law of the State upon such subject.

SEC. 2. That chapter thirty-two of The Code and all local option or prohibitory laws in relation to the sale of spirituous or other liquors, so far as they relate to the sale of spirituous or other liquors in Seaboard, Northampton county, N. C., be and the same are hereby repealed.

Code, chapter 32, &c., so far as affecting Seaboard, repealed.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 296.

An act to provide for cotton-weighers for the counties of Cabarrus and Stanly.

The General Assembly of North Carolina do enact :

SECTION 1. That the owner or operator of every cotton gin, ginning cotton for the public, shall weigh every bale of cotton ginned at any of said gins when taken from the press attached to said gins and brand the same plainly with the name of said owner or operator and with the weight of said bale, and said weight shall be deemed and held as the true and lawful weight of said bale: *Provided*, that nothing in this act shall prevent the seller and buyer of any of said bales of cotton from making any agreement as to the re-weighing of said bales.

Cotton gin owners, &c., to brand bales with weight and owner's name.
Brand to be deemed true weight.
Proviso.

SEC. 2. That the said owner or operator of any said cotton gins shall use platform scales, and shall have the said scales annually proved by the keeper of standard weights of the county in which said gin shall be located.

Scales.

SEC. 3. That in any county where there is a cotton-weigher or weighers holding office under any special act of the General Assembly or by municipal ordinances or agreement, this act shall not apply until the expiration of the term of office of said weigher or weighers: *Provided*, that nothing in this section shall be construed as abolishing said offices, but that it shall be the right and duty of all cotton-weighers, whether appointed or elected under any law or ordinance, to weigh all cotton not weighed and branded according to this act and which they would be entitled to weigh under any law or ordinance.

Act not applicable to counties having cotton-weighers, &c.

Proviso.

SEC. 4. That said owner or operator of any of said gins shall take, before the clerk of the superior court or any justice of the peace, the following oath: I, A. B., solemnly swear (or affirm) that I will truly weigh and mark with the true weight every bale of cotton ginned by me or at my gin: so help me God.

Oath of cotton gin owner, &c.

SEC. 5. That this act shall apply to Cabarrus and Stanly counties only.

Act applicable only to Cabarrus and Stanly counties.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 297.

An act to authorize the commissioners of Mitchell county to issue bonds for the purpose of paying the indebtedness of said county.*The General Assembly of North Carolina do enact :*

Authorized to
issue bonds not
exceeding \$15,000
to pay county
indebtedness.

SECTION 1. That in order to pay the debt of said county, the commissioners of said county are hereby authorized to issue bonds, which shall be signed by the chairman of the board under the official seal of the county, to an amount sufficient to meet the indebtedness of said county, not to exceed the sum of fifteen thousand dollars (\$15,000).

Bonds, how
issued.

SEC. 2. Said bonds shall be issued in denominations of twenty-five, fifty and one hundred dollars each, with coupons attached calling for interest at the rate of six per cent. per annum upon the principal of each bond, and said interest as by said coupons shall be due and payable semi-annually on the first Monday of July and January of each year.

Description of
bonds.

SEC. 3. Said bonds shall be dated as of the first day of July, one thousand eight hundred and eighty-nine, and shall be due and payable within fifteen years from and after said date; and when said bonds are sold, the coupons calling for the interest accrued between date of said bonds and the date of sale of same nearest July or January shall be detached. A record of the said bonds and sales of the same shall be kept in the office of the board of county commissioners of said county.

Record to be kept.

Special tax.

SEC. 4. In order to pay the interest on said bonds for a period of five years from the first day of July, one thousand eight hundred and eighty-nine, the commissioners of said county shall, on the first Monday in June, one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, and one thousand eight hundred and ninety-four, levy a special tax on the taxable property in said county, both real and personal, and on each poll, sufficient to meet said interest; and on the first Monday in June, one thousand eight hundred and ninety-five, and for ten years thereafter on the first Monday in June of each year, the commissioners of said county shall levy a special tax on the taxable property in said county, both real and personal, and on each poll, sufficient to cover the accrued interest on said bonds and to raise a sinking fund for the principal of said bonds at maturity.

Notice to parties
holding claims
against county.

SEC. 5. That at the regular meeting of the board of commissioners of said county on the first Monday of April, one thousand eight hundred and eighty-nine, said board shall authorize and direct the clerk of the board to give notice by posting at the court-house door

and at three other public places in the county, and by publication for four weeks in some newspaper designated by said board of commissioners, a notice to all parties holding claims or judgments against said county to present the same on or before the first day of July, one thousand eight hundred and eighty-nine, for settlement, and all claims or judgments not presented by the time herein specified shall not be settled under the provisions of this act.

Claims not presented not to be settled under this act.

SEC. 6. That the board of county commissioners are hereby directed to use the bonds herein authorized to be issued in the settlement of the indebtedness of said county by sale of said bonds or exchange of the same for the recognized claims against said county: *Provided, however,* no bonds shall be disposed of for less than their par value.

How commissioners to use bonds.

Provido.

SEC. 7. That the coupons on said bonds shall be received in payment of all county taxes.

Coupons receivable for county taxes.

SEC. 8. That nothing herein contained shall prevent the commissioners of said county from effecting a reasonable compromise of any portion of the indebtedness of said county.

Commissioners authorized to compromise indebtedness.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 298.

An act to promote the cultivation of shell-fish in Onslow county, and to repeal chapter 90, laws of 1887.

The General Assembly of North Carolina do enact:

SECTION 1. That the justices of the peace for Onslow county shall, on the first Monday in June following the passage of this act, and every two years thereafter, elect three of the qualified voters of the said county, who shall be styled the board of shell-fish commissioners of Onslow county, and who shall qualify on or before the first Monday of the July next following their election.

County commissioners to elect board of shell-fish commissioners.

SEC. 2. That the term of office of the board of shell-fish commissioners shall be two years and until their successors are elected and duly qualified, and before entering upon the duties of their office they shall take and subscribe before a justice of the peace or clerk of the superior court the oath prescribed by chapter 40, section 3315, subsection 47, of The Code.

Term of office.

Oath.

SEC. 3. That the justices of the peace shall fix and determine the compensation of the members of the board of shell-fish commissioners, and the said compensation and such other expenses as may be incurred in carrying out the provisions of this act shall be paid by the treasurer of the county out of any money derived from the sales of franchises or from taxes laid upon oyster grounds, and

Compensation, &c

the said money so derived shall be set apart and kept separate for the foregoing purpose, and paid out upon the order of the board of shell-fish commissioners.

Commissioners to stake out, &c., natural oyster beds in county.

SEC. 4. That the board of shell-fish commissioners shall stake out and define the natural beds of the county, and shall publish the locality and description of the same for the benefit of the public, and shall record the said description in the office of the register of deeds. And no person shall enter any of the said natural beds, or become possessed in any manner of any exclusive privileges thereof.

Not subject to entry.

Method of acquiring land for cultivation of oysters, &c.

SEC. 5. That any person being a citizen of North Carolina and desiring to raise or cultivate oysters or other shell-fish on any ground within the boundaries of the county of Onslow, not set apart as a natural bed, shall make application to the board of shell-fish commissioners for a survey of the ground desired, and the said board, upon receiving the said application, shall cause a survey to be made at the expense of the applicant, and if upon the completion of the survey it should appear that the ground desired does not include any natural bed, the board of commissioners shall make a certificate to that effect, which certificate shall be attached to the plat and delivered to the applicant, who shall forward the same with a copy of the application to the secretary of State. And 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 and assigns.

Land, how paid for.

SEC. 6. That upon receipt of the plat and certificate of the board of shell-fish commissioners, and before forwarding the same to the secretary of State, the applicant shall pay to the treasurer of the county twenty-five cents per acre for the ground desired, and the treasurer shall receipt for the same and shall forward a certificate of the amount of the said payment to the secretary of State.

Secretary of State to issue grant of franchise, &c.

SEC. 7. That the secretary of State, upon receipt of the plat and certificate of the board of shell-fish commissioners, the certificate of the county treasurer and the lawful fees of the secretary of State, shall, if the amount paid the county treasurer agrees with the number of acres shown by the plat and surveys, issue to the applicant a written instrument conveying a perpetual franchise, for the purpose of raising and cultivating shell-fish, in and to the ground described in the survey and plat, and the said instrument shall be authenticated by the governor, countersigned by the secretary of State and recorded in his office; and all franchises granted under this or previous acts shall be and remain in the grantee, his heirs and assigns: *Provided*, that the holder or holders shall make in good faith, within three years from the date of the issuance of the grant, an actual effort to raise or cultivate shell-fish on the said grounds: *And provided further*, that no grant shall be made for more than fifteen acres, or to any person not a *bona fide* resident of the State of North Carolina.

Proviso.

SEC. 8. That any person who has entered or holds under the provisions of previous acts oyster grounds of an area of less than fifteen acres shall be only entitled under this act to a franchise in and to such an additional amount of territory as will make the total area in his possession fifteen acres; and the board of shell-fish commissioners shall, in making their certificate to the secretary of State, state the amount of ground held by the applicant under the said previous acts.

Franchise to be limited to fifteen acres.

SEC. 9. That in case of two or more applications being made for the same ground, the person, if such there be, who has already made an actual effort to raise or cultivate shell-fish on the said territory shall have a prior right to a grant of franchise, and in case no such effort has been made, then the person first making application for the territory shall be entitled to the grant. But owners of land fronting on water shall have the first right to a grant of any unimproved ground adjacent to their shores, provided they make selection of the same within a period of six months from the date of ratification of this act.

Who entitled to grant of franchise when more than one application.

SEC. 10. That all grants and franchises held under this or previous acts shall be taxed as real property, and shall be so considered in the settlement of the estates of deceased or insolvent persons.

Franchise taxable as real property.

SEC. 11. That no person shall take oysters from any of the natural beds as defined by the board of shell-fish commissioners of Onslow county, or from any grounds not entered, between the first day of May and the first day of October following; and any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Unlawful to take oysters from natural beds, &c., between May 1st and October 1st.

Misdemeanor.

SEC. 12. That any person who shall trespass upon or wilfully commit any injury with any instrument or implement upon any private oyster grounds, the property of another, or who shall wilfully remove, destroy or deface any stake, buoy or mark established by the board of shell-fish commissioners in pursuance of this act, or by private individuals, for the purpose of defining any private oyster ground, or who shall work on any private or public oyster ground at night, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. But nothing in the provisions of this or any act shall be construed as authorizing any 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 growing, cultivating or taking of shell-fish.

Persons trespassing on private oyster grounds, removing stakes, &c., guilty of misdemeanor.

No interference with fishing, free navigation, &c.

SEC. 13. That any person who shall steal or feloniously take, catch or capture, or carry away shell-fish from the bed or ground of another, shall be guilty of larceny, and shall be punished accordingly.

Larceny to steal, &c., shell-fish from ground of another.

SEC. 14. That any person believing that any oyster ground or territory is illegally held or appropriated by any individuals, may make an application to the board of shell-fish commissioners for an investi-

Proceeding before commissioners to investigate titles, &c.

gation of the site of the holder or holders of the ground in question, and for a new survey of the lot, and shall give due notice of the said application to the opposing party or parties; and upon receipt of the said application and certificate of the serving of the notice, the said board shall require both parties interested to each deposit a sum sufficient to defray the expenses of the survey, or give a good and sufficient bond in the sum of fifty dollars to secure said expenses, and, upon the said deposit or bond having been made, shall proceed to make a new survey of the lot, and in case the stakes or marks defining the same shall be found to be erroneously placed, or it shall be shown that any territory is illegally enclosed, then the said board shall have power to move and replace the stakes or other marks defining the lots, so that they may accord with the correct survey. And in such case the costs and expenses attending the survey shall be defrayed by the owner of the lot; but should no error be found and no territory in excess of that conveyed by the grant have been enclosed, then the costs and expenses shall be paid by the person making application for the survey: *Provided*, that an appeal from the decision of the said board may be taken to the next term of the superior court, in the same manner and form as from judgments in a court of a justice of the peace.

Appeal.**Registration of grants.**

SEC. 15. That all franchises granted under the provisions of this act shall be recorded in the office of the register of deeds of Onslow county within four months of the date of issuance of the grants.

Commissioners to keep record.

SEC. 16. That the board of shell-fish commissioners shall keep in a suitable bound book a complete record of all their meetings and proceedings. The board shall meet upon the call of the chairman, and a majority shall constitute a quorum for the transaction of business.

Meetings.**Quorum.****Present commissioners empowered to execute provisions of this act.**

SEC. 17. That the board of shell-fish commissioners now in office, who were elected in pursuance of the provisions of chapter 90, laws of 1887, shall be and are hereby empowered to execute the provisions of this act until their successors have been elected and duly qualified.

Pending applications for entry to be proceeded with according to prior laws.

That all proceedings for and applications made to enter oyster grounds in the waters of the county of Onslow made prior to the passage of this act, and under the provisions of chapter ninety, laws of 1887, shall be proceeded with and completed according to the rules of law as to procedure existing prior to the passage of this act.

Chapter 90, laws 1887, (except sec. 8) repealed.

SEC. 18. That chapter 90, laws of 1887, except section 8 of said chapter, and all acts and parts of acts in conflict with the preceding sections, are hereby repealed.

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 299.

An act concerning the clerk of the superior court of Cabarrus county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the clerk of the superior court of Cabarrus county be allowed to absent himself from his office of clerk two (2) consecutive Mondays either in the month of July or August in the years 1889 or 1890, as in the opinion of said clerk may be least inconsistent with the public interest.

Allowed to be absent from office two consecutive Mondays in July or August, 1889 and 1890.

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

Conflicting laws repealed.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 300.

An act to incorporate the Southport Steamboat Company.*The General Assembly of North Carolina do enact :*

SECTION 1. That Isaac Bates, John W. Harper, Samuel W. Skinner, James Nolan, William L. Smith and their associates, successors and assigns, are hereby constituted a body corporate by the name of the Southport Steamboat Company, and as such shall have the general powers of corporations as set out in section six hundred and sixty-three (663) of The Code of North Carolina, and the same shall continue for ninety-nine years.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That said corporation may own and operate steamships, lighters, barges, tugs, steamboats and vessels between Wilmington and Southport and elsewhere.

Authorized to own and operate steamships, &c.

SEC. 3. That the said corporation may transport passengers and freight upon said steamers, barges, vessels, lighters and tugs, and may purchase, lease or charter such steamers, barges or other vessels as it may require, and all other personal property, and it may acquire such lands and rights of way as may be necessary for its wharves and landings in the manner prescribed by The Code of North Carolina in section one thousand six hundred and ninety-eight to one thousand seven hundred and nine inclusive, and such other sections of The Code as are therein referred to; and said corporation shall have all the corporate powers which are set out in section one thousand nine hundred and fifty-seven of The Code of North Carolina. It may purchase and hold stock in any other corporation, and it may lease or purchase and hold and operate any other steamboat or railroad com-

Corporate powers

pany's property and franchise. The steamers and other vessels of this corporation may navigate the waters of North Carolina and the ocean contiguous.

Other corporations authorized to purchase stock, &c.

SEC. 4. That any other corporation may purchase and hold the stock of this company or subscribe to the same, or may lease or purchase and hold and use its property and franchises.

Capital stock.

SEC. 5. That the capital stock of said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, and said capital may be increased to not exceeding one hundred thousand dollars whenever said corporation shall deem expedient.

Subscriptions to stock, how paid.

SEC. 6. That subscriptions to said stock may be paid in land, lumber, material, labor, money or other property, as may be agreed upon.

Books of subscription.

SEC. 7. That the corporators hereinbefore named may open books of subscription to the capital stock of said company in the town of Southport within twenty days after the ratification of this act.

Organization.

SEC. 8. That as soon as twenty-five thousand dollars of the capital stock shall be subscribed for and ten (10) per cent. of same paid in, the corporators above named or a majority of them shall call a meeting of the subscribers and organize said corporation by the election of five directors, who shall choose a president from their own number and fill such other positions as may be required by the by-laws or regulations which shall be adopted by the members of said corporation.

Officers.

SEC. 9. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 301.

An act to incorporate Granite Cotton Mills.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Thomas M. Holt, Charles T. Holt, Edward C. Laird, Alfred W. Haywood, Charles B. Wright, together with all other persons and corporations as shall be associated with them and become stockholders in the corporation hereby incorporated, their successors and assigns, be and they are hereby created and constituted a body politic and corporate by and under the name and title

Corporate name.

of Granite Cotton Mills, by which name the said corporation 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 or actions, contract and be contracted with, and shall have the privileges and rights hereby specially granted, and such as may be necessary to the full exercise and enjoyment of the same. The said corporation shall

Corporate powers

also have perpetual succession and enjoy all the rights and privileges, liberties and immunities, franchises and powers conferred upon and pertaining to other corporate bodies, and not forbidden by the laws of the United States and of North Carolina.

SEC. 2. That said corporation shall have the right to and may make and use a common seal, and alter the same at pleasure. Common seal.

SEC. 3. 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. Also any and all goods, wares and merchandise of any and every kind and sort made out of and from jute, hemp, flax, and leather, or any other material whatsoever; to spin, dye, weave, print, bleach and finish, manufacture and sell all kinds of cloths, prints, warps, yarns and all goods, wares and merchandise of every kind, sort and description made out 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. And said corporation may buy and sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure; and may erect, own and operate, or cause to be run and operated, flour-mills, grist-mills, saw-mills, all kinds of mill buildings, machine and work shops, stores, dwellings and other business premises, and may maintain them as may be requisite or necessary to carry on its business. And said corporation is hereby authorized to carry on tanning, currying, to gin cotton, and to manufacture and repair agricultural and mechanical tools and implements, wagons and any and all other things whatsoever may seem fit, out of iron, wood or other material or thing, or the combination of any or all other materials or things; and to buy, manufacture and sell and deal in any or all of the matters or things herein mentioned, alluded to or intended, and all kinds of property, and to engage in any species of manufacturing enterprise. Corporate powers

SEC. 4. That said corporation, its successors and assigns, is hereby authorized and empowered to take by purchase or other operation of law, to hold, own, lease or otherwise acquire, and to sell and convey, mortgage and lease lands and tenements and hereditaments and all manner of real and personal property, including cotton mills and factories, houses, water powers, mineral rights, roads, tramways or any other kind of property whatsoever, to such an amount as to it shall seem proper and as full as citizens of this State can or may do. And said corporation is hereby authorized to pay for such real and personal property as it may purchase or otherwise acquire with and by its capital stock. Corporate powers

SEC. 5. That said corporation shall likewise have the right, power and authority to lay out, build and construct and equip with rolling and other stock, and to operate such roads, whether tram, plank or Corporate powers

- turnpike, and also such canals, aqueducts, waste-ways, wells, water-courses, bridges or other ways for the transportation of its property or trade, and to construct such dams and obstructions in and across Haw river, and such reservoirs as shall be needful to the supply of water for its mills, manufactories and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of any other corporation or person are not interfered with in any material or unreasonable manner. And said corporation shall have the right to erect, establish and maintain such telegraph and telephone lines and apparatus as may be necessary, and shall likewise have the right, power, charter and franchise hereby to charge such tolls, fees and compensation as is reasonable for the use, service or travel over such telegraph and telephone lines, roads, turnpikes or bridges and canals as it may erect and construct; and where any lands or right of way shall be required by said corporation for constructing any turnpike road, tramways, cart-ways, canals, bridges, telegraph and telephone lines, or other lines or ways, water-courses or drains, aqueducts, wells, dams, obstructions and reservoirs, 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 law of the State in chapter --- of The Code, entitled "railroads and telegraphs."
- Proviso.**
- Condemnation of land.**
- Authorized to borrow money.** SEC. 6. The stockholders, at a regular general meeting, or at a meeting called for that purpose, after a notice of at least ten (10) days given each stockholder by circular or advertisement in some newspaper published in Alamance county, State of North Carolina, by resolution, may authorize money to be borrowed by the corporation for the purpose of aiding the conduct of its business, and shall prescribe how much and how the same shall be borrowed and how secured.
- Capital stock.** SEC. 7. The capital stock of said corporation shall be for such a total sum and shall be divided into such a number of shares and of such amount for each share as a majority of the stockholders in general meeting may determine: *Provided*, that such capital stock shall not be less than two hundred thousand dollars (\$200,000) or exceed one million dollars (\$1,000,000); and that said corporation shall have authority to organize and transact business whenever two hundred thousand dollars of its capital stock is subscribed for and paid up in any kind of property in this section hereinafter mentioned, or when property to the amount of two hundred thousand dollars shall have been purchased for the purposes of said corporation. That said corporation may issue stock, both common and preferred, with such regulations as to such stock as may be prescribed by a majority of the stockholders. The certificates for the shares of stock shall be issued only when fully paid for, and shall not thereafter be liable to
- Proviso.**
- Organization.**
- Stock.**

assessments for any purpose whatsoever. The shares of stock shall be deemed personal property, and be transferable upon the books of said corporation in the method provided in any by-law made in that behalf; and such certificates of shares of stock may be so issued and granted for money or in payment for lands, materials, services, labor, work, buildings, machinery, easements, ways and all other kinds of real and personal property, and at such rate and upon such terms as the said corporation, by its board of directors, may deem fit and best and may agree upon. The capital stock may be increased from time to time to such an amount as may be deemed proper until the limit of one million dollars is reached, and may also be retired or decreased; but if it shall at first be determined by a majority of the stockholders to issue less than one million dollars of stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of a majority of the stockholders, to be given at any general annual meeting or at any special meeting called as in this act provided for, for the purpose of considering any proposed increase of such capital stock, and such increase of the capital stock shall not be made except for the purpose of providing a working capital; and in case of such increase no stock shall be sold for less than the par value thereof.

Increase of capital stock.

SEC. 8. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the acts, debts, liabilities, contracts, engagements, defaults, omissions or torts of the corporation; or for any claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company. And no stockholder shall be liable to pay for more stock than he subscribed for.

Non-liability of stockholders.

SEC. 9. That the principal place of business of said corporation shall be at Haw River, in the county of Alamance, State of North Carolina: but said corporation shall have the right to hold its annual or other meeting at such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.

Place of business.

Annual meetings

SEC. 10. That all property and estate owned by said corporation shall be liable for taxation 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 owners of stock therein. 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.

Taxation.

SEC. 11. The affairs of said corporation shall be managed by a president, and in his absence a vice-president, and a board of directors. The persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority shall be a quorum, and shall hold office as such until the

President and directors.

Books of subscrip- tion.	first election of directors under this act, and shall have power forth- with to open stock-books and procure subscription of stock in the said corporation. When and as soon as shares to the amount of two hundred thousand dollars in the capital stock of the corporation have been subscribed, any one of the provisional directors shall call
Organization.	a general meeting of the subscribers to the said capital stock at Haw River, North Carolina, for the purpose of organizing the corporation, electing directors, etc., giving at least ten (10) days previous notice by circulars to the subscribers of stock of the time and place and pur- pose of said meeting. At such general meeting the shareholders may choose not more than seven or less than three persons to [as] direc- tors of the corporation, one of whom must be a citizen and resident of the State of North Carolina, and a majority of whom shall be and constitute a quorum. The directors shall annually be elected by ballot at a regular meeting of the stockholders, and shall act under such by-laws and regulations as the corporation may from time to time adopt, and shall hold office until their successors are elected. No person shall be a director of the corporation unless he or she is the owner and holder, in his or her own right, of at least five shares in the stock of the corporation. Thereafter the regular general meetings of the stockholders of the corporation for the transaction of business, election of directors and other general purposes, shall be held once in each and every year at such place, and on such day, and upon such notice as may be provided for in the by-laws of the corporation. At all meetings of the stockholders of the corporation, every stockholder shall be entitled to as many votes as he or she owns shares in the corporation, and may constitute another share- holder his or her proxy to vote for him or her by an instrument of writing to that effect. At all meetings of the stockholders a majority of the stock subscribed for and paid in shall be necessary to consti- tute a quorum for the transaction of business and election of direc- tors. The stockholders of the corporation shall have full power to make all by-laws, rules and regulations for their own government and for the transaction of business: <i>Provide</i> , 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. For the adoption and amendment of by-laws and regulations, a two-thirds vote of the capital stock which has been subscribed for and paid in will be required, but the number of shares to constitute a quorum for any purpose may be changed at any regular general meeting of the stock- holders, after notice given by resolution at the previous regular general meeting. The president, or stockholders owning and holding at least a fourth part of the capital stock of the corporation, shall at all times have the right to call meetings for general or special pur- poses, to be specified in a written requisition to that effect, and upon giving twenty days notice to each stockholder by circular or by
Directors.	
Annual meeting.	
Stock vote.	
Quorum.	
By-laws.	
Proviso.	
Special meetings.	

twenty days' advertisement in some newspaper published in Alamance county of the time and place of holding said meeting.

SEC. 12. The board of directors shall hold their meetings in such manner and at such times as the by-laws may direct, and they shall have full power to administer the affairs of the corporation and to make or cause to be made for the corporation any description of contract which the corporation may by law enter into, and which is not otherwise provided for in this act. They shall annually elect from among themselves a president and vice-president and a secretary, who may also be treasurer, and they shall also name all other officers and agents of the corporation, and shall prescribe their duties, compensation and terms of service. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified stockholders of the corporation. If at any time an election of directors is not made or does not take effect at the proper time, the corporation shall not be held to be thereby dissolved, but such election may take place at any general meeting of the corporation called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Meetings of directors, &c.

Officers.

SEC. 13. The board of directors of the corporation may require of any of the officers thereof such bonds, conditioned for the faithful discharge of their duty and payable to the corporation, as by said board of directors may be deemed advisable, and may sue upon the same for any breach thereof.

Bonds.

SEC. 14. The stockholders, in any meeting called in pursuance to the provisions of this act, may remove the president or any or all the directors or officers of the corporation in case the interest of the corporation demands such removal.

Removal of officers.

SEC. 15. The directors of the corporation shall not declare or pay any dividend when the corporation is insolvent, or any dividend the payment of which renders the corporation insolvent or diminishes the capital stock thereof.

Dividends.

SEC. 16. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatsoever, 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 corporation until the entry thereof has been duly made in such book or books as the directors shall provide for that purpose. The corporation shall not be bound to see to the execution of any trust, whether express or implied, or construction in respect of any share, and the receipt of the shareholder in whose name the same stands in the books of the corporation shall be a valid and binding discharge to the corporation for any dividend or money payable in respect of such share, whether or not notice of such trust has been given to the corporation, and the corporation shall not be bound to see to the application of the money paid upon such receipt. Every executor,

Transfer of stock, &c.

administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the corporation, 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. The capital stock may be transferred in such manner and form as may be provided by the by-laws, and shall be evidenced by certificates to be issued in accordance with the said by-laws; and when any stockholder shall have transferred his stock in this corporation in the manner above provided for he shall cease to be a member of and stockholder in the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges and be subject to all the liabilities of the former owner of said stock as a stockholder.

Change of name.

SEC. 17. That this corporation may change its name and adopt any other which the board of directors may select at any time after six months publication of the purpose so to do in some newspaper published in Alamance county, and under that name enjoy all the powers herein conferred upon the above named corporation.

To be deemed a public act.

SEC. 18. This act shall be deemed and taken as a public act, and a copy of any by-laws of the corporation under its seal and purporting to be signed by the president or vice-president of the corporation shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina.

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

Ratified the 9th day of February, A. D. 1889.

CHAPTER 302.

An act to protect the oyster interest in the State of North Carolina.

The General Assembly of North Carolina do enact:

Unlawful to take oysters from natural beds or public grounds except for certain purposes.

SECTION 1. That no person shall catch or take oysters from any of the natural beds or from any of the public grounds in any of the waters of the State of North Carolina, except for immediate use in the State, or to plant in regularly licensed oyster gardens entered or held under provisions of chapter one hundred and nineteen, acts of one thousand eight hundred and eighty-seven, or any prior or subsequent acts of the General Assembly of North Carolina for the promotion of shell-fish cultivation in the State: *Provided*, that nothing contained in this section shall prohibit the sale of oysters in the home markets; but persons buying oysters to carry out of the State in the *shell* shall not be deemed a home market.

Proviso.

Misdemeanor.

SEC. 2. That any person who shall violate any of the provisions of the preceding section, or who shall carry or attempt to carry beyond

the limits of the State any oysters taken from the public grounds or any of the natural oyster beds of the State, shall be guilty of a misdemeanor.

SEC. 3. That it shall be lawful for any person cultivating oysters on regularly licensed oyster gardens or grounds entered according to laws of the State, as provided for the cultivation of shell-fish, to sell the oysters so planted beyond the limits of the State after they have been upon the said gardens or grounds two years from the time they were planted from the natural beds or public grounds of the State.

Lawful to sell outside of State certain cultivated oysters.

SEC. 4. That it shall be the duty of the board of county commissioners of the several counties that have oyster grounds within the limits of their counties to enforce the provisions of this act, and if necessary to employ patrol boats and crews to arrest with or without warrants, *capias* or other order of a court, and bring before any justice of the peace for preliminary examination or trial, any and all persons who may be guilty of violating the laws enacted for the protection of the natural oyster beds and public oyster ground of the State; said patrol shall have the right to arrest and bring to trial any person violating the oyster law, whether it be in the county where the patrol is from or not, and to follow and arrest the offenders anywhere in the State.

Duty of county commissioners to enforce provisions of this act, to cause arrest of offenders, &c.

SEC. 5. That said justice before whom such accused offender or offenders are brought for trial shall at once issue a warrant (if none had been issued) as in other criminal causes, and proceed to a hearing of the offence charged according to the law made and provided for the conducting of trials in justices' courts.

Duty of Justice.

SEC. 6. That said patrol crews shall be appointed and licensed by the board of county commissioners of any county in the State containing any oyster grounds, and said license shall be in the following form, to-wit:

Patrol crews to be appointed and licensed by county commissioners

STATE OF NORTH CAROLINA—COUNTY OF -----

To all whom it may concern—GREETING:

This is to certify that A. B., of the county and State aforesaid, has this day been duly qualified as a patrol under act of the General Assembly of North Carolina, chapter .., laws of one thousand eight hundred and eighty-nine, entitled "an act to protect the oyster interest in the State of North Carolina," and is hereby invested with all the powers and authority vested in patrols under and by virtue of said act.

Witness our said chairman, the day of, 18..

SEC. 7. That said patrol shall qualify upon appointment by taking and subscribing to the oath prescribed in chapter forty-one, section three thousand three hundred and fifteen, subsection forty-seven,

Oath.

volume two, of The Code. Such appointment and oath, together with a copy of the license issued, shall be recorded in the office of the board of commissioners.

Expenses of county commissioners, how paid.

SEC. 8. That all expenses incurred by said county commissioners to protect the oyster interest shall be paid by the State treasurer out of the moneys received from any income from the oyster business on a warrant of the said commissioners.

Fines, &c., payable to State treasurer.

SEC. 9. That all fines and penalties imposed and collected under section two of this act shall be turned over to and held by the State treasurer to defray the expenses pertaining to the oyster business, and any surplus to be turned over to the public school fund.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 303.

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

The General Assembly of North Carolina do enact :

Authorized to levy special tax to pay county indebtedness.

SECTION 1. That the board of commissioners of Alleghany county are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county, at their regular meeting on the first Monday in June of the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, to levy a special tax upon the taxable property and polls of said county for the purpose of discharging the outstanding indebtedness of said county.

Limitation of tax.

SEC. 2. That the amount of tax to be levied under this act shall be determined by said board of commissioners and justices of the peace, but shall not in either year exceed ten cents on the hundred dollars worth of property and thirty cents on the poll, and the constitutional equation between the property and the polls shall always be observed in making levies.

Tax, how collected, &c.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax-collector of said county in the same manner and under the same penalties prescribed for the collection of other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 304.

An act to change the time of holding the superior courts of Robeson county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and thirty-nine of the laws of eighteen hundred and eighty-seven, fixing the time for holding the superior courts in the seventh judicial district, be amended as follows: Strike out all after the word "Robeson," in line four, on page four hundred and seventy-five, down to and including the word "weeks," in line eight, and insert in lieu thereof, "fifth Monday before the first Monday in March, to continue for two weeks; eleventh Monday after the first Monday in March, to continue for one week, and to be devoted to the trial of criminal cases, trying those first who may be confined in jail for alleged criminal offences and giving precedence always to cases of capital felonies; and civil process of all kinds may be made returnable to this term, and all matters of a civil nature not requiring the presence of a jury or the attendance of witnesses may be heard and determined at said term, but nothing herein shall be construed to extend this term of Robeson superior court beyond one week, unless the trial of a capital felony be not concluded during the term, in which event the term shall be extended until said trial is concluded; fourth Monday after the first Monday in September, to continue three weeks."

Chapter 239, laws 1887, amended.

Superior courts Robeson county, when held.

SEC. 2. That said chapter two hundred and thirty-nine be further amended by striking out in line fifteen on said page four hundred and seventy-five, the word "sixth," and insert in lieu thereof the word "seventh," so that the fall term of Bladen court shall be held on the seventh Monday after first Monday in September.

Fall term, Bladen superior court, when held.

SEC. 3. That said chapter two hundred and thirty-nine be further amended by striking out in line twenty-one on said page four hundred and seventy-five, the word "seventh," and insert in lieu thereof the word "eighth," so that the fall term of Moore superior court shall be held on the eighth Monday after the first Monday in September.

Fall term Moore superior court, when held.

SEC. 4. 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 board of county commissioners of Robeson county, who shall cause publication thereof to be made in a newspaper published in Robeson county in order to give notice of the changes made herein concerning the superior courts of Robeson county.

Notice to be published.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 305.

An act to repeal chapter three hundred and twenty of laws of 1883.*The General Assembly of North Carolina do enact :*

Chapter 320, laws 1883, chapter 280, laws 1885, and chapter 238, laws 1887, so far as applicable to Reedy Fork and Horse Pen creeks, Guilford county, repealed.

SECTION 1. That so much of an act of Assembly passed at the session of 1883, and acts amendatory thereof, as apply to the draining of Reedy Fork and Horse Pen creeks, in Guilford county, be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 306.

An act to amend sections 1, 2, 3, 4, 5 and 6, chapter 234, laws of 1881.*The General Assembly of North Carolina do enact :*

Chapter 234, laws 1881 (omnibus prohibitory law), amended.

Act applicable only to certain counties.

SECTION 1. That sections 1, 2, 3, 4, 5 and 6 of chapter 234, laws of 1881, be amended by inserting after the word "liquor," in line one of said sections, "and all other intoxicating beverages": *Provided*, this act shall only apply to the counties of Burke, Caldwell, McDowell, Mitchell and Yancey.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 307.

An act to regulate the sale of seed cotton in Bertie county.*The General Assembly of North Carolina do enact :*

Unlawful to buy, sell, &c., seed cotton in amount less than usually put in a bale.

Purchaser of seed cotton to keep record, &c.

Record book open to inspection.

SECTION 1. That it shall be unlawful for any person to buy, sell or deliver or receive for a price or for any reward whatever any seed cotton when the amount is less than what is usually put in a bale, except as hereinafter provided.

SEC. 2. That 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 and the price paid for the same per pound, and shall keep said book open at all times for the inspection of the public at all business hours of the day; and said persons buying seed cotton shall make a report every thirty days to

the clerk of the superior court of his county of all such cotton bought by him or her during the preceding month. Such report shall contain the name from whom bought, the amount bought in pounds, the price paid per pound and the date when bought, and shall be sworn by said clerk of the superior court as to the correctness of the same, and shall pay to said clerk a fee of twenty-five cents for the same.

To make report to superior court clerk.

SEC. 3. That any person buying or receiving seed cotton who shall fail to keep the book as aforesaid or shall fail to make the report to the clerk of the superior court as provided, or shall fail to make the returns required by the first section of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars and be otherwise punished at the discretion of the court.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 308.

An act to enable the commissioners of Cherokee county to build a jail, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Cherokee county are hereby authorized to issue coupon bonds of said county in an amount not exceeding eleven 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 at the discretion of the board of county commissioners.

Authorized to issue bonds not exceeding \$11,000.

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 principal (should the commissioners in their discretion wish to pay a part of principal before maturity) to be payable on the first day of January and July in each year while said bonds are in force.

Description of bonds.

SEC. 3. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by their clerk and shall be payable as to the principal thereof in not more than thirty years from the date thereof as shall be determined by the board of county commissioners: *Provided*, that said bonds may be paid off by means of partial payments of the principal thereof as hereinbefore provided, and each bond shall have written across the face thereof, "this bond is redeemable after five years at the option of the county."

Bonds, how issued, &c.

Proviso.

SEC. 4. That the clerk of the board of commissioners shall keep a book in which he shall keep an account of numbers and denomina-

Clerk of commissioners to keep record.

tions of said bonds issued as aforesaid and the person to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and the coupons attached thereto 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 tax-payer of said county.

Coupons receivable for county taxes.

SEC. 5. That said coupons shall be receivable in payment of all county taxes.

Bonds not to be sold for less than par.

SEC. 6. That said bonds shall not be disposed of for less than their par value.

Special tax.

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, nor more than thirty cents on each poll, observing the constitutional equation and limitations in the levy and collection of said tax.

Sinking fund.

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 hereinbefore provided, may, 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 to run to pay the principal of said bonds, which amount so set aside may from time to time, when opportunity may offer, be applied to the purchase and cancellation of said bonds; and in case the said commissioners should be unable with said amount to purchase said bonds at par value, then they may safely invest the said amounts at the best rate of interest obtainable for and on account of the board of commissioners of Cherokee county.

Duty and liability of county treasurer.

SEC. 9. That as soon as said bonds are issued, signed and countersigned as hereinbefore provided, the said commissioners shall place the same in the hands of the county treasurer, who shall also countersign the same, and the said treasurer shall thereupon, under direction and supervision of the said county 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 the 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.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 309.

An act to establish a ferry across Catawba river.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Turner and Claudius Sherrill, of Catawba county, and Katie Clark, of Iredell county, their heirs and assigns, are hereby authorized to establish a ferry across the Catawba river at or near Sherrill's ford, on said river. J. Turner and others authorized to establish ferry at or near Sherrill's ford.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said J. Turner, Claudius Sherrill and Katie Clark, their heirs and assigns, the term of twenty years. Right vested for twenty years.

SEC. 3. That it shall be lawful for the said J. Turner, Claudius Sherrill and Katie Clark, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by the commissioners of Catawba county. Authorized to receive tolls, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 310.

An act to create and establish a free school district at the county line between the counties of Guilford and Forsyth.

The General Assembly of North Carolina do enact :

SECTION 1. That a free school district is hereby created at the county line between the counties of Guilford and Forsyth, to be composed of a part of Dover and Oak Ridge free school districts in Guilford county, and a part of Kernersville and Pine Grove free school districts in Forsyth county, under the name of "County Line 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 two counties (a portion of which is embraced in the district) shall all be paid to the county treasurer of Guilford 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 a point in the Danville road in Guilford county above and near Hartwell Johnson's house, thence west to Belev's creek; thence up said creek to the northwest corner of H. C. Edwards' plantation; thence south to the Greensboro road; thence down said road to the eastern line of the Ballard plantation on said road; thence north to Reedy Fork creek; thence down said creek to Elizabeth Starbuck's bridge; thence north to Beaver creek; thence up said creek to a creek running "County Line free school district" established.

Treasurer.

Boundaries.

through E. A. Beeson's plantation; thence up said branch to the beginning.

School committee.

SEC. 2. O. L. Pegg, H. C. Edwards and R. A. Blaylock are hereby appointed and constituted a school committee. The said committee shall hold their office until their successors are elected and qualified:

Proviso.

Provided, the county board of education of Forsyth county shall elect one school committeeman out of the residents of the school district that live in Forsyth county, and that the county board of education of Guilford county shall elect two school committeemen out of the residents of the school district that live in Guilford county. The majority of the committee shall not be from the same county two terms in succession, but the majority of said committee shall alternate between the two counties. It shall be the duty of said committee to make a true and correct report of all the children of school age within that part of the district which lies in Forsyth county, to be forwarded to the county board of education for Forsyth county, and in like manner said committee shall make a true and correct report of the children of school age within that part of the district lying in Guilford county and forward at the same time to the county board of education for Guilford county.

Duty to report children within school age.

Children in part of district in Forsyth county to receive *pro rata* share of Forsyth county school fund.

SEC. 3. That all children of school age within that part of said free school district lying in Forsyth county shall receive their *pro rata* share of the public school fund of said county, which, upon being paid into the treasury of Forsyth county, shall be forwarded by the treasurer of said county to the treasurer of Guilford county, who

Duty of treasurer

shall receipt for same and place to the credit of said "County Line free school district," to be paid by said treasurer (together with the amount apportioned to that part of the district lying in Guilford county) to the teacher employed to teach the school in said district: *Provided, however*, the treasurer of Guilford county shall receive no compensation whatever for receiving or paying out the amount of money received for the above school district from the treasurer of Forsyth county.

Proviso.

Certificate of teacher, &c.

SEC. 4. That the teacher employed to teach school at any time in said district shall have a certificate from the superintendent of public instruction of either Guilford or Forsyth county, as the committee of said district may elect; but nothing herein contained shall compel any such teacher to stand an examination in both counties in order to teach the same term of school.

Conflicting laws repealed.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 311.

An act to authorize the commissioners of Craven county to establish a free ferry across Nease river, in the county of Craven.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Craven county are hereby authorized and fully empowered, whenever they deem it for the best interest of said county, to contract with the owner or owners of "Street's ferry," in the county of Craven, for the purchase of said ferry, together with all rights and franchises pertaining to or in any wise connected with said ferry: *Provided*, the amount so paid for said ferry by said commissioners shall not exceed the sum of fifteen hundred dollars.

Authorized to purchase Street's ferry.

Price not to exceed \$1,500.

SEC. 2. That when said ferry shall have been so purchased it shall be operated and maintained by the county as a free ferry, and it shall be the duty of the commissioners of said county to provide and maintain a suitable flat, a competent ferryman and all necessary conveniences for the accommodation and safe transportation of the traveling public across said ferry.

To be a free ferry.

Duty of commissioners.

SEC. 3. That it shall be unlawful for any person or persons to receive compensation or toll for the transportation over said ferry of any person, horse, cattle, vehicle or live stock of any kind.

Unlawful to receive toll, &c.

SEC. 4. That for the purpose of carrying out the provisions of section 1 of this act, the board of commissioners of said county are hereby authorized and empowered to levy a special tax sufficient to pay the contract price of said ferry, 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. 5. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 312.

An act to amend section three thousand four hundred and five (3405) of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand four hundred and five of The Code be amended to read after third line, "not less than fifty dollars fine or less than thirty days imprisonment for each person aiding and abetting, at the discretion of the court."

Code, sec. 3405, amended. Penalty for using dynamite to destroy fish.

Act applicable to certain counties.

SEC. 2. That this act shall only apply to the counties of Haywood, Clay, Cherokee, Madison, Yancey, Mitchell, Henderson, Buncombe, Caldwell, Burke, Guilford, Richmond, Wayne, Transylvania, Granville, McDowell and Watauga.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 313.

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

The General Assembly of North Carolina do enact :

Chapter 149, laws 1885, amended.

Duty of land-owners to keep certain streams clean, &c., in Rowan county.

Proviso.

Proviso.

SECTION 1. That chapter one hundred and forty-nine, laws of one thousand eight hundred and eighty-five, be and the same is hereby amended as follows: That when a commission and overseer have been appointed under the provisions of said act and have cleared out any streams or sections thereof, that it shall be the duty of the land-owners on such streams or sections to keep the same clean and clear of obstructions; and upon failure so to do shall be liable to all the penalties imposed in said chapter, and such land-owners shall not be compelled to work in any other streams or section: *Provided*, that nothing herein contained shall be construed to apply to streams or sections of streams that have not been worked by the commission or overseer: *And provided further*, that this act shall only apply to Rowan county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 314.

An act to enable the penitentiary to become self-sustaining.

The General Assembly of North Carolina do enact :

\$75,000 annually appropriated for support of penitentiary for 1889 and 1890.

SECTION 1. That the sum of seventy-five thousand dollars per annum, or so much thereof as may be necessary, be and the same is hereby appropriated for [from] any funds in the treasury not otherwise appropriated for the support of the penitentiary for the fiscal years 1889 and 1890, to be drawn by warrant on the State treasurer under such rules and regulations as the board of directors of the penitentiary may prescribe, and to be approved by the State auditor.

SEC. 2. That from and after the ratification of this act the gross earnings from the penitentiary and of all convicts which have or may hereafter be sentenced thereto shall be covered into the State treasury and shall constitute part of the general fund thereof: *Provided*, the State treasurer shall keep an itemized statement there of such earnings and how evidenced and of the cash realized therefrom: *Provided further*, the penitentiary authorities shall [keep] their accounts and statements as now required by law.

Gross earnings payable into State treasury.

Proviso.

Proviso.

SEC. 3. That in addition to the seventy-five thousand dollars appropriated in section one of this act, the board of directors of the penitentiary, under warrant drawn and approved as provided in section one, are authorized and empowered to draw from the fund in the State treasury arising from such earnings, and not otherwise, an amount sufficient to pay the actual operating expenses of the penitentiary and of the convicts under their control and keeping, to a sum not exceeding two hundred and twenty thousand dollars per annum, including the seventy-five thousand dollars appropriated in section one of this act, for the fiscal years 1889 and 1890.

Directors authorized to draw from fund in State treasury for expenses not exceeding \$220,000 per annum.

SEC. 4. That until the gross earnings so covered into the treasury under this act and the cash realized therefrom shall equal the amount drawn from the treasury for its support, including the seventy-five thousand dollars appropriated in section one of this act, it shall be unlawful for the penitentiary authorities to furnish any convicts under their control and keeping or under sentence therein to any person or persons, company or corporation, institution or enterprise, public or private, free of expense or free of expense except cost of guarding and transportation. And said authorities shall not be required to furnish convicts under any statutes assigning convicts which fix a maximum or other rate of compensation, except when contracts have already been executed thereunder; and the penitentiary authorities are hereby directed to withdraw such convicts from any such occupation.

Until cash realized from gross earnings equal amount drawn from treasury, no convicts to be furnished free of expense, &c.

Not required to furnish convicts under any statute except when contracts have been executed.

SEC. 5. That in any scheme to make the penitentiary self-sustaining, preference shall be given to contracts for able-bodied convicts in larger bodies hired to the best advantage, and whenever said penitentiary shall reach a self-sustaining basis the able-bodied convicts not required for such purpose may be furnished to the various counties of the State to work the public roads, canals and turnpikes thereof under terms and conditions now provided by law, giving preference to those roads, canals and turnpikes to which convicts are now assigned by statutes; and in placing said convicts under contract, the authorities shall not be required to keep them in camps of less than one hundred, where so many or more are hired to the same person, company or corporation.

Preference to be given to contracts for able-bodied convicts in large bodies, &c.

When penitentiary becomes self-sustaining convicts to be furnished counties, &c.

SEC. 6. That nothing in this act shall operate or be so construed as to forbid and prevent the penitentiary authorities from furnishing

Convicts to be furnished Western N. C. R. R. under existing statutes.

Proviso.

Convicts to be furnished Broad Creek canal.

Convicts to be furnished Roanoke and Southern R. R.

Convicts to remain under care of State.

Conflicting laws repealed.

convicts under existing statutes to finish, in accordance therewith, that portion of the Western North Carolina Railroad known as the Murphy Branch, being that portion thereof from two miles beyond the Red Marble Gap to the town of Murphy in the county of Cherokee: *Provided*, such convicts so furnished shall be employed to finish such portion of said road, but not otherwise. Nor to prevent the penitentiary authorities from furnishing convicts to complete the Broad Creek canal in Hyde county in accordance with the acts of 1887. And if it shall be impossible to furnish to both the W. N. C. R. R. and the Broad Creek canal all the convicts granted by law to them, it shall be the duty of the penitentiary authorities to furnish an equal number to each of said enterprises. That these convicts shall not be furnished to any corporation after the first day of September, 1889, for a less amount than the actual expense of working said convicts. Nor to prevent the penitentiary authorities from furnishing convicts to the Roanoke and Southern Road under statutes passed at the present session under act entitled "an act to amend the charter of the Roanoke and Southern Railroad Company, and to enable said company to complete its road."

SEC. 7. That in all contracts for placing the convicts, they shall always be and remain under the care, keeping and control of agents and officers of the State, directly responsible to the State for their official conduct.

SEC. 8. That all laws and parts of laws which conflict with this act be and the same are hereby repealed, in so far as they may conflict with the same.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 315.

An act to change the name of the Alma and Little Rock Railroad Company.

The General Assembly of North Carolina do enact:

Name changed to Maxton, Alma and Rowland R. R. Company.

Corporate powers and liabilities.

SECTION 1. That the name of the Alma and Little Rock Railroad Company be and the same is hereby changed to "the Maxton, Alma and Rowland Railroad Company."

SEC. 2. That the said Maxton, Alma and Rowland Railroad Company shall succeed to all the franchises, rights, privileges and property, real and personal and mixed, of every description whatsoever, of the said Alma and Little Rock Railroad Company, and shall be liable for all the debts and bound by all the contracts of said Alma and Little Rock Railroad Company.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 316.

An act to provide for the erection of suitable buildings for the common schools of district number one, of Wilson county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners, with the concurrence of the county board of education of Wilson county, shall provide for the erection of suitable buildings for the common schools of district number one, of Wilson county.

County commissioners and board of education to provide for erection of suitable buildings.

SEC. 2. To that end, said board of commissioners of the county of Wilson shall levy a special tax of fifteen cents on the hundred dollars worth of taxable property in said district, and forty-five cents on each taxable poll in said district. That this tax shall not be levied until approved by a majority of the voters in said district at an election to be held on the first Monday in May, eighteen hundred and eighty-nine, which election shall be held as near as may be as other elections.

Special tax.

Election on question of special tax.

SEC. 3. That this act shall only apply to the year one thousand eight hundred and eighty-nine, and the tax herein provided for shall be included in the lists made out for State and county purposes, and collected under the same rules and regulations, pains and penalties as are provided for the collection of other taxes, and paid over by the sheriff or tax-collector to the treasurer of the board of education of Wilson county for the use of district number one.

Act applicable only to 1889.

Collection of special tax.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 317.

An act to amend section 2034, chapter 50, volume I of The Code, in the relation to bridges.*The General Assembly of North Carolina do enact :*

SECTION 1. That section 2034, chapter 50, volume 1 of The Code, be amended by adding after the word "each," at the end of said section, the following words, "and bridges shall be deemed necessary, as provided for in this section, in all cases where public roads have been regularly laid off in each county according to law to the banks of any stream which divides one county from another, if there be no ford across said stream, so long as said road shall continue to be a public road; and if the commissioners of each county shall not provide their proportionate part of the money necessary for keeping up and repairing the bridges across such stream, then each of said commissioners shall be liable to a penalty of fifty dollars, to be sued for by any tax-

Code, sec. 2034, amended.

When bridges to be deemed necessary across streams dividing counties.

Penalty as to county commissioners.

payer of the county, one-half of said penalty to go to the party suing for the same and the other half to the school fund of the county.

Act applicable only to certain counties.

SEC. 2. This act shall apply only to county of Davie and counties adjoining thereto.

SEC. 3. That this act shall be in force from and after its ratification
Ratified the 9th day of March, A. D. 1889.

CHAPTER 318.

An act to compel butchers to keep registration.

The General Assembly of North Carolina do enact :

Butchers to keep registration books for cattle, &c., purchased.

SECTION 1. That all butchers shall be compelled to keep a book of registration and register the ear-mark, brand or flesh-mark of all cattle, sheep, swine or goats, and the name of the parties purchased from in said registration, and the date of said purchase.

Books open to inspection.

SEC. 2. That said registration shall be open to the inspection of any and all persons.

Misdemeanor.

SEC. 3. That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of fifty dollars for each and every offence, to be paid into the school fund of the county in which the offence is committed: *Provided*, this act shall only apply to the counties of Rockingham, Bertie, Edgecombe, Halifax, Martin, Orange, Pitt, Wilson and Wayne.

Act applicable only to certain counties.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 319.

An act in regard to Columbus county.

The General Assembly of North Carolina do enact :

Sections 2, 3 and 4 ante not applicable to Columbus county.

SECTION 1. That the provisions of sections 2, 3 and 4 of an act entitled "an act to amend the charter of the Norfolk Southern Railroad Company," ratified at the present session of the General Assembly of North Carolina, shall not apply to the county of Columbus.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 320.

An act to make Upper Dower (or Jones) creek in Beaufort county, North Carolina, a lawful fence.

The General Assembly of North Carolina do enact :

SECTION 1. That Upper Dower (or Jones) creek, in Beaufort county, from J. T. Williamson's fence, near Pango Chapel church, to the mouth, and Pango river from the mouth of said creek to Leechville, is hereby declared to be a lawful fence; and it is hereby declared to be lawful for the land-owners in the territory to build a fence from the Pango river at Leechville to run along and with the main road on the southward side to J. T. Williamson's fence, near the Pango Chapel church, so as to enclose the lands of D. Emundstun, C. F. Clark, John D. Clark, W. H. Williamson, S. S. Latham, the heirs of L. Bateman, the estate of Eli Baynor, the heirs of G. H. Johnson, W. J. Martin, M. A. Latham, S. C. Bishop, John S. Brooks, J. L. Winfield and Corbin Jones, and when said fence is built so as to connect and take in the enclosure as herein set forth it shall be unlawful for any cattle, hogs, horses, mules, goats and sheep to run at large therein, the same being declared to be a stock enclosure.

Declared a lawful fence between certain points.

Unlawful for stock to run at large within certain territory after being enclosed.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 321.

An act to amend chapter eighty-one, laws of one thousand eight hundred and eighty-seven, regulating the sale of seed cotton.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter eighty-one of laws of eighteen hundred and eighty-seven is hereby amended by inserting after the word "Anson," in the last line of section three of said chapter, the word "Northampton."

Chapter 81, laws 1887, amended. Act made applicable to Northampton county.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 322.

An act to lay out and construct a public road in Caldwell and Watauga counties.

The General Assembly of North Carolina do enact:

To be laid out and established between certain points.

SECTION 1. That there shall be laid out and established a public road from the Hugh Day gap, at or near the line between Caldwell and Wilkes counties, to the county line at or near the White Rock mountains, in Watauga county.

Width.

SEC. 2. That the said road shall be made sixteen feet wide, except where there shall be side cuttings, and in such places it shall be twelve feet wide and well made according to law.

Surveyor and commissioners to locate road, &c.

SEC. 3. That it shall be the duty of the county commissioners of Caldwell and Watauga counties to appoint a competent road surveyor and one commissioner in each of their respective counties to survey and locate said road, who shall take an oath before the chairman of the board of county commissioners of their county to faithfully discharge the duties for the best interests of the county.

Duty of surveyor and commissioners.

SEC. 4. That it shall be the duty of said surveyor and commissioners to make report of the grade of said road to the county commissioners of said counties, and to assess the damages, if any are claimed, to the land over which they pass, deducting from the damages the benefits of the road to said lands.

Assessment of damages, how reviewed.

SEC. 5. That either the owner of the land or the county, by order of the county commissioners of the county in which the land is located, may have the damages reviewed by a jury of five freeholders, which shall be at the cost of the plaintiff if the damages are not charged in his favor.

Overseer and hands to construct road in Caldwell county.

SEC. 6. That the county commissioners of Caldwell county shall appoint an overseer and assign hands liable to work on public roads under existing laws, who reside within a reasonable distance of said road, to construct the road in Caldwell county.

Overseer and hands to construct road in Watauga county.

SEC. 7. That the county commissioners of Watauga county shall have the same powers over hands within a reasonable distance of that portion of said road located in their county as is provided in section six of this act for the commissioners of Caldwell county: *Provided*, that no person shall be required to work more than eight days on said road in any one year.

Proviso.

Compensation of surveyor and commissioners.

SEC. 8. That the county commissioners of said counties shall pay said road surveyor and commissioners not exceeding two dollars per day for their services in locating and grading said road.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 323.

An act to change the time of holding the September term of Duplin superior court.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter 180 of the laws of one thousand eight hundred and eighty-five be amended by striking out in the fourth line of the clause of section first of said chapter headed "Duplin," under the division headed "sixth district," the word "September," and inserting in lieu thereof the word "August."

Chapter 180, laws 1885, amended.

Court to be held first Monday in August.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 324.

An act relating to roads and highways.*The General Assembly of North Carolina do enact :*

SECTION 1. That all roads which have been laid out or appointed by virtue of an act of assembly, or any order of court, are hereby declared to be public roads, and all roads and bridges heretofore laid out or appointed shall be established in accordance with the provisions of chapter fifty, volume one of The Code.

What shall be public roads.

Bridges.

SEC. 2. That all able-bodied male persons between the ages of twenty-one and forty, except such as are now exempt by law, shall be required to work on the public roads two days in each year, and shall be assigned to the several sections of roads as now provided by law.

Who required to work on roads.

SEC. 3. That the justices of the peace in each township shall have the supervision and control of the public roads in their respective townships, and they shall, with respect to this work, constitute and be styled the "board of supervisors of public roads" of such township, and under that name and for the purposes hereinafter provided they are hereby incorporated the board of supervisors of public roads.

Justices to be "boards of supervisors of public roads" in their respective townships.

Incorporated.

SEC. 4. That all roads shall be twenty feet wide, no more nor less, with a space on each side of five feet to allow room for a ditch or drain, which shall not cross the road-bed, unless when the depression is so great as to make it unavoidable, in which case there shall be constructed a culvert or bridge extending entirely across the road, and the entire road-bed shall be sufficiently elevated to allow free drainage to either side of the road, except on hill-sides where a ditch is needed only on the upper side; and the road-bed shall at all times

Roads, how constructed, &c.

be kept free from all obstructions, especially stumps, roots and loose stones.

Where timber,
&c. to be obtained

SEC. 5. That if there be not enough soil, timber, stone or gravel on the five feet as provided in the next preceding section of this act to elevate suitably and sufficiently the road-bed, it shall be obtained from the nearest adjoining lands except whereon are groves of shade trees and others standing singly or in clusters for ornament, and orchards, with least possible damage to cultivated soils; and the board of supervisors before mentioned are hereby authorized to enter upon such lands to cut and carry off such timber, soil, stone or gravel as may be needed, or cause the same to be done, for the purpose of building or repairing the road-bed; and the owner of such timber, soil, stone or gravel thus taken away may file his or her petition before the board of county commissioners for damages sustained and they shall allow the petitioner adequate compensation.

Entry on lands,
&c.

Petition for dam-
ages by owner.

Duties of super-
visors.

SEC. 6. That the board of supervisors of public roads are authorized and required to build, or cause to be built, culverts and small bridges, and improve the fords across streams where there are no bridges, and make ditches, or drains, or cause such to be made as are necessary to convey the water through adjoining lands, and with as little damage to such lands as the nature of the case and the public good will permit; and such ditches or drains shall not be obstructed by the owner or occupier of such lands, or any other person or persons having the same in charge, under a penalty not exceeding ten dollars fine, to be collected by the board of supervisors of public roads and paid over to the county treasurer, to be applied to such use as the board of county commissioners may direct.

Penalty for ob-
structing ditches,
&c.

Meetings of
supervisors.

SEC. 7. That the board of supervisors of public roads shall meet at some place in their respective townships quarterly in each year, on the last Saturday in March, June, September and December, for the purposes hereinafter provided in this act, and shall receive for such services, not exceeding four days in each year, the sum of one dollar per day for each member of the board attending such meetings, to be paid on the order of the chairman of said board by the county treasurer, when such order has been approved by the board of county commissioners.

Compensation.

Chairman.

SEC. 8. That the board of supervisors of public roads shall, at their quarterly meeting in March, elect one of their number chairman, whose duty it shall be, after having advertised at four or more public places in the township for twenty days previous to the quarterly meeting in June, to let out at that meeting to the lowest bidder the several sections, not exceeding four miles in length, of the public roads of their respective townships to be built, repaired and kept in the order hereinbefore provided in this act for one year from the date of said letting, and the amounts of the several lowest bids shall be paid quarterly, out of any money in the county treasury not

Duty to let out
building, &c., of
roads in sections,
&c.

How paid.

otherwise appropriated, upon the order of the board of supervisors of public roads of the respective townships, after having been approved and countersigned by the board of county commissioners: *Provided*, that the cost of building, repairing and keeping in lawful order of said roads shall not exceed ten dollars per mile, unless there be portions of such roads, in the opinion of the county commissioners, requiring a greater expenditure of money, which they may in their discretion order. Proviso.

SEC. 9. That any person subject to work on the public roads by the provisions of this act shall be allowed in lieu of such service to pay to the board of supervisors of public roads the sum of two dollars, which shall be applied to the payment of the contractors under whom such service has been performed. Amount payable in lieu of work.
How applied.

SEC. 10. That the county surveyor shall, four times in each year, not less than one nor more than six weeks previous to each quarterly meeting of the board of supervisors of public roads, go over and personally inspect all the public roads of the county to see if they are in the condition prescribed in the preceding sections of this act, and report in writing to the several boards of supervisors of public roads, stating fully their actual and true condition and specifying particularly the portions and sections not in lawful order, with suggestions as to any improvement by change of location of road-bed or drains or any other alteration that may be of advantage to the public; and for his services the county surveyor shall receive two dollars per day for each day of actual service not exceeding twenty-four days in each quarter, to be paid by the county commissioners upon the order of the several boards of supervisors of the respective townships: *Provided*, that no order shall be made for the payment either of the surveyor or road contractors until their several duties as prescribed in this act shall have been fully and entirely performed. Duty of county surveyor.
Compensation.

SEC. 11. That the contractors to whom the several sections of road are let shall set up at the forks of the roads and at crossings of roads a post or posts on which shall be fastened a guide-board not less than ten inches wide nor less than two feet long, on which shall be written or printed in plain letters and figures the distances and direction to the most public places to which the several roads may lead, and the expense of which, as also of culverts and small bridges and the keeping in repair of fords, shall be included in his or her yearly contract to keep the roads in repair; and any person who shall wantonly remove, knock down or deface any such posts or boards shall, for every such offence, forfeit and pay to the State ten dollars and be guilty of a misdemeanor. Proviso.
Guide-boards.

SEC. 12. That if any person shall wilfully alter, change or obstruct any highway, cart-way, mill-road, or road leading to or from any church or other place of public worship, whether the right of way thereto be secured as provided in chapter fifty of The Code, or by Expenses.
Misdemeanor.
Misdemeanor to obstruct, &c., any highway leading to any church, &c.

Misdemeanor to interfere with, &c. the making of road, &c.

purchase, donation or otherwise, such person shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days, or both; and any person who shall hinder or in any manner interfere with the making of any road or cart-way laid off according to the provisions of the aforesaid chapter fifty of The Code shall be guilty of a misdemeanor and punished as aforesaid by fine or imprisonment, or both.

Travelers meeting to drive to the right.

Penalty.

Proviso.

SEC. 13. That whenever persons shall meet each other on any bridge or road traveling with carriages, wagons or any other kind of vehicle, each person shall drive to the right of the middle of the bridge or road, to prevent or avoid contact, and every person wilfully violating the foregoing provisions of this section shall for each offence forfeit the sum of five dollars, to be recovered on complaint before a justice of the peace, and shall further be liable for all damages sustained by reason of such offence: *Provided*, that such complaint shall be made within one month after said offence has been committed, and action for said damages shall be commenced within two months after the cause of action shall have occurred.

Commissioners to levy tax to pay expenses of building roads, &c., under this act.

Proviso.

SEC. 14. That the board of county commissioners shall, in the same manner as for other current county expenses, at their annual meeting on the first Monday in June, levy the taxes necessary to defray the expense incurred in building and repairing the public roads according to the provisions of this act: *Provided*, that if the current county expenses should reach the constitutional limit of taxation, then the county commissioners are hereby authorized and required to levy and collect a special road tax, not to exceed ten cents on the hundred dollars valuation of property nor to exceed thirty cents on the poll.

Secretary of State to furnish copies of act.

SEC. 15. That the secretary of State shall furnish the chairman of the county commissioners a sufficient number of printed copies of this act for the use of the boards of supervisors of the several townships.

Act applicable only to Granville county.

SEC. 16. That this act shall apply only to the county of Granville, and be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1889.

CHAPTER 325.

An act to drain South Deep creek in Yadkin county.

The General Assembly of North Carolina do enact :

Commissioners.

To lay off Deep creek in sections.

SECTION 1. That J. H. Hauser, Hugh Sprinkle, Berry Shennes, Isaac Shores and W. J. Dickson be appointed commissioners whose duty it shall be, on or before the first day of April, one thousand eight hundred and eighty-nine, to lay off Deep creek in Yadkin county from the Yadkin river up the creek to where north and south

prongs run together, thence up south prong to Brandon's bridge, into sections of convenient lengths, and for each section appoint an overseer, a land-owner in the section for which he is appointed, who shall hold his office for the term of two years.

To appoint overseers.

SEC. 2. That said commissioners or a majority of them 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 within one month after such vacancy occurs, it shall be lawful for and it shall be the duty of the clerk of the superior court of Yadkin county to fill said vacancies, and a majority of said commissioners shall constitute a quorum for the transaction of all business.

Chairman.

Vacancies.

Quorum.

SEC. 3. That said commissioners estimate the number of acres of bottom land belonging to each land-owner on said creek between said points, and shall furnish each overseer a copy of said estimate for his section, and each of said land-owners when required by said overseer, after three days notice, shall furnish one hand with appropriate tools for each ten acres and fraction thereof over five acres of land so estimated, to work on the draining and clearing of said creek, and on failing to do so shall forfeit and pay one dollar for each hand, and for every day he shall be required to work, which sum may be recovered by the overseer in whose section such failure occurred by warrant as in cases of failure to work public roads. And it shall be the duty of the said overseer with the hands so provided to work not more than ten nor less than one day each year, at the discretion of the commissioners, on the channel of said creek within the bounds of their respective sections, in removing obstructions in and improving the banks of said creek under such directions as the commissioners shall prescribe.

Duties of commissioners.

Hands to be furnished on notice.

Penalty for failure.

Duty of overseers.

SEC. 4. That all moneys arising from failure to work on said creek as above shall be paid to the overseer of the section where the failure occurred, and by him shall be expended in improving the channel of said creek. Any overseer duly appointed and failing or neglecting to perform his duty as required by this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be compelled to serve as overseer more than one term of two years consecutively.

Penalties, &c., how expended.

Misdemeanor.

Proviso.

SEC. 5. 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 one of this act, and shall permit the same to remain therein for the space of ten days, or any person who shall fail to perform the work herein required, 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 men-

Wilful obstruction of stream, &c., a misdemeanor.

Proviso.

tioned 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.

Building bridges, &c., not prohibited.
No exemption from road duty.

SEC. 6. That nothing contained in this act shall prevent building public bridges or public roads across said creek, or private bridges or water-racks by land-owners at their own convenience; nor shall anything herein contained be so construed as to exempt any person from working on the public roads.

SEC. 7. That the said overseer shall work out the said stream on or before the first day of September in each and every year.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 326.

An act to protect fish in certain streams in Nash county.

The General Assembly of North Carolina do enact :

Misdemeanor to catch fish with seine, &c., in certain streams in Nash county.

SECTION 1. That it shall be unlawful for any person to catch fish either with seine or net, or by muddying the waters of said streams, in Big Peach Tree creek, Little Peach Tree creek and Back swamp, from N. W. Boddie's mill-dam to the Franklin county line; and any person so offending shall be guilty of a misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 327.

An act to provide for the support of the North Carolina Institution for the Deaf, Dumb and the Blind.

The General Assembly of North Carolina do enact :

\$40,000 per annum appropriated.

SECTION 1. That the sum of forty thousand dollars be and the same is hereby appropriated for the support of the Institution for the Deaf, Dumb and the Blind for and during the fiscal year beginning December the first, one thousand eight hundred and eighty-eight, and ending November the thirtieth, one thousand eight hundred and eighty-nine, and the same amount is hereby appropriated for the support of said institution for the fiscal year one thousand eight hundred and ninety.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the sums appropriated by section one of this act out of any fund in the treasury not otherwise appropriated, upon the warrant of the board of directors or executive committee. Treasurer to pay on warrant of directors or executive committee.

SEC. 3. That chapter one hundred and eighty-six, laws of eighteen hundred and eighty-seven, be and the same is hereby repealed. Chapter 186, laws 1887, repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 328.

An act to establish Philadelphus township in Robeson county, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the portion of Burnt Swamp township in the county of Robeson designated and defined as follows, viz.: Beginning at Mount Tabor church and running a direct line to Panther ford on Richland swamp; thence from Panther ford the Eureka road south to Elias Oxendine's old store; thence running the road to Buie's old store on the Carolina Central Railroad, and with said railroad down to Moss Neck; and thence a direct line to the beginning, be and the same is hereby added and allotted to St. Paul's township in said county of Robeson. Part of Burnt Swamp township added to St. Paul's township.

SEC. 2. That the portion of said Burnt Swamp township below the Chicken road leading from Moss Neck to Eagle swamp be and the same is hereby added to Lumberton township in said county of Robeson. Part of Burnt Swamp township added to Lumberton township.

SEC. 3. That a new township, to be called Philadelphus township, in the county of Robeson, shall be formed from the remaining portion of Burnt Swamp township in said county of Robeson, the boundaries of which shall be about as follows: Beginning at Buie's store and running the road south to Lumber river; thence up said Lumber river to Red Banks bridge; thence north with the Red Banks and Fayetteville road to Richland swamp; thence to Mount Tabor church a direct line. Philadelphus township created. Boundaries.

SEC. 4. That Philadelphus church shall be the polling place in said Philadelphus township as hereby created. Voting place.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 329.

An act to prohibit the sale of spirituous liquors in the county of Henderson.*The General Assembly of North Carolina do enact :*

Unlawful to sell liquor in Henderson county.

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors in the county of Henderson.

Act not applicable to Hendersonville.

SEC. 2. *Provided, however,* that this act shall not apply to any part of the incorporate limits of the town of Hendersonville or to any of the laws which have been enacted regulating the sale of spirituous, vinous or malt liquors in the limits of said town.

Not applicable to any person selling liquor of his own manufacture

SEC. 3. *Provided further,* that this act shall not apply to any person or citizen of the county of Henderson who shall sell spirituous, vinous or malt liquors of his own production.

Misdemeanor.

SEC. 4. That every person violating the provisions of this act shall be deemed guilty of a misdemeanor and fined or imprisoned at the discretion of the court.

SEC. 5. This act shall be in force and effect after January 1st, 1890.

Ratified the 9th day of March, A. D. 1889.

CHAPTER 330.

An act to authorize the treasurer of the board of education of Alamance county to pay certain school orders.*The General Assembly of North Carolina do enact :*

Authorized to pay E. T. Iseley, teacher, §77.

SECTION 1. That the treasurer of the board of education of Alamance county be and he is hereby authorized to pay E. T. Iseley the following orders given for services as teacher, to-wit: one for seventy dollars, given by school committee of district No. 15, of white race, and one for seven dollars, given by school committee of district No. 26, of white race, of said county, and that the same be paid out of any moneys now in said treasurer's hands, or that may come to his hands apportioned to said districts, respectively.

County superintendent to countersign orders.

SEC. 2. That the county superintendent of public instruction for said county be authorized to countersign said orders.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 331.

An act for the benefit of the State treasurer.

The General Assembly of North Carolina do enact :

SECTION 1. That the auditor of State is hereby directed to credit on the books of his office the amount with which the State treasurer may be charged for funds deposited to the credit of the State in the State National Bank, Raleigh, North Carolina, upon the final adjustment of the affairs of said bank and the payment of dividends by the receiver thereof. The treasurer is hereby directed to give like credit on the books of his office.

State treasurer credited with State funds lost by failure of State National Bank.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 332.

An act to exempt Raymer Brookfield from tax as auctioneer or itinerant vendor of goods, wares and merchandise.

The General Assembly of North Carolina do enact :

SECTION 1. That Raymer Brookfield be and he is hereby exempt from tax as auctioneer or vendor of goods, wares and merchandise.

Exempted from tax as auctioneer, &c.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 333.

An act to amend section two thousand seven hundred and twenty-four of the Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand and seven hundred and twenty-four of The Code be amended by striking out, in line nineteen, the word "two," and insert in lieu thereof the word "necessary," so that it will read: The said board may employ necessary clerks at a compensation of four dollars per day each during the sessions of the board.

Code, sec. 2724, amended.

Clerks to board of State canvassers.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 334.

An act to abolish the June term of the superior court of Hertford county.*The General Assembly of North Carolina do enact :*

June term Hertford superior court abolished.

SECTION 1. That the June term of the superior court of Hertford county be and the same is hereby abolished.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 335.

An act to repeal chapter three hundred and eighty-nine of the laws of one thousand eight hundred and eighty-three.*The General Assembly of North Carolina do enact :*

Chapter 389, laws 1883, repealed.

SECTION 1. That chapter three hundred and eighty-nine of the laws of one thousand eight hundred and eighty-three, entitled "an act to prevent the wanton destruction of fish in Stony creek and Big Basket creek, in Nash county, and for other purposes," be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 336.

An act to amend chapter one hundred and eighty, laws of one thousand eight hundred and eighty-five, providing that a grand jury be dispensed with at the May term of the superior court of Ashe county.*The General Assembly of North Carolina do enact :*

Chapter 180, laws 1885, amended.

SECTION 1. That chapter one hundred and eighty, 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 tenth district establishing the courts for Ashe county, insert after the words

“twelfth Monday after the first Monday in March,” and before the words “second Monday before the first Monday in September,” “for the trial of civil causes and the trial of criminals against whom bills have heretofore been found, and no grand jury shall be summoned for this term.”

No grand jury at June term Ashe superior court.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 337.

An act for the relief of Asheley T. Hill, of Lenoir.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-seven of The Code shall not be applicable to Asheley T. Hill, of Kinston, Lenoir county, and H. Burke, of Statesville, Iredell county, except to prohibit them from appearing as attorneys in any case which has been appealed from the court of justices of the peace in which they presided or took part.

Code, sec 27, not applicable to A. T. Hill and H. Burke, except in cases tried before them as justices.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 338.

An act to amend chapter seventy-three, acts of 1887, in relation to constructing public roads.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter seventy-three of the acts of one thousand eight hundred and eighty-seven be and the same is amended by adding after the word “roads,” in line seven, and before the word “before,” in said line, the following: And to enable the commissioners to construct the same, they are hereby authorized and empowered to appoint overseers on such roads, and to assign to said overseers such hands from the body of the county as in the opinion of the commissioners may be necessary to construct the same: *Provided*, that no person shall be required to work more than eight days in any one year under the authority of the board of commissioners.

Chapter 73, laws 1887, amended.

County commissioners authorized to appoint overseers and assign hands to have laid out all roads ordered as public roads. *Proviso.*

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

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 339.

An act to amend chapter 265, laws of 1887, relative to Kilkenny road law of Tyrrell county.*The General Assembly of North Carolina do enact :*

Chapter 265, laws
1887, amended.
"Kilkenny neigh-
borhood"
stricken out of
Tyrrell county
road law.

SECTION 1. That chapter two hundred and sixty-five of the laws of eighteen hundred and eighty-seven be and the same is hereby amended by striking out the word "Kilkenny" wherever it appears in said chapter.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 340.

An act to amend section 3408 of The Code, in relation to fishing in Scuppernong river, in Tyrrell county.*The General Assembly of North Carolina do enact :*

Code, sec. 3408,
amended.

Protection of fish
in Scuppernong
river, Tyrrell
county.

SECTION 1. That section three thousand four hundred and eight of The Code be and the same is hereby amended by striking out all after the word "nine," in line three of said section, down to and including the word "river," in line five of said section: *Provided*, that no person shall be allowed by the provisions of this act to take any fish out of a fish-net or river within fifty yards of Bass landing or Columbia bridges.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 341.

An act to provide for criminal statistics.*The General Assembly of North Carolina do enact :*

Clerks of superior
and criminal
courts to make
report to attorney
general.

SECTION 1. That within twenty days after the adjournment of any criminal court of record, or of any term of the superior court at which criminal causes were triable, the clerk thereof shall transmit to the office of attorney general of State a duly certified statement of the number of indictments finally disposed of at such court, specifying the number for each separate offence, the number on which convictions were had and on which defendants were acquitted, and of indictments against persons who were convicted on confession,

and against persons who were discharged without trial, and also the name, age, occupation, sex, race and offence of every person convicted at such court or (pleading guilty) of any offence, together with such other items of information in relation to such convicts and their offences as the attorney general shall require.

SEC. 2. That the report required by this chapter shall be made in the form prescribed by the attorney general.

Attorney general to prescribe form of report.

SEC. 3. That for every neglect of any clerk of said court he shall forfeit the sum of fifty dollars, to be adjudged in the superior court of Wake county on the motion of the attorney general, whose duty it is hereby made to make such motion at the first term of said court held after such neglect of any clerk.

Penalty for neglect of duty by clerk.

Duty of attorney general.

SEC. 4. The secretary of State shall cause this chapter to be printed, with such forms and instructions as shall be prescribed by the attorney general for the execution of the duties prescribed, and distribute them among the clerks mentioned, the expense of which shall be paid by the State treasurer. He shall also report in a tabulated form to each Legislature the results of the information obtained in pursuance of this chapter.

Duties of secretary of State.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 342.

An act to correct State grant number 2443, in Swain county.

WHEREAS, On the 22d day of July, 1856, a grant for fifty acres of land to Sarah Raby, assignee of Noah Burchfield, under the great seal of the State, was issued and duly recorded in the office of the secretary of State, said land being in Jackson county, section No. 81, in district No. 1, the same being numbered 2443, and having been issued upon a certificate of a commissioner; and whereas, there is an error in the calls of the beginning corner of the said grant, the certificate and the plat annexed thereto, to-wit: Upon the face thereof they call for beginning at a "double white oak, the northeast corner of No. 5," and the same should be, "beginning at a double white oak, the southeast corner of No. 5," instead of the northeast corner of No. 5, as called in certificate, the plat and the grant as aforesaid; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the certificate and plat annexed thereto and the grant as aforesaid of Cherokee lands be and the same is hereby corrected to read as follows: "Beginning at a double white oak, the

Certificate, plat and grant corrected.

Correction to be made in register's book.

southeast corner of No. 5; thence north 60 poles with the line of No. 5 to a post oak: then east 100 poles to a pine on a ridge; then south 15 poles to a white oak on the bank of Tuckaseege river; then down the river as it meanders to the Big Bear cove: then north 20 poles to a stake in the line of No. 5; then east to the beginning." And the register of deeds of Swain county, wherein the land is now situated, be and he is hereby authorized and directed to correct the said grant in the manner aforesaid where the same is registered or shall be registered so as to conform to the correction herein authorized to be made, and the secretary of State is hereby authorized and directed to correct the said grant in the manner aforesaid.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 343.

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

The General Assembly of North Carolina do enact:

Authorized to issue bonds to amount not less than \$35,000 and not more than \$50,000 to build court-house.

SECTION 1. That the county commissioners of Forsyth county, for the purpose of building a new court-house at Winston in said county, are authorized and empowered to issue bonds, bearing interest at the rate of six per cent. per annum, to an amount of not less than thirty-five thousand nor more than fifty thousand dollars, of the denomination of one hundred and of five hundred dollars respectively, at the discretion of the board of commissioners. The bonds shall have coupons attached representing the interest on said bonds, to fall due in semi-annual installments, the bonds and coupons to be prepared under the supervision of the county commissioners; and the coupons thereon shall be receivable in payment of county taxes. The bonds shall be issued to run from five to fifteen years and shall be exempt from all county and municipal taxation.

Coupons receivable for county taxes.

Bonds, how signed.

SEC. 2. The said bonds, when issued, shall be signed by the chairman of the board of commissioners and shall be countersigned by the clerk of the superior court of Forsyth county and attested by his official seal, and the board of commissioners of said county shall sell said bonds, at not less than their par value, as the necessity for the prosecution of the work may require.

Not to be sold at less than par.

Special tax.

SEC. 3. That for the purpose of paying the accruing interest on said bonds and to provide a sinking fund for the payment of principal, the board of commissioners of said county shall levy and cause to be collected annually, as other county taxes are levied and collected, a tax upon real and personal property, rights and credits now subject

to taxation for general purposes, and upon all polls—a tax not exceeding fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll: *Provided*, that before such tax is levied the commissioners of Forsyth county shall call an election, and be empowered so to do at any time in their discretion, and submit the question of taxation to the qualified voters of said county; and if the majority of such voters cast their ballots for a special tax, then the provisions of the act shall go into effect; but if the majority of such voters cast their ballots against such tax, the act shall be of no effect.

Election upon question of special tax.

SEC. 4. That for the purpose of paying off said bonds with any moneys that may be on hand at any time, the commissioners may at their discretion purchase annually, after the lapse of two years from the date of issuing, not exceeding one-tenth of the whole amount of bonds issued at their par value with accrued interest: and in case no one shall offer to sell the bonds desired to be purchased, then the board of commissioners are authorized to designate from those first falling due as they may desire to purchase, and after such designation and notice thereof given through a newspaper published in Forsyth county for thirty days, if the holder or holders of such bonds fail to surrender the same and receive their par value and interest accrued up to expiration of such public notice, then the holder shall not receive any interest subsequently accruing; and the substance of the foregoing conditions shall be expressed in the body of said bonds.

Commissioners authorized to purchase bonds.

Redemption of bonds.

SEC. 5. That the commissioners of said county shall provide a record, which shall be kept by the clerk, in which shall be entered the name of every purchaser of a bond and the number and amount of the bond purchased; they shall also cause to be kept a record of the bonds redeemed annually, and the bonds, when redeemed and their redemption recorded, shall be destroyed by fire in the presence of the board of commissioners by their clerk under their direction.

Record to be kept.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 344.

An act to protect fish in the waters of Roanoke river.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to use any seines for the purpose of taking fish from the waters of Roanoke river at any time between the hours of twelve o'clock on Saturday and until twelve o'clock on Monday of each week.

Unlawful to use seines in Roanoke river between certain hours.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars for each offence or imprisoned at the discretion of the court.

Conflicting laws repealed.

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 345.

An act to amend section 2832 of The Code, in relation to hunting deer.

The General Assembly of North Carolina do enact :

Code, sec. 2832,
amended.
Unlawful to kill,
&c., deer between
February 15th
and July 15th, in
Brunswick and
Columbus coun-
ties.

SECTION 1. That section two thousand eight hundred and thirty-two of The Code be amended by striking out "August," in line four of said section, and the word "July" inserted in lieu thereof: *Provided*, that this act shall apply only to the counties of Brunswick and Columbus.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 346.

An act explanatory of the recent acts for the relief of sheriffs, tax-collectors and their sureties and representatives, passed by the General Assembly of 1889.

Preamble.

WHEREAS, The above recited act was not generally known to parties interested; and whereas, certain special acts for the relief of sheriffs, tax-collectors and their sureties and personal representatives were also not generally known among or understood by the people, and doubts have arisen as to the power and authority granted by said act; now, therefore,

The General Assembly of North Carolina do enact :

When sales to be
made.

SECTION 1. That any sheriff, tax-collector, or the sureties or personal representatives of such, who are now authorized by law to collect taxes or arrears of taxes, may advertise and sell lands for taxes due and unpaid on the first Monday in May, one thousand eight hundred and eighty-nine, and may sell personal property for taxes due and unpaid at any time after due advertisement.

SEC. 2. That any and all parties for whose benefit acts for the collection of taxes have been passed at the present session of this General Assembly may take benefit under this act: *Provided*, that nothing herein contained shall be construed to forbid or disallow persons who have paid their taxes from making the oath to the same as authorized by the general and special statutes, and any sale made when the oath should have been taken shall be void: *Provided, however*, that all sales made under the present law, or as the law was before the passage of the several acts, and of which the sheriffs and tax-collectors did not have notice, are hereby validated.

Parties relieved by acts passed at present session entitled to benefits of this act. Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

Proviso.

CHAPTER 347.

An act to amend the charter of the Atlantic and Western Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and sixteen of the acts of one thousand eight hundred and eighty-five, and ratified March 5th, A. D. 1885, be and the same is hereby amended by striking out section one and inserting in the place the following: "Upon the petition of one-fifth of the freeholders of any county, township or incorporated town on or along the line of said company, the board of county commissioners, acting for their county or any township thereof, or the chief officer of any incorporated town, shall order and have held within sixty days an election in accordance with the terms and conditions set forth in said petition asking for said election."

Chapter 216, laws 1885, amended.

When election to be held in counties, &c., on question of subscription, &c.

SEC. 2. All petitions asking elections in favor of the Atlantic and Western Railway Company shall be signed by some officer of said company before the proper authorities order an election, and when so signed either with or without the seal of the company said petition shall become a contract and be binding in law and equity on the parties interested and affected.

Petition to be signed by officer of company and to be a contract.

SEC. 3. The Atlantic and Western Railway Company is authorized and empowered to extend its line to any point on the State line in either Ashe or Watauga county.

Authorized to extend line.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 348.

An act authorizing the board of county commissioners of Person county to sell the land in the town of Roxboro belonging to the county.

The General Assembly of North Carolina do enact :

Authorized to
sell public land in
Roxboro.

SECTION 1. That the board of county commissioners of Person county are authorized and empowered at any time at their discretion or at the discretion of the majority of said board to sell the public lands in the said county of Person, in the town of Roxboro, either publicly or privately, as said board may see proper, and upon such reasonable terms of credit as they may deem best; that the same may be sold in such size lots as may appear to the best interest of the county.

How to be con-
veyed.

SEC. 2. That any lands or lots then sold by said board shall be conveyed to the purchaser with fee-simple title and warranted of the same only as against said board of commissioners and their successors in office.

How deed execu-
ted.

SEC. 3. That deed shall be made to the purchaser or purchasers under the hands and seals of said board or a majority thereof when the purchaser has fully complied with the terms of sale.

Proceeds, how
applied.

SEC. 4. That the proceeds thus derived from the sale of any such lands shall be carried into the treasury for the general use of the county as taxes from real estate.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 349.

An act to prevent the killing of squirrels in the counties of Martin and Bertie.

The General Assembly of North Carolina do enact :

Unlawful to kill
squirrels in Mar-
tin and Bertie
counties between
March 1st and
August 15th.
Misdemeanor.

SECTION 1. That it shall be unlawful to kill squirrels in the counties of Martin and Bertie between the first day of March and the fifteenth day of August of each year.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine not exceeding ten dollars for each offence.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 350.

An act to protect fish in Elk river and its tributaries in Mitchell and Watauga counties.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to take trout from Elk river or Banner's Elk or any of its tributaries, in the counties of Mitchell and Watauga, until the first day of April, 1891.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than thirty dollars or less than ten dollars, or imprisoned not exceeding twenty days, one-half of which fine shall be paid to the informer.

SEC. 3. That this act shall be in force from and after the first day of April, 1889.

Ratified the 9th day of March, A. D. 1889.

Unlawful to take trout from certain streams in Mitchell county before April 1st, 1891. Misdemeanor.

CHAPTER 351.

An act to increase school facilities in portions of Rowan and Iredell counties.*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purposes hereinafter named the following territory in Rowan county is hereby constituted school district No. 2, to-wit: Beginning at the present southernmost corner of the present district No. 2, being the corner of Iredell and Rowan counties, thence following the present eastern boundary to a point in the Salisbury public road at Richard Smith's; thence westerly and north-westerly so as to include the lands of William Smith, of the late D. K. Woods, of the late John Leazar, of John R. Weddington and R. L. Weddington, of John E. Jamison, of Louisa Jamison and of the Raymers place, passing around the northern boundary of these farms to the Iredell line, and thence with that line to the beginning.

SEC. 2. That the remaining forms of the present district No. 2 lying east of the western branch of Sill's creek shall be and are hereby assigned to district No. ... being the Corriser district, and those remaining forms of the present district No. 2 lying west of said branch of Sills creek shall be and are hereby assigned to district No. 1, being the Hart district in Mount Ulla township.

SEC. 3. That Joseph F. McLean, John M. Brown and L. A. Fesperman are hereby appointed the school committee of school district No. 2, as constituted above, to hold as such until the next regular appointment of school committees for the county.

School district number 2, Rowan county, established. Boundaries.

Assignment of remaining forms of present district number 2.

School committee

Authorized to unite with school district number 100, Iredell county

SEC. 4. That school district No. 2, as above constituted, may co-operate and unite with school district No. 100, in Iredell county, for the purpose of enjoying the benefit of a public school common to both districts, and to this end the committees of the two districts referred to may agree upon a teacher and employ the same to teach at a place to be agreed upon by the two committees.

Certificate of teacher.

SEC. 5. That the teacher of such school above provided for shall be required to have a certificate only from the superintendent of public instruction of one of either of the counties of Rowan or Iredell. The school committees of both districts and the teacher of the school shall make all reports as now required by law to the superintendents of the respective counties.

Reports.

Act applicable to schools for both races.

SEC. 6. That this act shall apply equally and alike in all respects to the schools for both races, the committee appointed in section three of this act being the committee for both races, and the district for the colored race being co-incident and co-terminal with the district for the white race.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 352.

An act to change the spelling of certain words in chapter one hundred and seventy-nine, section one, laws of eighteen hundred and eighty-five, and section one, chapter two hundred and nine, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Certain names corrected in omnibus prohibitory acts of 1885 and 1887.

SECTION 1. That the words "High Shales," in section one, line forty-eight, chapter one hundred and seventy-nine, of the laws of eighteen hundred and eighty-five, be stricken out, and the words "High Shoals" inserted in lieu thereof; and the words "Will Springs." in section one, line fifty-three, chapter two hundred and nine of the laws of eighteen hundred and eighty-seven, be stricken out, and the words "Wells Springs" inserted in lieu thereof.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 353.

An act to punish the making of false returns by school committeemen.*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who is a member of the school committee of any district, as such, shall knowingly and wilfully take a false or inaccurate census, or make a false or inaccurate return or report to the county superintendent of public instruction of the number of children in his district between the ages of six (6) and twenty-one (21), shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned at the discretion of the court.

Misdemeanor for district school committeeman to take false census, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 354.

An act to amend [section] seven hundred and forty-one (741) of The Code, relating to costs.*The General Assembly of North Carolina do enact :*

SECTION 1. That section seven hundred and forty-one (741) of The Code be amended so as to read as follows: "Section 741. In all cases where the county is liable to pay costs, that county wherein the offence is alleged to have been committed shall be adjudged to pay them. The costs taxed in any case removed from another county for trial shall include the fees and expenses allowed for summoning the 'special venire,' if one is ordered in the case, and the per diem and mileage of jurors who are empaneled to try the case, together with all other costs and expenses of the trial of the case, the amount of which, if not provided for by law, to be fixed by the presiding judge, so as to fully relieve the county in which the trial is had of all costs and expenses thereof. All fines, forfeitures, penalties and amercements imposed or levied in the case shall belong to the county from which the case was removed and be paid to the treasurer of said county. When a prisoner is sent from one county to another to be held for trial, or for any other cause or purpose, the county from which he is sent shall pay his prison expenses, unless the same shall be collected from him on or before the first Monday in each month, and upon a failure to do so it shall be the duty of the county to which he is sent to pay the same to the sheriff or jailer entitled to receive it at the same rate and under the same regulations as its own prison expenses

Code, sec. 741, amended. Costs in cases of removal to be paid by county in which offence was alleged to have been committed.

Prison expenses of prisoner sent from one county to another, how paid, &c.

are paid; and upon demand the county liable shall repay the same within thirty days after demand, and upon failing to do so the county to which the money is due shall be entitled to recover in the superior court, or, if the amount be within its jurisdiction, the court of justices of the peace of its own county, the amount due, with ten per cent. additional, together with eight per cent. interest on the sum due; and said courts of said county shall have full jurisdiction to hear, try and determine all actions and proceedings that may be brought for the purpose of enforcing the collection of the same."

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 355.

An act to amend section ten hundred and fifty of The Code, in relation to gambling.

The General Assembly of North Carolina do enact:

Code, sec. 1050, amended. Justices of the peace, &c., authorized to summon witnesses touching the whereabouts of places where intoxicating liquors are sold contrary to law.

SECTION 1. That section one thousand and fifty of The Code be amended as follows: In line six, after the word "tables" and before the word "prohibited," insert, "or places where intoxicating liquors are sold contrary to law"; and in line fourteen, after the word "tables" and before the word "are," insert, "or places where intoxicating liquors are sold contrary to law"; and in line twenty-one, after the word "table" and before the word "and," insert, "or places where intoxicating liquors are sold contrary to law."

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 356.

An act concerning the clerks of the superior courts of Bertie and Northampton counties.

The General Assembly of North Carolina do enact:

Commissioners of Bertie and Northampton counties empowered to permit superior court clerks to be absent from office on Mondays.

SECTION 1. That the county commissioners of Bertie and Northampton counties be and they are hereby authorized and empowered, upon application made by the clerk of the superior court of either of said counties, to give written permission to the said clerk of the superior court to absent himself from his office of clerk on such Mondays in such months during the year as, in the said county com-

missioners' discretion, may not be inconsistent with the public interest: *Provided, however*, that said clerk shall leave in and at his office a competent deputy to transact any business which by law a deputy clerk may be authorized to do: *Provided further*, that this act shall expire on the first day of January, A. D. 1890. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 357.

An act to charter the Leasburg and Southern Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. R. Hambrick, Dr. J. A. Thompson, H. T. Con- Body politic.
nally, W. J. Pulliam, E. W. Lea, A. B. Newman, Geo. N. Thompson,
B. F. Stanfield, Thos. W. Featherston, B. S. Graves, J. D. Neal, of
Caswell county, A. J. Hester, T. J. Stephens, J. A. Long, of Person
county, or such of them as may accept the provisions of this act,
and such persons and corporations as may become associated with
them, shall be and they are hereby constituted a body politic and
corporate by the name of Leasburg and Southern Railroad Company, Corporate name.
and by that name have all the powers, rights and privileges neces- Corporate powers
sary and proper to locate, construct and maintain a railroad, begin- Location.
ning at some point on the Atlantic and Danville Railroad in Caswell
county, or at and on some point of the Richmond and Danville Rail-
road or its branches, including the Milton and Sutherlin Narrow
Guage Railroad and the Clarksville and Durham Railroad in Gran-
ville county, or at and on some point on the Lynchburg and Durham
Railroad at or near Roxboro, in Person county, or at and on some
point on the Raleigh and Gaston Railroad near Henderson, running
through Leasburg, in Caswell county, to some point on the North
Carolina Railroad, or to some point on the Cape Fear and Yadkin
Valley Railroad at or near Siler City, in Chatham county.

SEC. 2. That the capital stock of said company may be five hun- Capital stock.
dred thousand dollars, to be divided into shares of one hundred
dollars each, and may be increased from time to time, by the board
of directors, to such an amount as may be necessary for the comple-
tion of the said road, and the said company may be fully organized Organization.
whenever a sufficient amount of said stock has been taken to justify,
in the opinion of the corporators, the commencement of said work,
and the board of directors of said company to fully construct and
equip said railroad; shall also have the power to issue bonds in such
sums as they may think proper, not less than fifty dollars each, and Authorized to
issue mortgage
bonds.
bearing interest not exceeding the rates allowed by law, payable

(principal and interest) at such times and places as may be deemed most advantageous to said company, and may secure the same by one or more mortgages on the road, franchise, income or such property of said road as may be designated in the mortgage or mortgages.

Temporary organization.

SEC. 3. The corporators enumerated in the first section of this act, or a majority of them, after due notice given of the time and place of meeting, may meet for the purpose of effecting a temporary organization, which temporary organization shall continue in force for two years unless a permanent organization shall be sooner effected.

Officers, &c.

A president, directors and such other officers as the corporation may deem necessary and expedient shall be elected, and the general law of the State in reference to incorporated and internal improvement companies shall in all respects consistent with this act apply to said company.

Subscriptions to capital stock, how made, &c.

SEC. 4. That it shall be lawful for the said company to acquire in subscriptions to the capital stock of said company, or by donations or otherwise, lands, mines, property, materials or labor, or to receive subscriptions from other companies, associations and corporations, and to make such arrangements as shall be mutually agreed upon by the respective boards of directors of such companies, associations and corporations for the indorsement of, sale of and exchange of stock and bonds as to increase the facilities for the speedy completion of the said road; and the said company may sell, lease or otherwise dispose of any lands or other property acquired under this section at their pleasure.

Cities, towns, counties and townships authorized to make subscription on donation, &c.

SEC. 5. That any city, town, county or township may subscribe either in stock or donation to the said company, and may purchase its bonds; and that whenever any county or township may desire to subscribe to said stock, that upon the presentation of a petition to the board of county commissioners, signed by one-fifth of the freeholders of said county or township, requesting the commissioners to submit to the vote of the qualified voters of their county or township a proposition to make a subscription or donation of a specified sum, it shall be the duty of said board of county commissioners, within sixty days, to order an election to be held at the several polling places in the county or township, and may order a new registration, and to submit to the qualified voters thereof the question of subscription or donation to said company. And should a majority of all the qualified voters of any county or township vote in favor of the proposition submitted to them, the board of commissioners of the county shall, for the county and the townships in which said townships are located, after the ascertainment of the result of said vote, make on behalf of said county or such township such subscriptions to the capital stock of said corporation, and thereupon such subscription shall be binding upon the county or townships in which said vote was so taken.

Election in county or township on question of subscription.

SEC. 6. In payment of any subscription or donation as provided in section five of this act, the board of commissioners shall issue coupon bonds to the amount of the subscription taken, signed by the chairman of the board and countersigned by the clerk of the superior court, specifying upon the face of the bonds on account of what township they are issued; said bonds shall be in denominations of not less than fifty nor more than five hundred dollars each and may run for thirty years and bear interest at the rate of six per centum per annum payable annually or semi-annually at a specified time and place.

Coupon bonds to be issued for subscription, &c.

SEC. 7. Said corporation hereby created shall have the power to sell or lease its franchise or property as a whole or in part to or to consolidate with any railroad corporations and company, or to make such contract for transportation of passengers or freight as the directors of the two companies may agree upon, not inconsistent with the laws of the State.

Authorized to sell franchise, consolidate with other road, &c.

SEC. 8. The said railroad company shall have power to build branch roads not exceeding twenty miles in length from their main line to connect with any mines, lands, works or manufactories owned or operated by said company or any other association or individuals.

Branch roads.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 358.

An act to prevent discrimination in freights against the Atlantic and North Carolina Railroad.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any railroad in North Carolina to discriminate against the freights received from the Atlantic and North Carolina Railroad, and to make rates by which, either directly or indirectly, by rebates or otherwise, freights may be delivered at less rate when received from other points than from points along the Atlantic and North Carolina Railroad, in proportion to distance hauled.

Unlawful for any railroad in North Carolina to discriminate against freights received from A. & N. C. R. R.

SEC. 2. That any violation of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than one hundred dollars for each and every violation thereof.

Misdemeanor.

SEC. 3. That an indictment for the misdemeanor may be found and tried either in the courts where the goods were shipped or deliv-

When indictments to be found

ered, but the court in which the indictment for the offence is first found shall have exclusive jurisdiction.

Conflicting laws repealed.

SEC. 4. That all laws and 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. Ratified the 9th day of March, A. D. 1889.

CHAPTER 359.

An act for the relief of the clerk of the superior court of Rockingham county.

The General Assembly of North Carolina do enact :

Code, sec. 114, not applicable to clerk of Rockingham superior court.

Act in force from first Monday in August to first Monday in September.

SECTION 1. That the provisions of section one hundred and fourteen of The Code shall not apply to the clerk of the superior court of Rockingham county.

SEC. 2. That this act shall be in force after the first Monday in August until the first Monday in September of each and every year.

Ratified the 9th day of March, A. D. 1889.

CHAPTER 360.

An act to amend section two thousand eight hundred and forty-five of The Code, volume two, so as to give Vance county the right to elect its representatives.

The General Assembly of North Carolina do enact :

Code, sec. 2845, amended.

Warren and Vance counties each to elect one member of the house of representatives.

SECTION 1. That section two thousand eight hundred and forty-five of The Code, volume two, be and the same is hereby amended as follows: by striking out the word "Warren" after the word "Sampson" in line eleven, and by inserting the words "Vance," "Warren" after the word "Union" in line twenty-three of said section, and by striking out all after the word "county" in line twenty-six of said section.

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

SEC. 3. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 361.

An act to provide for an alternative method of constructing and keeping in repair the public roads of the State.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners and the board of justices of the peace of any county in the State, in joint session at any regular meeting, or at any meeting called by the board of commissioners of any county, may, by a majority vote, adopt an alternative method of constructing and keeping in repair the public roads of such county as hereinafter provided: *Provided*, that where it is said that the commissioners and justices of the peace may submit the tax, that the word may shall not be construed to mean shall.

Commissioners and justices of any county authorized to adopt alternative method of constructing, &c., public roads.

Proviso.

SEC. 2. That said board of commissioners and said board of justices

Special tax.

of the peace, at any of said meetings, may provide for a fund for the construction and keeping in repair said public roads by levying an assessment, by way of *ad valorem* tax, not exceeding fifteen cents on the hundred dollars valuation, upon all property in such county subject to taxation for State and county purposes, whether such property belong to citizens of incorporated towns or otherwise; and said board of commissioners and board of justices of the peace shall also levy, in case said property tax be levied, a poll-tax upon all persons not exempted as provided by law not exceeding forty-five cents, which taxes shall be included in a separate column on the tax books, and shall be collected by the sheriff or other tax-collector of such county as other taxes are collected, and which taxes shall be kept separate and shall constitute, when collected, the county road fund, to be expended only in the construction and repair of the public roads of such county: *Provided*, that this section shall be construed so as to allow

How collected.

How expended.

said board of commissioners and board of justices of the peace to adopt the provisions of this act at any time, notwithstanding they may have at some previous meeting rejected its provisions: *Provided further*, that any county adopting the provisions of this act may abandon the same at any time and return to the present system, by a majority vote of the board of commissioners and the board of justices of the peace.

Proviso.

Proviso.

SEC. 3. That the board of commissioners and board of justices of the peace of any county adopting the provisions of this act, at any of said meetings, shall provide for calling on all able-bodied male persons of said respective county between the ages of twenty-one and forty-five, to work said roads not exceeding four days in each and every year, under such rules and regulations as may be prescribed by the board of commissioners of such county; and said board of commissioners shall have power to exempt from labor on said roads any one on account of physical disability.

Who liable to road duty.

Exemption.

Misdemeanor to refuse to work.

SEC. 4. That any person refusing to work said roads as prescribed in section three of 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. But any person may pay said road tax in labor, at the discretion of said commissioners, at such price per day as the said commissioners shall prescribe.

Tax payable in labor.

Certain persons confined in jail or sentenced to penitentiary liable to work roads, &c.

SEC. 5. That all persons confined in the county jail, either under a final sentence of the court for crime or imprisonment for the non-payment of fines or costs, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to the State prison for a term less than five years, shall be available to the county commissioners for such county, at the discretion of said commissioners, for the purpose of working said persons upon the public roads under the provisions of this act: and upon the application of said commissioners to the judge of the superior court, or, if there be a criminal or inferior court for the county, the judge or presiding officer of said court, it shall be the duty of said judge or presiding officer to assign such persons convicted in his court to such commissioners for said purposes. And when any county has adopted the provisions of this act, the judge of the superior court or criminal court, or the presiding justice of the inferior court holding any court in an adjoining county which has not availed itself of the provisions of this act, may sentence persons convicted of crime as aforesaid to work on the roads in such adjoining county, and such persons may be sent direct to such county.

Duty of judge, &c., to assign convicts.

Convicts in adjoining county not adopting this act to be assigned, &c.

SEC. 6. That the board of directors of the penitentiary shall furnish the board of commissioners of any county, upon the requisition of said commissioners, not less than twenty nor more than fifty convicts to work upon the public roads of such county. The said convicts shall be at all times under the supervision and control, as to their government and discipline, of the said penitentiary authorities, and any county applying for said convicts under the provisions of this section shall erect suitable stockades for their safe keeping and protection, and shall pay the expenses of the keep and care and entire expense of said convicts, and also the expense of their transportation from and back to the penitentiary, which said expenses may be paid out of said county road fund or the general county fund, wholly or in part, at the discretion of said board of commissioners: *Provided*, that when any county shall obtain convicts under the provisions of this act, the said convicts shall be allowed to remain in such county as long as the county authorities may want their services: *Provided*, the county shall not make default in the payment of the expenses aforesaid: *And provided further*, that it shall be the duty of the board of directors of the penitentiary to immediately deliver to the board of commissioners of any county that shall apply for convicts under this act such number of convicts within the limits aforesaid as may be asked

Penitentiary authorities to furnish convicts to commissioners, &c.

Expenses.

Proviso.

Proviso.

Proviso.

for, such county, however, first advancing money sufficient to pay the transportation of the convicts and their guard. And any such county shall have preference over any railroad company in the State, any law to the contrary notwithstanding, except where convicts are specially assigned by statute.

SEC. 7. That the said board of commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads of said respective counties, not inconsistent with the provisions of this act, as may be deemed in the judgment of said commissioners best adapted for their respective counties, and may use said road fund and labor provided for in this act under such rules and regulations as they may prescribe.

Commissioners to determine method of constructing, &c., public roads.

SEC. 8. That any person who may be appointed by the board of commissioners of any county to aid in carrying out the provisions of this act, and who shall refuse to perform the duties assigned him, shall be guilty of a misdemeanor, and upon conviction thereof fined not exceeding ten dollars or imprisoned not exceeding ten days.

Refusal to aid in carrying out provisions of act after appointment by commissioners a misdemeanor.

SEC. 9. That the board of commissioners of any county may, in their discretion, purchase any of the improved road machines and such other implements and tools as may be deemed necessary or useful in constructing and keeping in repair said public roads.

Commissioners authorized to purchase improved road machines, &c.

SEC. 10. That the board of commissioners of any county shall have discretionary power to make an appropriation out of said road fund or out of the general county fund for putting in repair any place in any public road requiring more than an ordinary expenditure of money or labor by the road hands.

Commissioners authorized to put special places in roads in repair

SEC. 11. That the board of commissioners of any county shall have the power to re-locate or change any part of any public road, when in their judgment such re-location or change shall prove advantageous to travel; and such re-location or change shall be made in the manner now provided by law for laying out new roads or highways: *Provided*, that none of the provisions of this act shall apply to the counties of Carteret, Dare, Hyde, Moore, Onslow and Tyrrell.

Commissioners authorized to change location of road, &c.

Proviso.

SEC. 12. That the secretary of State is hereby required to furnish the board of commissioners of each county affected by the provisions of this act with fifty copies of this act.

Secretary of State to furnish copies of act.

SEC. 13. That this act shall not apply to the counties of Alamance, Halifax, Northampton, Edgecombe, Warren, Henderson, Transylvania, Rockingham, Wilkes, Hyde, Tyrrell, Beaufort and Duplin. But this act shall not serve to repeal chapter two hundred and thirty-four of the laws of North Carolina, enacted at the session of one thousand eight hundred and eighty-five, in any township of Cabarrus county wherein said chapter has been adopted; and if said chapter

Certain counties excepted from act.

Chapter 234, laws 1885, not repealed as to certain townships in Cabarrus county.

shall at any time be adopted in any other township in Cabarrus by vote, as provided in said law of one thousand eight hundred and eighty-five, then such adoption shall serve as a repeal of this act in said township.

SEC. 14. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 362.

[An] act to prohibit the sale of spirituous liquors within certain localities.

The General Assembly of North Carolina do enact :

Sale of liquor
prohibited with-
in 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 liquors, wines or medicated bitters, or any other liquors or substance by whatsoever name it may be called which produces or may produce intoxication, within two (2) miles of the following places:

Ashe county.—Healing Springs Baptist church, Bethel church, Union Baptist church, Red Hill school-house, Little Laurel Methodist church, Baptist church at Three Forks, Methodist church at Arnold school-house, Mount Pleasant Baptist church, Southerland seminary and chapel, Brushy Fork M. E. church, in Ashe county.

Alamance.—Long Chapel church, Crossroad Presbyterian church, Fairview Methodist Protestant church, Hawfield's Presbyterian church; and within one mile of the village church at Haw River, Alamance county.

Alexander.—Stony Point M. E. church, Macedonia Baptist church, Salem Evangelical Lutheran church, in Alexander county.

Burke.—Boulding's M. E. church, Abees chapel (Baptist church), McL. Rath's A. M. E. camp-ground, Willow Tree A. M. E. church, in Burke county.

Beaufort.—Trinity church, Chocowinity precinct, in Beaufort county.

Bertie.—Indian Woods Baptist church, Indian Gallows (white) school-house, Cedar Landing, Sandy Run Baptist church, St. Francis' Church of the Disciples, district 54, white race, Bertie county.

Columbus.—Hebron M. E. church, Bogue Chapel Baptist church, Shiloh M. E. church, Fair Bluff M. E. church, Fair Bluff Baptist church. Fair Bluff high school, Porter's Swamp Baptist church, Salem Colored Baptist church, in Columbus county.

Caldwell.—Laurel Hill Buffalo Baptist church, Harris chapel, in Caldwell county.

Cumberland.—Hope Mills church, the Episcopal church in Hope Mills village, Cumberland county.

Clay.—Pine Log Baptist church, in Clay county.

Cleveland.—Union Baptist church, in Cleveland county.

Chatham.—Osgood church, Hickory Mountain Baptist church, Bell's Baptist church, Ebenezer M. E. church, Sandy Branch Baptist church and Merry Oaks Baptist church, in Chatham county.

Cherokee.—Liberty church, Notly Baptist church, Shoal Creek church, in Cherokee county.

Carteret.—Morehead City, in Carteret county.

Catawba.—Smyrna German Reformed church, in Catawba county.

Duplin.—Faison academy.

Durham.—Fletcher Chapel M. E. church; Robinson Grove Baptist church, Bethsaidia Baptist church, in Durham county.

Franklin.—New Hope Christian church, in Franklin county.

Granville.—Banks' chapel and Union (colored) Concord church, South Union African M. E. church; and within one mile of Bullock M. E. church and Corinth Baptist church, in Granville county.

Guilford.—Goshen M. E. church, in Guilford county.

Greene.—Grimsly Baptist church, Lebanon M. E. church, Free Union church, Hookerton Collegiate Institute, New Berne Baptist church, Mount Hermon M. E. Church, South, in Greene county.

Gates.—Eureka Baptist church, Methodist Episcopal church, Parker's Methodist church, in Gates county.

Gaston.—Mount Tabor Baptist church, Long Creek Presbyterian church, in Gaston county.

Haywood.—Lines Creek Methodist Episcopal church, in Haywood county.

Harnett.—Cokesbury Methodist church, in Harnett county.

Hertford.—Bethlehem Baptist church, in Hertford county.

Hyde.—Shadesville M. E. church, Rusk academy and Elm Grove seminary, Christian church at Swan Quarter, Soule's M. E. church near Lake Comfort, Amity M. E. church, M. E. church at Mount Pleasant, M. E. church, Englehard, Christian church at Springfield, Baptist church near Stencil House, M. E. church at Fairfield, Christian church at New Laurel, Neal's chapel, St. John's Episcopal church at Makelyville, in Hyde county.

Iredell.—New Bethany Baptist church, Sharon Lutheran church, Granite Hill village, Shiloh Presbyterian church in Shiloh township, Bethlehem M. E. church, Connolley's Chapel Methodist church, in Iredell county.

Johnston.—Corinth M. E. church, Clyde's chapel, New Hope and Antioch churches, in Johnston county.

Jones.—Friendship Baptist church, in Jones county.

Moore.—Union Presbyterian church, Presbyterian church at Cameron, Manly Baptist church, Sanford M. E. church, in Moore county.

McDowell.—Capernaum M. E. church, Carson Chapel M. E. church, Dysartsville Baptist church, Murphy's chapel, New River academy, Ebenezer and Salem churches, Bethel and Bethlehem M. E. churches, Cherry Springs and Bethlehem Baptist churches, Salem M. E. church, View Mountain school-house, in McDowell county.

Mecklenburg.—Derita school-house in Mallard's Creek township, public school-house in school district No. 27, Long Creek township, Mecklenburg county.

Madison.—Grapevine Baptist church, each and every church in No. 2, Sheton Laurel township, Madison county.

Macon.—M. E. church and Watauga Baptist church, in Macon county.

Nash.—Hilliard's Chapel M. P. church, Rehobeth Missionary Baptist church, Sharon M. E. church, in Nash county: *Provided*, the prohibition in Nash county is not to extend into or operate to prevent the sale of liquors in Halifax county.

Orange.—Bethany Christian church, Mount Moriah Baptist church, in Orange county.

Pender.—Lake Chapel Baptist church, in Pender county.

Person.—Bethel Baptist church and high school and Bethany Baptist church, in Person county.

Rutherford.—Mountain Creek Baptist church, in Rutherford county.

Rowan.—Oak Grove M. E. church, Ebenezer M. E. church, Christian Evangelical Lutheran church, Eureka Lodge 213, in Rowan county.

Rockingham.—Lowe's M. E. church, Protestant M. E. church, Troy M. E. church, in Rockingham county: *Provided*, that the incorporation of Troy M. E. church in Rockingham county shall not interfere with the corporation of the town of Grogansville, in said county.

Richmond.—Baptist church in Roberdel, M. E. church in Roberdel, the M. E., Presbyterian and Baptist churches in Mineral Springs township, in Richmond county.

Stanly.—Mineral Springs Baptist church, in Stanly county.

Stokes.—Stokesburg M. E. church, Stokes county.

Surry.—Pilot Mountain academy, in Surry county.

Swain.—Bryson Baptist church in Bryson City, Whittier M. E. church in Whittier, Swain county.

Tyrrell.—Sharon church, in Tyrrell county.

Union.—A. M. E. Zion church, in Union county.

Wake.—Baptist church at Rolesville, Wakefield Classical and Mathematical school, Olive Baptist church, White Stone church, Beulah Christian church, Hepzibah Baptist church, Auburn Alliance No. 41, school-house in St. Mary's township, Olive Branch church, Sydney Chapel M. E. church, Midway Baptist church, in Wake county.

Watauga.—Friendship M. E. church, Union Baptist church, Thomas school-house and Thomas chapel, Austin's school-house, Antioch Baptist church, Mount Pleasant Lutheran church, Brushy Fork Baptist church, Cove Creek Baptist church, Hatfield Mount Calvary Baptist church, in Watauga county.

Wayne.—Whitehall school-house and Whitehall Presbyterian church, in Wayne county.

Warren.—Mt. Auburn Christian church, in Warren county. This prohibition in Warren not to extend into Halifax county.

Wilson.—Ashpen Grove Free-Will church, in Wilson county.

Yadkin.—Cross Roads Missionary Baptist church, in Yadkin county.

SEC. 2. *Three miles*.—It shall be unlawful to sell or dispose of any spirituous liquors, with a view to remuneration, within three (3) miles of the following places: Within three miles.

Columbus.—Cerro Gordo M. E. church, Fair Bluff township, Smith's Chapel M. E. church, and Mt. Zion Baptist church in Welch's Creek township, and Cherry Grove Baptist church, in Columbus county.

Brunswick.—Friendship Baptist church and Beulah Baptist church, in Brunswick county.

Jackson.—Mill Grove M. E. church and College Hill school-house, in Jackson county.

Chatham.—Mt. Pisgah Baptist church, Martha's chapel and Yates academy, in Chatham county.

Union.—Jackson Forest school-house, district No. 30, and Mill Grove M. E. church, Union county.

SEC. 3. *Two and one-half miles*—*Union*.—It shall be unlawful to sell or dispose of any spirituous liquors, with a view of remuneration, within two miles and one-half of Union Institute, in Union county. Within two and one-half miles.

SEC. 4. *One and one-half miles*.—*Randolph*.—It shall be unlawful to sell or dispose of, with a view of remuneration, any spirituous liquors within one and one-half miles of Columbia Factory, in Randolph county. Within one and one-half miles.

Granville.—Mt. Carmel Christian church, in Granville county.

SEC. 5. *One mile*.—*Chatham*.—It shall be unlawful to sell or dispose of spirituous liquors, with a view to remuneration, within one mile of Love's Creek Baptist church, in Chatham county. Within one mile.

Bladen.—Bladen Union Chapel, in Bladen county.

Wilkes.—Fishing Creek Baptist, Zion Hill Baptist, Eschol M. E. church, Wilkes county.

Henderson.—Old Salem Baptist church, Hooper's Creek Baptist church, Mt. Moriah Baptist church, Green Mountain Baptist church and Ebenezer Baptist church, in Henderson county.

Granville.—Mt. Carmel church, in Granville county.

Franklin.—New Hope church, in Franklin county.

Guilford.—Brown Summit M. E. church, Guilford county.

Within one-half mile.

Persons now holding license permitted to sell until expiration of license.

SEC. 6. *One-half mile.*—*Chatham.*—It shall be unlawful to dispose of or sell any spirituous liquors, with a view to remuneration, within one-half mile of Gee's Grove Zion church, in Chatham county: *Provided*, that any persons holding licenses to retail or sell spirituous or other liquors in any quantity within the territories herein prohibited at the time of the ratification of this act shall be permitted to continue to do so until the expiration of the time for which they hold license.

Misdemeanor.

SEC. 7. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 8. This act [shall] take effect and be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 363.

An act providing an alternative method of constructing and keeping in repair the public roads of Raleigh township, Wake county.

The General Assembly of North Carolina do enact :

Justices of Raleigh township authorized to adopt alternative method of constructing, &c., public roads.

SECTION 1. That the justices of the peace of Raleigh township, Wake county, at a meeting which shall be called by the mayor of the city of Raleigh and held within six months after the passage of this act, may, by a majority vote (a quorum composed by a majority of the justices in the township being present, and if a quorum be not present the meeting shall adjourn from day to day until a quorum is obtained), adopt an alteration [alternative] method of constructing and keeping in repair the public roads of said township, as provided in this act.

Township supervisor of roads.

SEC. 2. That when the township shall have adopted the provisions of this act, as provided in section one, it shall be the duty of the county commissioners of Wake county, at their regular meeting after the adoption of this act, and biennially thereafter, to appoint a supervisor of roads for such township. Said supervisor shall hold his office for the term of two years, beginning on the day of his qualification. A vacancy in the office of supervisor of roads shall be filled by appointment by the board of county commissioners, and the supervisor of roads may be removed from office by the board of county commissioners, on ten days notice, for neglect of duty or misappropriation of funds.

Term.

Vacancies.

Removal.

SEC. 3. That it shall be the duty of the clerk of the board of county commissioners to give written notice to said supervisor of roads of his appointment as soon thereafter as practicable; and the person so appointed shall appear at the next regular meeting of the board of county commissioners, or at said special meeting named in said notice, and qualify by taking an oath to faithfully perform the duties of his office as supervisor of roads and to faithfully account for all moneys coming into his hands as such; and before entering upon the duties of his office he shall execute a bond, with security, to be approved by the board of county commissioners, and in such a penal sum as the board may require, payable to the county, and conditioned for the faithful performance of his duties and the faithful accounting for all moneys coming into his hands as supervisor of roads.

Clerk to notify supervisor of appointment.

Oath.

Bond.

SEC. 4. That it shall be the duty of supervisor of roads, within thirty days from his qualification (provided he be not appointed to fill a vacancy), to formulate a plan in accordance with the provisions of this act for the permanent improvement of the county roads of the township, outside the corporate limits of the city of Raleigh, with stone, gravel or shells, and for keeping in repair the roads as they now exist, by the use of the labor of the county convicts or work-house hands, as hereinafter provided, that of such persons residing in the township as may, under the provisions of section five of this act, be liable to road duty, and of such other labor as is provided for in section nine of this act, and shall submit the same to the board of county commissioners at their next meeting after their plan is prepared for their approval.

Duty of supervisor.

SEC. 5. That all able-bodied male persons between the ages of eighteen and forty-five years residing in the township (residence under the provisions of this act is defined to be where such person's family reside, if he have a family, and if he have no family, then where he boards) shall be liable annually to perform four days labor on the public roads of the township, under the supervision and control of the supervisor of roads, who shall assign such persons to any portion of the roads he may think best: *Provided*, that any such person may be discharged from such labor upon the payment to the supervisor of two dollars per annum in lieu thereof, and upon such payment he shall be exempt from road labor for one year: *Provided further*, that the county commissioners shall have the same power as is now given them by law to excuse from road duty.

Liability to road duty.

Proviso.

Proviso.

SEC. 6. That any person assigned to work on the public roads as hereinbefore provided, who having been warned in person by the supervisor, or by leaving at his usual place of abode a written notice, who shall refuse or neglect, having at least two days notice in the manner above prescribed, to attend himself, or by able-bodied substitute acceptable to the supervisor, with such tools as required in the notice, or having attended shall refuse to obey the directions of

Penalty for refusal, &c., to perform road duty.

the supervisor, or shall spend his time in idleness, shall be considered delinquent, and shall forfeit and pay to said supervisor the sum of two dollars, to be recovered by action before a justice of the peace, and upon failure to pay such judgment or demand, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars or imprisoned ten days, at the discretion of the court.

Misdemeanor.

Special tax.

SEC. 7. That within thirty days after the adoption of this act by the justices of the peace of the township, the county commissioners shall provide a sum of money equal to the value of the total amount of labor by the county convicts at fifty cents per day, which in their judgment can, without detriment to other county work of greater importance, be devoted to the roads of said Raleigh township during the ensuing year, by levying an assessment by way of *ad valorem* tax, not exceeding eight per cent. on the one hundred dollars valuation, upon all property in the township made the subject of *ad valorem* taxation for State and county purposes, whether such property belong to citizens of Raleigh or otherwise, and whether such property be taxed to repair streets in said city or otherwise; and said county commissioners shall also levy a poll-tax upon all persons (not exempt as provided by law) of not exceeding twenty-four cents, which taxes shall be set forth in a separate column on the tax book, and shall be collected by the sheriff of the county as other taxes are collected, shall be kept separate, and shall constitute, when collected, the township road fund, to be expended as hereinafter provided: *Provided*, that if, at the end of the year, it be found that more than sufficient money to offset the labor of the county convicts was collected, the surplus shall be credited to the next year's levy.

Proviso.

County commissioners to draw warrants on treasurer in favor of supervisor.

SEC. 8. That the board of county commissioners shall, as often as necessary, issue warrants or orders upon the county treasurer ordering and directing him to pay to the supervisor of roads of the township the amount specified in such orders for the purpose of carrying out the provisions of this act.

Disbursements by supervisor.

SEC. 9. That the supervisor shall pay out of any moneys in his hand, transmitted him for the purpose by the county commissioners as provided in the preceding section, his own salary, for services of a civil engineer whenever needed, for such laborers as he may deem necessary to properly supplement and make effective the convict labor, for material such as stone, sand, gravel, shells, earth and wood, and for such road machines, rock crushers, tools for working stone, carts, horses and mules and feed for the same, wheelbarrows, shovels, picks and all such other machinery, tools or material as may be requisite for the proper performance of the work.

Supervisor to keep itemized account, make report, &c.

SEC. 10. That it shall be the duty of the supervisor to keep in a book an account of all expenditures, as well as a list of all tools and other property in his possession, and to make to the county commissioners a full report of the amount and character of the work done,

of the money expended, and of the tools and materials on hand, as often as the said county commissioners shall require.

SEC. 11. That the supervisor shall keep a regular account of the time necessarily employed by him and the expenses necessarily incurred, with the date of each item thereof, and render a sworn statement thereof to the board of county commissioners at such regular meetings as said county commissioners may require, and the said board of county commissioners shall audit the same and if found correct shall order the payment thereof or so much thereof as may be just and reasonable, and such amount shall be paid out of the township road fund.

Supervisor to keep account of expenses, &c.

SEC. 12. That the supervisor shall be allowed for his services such sum as may be fixed by the board of county commissioners, not to exceed seven hundred and twenty dollars per annum.

Compensation of supervisor.

SEC. 13. That for the purpose of repairing and improving the public roads in said township, the supervisor shall have authority to enter upon any uncultivated lands near to or adjoining the road upon which he is at work on, any improved or cultivated land when unincumbered by cultivated crops, to cut and carry away any earth, gravel, sand or stone upon which may be necessary to repair or improve said contiguous road or any other public road in said township: *Provided*, that when any such material is used on any section of road not adjoining the property when obtained, the party furnishing the same shall be paid therefor a reasonable price, to be settled by arbitration if necessary, one arbitrator to be selected by him and one by the supervisor, and such arbitrators in case of disagreement to choose an umpire, and with the concurrence of the county commissioners shall also have the authority to re-locate any part of any road that may be necessary to shorten the distance, lower the grade or improve the character of the road-bed, and the supervisor shall likewise have the authority to enter upon any lands adjoining or lying near the road to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible: and any person wilfully obstructing such drain or ditches when made shall forfeit for each offence the sum of five dollars, to be paid to the supervisor and to be recovered by him by action before a justice or the peace, and upon failure to pay such judgment on demand, the person offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than twenty dollars or imprisoned not exceeding twenty days.

Supervisor empowered to enter upon lands and take earth, &c.

Proviso.

Re-location, &c., of roads.

To enter upon lands and make drains, &c.

Penalty for obstructing drains, &c.

Misdemeanor.

SEC. 14. That any person considering himself damaged by the removal of earth, gravel or stone, or the cutting of timber or re-location of a road, as provided for in the preceding section, may prefer his claims before the board of county commissioners, and when, by reference to arbitrators or otherwise, the same may be shown to be

Claim for damages, how made, &c.

just, he shall be paid out of any moneys belonging to the road fund: *Provided*, that such claim for damages shall be made within three months.

Proviso.

Duty of supervisor going out of office.

SEC. 15. That the supervisor of roads, upon going out of office, shall, on demand, deliver to his successor all tools, books, accounts and papers pertaining to his office, and pay over to such successor all moneys in hand by virtue of his office, taking duplicate receipts therefor, one of which shall be filed with the register of deeds; and upon failure to pay over such moneys on demand he shall be liable for double the amount found in his hands, to be recovered in an action in the name of the board of county commissioners.

Discontinuance of alternative method of working roads under this act.

SEC. 16. That should Raleigh township, having adopted this alternative method of working its public roads, wish hereafter to discontinue the same, it may do so in the same manner as is provided in section one of this act for the adoption of this act; and when said township shall thus discontinue the operation of this act the general road law of the State in force at that time shall, from and after that time, be in force in said township.

Duty of supervisor upon discontinuance.

SEC. 17. That upon the discontinuance of this act the supervisor of roads shall turn over all road property of every description in his possession not belonging to the county to the justices of the peace of Raleigh township, to be disposed of at such time and in such manner as they may think best.

On adoption of this act conflicting laws to be void. Construction of act.

SEC. 18. That upon adoption of this act by said township, all laws and parts of laws in conflict with this act shall be as to said township void and of no effect: *Provided*, that this act shall not be construed to alter the law now in force for keeping and repairing bridges over the larger streams in the township, nor shall the adoption of this act by the township have the effect to alter the manner of repairing streets and alleys in the city of Raleigh; but all taxation shall apply to the citizens of the said city of Raleigh, notwithstanding they pay an additional tax for repairing streets; but no person in said corporation shall be required to work on the public roads who pays a poll or road tax for the purpose of keeping in repair the streets of said city.

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 364.

An act to require the owners of real estate along the waters of Buffalo creek, in Cleveland county, to clean out the channels of said creek.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to fell or in any way place any tree, brush or other obstruction calculated to impede the flow of waters, in the channels of Buffalo creek, in Cleveland county, or to let any such obstruction remain that may be there in the channels, or on the banks of said creek, it shall be unlawful; and each and every real estate owner along the waters of said creek from the South Carolina line up the said stream to a point known as Stroup's mills, are hereby required to keep all such impediments removed from the channels of said stream.

Unlawful to obstruct Buffalo creek, Cleveland county.

Duty of real estate owners.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars, nor imprisoned more than thirty days, at the discretion of the court.

Misdemeanor.

SEC. 3. That this act shall be in force from and after the first day of June, one thousand eight hundred and eighty-nine.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 365.

An act to amend chapter 266, laws of 1881, relative to the protection of the agricultural interest in Perquimans county.

WHEREAS, The fund provided for in section two, chapter 266, of the laws of 1881, entitled an act to protect the agricultural interest of Durant's Neck, is insufficient to keep the stock from other parts of Perquimans county from straying into Durant's Neck; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Perquimans county shall, on the first Monday in May, one thousand and eight hundred and eighty-nine, let out at the court-house door in said county to the lowest bidder a contract to construct a good and lawful fence, beginning at Muddy creek flats and extending along the ditch from Muddy creek to deep water in Perquimans river, a distance of about eight hundred yards, and to keep said fence for the balance of the year

Commissioners authorized to let out the building and keeping of additional fence to fence provided in chapter 266, laws 1881.

Special tax.

1889; and that thereafter on the first Monday in December annually, when the contract for keeping the fence provided for in section 2, chapter 266, laws of 1881, is let out, the additional fence provided for herein shall be included, and the commissioners are hereby authorized and required to provide for the construction and keeping said fence, by levying a sufficient tax for that purpose upon the real estate lying on the southeast side of said boundary line described in said chapter 266, laws of 1881.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 366.

An act to authorize the commissioners of Burke county to issue bonds.

Preamble.

WHEREAS, The county of Burke subscribed fifty thousand dollars to the capital stock of the Western North Carolina Railroad Company, and bonds of the county were issued for that amount in 1860, running for twenty years; and whereas, the county of Burke paid twenty-seven thousand six hundred dollars of said issue before maturity and issued bonds in eighteen hundred and eighty to an amount of twenty-two thousand four hundred dollars in payment of the balance of bonds remaining unpaid at maturity, said second issue of bonds running for ten years and maturing January first, eighteen hundred and ninety; and whereas, there now remains unpaid of this second issue twenty-one thousand five hundred dollars, and the commissioners desire an extension of time upon the same; therefore,

The General Assembly of North Carolina do enact :

Commissioners authorized to issue bonds to fund outstanding bonds issued in payment of subscription to Western N. C. R. R. Co.

When and how issued.

Description of bonds.

SECTION 1. That the commissioners of Burke county are hereby authorized to issue coupon bonds in the denomination of one hundred dollars each to an amount not exceeding the amount of bonds now outstanding and which will become due and payable on the first of January, eighteen hundred and ninety.

SEC. 2. That said bonds shall be issued when a majority of the county commissioners shall make an order to that effect; they shall be signed by the chairman of said board and countersigned by the clerk of the same and attested by seal of office.

SEC. 3. That said bonds shall be in the usual form, with coupons bearing interest not greater than six per centum per annum, and shall run for not less than one nor more than ten years, and shall mature at such time or times as the commissioners shall direct in their order

within the limits named, but the said time or times of maturity shall be stated on the face of the bonds.

SEC. 4. That said bonds may be exchanged for bonds now outstanding when the latter shall mature, or may be sold, and if sold, then and in that case the money arising from such sale or sales shall be applied to the redemption and payment of the bonds which are now outstanding and which become due on January the first, eighteen hundred and ninety, and for no other purpose.

To be exchanged for old bonds or sold.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 367.

An act to amend section one thousand eight hundred and sixty-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand eight hundred and sixty-four of The Code shall be and is hereby amended as follows: Add to said section the following, "And every clerk of the superior court shall, on the first Monday in January of every year, file with the board of county commissioners a statement, on oath, of all moneys remaining in his hands which shall have come into his hands either directly from parties or from his predecessor in office, specifying therein the amount of each claim and the name of the person to whom the same is payable; and if there be no such moneys in his hands he shall make affidavit of the same.

Code, sec. 1864, amended.

Superior court clerks to make annual itemized statement to commissioners of moneys on hand, &c.

SEC. 2. That this act shall take effect from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 368.

An act to make appropriations for the insane asylums.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of fifty-two thousand and five hundred dollars (\$52,500) per annum be and is hereby appropriated for the support of the patients in the North Carolina Insane Asylum at Raleigh and the necessary repairs and improvements to the buildings.

\$52,500 appropriated annually for N. C. Insane Asylum at Raleigh.

SEC. 2. That the sum of eighty-five thousand dollars (\$85,000), for the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby appropriated for the support of the Western North

\$85,000 appropriated for 1889 for Western N. C. Insane Asylum.

- After 1889 \$90,000 appropriated annually. Carolina Insane Asylum at Morganton, and the necessary repairs and improvements to the buildings. And the sum of ninety thousand dollars (\$90,000) per annum for each year thereafter be and is hereby appropriated for the support of said Western Insane Asylum, and for the necessary repairs and improvements to the buildings.
- \$40,000 appropriated for 1889 for Eastern N. C. Insane Asylum. SEC. 3. That the sum of forty thousand dollars (\$40,000), for the year one thousand eight hundred and eighty-nine (1889), be and the same is hereby appropriated for the support and improvements of the Eastern North Carolina Insane Asylum at Goldsboro; and the sum of thirty thousand dollars (\$30,000) per annum for each year thereafter be and the same is hereby appropriated for the support of said Eastern Insane Asylum and the necessary repairs and improvements to the buildings.
- Appropriations, how drawn, &c. SEC. 4. That the appropriations herein made for the support and repairs of the asylums at Raleigh and at Morganton and at Goldsboro 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.
- Conflicting laws repealed. SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 369.

An act for the relief of S. W. Brewer, sheriff of Chatham county.

Preamble.

WHEREAS, S. W. Brewer, sheriff and ex-officio treasurer of Chatham county, had, in the early part of the year 1887, on hand on the general county funds, of the educational funds and of the funds of Centre township, said county, about \$6,000, deposited in his iron safe in his office in the court-house in the town of Pittsborough; and whereas, some one knowing that said funds were on hand in said office, broke into said office and made an ineffectual effort to get into said safe; and whereas, after such breaking, the attention of county commissioners of the county, the official adviser of the said commissioners, the official adviser of the said sheriff, and the leading business men of the town and county was called to said attempt, who each and every one officially and unofficially advised the sheriff to take said funds out of said safe and deposit the same in the State National Bank of the city of Raleigh; and whereas, acting upon such instructions and advice, the said sheriff did so deposit said funds, a large part of which has been lost by the failure of said bank; now, therefore,

The General Assembly of North Carolina do enact :

SECTION 1. Authority is hereby given to the board of county commissioners of the county of Chatham to compromise and settle with S. W. Brewer, sheriff of said county and ex-officio treasurer, for such sum of either the general county fund, the school fund, or the funds of Centre township, as has been or will be actually lost by reason of the failure of the State National Bank of Raleigh, N. C.

Commissioners of Chatham county authorized to compromise with S. W. Brewer, sheriff, for money lost in State National Bank.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 370.

An act to repeal chapter 394, laws of 1887, relating to special tax in Haywood county, and to provide for an additional special tax for building bridges.

WHEREAS, An act was passed at the session of 1887 authorizing the joint board of the county commissioners and justices of the peace of Haywood county to levy a special tax in the years of 1887 and 1888 and 1889 and 1890 for building two bridges across Pigeon river, in said county; in compliance therewith a portion of said tax was levied and collected and paid into the treasury of said county in 1887; and whereas, said board was enjoined by a decree of the superior court from expending said money for said purpose until a sufficient sum should be levied; and whereas, the additional levy for 1888 was not made, thereby letting the time expire for making such levy; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and ninety-four, laws of one thousand eight hundred and eighty-seven (1887), is hereby repealed.

Chapter 394, laws 1887, repealed.

SEC. 2. That the county commissioners of Haywood county are hereby authorized, empowered and directed to levy a special tax on the property and polls, observing the constitutional equation, in the year one thousand eight hundred and eighty-nine, in a sum sufficient, with the amount levied and collected in the year one thousand eight hundred and eighty-seven, to build a bridge across Pigeon river at the most judicious location between the Dodson ford and J. M. Queen's.

Commissioners authorized to levy special tax in 1889 to build bridge across Pigeon river.

SEC. 3. That the said board of commissioners may likewise levy a special tax in the year one thousand eight hundred and ninety, a sufficient amount to build a bridge across said river at or near the Penland ford; and in the year one thousand eight hundred and

Authorized to levy special tax in 1890 and 1891 to build other bridges.

ninety-one, a sufficient amount to build a bridge across said river at or within one and a half miles of the Campbell ford, all the said bridges to be located by said commissioners, and the collection and disbursement of the taxes shall be under the same rules, regulations and restrictions as are provided for the collection and disbursement of other taxes.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 371.

An act to aid the penitentiary in becoming self-sustaining.

The General Assembly of North Carolina do enact:

Directors directed to hire one hundred convicts to Greystone Granite and Construction Company.

Additional convicts to be hired, &c.

Proviso.

Return of convicts if company boycotted.

SECTION 1. That the State shall, and the board of directors of the penitentiary are hereby authorized and directed to furnish to the Greystone Granite and Construction Company, as called for by its president or board of directors, for at least one year, and for such longer period (not exceeding two years) as said company may elect, not less than one hundred able-bodied convicts to be used in the work of said company within the State; and the said company, in consideration of the services of such convicts, shall pay to the State treasurer, in equal quarterly installments, in advance, at the rate of one hundred and fifty dollars per capita per annum; if, during the employment of said one hundred convicts by said company, there shall be in said penitentiary other able-bodied convicts not farmed out, the State shall, and the board of directors of the penitentiary are hereby authorized and directed to furnish to said company from said convicts not farmed out such additional number (not exceeding two hundred), for such length of time (not to exceed five years), as said company may request by its president or board of directors; and the said company, in consideration of the services of such additional number of convicts, shall pay to the State treasurer, in equal quarterly installments, in advance, at the rate of one hundred and fifty dollars per capita per annum: *Provided*, the board of directors of the penitentiary shall not be required to furnish said convicts nor to keep them in camp in bodies less than one hundred in number.

SEC. 2. That the penitentiary authorities may, in their discretion, contract with said company that if, at any time the work of the company shall be boycotted by reason of the employment of such convict labor, then the company may return the convicts to the penitentiary on giving thirty days notice, and on paying for the convicts to the time of their return and the expiration of said notice.

SEC. 3. That the authorities at the penitentiary shall pay the expenses of transportation, board, clothing, lodging, guarding and all the other expenses of said convicts. Expenses of transportation, &c.

SEC. 4. That nothing in the act entitled "an act to enable the penitentiary to become self-sustaining" shall operate or be so construed as to forbid and prevent the penitentiary authorities from furnishing convicts under this act. Act to enable penitentiary to become self-sustaining not to be so construed as to prevent convicts being furnished under this act.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 372.

An act to relieve certain farmers in Richmond county from the stock law.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Richmond county shall, on the first Monday in January, one thousand eight hundred and ninety-one, let out at the court-house door in Rockingham a contract to construct a lawful fence along the following boundaries: Beginning on Frowning creek at or near Russell's old bridge and running direct along the most convenient route to Shoe Heel swamp to a point opposite Mrs. Mary McIntosh's place; thence west by the most convenient and direct route to the west side of Juniper creek, opposite Samuel McLeod's; thence down said creek to a point opposite James S. McOwens' place; thence across said creek in the most direct and convenient route to Frowning creek, where Alexander McKimmon's farm joins what is known as the McGirts land. And the board of commissioners of Richmond county are hereby authorized and empowered to change and alter the stock-law fence in said county so as to exempt the farmers living in the sand-hills of Mark's Creek and Williamson's townships, or any other township in said county, from the operation of said stock law, upon the condition appended at end of section two of this bill. County commissioners authorized to have fence built along certain boundaries.

SEC. 2. That said fence shall be built with gates upon all of the public highways leading through said district, and when completed the county commissioners shall give notice in three public places in the county, and from and after ten days from such publications the provisions of this act shall go into operation and take effect: *Provided*, that the farmers so exempted shall pay for building the said fence. Fence, how built, &c.
Proviso.

SEC. 3. That any person who shall wilfully leave open, impair or destroy any fence or gate provided for in this act shall be guilty of a Misdemeanor.

Proviso.

misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days: *Provided*, that nothing in this act contained shall interfere with the stock-law fence and regulations now established between Richmond and Robeson counties.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 373.

An act for the relief of Dempsey Spruill, late sheriff of Washington county, N. C.

The General Assembly of North Carolina do enact:

Commissioners and justices authorized to compromise with D. Spruill, sheriff, for money lost in Exchange National Bank.

SECTION 1. That the county commissioners and magistrates of Washington county, in joint session, may settle or compromise the claim of said county against Dempsey Spruill, late sheriff and ex-officio treasurer, for moneys lost by the failure of the Exchange National Bank of Norfolk, Va., in April, 1885, in such manner as they may deem best.

Limitation of settlement.

SEC. 2. *Provided*, that no sum shall be accepted in settlement of less amount than the total dividend received, or which may hereafter be received, by said Dempsey Spruill from the receiver of said bank on account of amount deposited in said bank belonging to said county.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 374.

An act to prohibit trusts in the State of North Carolina, and to provide for the punishment of persons connected with them.

The General Assembly of North Carolina do enact:

Combinations and trusts declared unlawful.

SECTION 1. That all combinations and trusts as defined by this act are unlawful, dangerous to the liberty of the people, and are hereby forbidden to be formed or carried on in this State.

Definition of trust.

SEC. 2. That a trust is an arrangement, understanding or agreement, either private or public, entered into by two or more persons or corporations for the purpose of increasing or reducing the price

of the shares of stock of any company or corporation, or of any class of products, materials or manufactured articles, beyond the price that would be fixed by the natural demand for or the supply of such shares, products, materials or manufactured articles; and any attempt to carry out such purpose shall be evidence that such arrangement, understanding or agreement exists.

Evidence of trust.

SEC. 3. That any persons, company or corporation who shall form, or attempt to form, a trust in this State, or the agent or representative of any trust in any State or county, who shall attempt to carry on operations in this State, shall be guilty of a misdemeanor, and upon conviction may be fined not more than ten thousand dollars or may be imprisoned not more than ten years for each offence.

Misdemeanor to form trust, &c.

SEC. 4. That any person, company or corporation who enter into an arrangement, understanding or agreement not to mine, manufacture, buy, sell or transport more than a certain specified amount of any goods, products or commodities within a specified time, will have violated section three of this act and will be liable to indictment therefor; and any person, company or corporation who give bond or make a forfeit of any kind not to break such arrangement, understanding or agreement shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

Agreements not to manufacture, &c., more than a certain amount of goods, &c., within the operation of section three.

Misdemeanor.

SEC. 5. That any merchant, broker, manufacturer or dealers in raw materials of any kind, or the agent of such persons, who shall sell any particular class of goods, raw materials or manufactured articles for less than actual cost for the purpose of breaking down competitors, shall be guilty of a misdemeanor, and upon conviction may be fined or imprisoned, or both, in the discretion of the court: *Provided*, that nothing contained in this act shall operate or be construed so as to forbid or prevent any person or persons who desire and intend to purchase any article or commodity for his or their own use or consumption, from combining or otherwise lawfully acting so as to protect or help themselves from imposition in the cost or purchase price of such articles or commodities as they or either of them may design and intend to use or consume.

Merchant, &c., selling goods, &c., for less than cost to break down competitors guilty of misdemeanor.

Proviso.

SEC. 6. That this act shall be in full force and effect from and after the first day of May of the year one thousand eight hundred and eighty-nine.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 375.

An act to amend chapter 215 of the laws of 1887, and sections 3113 and 3114 of The Code.

The General Assembly of North Carolina do enact:

Chapter 215, laws 1887, amended.

SECTION 1. That section one, chapter two hundred and fifteen, laws of 1887, be amended as follows: After the word "township," last word of said section, insert the words "and the first election under this act may be held on the second Monday in June in year 1889, and no election shall be held under this act except in 1889 and every two years thereafter."

When elections under local option law to be held.

Election to determine sale of "intoxicating liquors."

SEC. 2. That said chapter 215, laws of 1887, be amended by striking out the words "spirituous, vinous or malt liquors" wherein such words occur, and inserting in lieu thereof the words "intoxicating liquors."

Code, sec. 3113, amended.

SEC. 3. That section 3113 of The Code be amended by striking out all after the word "one-fourth," in line two thereof, down to the word "of," in line three of said section, and inserting in lieu thereof the words "one-fourth of such voters whose names appear upon the registration books."

How petition for election to be signed.

Section 3114 amended.

SEC. 4. That chapter 32 of The Code be amended by striking out section 3114 thereof and inserting in lieu thereof the following: "Such county, town or township election, when so ordered, shall be held under the same rules and regulations as prescribed for holding elections for members of the General Assembly, so far as the same may be applicable, and the returns made to the board of county commissioners, who shall meet at 11 o'clock on the Wednesday following said election, and who shall canvass the returns of same, have record of the result entered upon their minutes and declare the result in the same manner as is now required by the boards of county canvassers in elections for members of the General Assembly."

Election, how held, &c.

No druggist to fill prescription for liquor except from a practicing physician duly licensed.

SEC. 5. That section four [of chapter 215] of the acts of 1887 be amended by inserting in line three thereof, after "a" and before the word "practicing," the words "licensed by the State board of medical examiners"; and after the [word] "interested," in line ten of said section, by inserting the following: "Nothing contained in this section shall be construed as authorizing, under the penalty contained in section six of this act, any druggist to refill any prescription for intoxicating liquors."

No druggist to refill a prescription for liquor.

Possession by persons engaged in mercantile pursuits of liquor in bottles, &c., prima facie evidence of intent to dispose of the same contrary to law. Penalty.

SEC. 6. That the possession by any person engaged in any mercantile pursuits whatsoever of intoxicating liquors in bottles, flasks, casks, kegs, barrels or other vessels shall be *prima facie* evidence of an intent to dispose of the same contrary to the provisions of this act; and in all prosecutions for a violation of this section the person convicted shall be fined not more than fifty dollars or imprisoned not more than thirty days, in the discretion of the court.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 376.

An act to protect from overflow the lands on Clark's creek, in Lincoln county.

The General Assembly of North Carolina do enact:

SECTION 1. That H. A. Shrum, R. M. Roseman, W. A. Costner and others, the owners of land on either bank of Clark's creek, in the county of Lincoln and State of North Carolina, from the point where said creek empties into the South Fork river, a distance of three miles up said creek, their heirs, assigns and successors in such ownership, are hereby authorized and empowered to construct and build dykes and levees along the banks of said creek and its tributaries within such distance so as to protect the land from overflow and other injuries from the waters of said stream.

Land-owners authorized to construct dykes, &c.

SEC. 2. That said land-owners may annually elect three of their number as commissioners, who shall hold their office for one year, or until their successors are elected or qualified; and in case of vacancy the remainder of the commissioners may appoint from such owners a person as commissioner to fill the unexpired term. Before proceeding to act, said commissioners shall be duly sworn to faithfully and impartially perform the duties of their office.

Commissioners.

SEC. 3. That it shall be the duty of such commissioners to cause the land to be carefully surveyed and make an estimate of the costs of constructing such banks, dykes and levees as they shall deem necessary to protect the lands from injury, and shall estimate and assess the amount of such work to be performed by such land-owner and the costs thereof, having in view the value of the owner's land protected and such other considerations as should in fairness be considered; and such owner, after being duly notified, shall at once proceed to build and construct said banks, dykes and levees estimated and assessed against him. And in case said owners or either of them, or their successors, heirs or assigns, shall fail or neglect to do and perform the work, the said commissioners are hereby authorized and empowered to enter in and upon the premises and cause said work to be done, and may collect the amount of the construction cost by action in any court having jurisdiction of the same, and apply the proceeds to the payment of such costs and expenses. And said commissioners shall in the same manner have like powers to assess said owners for the maintenance and repair of said dykes and levees after same are constructed, and collect the amount by action as above provided.

Duties of commissioners.

Owner to construct dykes, &c.

Duty of commissioners in case of failure.

SEC. 4. That the action shall be in the name of the commissioners of Clark's Creek Levee Company, and the judgment recovered shall be a lien upon the property of the defendant, to be enforced by execution: *Provided*, that either party may appeal from such judgment as in other civil causes.

Action against land-owner.

Judgment lien.
Appeal.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 377.

An act to provide for better and additional public roads in the county of Buncombe.

The General Assembly of North Carolina do enact:

Election on question of special tax for constructing, &c., public roads

SECTION 1. That for the purpose of carrying out the provisions of this act, the county commissioners of Buncombe county may, in their discretion, order an election to be open and held at the several voting precincts in said county on the second Tuesday in May, one thousand eight hundred and eighty-nine, in order to ascertain the will of the people of said county as to the propriety and advisability of laying a special tax, not to exceed ten cents on the hundred dollars worth of real and personal property and not to exceed thirty cents on each poll in said county, the proceeds of which tax, when collected, to be applied to and used for the repair, laying out and constructing public roads in said county as hereinafter provided. At said election the question submitted and to be voted upon shall be "for tax" and "no tax." Those favoring the levy shall vote "for tax," and those opposed to the levy shall vote "no tax." If at said election a majority of the qualified votes shall be "for tax," then the board of county commissioners, with the concurrence of a majority of the justices of the peace of said county sitting with them, at their first joint meeting after said election, shall have power and authority to determine whether or not they will raise a fund by taxation for the purpose herein indicated; and if said commissioners and justices of the peace shall determine to raise said fund, then and in that case they shall levy a tax in like manner as other taxes for county purposes are levied for the purposes herein specified, not exceeding ten cents on the one hundred dollars worth of real and personal property and not to exceed thirty cents on the poll.

Ballots.

Upon affirmative vote, commissioners and justices in their discretion to levy tax.

Commissioners to order repairs, new roads, &c.

SEC. 2. That in case a majority of the qualified votes shall be in favor of levying said tax, and in case the commissioners and justices of the peace should determine to levy the same, and shall levy the same, then it shall be lawful for the said commissioners and they shall have full power and authority to order and direct from time to time, in their discretion, the repairs and improvements of the existing public roads, or any of them, or any portion or portions of any of them in said county, and to order from time to time the laying out and construction of such new roads in said county as they may deem necessary for the common advantage and welfare of the people of said county.

Superintendent of public roads.

SEC. 3. That in order to effectuate the purpose of this act, the said commissioners shall appoint a superintendent of public roads, who shall superintend and direct such repairs, improvements, laying out and construction of such roads, under the general orders and direction

of the said commissioners made from time to time as they may see fit, such new roads to be of such width as said commissioners may direct, not less than sixteen feet; and they may allow such superintendent such salary or compensation as they may determine, and they may remove such superintendent and appoint another in his stead in their discretion.

Salary.

Removal.

SEC. 4. That the money arising from the tax herein provided for shall be paid by the sheriff of said county, when he shall have collected the same, to the treasurer of the county, who shall hold it as a separate and distinct fund, to be paid out by him as hereinafter provided, and he shall account for the same from time to time as for other county funds; and the said commissioners may make such regulations as to vouchers for money so paid out as they may deem proper.

Proceeds of special tax to be paid to treasurer.

Duties of treasurer.

SEC. 5. That the said commissioners shall from time to time direct the superintendent herein provided for to employ laborers to work upon such public roads, and to direct when and where they shall work and what compensation shall be paid to them. And the said commissioners may contract with the proper authorities of the penitentiary of this State for the hire of any number of convicts that may not be required to be kept continuously confined in the penitentiary, not less than twenty-five in number, to be employed and to work on said roads as they may from time to time direct, and they shall pay the State as compensation for such convicts a price of one hundred and twenty-five dollars per annum for each convict so hired, and so much more per capita as will cover and pay the entire expense of said convicts so hired: *Provided*, the penitentiary authorities shall feed, clothe, guard, protect and transport such convicts as may be necessary from time to time.

Duties and powers of commissioners.

Proviso.

SEC. 6. That the courts of said county shall sentence all persons who may be convicted therein of criminal offences for which they might, under the existing law at the time of their conviction, be sentenced to the penitentiary, to work on the public roads in said county: *Provided*, the convicts so sentenced shall be kept with such convicts as may be hired from the penitentiary, and on a footing with them: *Provided further*, that this section shall not apply to persons convicted of offences for which they shall be continuously confined in the penitentiary: *Provided further*, that this section shall not take effect unless and in case and when convicts shall be hired from the penitentiary as hereinbefore provided.

Criminals convicted to be sentenced to work on roads.

Proviso.

Proviso.

Proviso.

SEC. 7. That the said commissioners may from time to time make all necessary provisions, purchase all such tools and implements and other things as may be necessary to repair, improve, lay out and construct such roads, and the same shall be kept, repaired and cared for as they may direct; and they may from time to time employ such

Powers of commissioners.

civil engineers as they may see fit for the purpose of locating and surveying such roads.

Construction of act in respect to existing laws.

SEC. 8. That this act shall not interfere with or modify existing laws in respect to public roads in said county, or the duty of overseers of roads, or the liability of persons to work on the same, except that the superintendent of roads shall supervise and direct from time to time how the work on all roads shall be done; but, nevertheless, existing laws as to the condemnation of lands for public roads shall apply in connection with this act when need be, and existing laws in respect to public roads, so far as applicable, shall be construed in aid of this act, but not in derogation thereof.

Convicts and other labor not to work together.

SEC. 9. That convicts and labor other than convicts shall not be allowed or required to work together.

If commissioners and justices fail at first meeting, another meeting, how called, &c.

SEC. 10. That if the said commissioners and justices of the peace shall fail at their first meeting called for the purpose. [another] such meeting shall be called by order of the board of county commissioners, notice thereof to be given as they may direct.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 378.

An act to amend section two thousand two hundred and eighty-eight of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 2288, amended.

SECTION 1. That section two thousand two hundred and eighty-eight of The Code be and the same is hereby amended as follows: By inserting the words "oars, paddles, sails and tackle" between the words "pettiagua" and "belonging," in the fourth line thereof; and insert between the words "injury" and "the," in the eleventh line of said section, the following: "And 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."

Penalty for taking from landing, &c., any oars, paddles, sails or tackle.

Misdemeanor.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 379.

An act to amend chapter 24, acts of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter twenty-four, laws of one thousand eight hundred and eighty-seven, be amended by adding at the end of said section as follows: "*Provided*, that this act shall not be inoperative and not apply to any water-course the depth of which is less than three feet at low water."

Chapter 24, laws
1887, amended.
Act making
Bogue sound, &c.,
a lawful fence not
applicable to
water-courses of
less than three
feet depth at low
water.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 380.

An act to amend section thirteen hundred and twenty-one of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section thirteen hundred and twenty-one of The Code be amended by adding thereto the following: "Whenever the proprietors of any canal already cut shall desire to become incorporated, any number of said proprietors, not less than one-third in number, may file their petition before the clerk of the superior court of the county in which said canal is located, or in either county, where the said canal may be located in more than one county, setting forth the names of said proprietors, the length and size of said canal, the name of the owners of land draining in said canal, and the quantity of land tributary thereto. And upon filing said petition, summons shall issue to all parties having an easement in said canal, returnable as in other special proceedings; upon the return thereof, or upon a day fixed by the clerk for hearing same, all owners of said canal may become incorporators therein, and upon failure of any to avail themselves of that right, they shall not be entitled to become incorporators, except under such by-laws and regulations as such corporation shall make and declare. But those who fail to avail themselves of the benefit of this act shall not be deprived of their easement in said canal, but shall enjoy the same upon payment to said corporation of the assessment made upon them *pro rata* with the said incorporators; such assessment shall be made on the land tributary to said canal and apportioned *pro rata* to each owner thereof; it shall be made by the said corporation on ten days notice

Code, sec. 3121,
amended.
Proceeding by
which proprie-
tors of canal
already cut can
be incorporated.

to each owner of said land, under such rules and regulations as the by-laws may prescribe; but any person dissatisfied therewith shall have the right to appeal to a jury at the regular term of the superior court of said county, and the amount of damages assessed shall be a first lien on the land of the owner against whom judgment shall be rendered."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 381.

An act to change the time of November term of superior court of Harnett county.

The General Assembly of North Carolina do enact :

Chapter 219, laws
1887, amended.

November term
of Harnett super-
rior court.

SECTION 1. That section one, chapter two hundred and nineteen, of the laws of one thousand eight hundred and eighty-seven, be amended as follows: After the word "September," in line five of said section, add "to continue two weeks, and that said term shall be for the trial of civil causes only, except jail cases."

SEC. 2. That this act shall take effect from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 382.

An act to repeal chapter two hundred and forty-seven, laws of one thousand eight hundred and eighty-seven, concerning superior courts of Pitt county.

The General Assembly of North Carolina do enact :

Chapter 247, laws
1887, amended.
Superior court
of Pitt county to
be for trial of civil
and criminal
cases.

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

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 383.

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

The General Assembly of North Carolina do enact :

SECTION 1. That any citizen of the State of North Carolina shall have the right to contract on his own account for insurance with any company doing an insurance business outside of the State of North Carolina, and that in case of loss or damage the said insurance company shall have the right to be sued and adjusted within said State of North Carolina, to adjust such damages or loss between the insured and the insurance company, without being subject to any of the penalties or taxes now imposed upon insurance companies or agents doing business in this State: *Provided*, that nothing in this section shall be construed to grant the right to any company or to the representative of any company to solicit insurance within the limits of North Carolina, until such company shall have first fully complied with all of the requirements of the insurance laws of this State.

Contracts of insurance with companies doing business outside of the State.

Proviso.

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

Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 384.

An act to clear out Cypress creek, in Bladen county, and render the same navigable.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Bladen county be and they are hereby authorized and directed to have Cypress creek cleared out and rendered navigable for the distance of six miles, commencing at the mouth; and said commissioners are hereby directed to appoint an overseer for said work and to assign to the same at least six of the hands liable to work on the public roads, which overseer and hands shall be appropriated to said work as long as may be necessary to clear out said creek and render the same navigable, and thereafter so long as is necessary to keep same clear.

Commissioners of Bladen county to have Cypress creek cleared out, &c.

Overseer. Hands.

SEC. 2. That the overseer and hands appropriated to said work shall be subject to the same rules and penalties imposed by law upon overseers and hands working on the public roads.

Rules, &c., governing overseer and hands.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 385.

An act to authorize the board of education of Jackson county to pay certain school claims.*The General Assembly of North Carolina do enact :*

Authorized to
pay claims found
to be just.
Proviso.

SECTION 1. That the board of education of Jackson county is hereby authorized and empowered to pay such school claims as they may find to be just and proper: *Provided*, that this act shall only apply to debts that were contracted prior to January first, 1889: *And provided further*, that all such claims shall be paid out of the funds belonging to the district which contracted said debt, the aggregate to be paid not to exceed two hundred dollars.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 386.

An act to protect the private oyster beds or grounds of the State.*The General Assembly of North Carolina do enact :*

Unlawful to
catch terrapins
with oyster-
tongs, &c.
Act applicable
only to Hyde
county.
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to catch terrapins with oyster-tongs, or to work with any other instruments that will molest the oysters, on the private oyster beds or grounds of another: *Provided*, this act shall only apply to Hyde county.

SEC. 2. That any person violating the provisions of the above section shall be guilty of a misdemeanor, and fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 387.

An act to repeal chapter one hundred and sixty-eight of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.*The General Assembly of North Carolina do enact :*

Chapter 168, laws
1876-77, repealed.
(Act regulating
mode of making
entries of vacant
land in Bladen
county.)

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

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 388.

An act to amend the laws of 1887, chapter 345.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter 345, laws of 1887, be amended as follows: Chapter 345, laws 1887, amended. Add to section 11, "that all owners of mills on said stream between the points designated in said act to keep floodgates in all dams and to raise the same during the months of December, January, February, March, April, May; June, October and November from 8 o'clock P. M. on each and every Saturday until 4 o'clock A. M. on the following Monday, and that any failure of such mill-owner to raise such floodgates shall be a misdemeanor, and upon conviction of each and every offence shall be fined not less than five nor more than ten dollars." Drainage act, Hogan's creek, Caswell county. Mill-owners to keep floodgates in dams, &c.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 389.

An act in relation to deeds procured by fraud or duress.*The General Assembly of North Carolina do enact :*

SECTION 1. That no deed of conveyance for lands hereafter executed by a husband and wife, if the privy examination of the wife shall have been certified in the manner prescribed by law, shall be deemed or declared invalid in any case because its execution was procured by fraud, duress, or other undue influence, unless it shall be shown that the grantee had notice of or participated in the fraud, duress or other undue influence before the delivery of the deed, and where the grantee is shown to have had notice of such fraud, duress, or undue influence, or to have participated therein, an innocent purchaser for valuable consideration from or under such grantee shall not take the land subject to any equity arising out of the fraud, duress, or other undue influence. No deed from husband and wife, duly acknowledged, to be declared invalid for fraud, &c., unless grantee had notice of or participated in fraud, &c.

Innocent purchaser without notice from grantee having notice of fraud, &c., not to take subject to any equities, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 390.

An act to modify section two thousand seven hundred and ninety-nine of The Code, so as to constitute four feet a lawful fence in the county of Buncombe.

The General Assembly of North Carolina do enact :

What to be a lawful fence in Buncombe county.

SECTION 1. That section two thousand seven hundred and ninety-nine of The Code, providing that five feet shall be a lawful fence, shall not apply to the county of Buncombe; but that in the said county any fence which is or may be of the height of four feet shall be deemed and taken to be a lawful fence.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 391.

An act to amend section nineteen hundred and fifty-three of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 1953, amended.

SECTION 1. That section nineteen hundred and fifty-three of The Code be and the same is hereby amended by inserting between the words "company" and "all," in the nineteenth line, the following: "And when any route or line is abandoned in the exercise of the power herein granted, full compensation shall be made by the company for all money, labor, bonds or material contributed to the construction of the road-bed or its superstructure by those so interested by their contributions in the abandoned route or line."

Compensation to be made by railroad company when line abandoned, &c.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 392.

An act to authorize the working of convicts by the commissioners of Robeson county, and for other purposes.

The General Assembly of North Carolina do enact :

Robeson county to have benefit of chapter 355, laws of 1887, using temporary stockade, &c.

SECTION 1. That until the board of commissioners of Robeson county have regularly made provision for the county to obtain the benefit of chapter 355, laws of 1887, they are hereby fully empowered to use such house or houses as they now have control of, or any suit-

able temporary erection that may be sufficient over a temporary stockade or work-house, and to apply for, and the judges of the superior courts are hereby authorized to sentence and assign convicts in the courts of Robeson county in accordance with the terms of said chapter 355, acts of 1887: *Provided*, nothing in this act shall be construed or so operate as to require the authorities of the penitentiary to furnish convicts to said county at an amount less than one hundred and twenty-five dollars per capita per annum, and so much more as will cover the entire expense of the convicts so furnished.

SEC. 2. That full power is hereby conferred on the board of commissioners of Robeson county to erect a stockade or work-house or work-houses, that this county may have the benefit of said act of 1887, chapter 355; and they are further fully empowered to use such suitable house or houses as may now be under their control or supervision, or to erect a temporary structure suitable for same, and full power is hereby given them for contracting in respect thereto and for securing the prisoners under this contract, and for doing everything necessary in order that this county may have the benefit of said act of 1887.

SEC. 3. That the said board of commissioners are also invested with power hereby to sell the land and buildings now used as a poor-house by said county, and to purchase such other lands and erect such other houses and improvements as may be more convenient, and as may be for the better ordering and keeping the poor of said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 393.

An act to make the register of deeds of Cleveland county the standard-keeper.

The General Assembly of North Carolina do enact:

SECTION 1. That the register of deeds of Cleveland county shall be the standard-keeper of that county, and shall be subject to all the duties and requirements prescribed for filling that office in chapter sixty-five, volume second, of The Code of North Carolina, and for all work done shall be compensated as the law now provides that the standard-keeper shall be paid.

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

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 394.

An act to amend chapter three hundred and thirteen of the laws of one thousand eight hundred and seventy-nine.*The General Assembly of North Carolina do enact :*

Chapter 313, laws 1879, amended. Lawful for person to take black-fish in White marsh, Columbus county during spawning season, otherwise than by hook and line, on his own land.

SECTION 1. That section one, chapter three hundred and thirteen, of the laws of one thousand eight hundred and seventy-nine, be amended by inserting in line three of said section, after the word "county" and before the word "during," the words "except on his own land."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 395.

An act to correct certain land grants in Swain county.*The General Assembly of North Carolina do enact :*

Secretary of State directed to correct certain grants to N. Treadaway and S. Leatherman.

SECTION 1. That the secretary of State is hereby authorized and directed to correct land grants number one hundred and forty-five, granted to Nicholas Treadaway, dated August twenty-ninth, eighteen hundred and eighty-one, for one hundred acres, and number one hundred and forty-three, issued to Solomon Leatherman, dated July sixth, eighteen hundred and eighty-one, for one hundred and twenty acres, so as they shall read as the plats read which attach to said grants.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 396.

An act to amend chapter three hundred and fifteen, laws of eighteen hundred and eighty-seven, relating to the protection of fish.*The General Assembly of North Carolina do enact :*

Chapter 315, laws 1887, amended. Unlawful to catch fish with seines, &c., in Bear swamp, Hertford county, between the head of Wiccacon creek and Stony creek bridge, between June 1st and October 1st.

SECTION 1. That chapter three hundred and fifteen, laws of eighteen hundred and eighty-seven, be amended as follows: Insert between the word "Hertford" and the word "with," in line three of section two of said chapter, the words "and Stony creek bridge."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 397.

An act to allow the township of Mount Airy, in Surry county, to fund its outstanding bonds.*The General Assembly of North Carolina do enact :*

That whereas, the township of Mount Airy, in the county of Surry, State of North Carolina, did, on the first day of June, one thousand eight hundred and seventy-nine, issue bonds of the said township to the amount of twenty thousand dollars, in denominations of fifty dollars, one hundred dollars and five hundred dollars, for the purpose of paying the subscription of the said township to the capital stock of the Cape Fear and Yadkin Valley Railroad Company, all of said bonds bearing interest at the rate of eight per cent. per annum, and due and payable the first day of June, one thousand eight hundred and eighty-nine; and whereas, there is now outstanding twenty thousand dollars of bonds bearing interest at the rate of eight per cent. per annum, and due and payable on the first day of June, one thousand eight hundred and eighty-nine; and whereas, the said township is desirous of funding said bonds—

SECTION 1. That it shall be the duty of the board of justices of the peace of Mount Airy township aforesaid, at any time after the first day of June, eighteen hundred and eighty-nine, whenever the holder or holders of said bonds, or their agents, shall present the same or any of them, the said board of justices of the peace in the town of Mount Airy, in said township, and request the same to be taken up and new bonds issued therefor, to take up, cancel and destroy said bond or bonds, and issue therefor and deliver to said holder or his agent a new bond for the principal of said old bond or bonds. Said new bonds shall be in the same denomination as the old bonds, and shall be due and payable on the first day of June, one thousand nine hundred and nineteen, and shall bear interest at the rate of not more than eight per cent. per annum, and shall be in the same form as the said old bonds; but the said township of Mount Airy shall have the power and right at any time after the first day of June, one thousand eight hundred and ninety-nine, to call in and pay off and discharge any or all of said bonds so issued, and this shall be expressed in the face of said new bonds.

SEC. 2. That no bonds shall be issued under the provisions of this act, or, if issued, shall be valid against the township, except such as are a duplicate of an old bond, in number and value, of those taken up and cancelled. The justices of the peace shall keep a record of all bonds taken up and cancelled, and of the new bonds issued in lieu thereof.

Board of justices of Mt. Airy township authorized to fund outstanding bonds issued in aid of the C. F. & Y. V. R. R. Co.

Description of new bond.

New bonds to be duplicates of old bonds.

Justices to keep record.

In event holders of old bonds fail to exchange, new bonds to be sold and proceeds applied to payment of old bonds.

SEC. 3. That in the event the holder or holders of the old bond or bonds, as provided in section one of this act, shall not, on or before the first day of June, one thousand eight hundred and ninety, present the same for exchange as aforesaid, then, and in that event, the justices of the peace of the aforesaid township may sell the aforesaid outstanding new bonds, and apply the proceeds arising from the sale thereof to the payment of the principal of the outstanding old bond or bonds.

Special tax.

SEC. 4. That in order to pay the interest on said bonds and to raise a sinking fund for the payment of the principal of said bonds, the justices of the peace of the said township shall, annually, until the interest and principal of said bonds are paid off, levy a special tax, sufficient for the purpose, on the taxable property and polls in said township, both real and personal, not to exceed the constitutional limit, and observing the constitutional equation between property and polls.

Justices to make rules for issuance of bonds.

SEC. 5. That said justices of the peace shall have power and authority to make all such rules and by-laws as to form of bonds, manner of delivery, person by whom the same shall be signed, as will effectually carry out the provisions of this act.

Issue limited to \$20,000.

SEC. 6. That the said justices of the peace of the said Mount Airy township shall not issue new bonds under the provisions of this act in sums aggregating more than twenty thousand dollars, and shall keep a record of all their proceedings, which shall at all times be open to the inspection of any tax-payer living in said township.

Record.

SEC. 7. That it shall be the duty of the said justices of the peace, on or before the first day of May, one thousand eight hundred and eighty-nine, to make and publish in the Yadkin Valley News, a paper published in Mount Airy, a statement showing to whom bonds were issued, and when each bond was delivered, and what coupons were attached to said bond when delivered.

Justices to publish statement.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 398.

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

The General Assembly of North Carolina do enact:

Chapter 31, laws 1879, amended.

SECTION 1. That after the words "or other corporation," in the last line of section two of chapter thirty-one, laws of one thousand eight hundred and seventy-nine, add the following: "*Provided further,* that the sheriff of Surry county shall be and he is hereby appointed tax-collector to collect the taxes levied in the township of Mount

Airy, in Surry county, under this section, as well [as] such taxes as have already been levied and collected, as all taxes that may thereafter be levied on said township under this section as it now stands or may thereafter be amended: *Provided further*, that the said tax-collector, before entering upon the duties of the office aforesaid, shall execute a bond, payable to the State of North Carolina, in a sum double the amount of the taxes placed in his hands for collection, with sureties approved by the board of justices of the peace for said township, and he shall account to the justices of the peace for said taxes in the same manner as he accounts for other taxes: *Provided further*, that the said tax-collector shall deposit the money so collected by him in the First National Bank, of Greensboro, North Carolina (except so much as may be necessarily used in the collection), to [pay] the interest on the railroad bonds of said township as they fall due, and the surplus to be a sinking fund to pay off the bonds at maturity: *Provided further*, that the provisions of this act shall in no way affect the liability of any person or persons who may heretofore [be] appointed to collect said taxes, or any part thereof, or the sureties on his or their bonds."

Collection of taxes in Mt. Airy township, Surry county, levied to pay interest on bonds issued in aid of Mt. Airy and Ore Knob Railroad Company.
Proviso.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 399.

An act concerning the boundary line between the county of Buncombe and the county of Haywood.

WHEREAS, There has heretofore existed a dispute concerning the dividing line between the counties of Buncombe and Haywood from the top of Big Pisgah mountain northwardly to the mouth of Ballew's branch, at the residence of John C. Smathers, on the old Western turnpike road: and whereas, the board of commissioners of the said counties have appointed each one commissioner, to-wit, William Ledbetter, on the part of the county of Haywood, and J. W. Rice, on the part of the county of Buncombe, to settle and fix the line in dispute in accordance with the provisions of section 721 of The Code; and whereas, the said commissioners have actually surveyed, marked and settled said line and made report thereof to the respective boards of commissioners, which report has been duly ratified and confirmed and ordered to be recorded in the said county of Haywood and to be recorded in the county of Buncombe; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

Line marked by W. Ledbetter and J. W. Rice, commissioners, declared to be dividing line.

SECTION 1. That the said line as ascertained, marked and settled by said commissioners, as contained in their report, to-wit: Beginning at the mouth of a branch emptying into North Horning creek on the south side thereof, near the residence of John C. Smathers, and about seven and one-half poles above the mouth of the Ballew branch, which empties on the north side of said creek and runs up said branch, which is known as County Line branch, to the forks thereof; then up the east prong of said branch to the top of the ridge or mountain that divides the waters of North Horning or Dutch Core creek from the waters of South Horning, and also the waters of South Horning from those of the east fork of Pigeon river; thence along the top of the said ridge or mountain, passing a hickory on the top of Thompson's knob and passing a colored grave-yard on the top of said ridge or mountain, and crossing the road that passes through the Deep gap at the foot of Pisgah; and thence to the top of Big Pisgah mountain, the said line following the meanderings of the water-shed of the said mountain from the head of the said County Line branch to the top of Big Pisgah, being in length three thousand two hundred and sixty-nine (3,269) poles or ten miles and sixty-nine poles;—shall be and the same is hereby declared to be and established as the dividing line of the said counties between the points therein named, and to have been such line from the establishing of said county of Haywood.

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

Ratified the 11th day of March, A. D. 1889.

 CHAPTER 400.

An act to prevent the felling of trees in Beaver creek, in the county of Jones.

The General Assembly of North Carolina do enact :

Unlawful to fell trees, &c., in Beaver creek between certain points. Misdemeanor.

SECTION 1. That it shall be unlawful for any person to fell trees or other obstructions in Beaver creek, of said county, from its mouth up to the junction of Flat swamp and Vine swamp.

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 nor imprisoned more than thirty days.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 401.

An act to repeal section 3049 of The Code, in regard to selling wood in incorporated towns.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand and forty-nine (3049) of The Code be and the same is hereby repealed. Code, sec. 3049, repealed. (Sale of fire-wood in incorporated towns to be by cord.)

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 402.

An act to incorporate the Randolph Southern Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That R. T. Gray, T. C. Worth, John H. Ferree, J. C. Walker, S. G. Newlin, F. L. Emery, W. A. Nixon and Amos Gregson, and their associates, successors and assigns, be and they are hereby constituted and created a body politic and corporate under the name of the Randolph Southern Railway Company, and as such may sue and be sued, plead and be impleaded in the courts of this State, and shall have the powers herein granted in perpetuity. Said company shall have power and authority to make by-laws, to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to and will advance the interest of said company; 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 at pleasure, 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 said company be and it is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate, by animal, steam or other motive power, a railroad with one or more tracks from Millboro, in Randolph county, or some other point on the line of the Cape Fear and Yadkin Valley Railway Company's main or branch road. to Randleman or Cedar Falls, in Randolph county, or both, and may extend the same in the direction of South Carolina by such route or routes as the president and directors may determine. Said company may also build and operate branch roads not exceeding ten miles in length. Authorized to build road, &c.
Route.
Branch roads.

Corporate powers
in respect to sur-
veying, construct-
ing, &c., roads.

SEC. 3. That for the purpose of surveying, constructing, maintaining and operating said lines of railroad, said company is hereby empowered: 1st. To cause such examination and surveys to be made as shall be necessary to the selection of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any person. 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 operation of its road. 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, and all other accommodations necessary to accomplish the objects of its incorporation, and to lease or buy any land necessary for its use. 4th. To lay out its road not exceeding two hundred feet in width, and to construct the same, and for the purpose of cutting any embankments and for obtaining gravel and other materials, 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, sidings and switches and other conveniences necessary in the construction of its road, and may run over any part of any other railway's 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 may deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both if occasion may require, on its roads, 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 mort-

gage 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 [connection] 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. That the capital stock of said company shall be ten 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. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued, and each share shall entitle the holder to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their subscription to the said capital stock. Books of subscription shall be opened by the corporators, or a majority of them, at such time or times, place or places, and under such rules and regulations as they or a majority of them may prescribe. Said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars shall have 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 newspaper published in the county of Randolph, and at such meeting the said subscribers to the capital stock shall elect a board of directors, consisting of not less than three nor more than seven members, who shall immediately elect one of their number president of the company.

SEC. 5. That subscriptions to the capital stock of said company may be made in money, land, labor or material, or in bonds, stocks, or other valuable credits, in such manner and in such terms as may be agreed upon by the president and directors of said company, and if any subscriber 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 said company: but before so declaring it forfeited, said stockholder shall have served upon 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 payment is required to be made.

SEC. 6. 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

Capital stock.

Books of subscription.

Organization.

Directors.

President.

Subscriptions to capital stock, how made.

Authorized to merge, &c., with other railroad, &c.

under the laws of this or any other State or States, whenever a majority of the stockholders of the company hereby chartered 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.

Other railroad companies authorized to acquire stock, &c.

SEC. 7. 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 the company incorporated by this act, or to guarantee or indorse such bonds or stock, or either of them; and it shall and may be lawful for any railroad or transportation company or companies to purchase, use or lease the road, property and franchises of the said company hereby incorporated for such time and upon such terms as may be agreed upon.

Stockholders' meeting.

SEC. 8. 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.

Annual statement.

Officers.

SEC. 9. That the president and board of directors of said 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 its railroad. The directors shall be elected by the stockholders annually, 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.

Powers of president and directors.

SEC. 10. 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 its railroad and business. And authority is hereby 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 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, either or any part thereof.

Condemnation of land.

SEC. 11. That said company shall enjoy all the benefits and be subject to the provisions of sections 1943 to 1951, both inclusive, of chap-

ter 49, volume 1, of The Code of North Carolina in respect to the acquisition of land by condemnation.

SEC. 12. That 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 voters may authorize the county commissioners of such county or the municipal authorities of such town to subscribe.

Subscriptions by counties, townships, cities or towns.

SEC. 13. That for the purpose of determining the amount of such subscription, 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, 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 elections 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.

Election on question of subscription.

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., with interest payable semi-annually; if in money, shall be in such annual installments as shall have been named in the petition and in the resolution of 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 the 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.

Subscription to be made on vote of majority of qualified voters.

Special tax.

SEC. 15. That to provide for the interest on said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or 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 to pay such interest and provide a sinking fund for the payment of the principal of the bonds so subscribed at maturity, 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 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.

How collected,
&c.

Sinking fund.

Special tax to
pay money sub-
scription, &c.

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 installment 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 installment 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 installments 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.

Townships incor-
porated, &c.

SEC. 17. That for the purpose 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.

Corporate agents.

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
of counties, &c.,
in stockholders'
meetings.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 403.

An act to prohibit the placing of fish-traps or set-nets in Beaver creek, Jones county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to place fish-traps or set-nets or pod-nets in said creek from its mouth to the junction of Flat swamp and Vine swamp.

Unlawful to
place fish-traps,
&c., in Beaver
creek, between
certain points.
Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars nor imprisoned exceeding thirty days.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 404.

An act to amend section 3840 and 3841 of The Code, so as to abolish the office of standard-keeper for Halifax county.

The General Assembly of North Carolina do enact :

SECTION 1. That sections three thousand eight hundred and forty and three thousand eight hundred and forty-one shall not apply to Halifax county, and the office of standard-keeper for Halifax county is hereby abolished.

Code, secs. 3840
and 3841, not ap-
plicable to Hali-
fax county.
Office of standard-
keeper abolished.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 405.

An act to protect fish in the waters and tributaries of Tranter's creek, in the county of Martin.*The General Assembly of North Carolina do enact :*

Unlawful to place weir nets, &c., in Tranter's creek, &c.

Proviso.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person or persons to place any weir nets, hedges or any other obstruction in the waters of Tranter's creek or any of its tributaries so as to impede the free passage of fish up said streams: *Provided*, that nothing in this act shall be so construed as to prohibit the use of nets on either side of the waters thereof.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace shall be fined not to exceed twenty dollars for each and every offence.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 406.

An act in relation to fees of standard-keepers.*The General Assembly of North Carolina do enact :*

Code, sec. 3753, amended.

Fee of standard-keeper for examining surveyor's chain.

SECTION 1. That section thirty-seven hundred and fifty-three, chapter fifty-seven of The Code, be and the same is hereby amended by adding to the end thereof, after the word "case," the words, "and for every surveyor's chain fifty cents."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 407.

An act to authorize commissioners of Harnett county to fund and pay a certain debt of said county.*The General Assembly of North Carolina do enact :*

Commissioners authorized to issue bonds not exceeding \$20,000 to fund judgment debt due estate of H. Lilly, deceased

SECTION 1. That in order to fund the debt of Harnett county due by judgment to the estate of Henry Lilly, deceased, the board of commissioners of said county are hereby authorized and empowered to issue bonds of the county to an amount not exceeding twenty thousand dollars, in denominations of not less than fifty nor more

than five hundred dollars, with interest coupons attached calling for interest at a rate not exceeding six per centum per annum upon the principal of each bond, said interest coupons to be payable semi-annually, on the first day of January and July of each year, and at such place or places as the said commissioners may deem advisable. Said bonds to be due and payable at such time or times, not exceeding twenty years from their date, as said commissioners may determine, and shall be dated on the day of their issue; but the board of commissioners may pay them sooner, and a tender of payment and a refusal to accept the same shall relieve the said county from any liability to pay interest accruing after such tender and refusal.

SEC. 2. That for the purpose of paying interest on said bonds as it accrues, and the principal thereof at maturity, the board of commissioners of said county shall, at the time of levying other taxes, and annually until the maturity of the bonds, levy a special tax on all the taxable property, real and personal, and on all taxable polls in said county, which tax shall not be more than twelve cents on the one hundred dollars valuation of property, and not more than thirty-six cents on each poll. Said taxes shall be collected in the same manner as the other county taxes are collected, and shall be applied exclusively to the payment of the interest accruing and the principal of said bonds at maturity.

Special tax.

How collected and applied.

SEC. 3. That if after the payment of the cost of collection and the interest accrued on the bonds issued, there shall be a surplus in any year, the same shall be used in a purchase, at not a greater price than par value, of any of the said bonds outstanding, and in case none can be purchased, then said surplus shall be securely invested by the board of county commissioners until the maturity of said bonds, at such rate of interest as may be agreed upon; whenever there may be such surplus, it shall be the duty of county commissioners to advertise in some newspaper published in the county and also in one published in Fayetteville, N. C., for the purchase of such amount of bonds as said surplus will enable them to buy at par or less, and the least price offered shall be accepted to the extent of such surplus.

Surplus of tax in any year, how invested, &c.

SEC. 4. That the coupons on said bonds shall be receivable at their par value in payment of all county taxes or other county dues.

Coupons receivable for county taxes.

SEC. 5. That any executor or administrator of any deceased creditor of said county may take the said bonds at their par value in settlement of a debt due the estate of his intestate or testator, and pay and discharge with said bonds at par value the share or portion which any distributee or legatee is or would be entitled to receive of a debt if collected in money instead of being funded as hereinbefore provided.

Executors, &c., authorized to take bonds at par.

SEC. 6. That the bonds hereby authorized to be issued shall be issued by the chairman of the board of county commissioners and countersigned by the clerk of the board and attested by the seal of the

Bonds, how issued, &c.

county; and the said clerk shall keep in a book suitable for the purpose a complete record of the number and date of issue and amount of each bond, and of the date of redemption or payment of each bond.

Election on question of issuance of bonds.

SEC. 7. That the provisions of sections one and two hereof shall be submitted to an election to be held for the purpose, to the vote of the qualified voters of said county of Harnett, at which those qualified voters who approve the issue of the said bonds and the levy of said special tax shall deposit in a ballot-box to be provided for the purpose a ballot containing the printed or written word "approved," and those disapproving the issue of said bonds and the levy of said tax shall deposit in said ballot-box a ballot containing the printed or written word "disapproved"; and if a majority of the qualified voters of said county shall vote "approved," then the said county commissioners shall issue said bonds and levy said tax as provided in sections one and two of this act; but if a majority vote "disapproved," then they shall not have such authority: *Provided, however,* that if at any such election a majority shall vote "disapproved," the matter may again be submitted to a vote of the people at any time after one year from the date of such election; and if at such subsequent election a majority shall vote "approved," then the said bonds shall be issued and said special tax levied as provided in sections one and two hereof.

Another election.

Election, how held, &c.

SEC. 8. That the election provided for in section seven of this act shall be held and returns thereof made and ascertained in a manner prescribed by law for the election of members of the General Assembly.

Conflicting laws repealed.

SEC. 9. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 408.

An act to protect stock-owners living near Smithfield.

The General Assembly of North Carolina do enact:

Commissioners of Johnston county authorized to erect gate across public road at Smithfield.

SECTION 1. That the board of county commissioners of Johnston county are hereby authorized and directed (whenever in their opinion such action is wise and expedient) to erect a gate across the public road leading northward from Smithfield toward the place formerly known as the "old depot," at or near the place where the corporate limits of said town cross said road, and to keep the said gate in good repair: *Provided,* that the persons who shall apply to the board for

the erection of said gate shall pay all the cost and expenses incurred in building and keeping the said gate in repair.

Applicants for gate to pay expenses.

SEC. 2. That if the said gate shall be erected as aforesaid, it shall be unlawful for any person to leave said gate open or to injure it in any manner, and every person who leaves the gate open or injures it shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding the sum of fifty dollars or imprisoned not longer than thirty days in jail. And all fines shall be set apart and used in keeping up the gate mentioned in section one hereof.

Misdemeanor to leave gate open, &c.

Fines, how applied.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 409.

An act requiring surveyors to have their chains tried by standard-keeper.

The General Assembly of North Carolina do enact:

SECTION 1. That the standard measure for a surveyor's chain shall be twenty-two standard yards, a standard half or two-pole chain shall be eleven standard yards, a standard quarter or one-pole chain shall be five and one-half standard yards; but every person using a surveyor's chain, half chain or quarter chain for measuring land shall, before using the same, and every two years thereafter, bring the same to the standard-keeper of his county to be by him measured and sealed.

Measure of surveyor's chain.

Chains to be measured by standard-keeper.

SEC. 2. That any person who shall use any chain for measuring land without having the same first measured and sealed by the standard-keeper, or who shall use the same for a longer period than two years without bringing it to the standard-keeper and having the same measured and sealed by him, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars, to be recovered in an action before a justice of the peace.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 410.

An act to prohibit the manufacture and sale of intoxicating liquors within four miles of Highlands Academy.*The General Assembly of North Carolina do enact :*

Unlawful to manufacture liquor within two miles.

SECTION 1. That it shall be unlawful for any person to manufacture any spirituous, vinous or malt liquors within two miles of the Highlands Academy, in the county of Macon.

Unlawful to sell, &c., liquor within two miles.

SEC. 2. 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 the Highlands Academy, in the county of Macon.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act, or any part thereof, shall be deemed guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 411.

An act to establish a public ferry across the Yadkin river, in Yadkin and Forsyth counties.*The General Assembly of North Carolina do enact :*

H. P. Martin, &c., authorized to establish ferry.

SECTION 1. That H. P. Martin, of Yadkin county, his heirs and assigns, are hereby authorized to establish a public ferry across the Yadkin river at a point about one mile above Adam Houser's ferry, one landing to be situated on the bank of said river in Yadkin county, on the lands of the said H. P. Martin, and the other landing to be situated on the bank of said river in Forsyth county, at a point as nearly opposite the landing on the bank in Yadkin county as can be conveniently located: *Provided*, that said party shall not use or enter upon the lands of any other person for the purpose of making or constructing landings without the consent or permission of such person.

Proviso.

Vested right for thirty years.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said H. P. Martin, his heirs and assigns, during the full term of thirty years, and that said ferry shall be in all respects a public ferry and subject to the general laws, rules and regulations governing such ferries.

To be a public ferry.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 412.

An act for the protection of sheep husbandry in Clay county.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Clay county are hereby authorized and empowered to pay a reward of not exceeding five dollars for every wolf scalp and not exceeding two dollars for every catamount scalp and not exceeding two dollars for every bald eagle scalp taken in Clay county. The commissioners of Clay county shall require all persons claiming to have killed one of said animals or eagle to exhibit the scalp of said animal or fowl.

Commissioners authorized to pay rewards for wolf, &c., scalps.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 413.

An act to prohibit non-residents from dredging oysters in this State.

The General Assembly of North Carolina do enact :

SECTION 1. That no non-resident shall use any scoop or dredger for the purpose of taking or catching oysters anywhere in the waters of this State.

Unlawful for non-resident to use scoop, &c., to take oysters.

SEC. 2. That no person shall use any scoop or drag other than such tongs as are generally used for that purpose for taking or catching oysters nearer than one mile of any stand of shad-nets located in the waters of the Pamlico sound.

Unlawful for any person to use scoop, &c., nearer than one mile of stand of shad-nets in Pamlico sound

SEC. 3. That any person violating this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 414.

An act to amend section 3409 of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand four hundred and nine of The Code of North Carolina be amended by inserting after the word "rivers," in line four of said section, the words "waters of Big Coharie, Little Coharie, Bear Skin and Big swamps."

Code, sec. 3409, amended. Unlawful to catch fish with seines, &c., in certain waters between May 15th and August 15th.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 415.

An act to authorize service of criminal process by the sheriffs and constables of Bertie and Martin counties in certain cases.*The General Assembly of North Carolina do enact :*

Service of process in Roanoke swamps by sheriffs, &c., of Bertie and Martin counties.

SECTION 1. That the sheriff and constables of Martin county are hereby authorized to execute criminal process anywhere within the Roanoke swamps in Bertie county, and the sheriff and constables of Bertie county are authorized to execute similar process anywhere within the Roanoke swamps in Martin county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 416.

An act to allow the commissioners of Wake county to issue bonds.*The General Assembly of North Carolina do enact :*

Preamble.

SECTION 1. That whereas, the county of Wake has been forced to expend large sums in building bridges and is at any time liable to such charge; and whereas, by the authorities of said county it is deemed expedient that any amount that may hereafter be necessary for building bridges be raised by issuing and disposing of the bonds of said county—

Authorized to issue bonds to build bridges.

SEC. 2. That the board of commissioners may issue bonds to such an amount and in such denominations as they may deem necessary: *Provided*, that no money thus raised shall be used for any other purpose than building bridges.

Description of bonds.

SEC. 3. That said bonds shall bear interest at the rate of six per cent. per annum, and the coupons attached thereto shall call for the payment of the interest thereon, and the said interest shall be payable on the first day of January in each year, and whilst said bonds are in force.

Bonds, how signed, &c.

SEC. 4. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by their clerk, and shall be payable as to the principal thereof in not more than (30 years) thirty years from the date thereof, as shall be determined by the board of commissioners.

Clerk to keep record.

SEC. 5. That the clerk of the board of commissioners shall keep a book in which he shall keep an account of the numbers and denomination of said bonds issued as aforesaid, and the person 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 cancelled.

SEC. 6. That coupons shall be receivable for taxes.

Coupons receivable for taxes. Not to be disposed of for less than par. Special tax.

SEC. 7. That said bonds shall not be disposed of for less than their par value.

SEC. 8. That said commissioners and justices, in order to provide for 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 hundred dollars worth of property in said county, observing the constitutional equation.

SEC. 9. That the commissioners may also create a sinking fund for payment of said bonds.

Sinking fund.

SEC. 10. That as soon as said bonds are issued as hereinbefore provided, that the said commissioners shall place the same in the hands of the county treasurer, who shall thereupon, under direction and supervision of said commissioners, sell and dispose of the same as hereinbefore provided, making out and returning to the board of commissioners an accurate account of such sales.

Bonds to be sold, &c., by county treasurer.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 417.

An act to incorporate the Medoc Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That H. S. Harrison, T. H. Taylor, I. P. Tyree, W. E. Bowers, W. V. Bobbitt, C. A. Williams, F. M. Garrett, W. M. Perkins, J. J. Draper, Nat. Dunn, J. H. Parker, David Bell, S. S. Alsop, E. C. Shearin and W. F. Parker, their associates, successors and assigns, be and are hereby created a body politic and corporate by the name and style of the Medoc Railroad Company, which shall exercise its corporate powers in perpetual succession, and by that name shall have the power to contract and to acquire, hold and dispose of property, real, personal and mixed, to sue and be sued, to plead and be impleaded in every court of the State, and may have and use a common seal; and shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and for its government may make all necessary by-laws and regulations not inconsistent with the constitution and laws of the United States and of the State of North Carolina.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the said company is hereby authorized to construct and maintain a railroad from a point in the corporate limits of the

Authorized to build railroad.

- Termini.** town of Enfield, or within one mile thereof, to a point in or within one mile of the town of Ringwood.
- Branch roads.** SEC. 3. That the said company shall have power to construct and operate, by steam or otherwise, branches not more than twenty miles long in any direction from the main line of said road.
- Capital stock.** SEC. 4. That the capital stock of said company shall be sixty thousand dollars, divided into twelve hundred shares of fifty dollars each, and the stockholders may augment the same from time to time as they may deem requisite to carry into full effect the purposes of this act, not to exceed two hundred and fifty thousand dollars, at any regular meeting as they may designate; any three of them are hereby appointed commissioners to open books of subscription at such times and places as they may appoint; and when ten per cent. of the capital stock shall have been subscribed, and five per cent. of such subscriptions be paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five, and the said directors shall elect one of their own body president of said company. Such elections shall be held at such time and place as may be agreed upon by a majority of the stock represented; the said president and directors to serve one year, and until their successors are elected and qualified, unless vacancies shall sooner occur by death or otherwise, in which case a majority of said board may fill such vacancy or vacancies till the next regular election. A majority of said board shall constitute a quorum for the transaction of business. The president and directors shall appoint a secretary and treasurer and such other officers and agents as shall be prescribed by the by-laws, and who shall hold their offices during the will of the president and board of directors.
- Books of subscription.**
- Organization.**
- Quorum.**
- Officers.**
- Directors authorized to borrow money on mortgage.** SEC. 5. The board of directors may borrow money, at a rate of interest not exceeding eight per centum per annum, and issue bonds therefor, and execute and deliver mortgages and deeds of trust upon the franchises and property of the company to secure the payment of said bonds.
- Certificates of stock.** SEC. 6. Certificates of stock shall be issued to the subscribers under the direction of the board of directors and shall be signed by the president and secretary of the company and authenticated by its seal, and shall be recorded in a book to be kept for that purpose, and all sales or transfers of stock in said company shall be recorded in such book. Said stock shall be held and considered as personal property.
- Subscriptions, how made.** SEC. 7. The subscriptions to the capital stock of said company may be made in lands, timber, timber privileges, labor or money, as may be stipulated.
- Condemnation of land.** SEC. 8. That whenever any land may be needed for the construction of said road, or for warehouses, water-stations, turn-outs, work-shops or other necessary purposes, and for any cause it cannot be purchased at a price satisfactory to the company, or a right to the

use thereof cannot be obtained, the same may be acquired by the said company at a valuation to be obtained as follows: The clerk of the superior court of Halifax county, upon the written petition of the said company, shall order the sheriff of said county to summons five disinterested freeholders to ascertain, under oath administered by the said sheriff, the value of such land, after deducting the enhanced value of it on account of such railroad, or adding any particular damage caused thereby; and upon the payment or tender by said company, their agent or attorney, of the amount so assessed, the title of the property shall thereby vest in said company: *Provided*, that either party may appeal from the judgment of the assessors to the superior court of Halifax county: *And provided further*, that more than fifty feet from the center of the road to either side shall be liable to be condemned. Proviso.

SEC. 9. That the said company shall have the exclusive right, at reasonable rates, to carry passengers and transport freight over and along said road and branches, and shall have the right to connect the said road or any branch thereof with any railroad or transportation company that may have heretofore or that may hereafter be chartered in this State, and to interchange traffic upon reciprocal terms. Exclusive right of transportation.

SEC. 10. That this act shall be in effect from its ratification.

Ratified the 11th day of March, A. D. 1889.*

CHAPTER 418.

An act concerning the Norfolk Southern Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That the Norfolk Southern Railroad 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 an adjoining State (and such other railroad company or companies are hereby authorized to merge or 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 or steamboat lines: *Provided*, it shall not consolidate with any parallel or competing line; and such consolidation may be effected in such manner and on such terms as a majority of the stockholders of said company may determine; that upon the said consolidation being effected, the consolidated company shall have all the rights, privileges and franchises which each of the companies forming it theretofore formerly possessed. Authorized to consolidate with other railroad companies.

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

Ratified the 11th day of March, A. D. 1889. Proviso. Corporate powers

CHAPTER 419.

An act to amend chapter 355 of laws of 1887, in regard to working convicts on the public roads.*The General Assembly of North Carolina do enact :*

Chapter 355, laws 1887, amended.

Certain persons sentenced to imprisonment liable to work on public roads.

Compensation, how fixed.

SECTION 1. That section one of chapter three hundred and fifty-five (355) of laws of 1887 is hereby amended by adding at the end of said section the following words: "In such counties there may also be worked on the public roads, in like manner, all persons sentenced to imprisonment in jail by any magistrate, and also all insolvents who shall be imprisoned by any court in said counties for non-payment of costs in criminal causes may be retained in imprisonment and worked on the public roads until they shall have repaid the county to the extent of the half fees charged up against the county for each person taking the insolvent oath. The rate of compensation to be allowed each insolvent for work on the public roads shall be fixed by the county commissioners at a just and fair compensation, regard being had to the amount of work of which each insolvent is capable."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 420.

An act to authorize the treasurer of Randolph county to pay W. F. Talley certain school claims.*The General Assembly of North Carolina do enact :*

Authorized to pay W. F. Talley, teacher, \$29.00.

Proviso.

SECTION 1. That the treasurer of Randolph county is hereby authorized to pay out of any moneys in his hands belonging to schools the sum of twenty-nine dollars to W. F. Talley for services as public school teacher of white race for the years eighteen hundred and eighty-four, eighteen hundred and eighty-seven and eighteen hundred and eighty-eight: *Provided*, that any money that shall be paid him shall be charged to the school district or districts in which said schools were taught and for which he has not been paid.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 421.

An act to correct land grant number seven thousand three hundred and eighty-two, in Swain county, issued to J. C. Reagan, assignee of Moses Treadaway.

The General Assembly of North Carolina do enact :

SECTION 1. That the name "Mingus Mill creek" shall be stricken out, and the name "Big creek" inserted in lieu thereof, in the grant number seven thousand three hundred and eighty-two, mentioned above. Grant corrected.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 422.

An act to authorize the State treasurer to pay certain claims against the penitentiary.

The General Assembly of North Carolina do enact :

SECTION 1. That the claims against the State National Bank and against the Carolina, Knoxville and Western Railroad, now under the control of the board of directors of the penitentiary, be delivered by said board to the State treasurer, and the proceeds, when collected, and every part thereof, shall constitute a part of the general fund in the treasury; and any action to recover same may be in the name of the State of North Carolina or by the obligees to the use of the State, or any such action may be prosecuted to judgment as at present instituted and collection made thereon. Certain claims due penitentiary to be delivered to State treasurer and when collected to be paid into general fund.

SEC. 2. That the State treasurer be and he is hereby authorized to pay off and discharge the unpaid claims against the penitentiary which were outstanding at the end of the fiscal year November thirtieth, one thousand eight hundred and eighty-eight, to the amount of twenty thousand four hundred and thirty-two dollars and forty-seven cents (\$20,432.47), out of any funds in the treasury arising from the above claims, or from the earnings of the penitentiary, or from the appropriation for the penitentiary for the present or next fiscal year, and not otherwise: *Provided*, that no part of such earnings or of such appropriation for either year shall be used for this purpose which shall or may be required to pay the expenses of the penitentiary for the present or next fiscal year. The payments here authorized shall be made on warrants drawn under such rules and regulations as the board of directors of the penitentiary may prescribe, and to be approved by the State auditor. Action, how prosecuted.

Treasurer to pay certain claims against penitentiary not exceeding \$20,432.47.

Proviso.

Payments, how made.

Penitentiary authorities not restricted to \$220,000.

SEC. 3. The penitentiary authorities shall not be restricted to the expenditure of the two hundred and twenty thousand dollars (\$220,000) mentioned in the appropriation bill passed heretofore for the support of the penitentiary, if the necessities of the penitentiary shall require such additional expenditure: *Provided*, the sum expended in excess of the sum heretofore appropriated shall be realized from the earnings of the penitentiary: *Provided*, the entire expenditures shall in no case exceed two hundred and thirty thousand dollars (\$230,000) per annum.

Proviso.

Proviso.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 423.

An act to authorize the board of directors of the North Carolina State penitentiary to hire convicts to the East Carolina Land and Railway Company.

The General Assembly of North Carolina do enact:

Penitentiary directors authorized to hire two hundred convicts to East Carolina Land and Railway Company.

SECTION 1. That the board of directors of the North Carolina State penitentiary be authorized to hire to the East Carolina Land and Railway Company two hundred able-bodied convicts, to be worked in grading and constructing their railroad from some point on the Atlantic and North Carolina Railroad to some point on New river, in Onslow county.

Compensation.

SEC. 2. That the East Carolina Land and Railway Company shall pay to the board of directors of the North Carolina State penitentiary for the hire of said convicts to be worked on the said railroad such sum as may be agreed upon between the directors of the penitentiary and the authorities of said East Carolina Land and Railway Company, such sum to be not less than one hundred and twenty-five dollars per capita per annum, nor less than the sum actually necessary to meet the expense of feeding, clothing, guarding, housing and transporting such convicts, and all other expense incident to the maintenance and care of such convicts, and to be paid in cash, quarterly, in advance.

Convicts, how worked, &c.

SEC. 3. That the said convicts shall be worked and maintained by and under the direction and supervision of the penitentiary authorities, and under the same rules and regulations as they are maintained, guarded and worked upon the railroads in the State of North Carolina.

Judges authorized to sentence convicts in certain counties to work on East Carolina Land and Railway Company.

SEC. 4. That any judge of the superior court or any presiding officer of any court holding their courts in any of the counties east of the Wilmington and Weldon Railroad, including the county of New Hanover, may, after the conviction and sentencing to imprisonment

any person or persons, upon the requisition of the president of the East Carolina Land and Railway Company, order, in his or their discretion, that such convicts shall be sent to work on said East Carolina Land and Railway Company's railroad; and the same shall be reported by the superintendent in charge of the convicts on said railroad to the warden of the penitentiary and receipt shall be given for them to said warden: *Provided, however*, that not more than two hundred and fifty convicts shall at any one time be engaged on said road.

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.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 424.

An act to amend chapter 134, laws of 1885, relating to roads and highways.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty four, laws of one thousand eight hundred and eighty-five, be amended as follows: In line ten (10) of section *three* strike out all after the word "one" in said line and insert the words "or more supervisors for this township"; strike out in said section lines 11, 12, 13, 14, 15, and the word "district," in line 16, and to said section add: "The said supervisor or supervisors shall give bond, to be approved by the board of township trustees, payable to them in such sum as they shall fix, conditioned for the faithful performance of his duties and the faithful accounting for all moneys and property that shall come into his hands." Chapter 134, laws 1885, amended. (Mecklenburg road-law.) Road supervisors. Bond.

SEC. 2. That [in] line eight, section four, strike out the words "in his road district" and insert "in his township." In section five strike out all after the word "persons," in line one, to and including the word "required," in line three; and in lines six and seven strike out the words "under the direction of the supervisors." Supervisor to have opened roads laid out, &c., in his township. Persons liable to road duty.

SEC. 3. In section twelve strike out in line three all after the word "over" to and including the word "trustees," in line six, and insert the words "to the treasurer of the township." In section fourteen strike out line *one* and insert the words "that the supervisor or supervisors of each township." Money on hand to be paid by supervisor to township treasurer. Township supervisors to erect sign-boards, &c.

SEC. 4. That to section seventeen add the following: "And the tax collected under this act from the property of any township shall be and constitute the road fund in that township in which the taxes are collected, and shall be paid directly to the township treasurer by the tax-collector, whose receipt shall be a valid voucher in the hands of" Road tax collected in township to constitute road fund for such township.

Duty of clerk of commissioners.

such tax-collector; and the clerk of the board of county commissioners, on or before the first Monday of October of each year, shall certify to the chairman of the board of township trustees of each township the amount of road tax for his township." In section twenty, in line thirteen, after the word "provided," strike out the remainder of said section and insert therefor the words, "either party may appeal as in other cases before a justice of the peace."

Appeal in action by township trustees against supervisor.

Claim of land-owner for timber, gravel, &c.

SEC. 5. That in section twenty-three strike out "county commissioners" wherever occurring and insert "township trustees," and in said section strike out the word "county" wherever occurring and insert the word "township"; and in line four of said section, after the word "regular," add, "or called." To section twenty-four add: "Provided, that if the number of supervisors in any township should not exceed two, the township trustees may make a special contract with said supervisor or supervisors for his compensation, and the township treasurer shall receive as commissioner the same commissions as now allowed to county treasurers." In line eight of said section strike out the word "county" and insert: "Township provides that the original act, with these amendments, shall be submitted to the board of magistrates and county commissioners at the June meeting in eighteen hundred and eighty-nine for their adoption or rejection; but if rejected the road fund of the several townships shall be used only for purposes of improving the public roads of the township to which it belongs, under the direction of the magistrates of the different townships."

Compensation of supervisors and township treasurer.

Original act as amended by this act to be submitted to justices and commissioners of Durham county for approval.

SEC. 6. That this act shall apply only to the county of Durham.

Act applicable only to Durham county. Conflicting laws repealed.

SEC. 7. That all laws or parts of laws in conflict with [this] act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 425.

An act to correct a grant to certain land in Burke county.

The General Assembly of North Carolina do enact:

Grant to Benjamin Walker corrected.

SECTION 1. That whereas, a mistake was made in the calls of a grant to Benjamin Walker, it is hereby ordered that grant number sixty-four hundred and ninety-five be corrected as follows: That instead of the calls, "S. 28°, east one hundred and thirty poles with John Chapman's line to his southeast corner, then south 35°, east thirty-six poles to a chestnut oak," it shall read, "North 28°, east one hundred and thirty poles with John Chapman's line to his northeast corner, and thence north 35°, east thirty-six poles to a chestnut oak."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 426.

An act for the better drainage of swamp lands in Wayne county.

The General Assembly of North Carolina do enact :

SECTION 1. That John R. Hood, Daniel A. Cogdell, James McAllin, Needham C. Cogdell and Job Worrick be appointed commissioners whose duty it shall be, on or before the first day of August, 1889, to lay off Falling creek, in Wayne county, from the Hall old mill-seat to a point known as Swinnee's ford, into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for a term of two years and who shall be a land-owner in the section to which he is appointed overseer.

Commissioners
to lay off Falling
creek in sections.

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 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 Wayne shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Chairman.

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's land 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 be; and upon notice of seven days by said overseers, shall furnish one sufficient hand, with approved tools such as shall be notified by the overseer to furnish, for every twenty acres and one for every fraction of ten acres in the meaning of this act, and on failure of such requirement shall forfeit and pay one dollar per day for failure of each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

Duty of commis-
sioners.

Land-owners to
furnish hands.

Penalty.

SEC. 4. That 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 lands embraced in his section.

Duty of commis-
sioners to dis-
tribute labor.

SEC. 5. That 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 twenty 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 dis-

Duty and powers
of overseer.

Proviso.

cretion, order any one and all overseers with their hands, when deemed necessary, to work at any point on said stream.

Misdemeanor to fell timber, &c., into stream.

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

Application of money collected from penalties.

SEC. 7. That all money arising from failure to work on said stream, and all penalties collected under the provisions of this section, 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 stream. 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.

Commissioners empowered to stop washes, &c.

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 enforce 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 section.

Building of bridges, &c., not prohibited.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said stream, or private bridges or roads by the land-owners for their own convenience.

No exemption from road duty.

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. Ratified the 11th day of March, A. D. 1889.

CHAPTER 427.

An act to amend chapter 168 of the laws of eighteen hundred and eighty-seven.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of said act be amended by [adding] the following incorporators after Devereux: Henry Morrison, K. P. Harman, John Maxwell, James Cameron, Duncan McCormick, Thos. W. Harington, James A. Cameron, J. T. Rogers, William Pearson and Jacob C. Williams.

Chapter 168, laws 1887, amended. Additional incorporators; Harnett county Railroad Company.

SEC. 2. That section two be amended by inserting at the end of line three, "at a point on the Cape Fear and Yadkin Valley Railroad between the Moore county line and Spout Springs station or"; amend line eight by striking out "Fayetteville" and insert in lieu thereof "Goldsboro."

Terminal points.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 428.

An act to facilitate the trial of certain actions.*The General Assembly of North Carolina do enact :*

SECTION 1. That in all cases now pending or hereafter to be brought in any county of this State for the purpose of trying the title to the office of clerk of the superior court, register of deeds, county treasurer or sheriff of any [county], it shall be competent and lawful to take the deposition of witnesses before a commissioner or commissioners to be appointed by the judge of the district wherein the case is to be tried, or the judge holding the court of said district. or the clerk of the court wherein the case is pending, under the same rules as to time of notice and as to the manner of taking and filing the same as is now provided by law for the taking of depositions in other cases; and such depositions, when so taken, shall be competent to be read on the trial of such action, without regard to the place of residence of such witness or distance of residence from said place of trial: *Provided*, that the provisions of this act shall not be construed to prevent the oral examination of such witnesses by either party on the trial as they may summon in their behalf.

Depositions in cases involving the title to certain offices, how taken, &c.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 429.

An act to amend the charter of the Rabun Gap Short Line Railway Company.*The General Assembly of North Carolina do enact :*

Chapter 116, laws
1872-73, amended.
Company to have
right to construct
road for fifty
years.

SECTION 1. That section thirteen of chapter one hundred and sixteen (116) of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended by striking out the word "exclusive," in line second thereof, and by striking out all of said section after the words "for fifty years," in line five thereof.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 430.

An act to amend chapter one hundred and fifty-three of the laws of eighteen hundred and eighty-three, in regard to Alexander county.*The General Assembly of North Carolina do enact :*

Chapter 153, laws
1883, amended.

SECTION 1. That chapter one hundred and fifty-three of the laws of eighteen hundred and eighty-three be amended by adding the word "Alexander" after the word "Rowan" and before the word "Davie."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 431.

An act to amend section twenty-one hundred and ninety-seven of The Code, and chapter three hundred and fifty-five, laws of eighteen hundred and eighty-five, and chapter two hundred and sixty-nine, laws of eighteen hundred and eighty-seven.*The General Assembly of North Carolina do enact :*

Statutes requiring work other than that pertaining to agricultural department repealed.

SECTION 1. That so much of section twenty-one hundred and ninety-seven of The Code, chapter three hundred and fifty-five, laws of eighteen hundred and eighty-five, and [chapter] two hundred and sixty-nine, laws of eighteen hundred and eighty-seven, that require

work other than that pertaining to agricultural chemistry by the chemists of the State agricultural department or the agricultural station, shall be and the same are hereby repealed.

SEC. 2. All other laws or parts or clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 432.

An act to amend chapter two hundred and sixty-five, acts of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter two hundred and sixty-five of the laws of eighteen hundred and eighty-three be amended by striking out the word "empowered," in line two of the said section, and inserting the words "directed and ordered." Chapter 265, laws 1883, amended. Commissioners Richmond county ordered to pay school orders for Laurel Hill township for 1873.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 433.

An act to investigate titles to certain oyster grounds in Dare and Hyde.

The General Assembly of North Carolina do enact :

SECTION 1. That whereas, it appears that a "natural oyster bed," known as "Shell Lump" or "Egg Shoal," located in the southern portion of Dare, and a like natural bed near Ocracoke, in the county of Hyde, have been entered as private grounds under the act of 1887, the boards of county commissioners of said counties are hereby authorized and empowered to hear evidence in said cases. Commissioners of Dare and Hyde counties authorized to hear evidence in regard to the entry of certain natural oyster beds.

SEC. 2. That if it is proven that such natural oyster beds have been so entered, the commissioners shall revoke the titles to the same and declare them free public oyster beds. If proven to be natural oyster beds, titles to be revoked.

SEC. 3. That persons so dispossessed shall be reimbursed in the amount paid for such titles, and the board of commissioners shall give a warrant for such amount upon the State treasurer, to be paid out of any moneys accrued from the sale of oyster grounds. Reimbursement of persons dispossessed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 434.

An act to amend the law in relation to the crime of burglary.*The General Assembly of North Carolina do enact :*Two degrees in
crime of burglary

First degree.

Second degree.

Code, sec. 994,
amended.Penalty on con-
viction in first
degree.

In second degree.

In indictment for
burglary in first
degree, jury may
convict in second
degree.Act not applica-
ble to crimes
heretofore com-
mitted.

SECTION 1. That there shall be two degrees in the crime of burglary as defined at the common law and in section nine hundred and ninety-five of The Code of North Carolina. If the crime be committed in a dwelling-house, or in a room used as a sleeping-apartment in any building, and any person is in the actual occupation of any part of said dwelling house or sleeping-apartment at the time of the commission of said crime, it shall be burglary in the first degree. Second. If the said crime be committed in a dwelling-house or sleeping-apartment not actually occupied by any one at the time of the commission of the crime, or if it be committed in any house within the curtilage of a dwelling-house or in any building not a dwelling-house, but in which is a room used as a sleeping-apartment and not actually occupied as such at the time of the commission of said crime, it shall be burglary in the second degree.

SEC. 2. That section nine hundred and ninety-four of The Code of North Carolina be amended so as to read as follows: "Any person convicted, according to due course of law, of the crime of burglary in the first degree shall suffer death; and any one so convicted of burglary in the second degree shall suffer imprisonment in the State prison for life, or for a term of years, in the discretion of the court."

SEC. 3. That when the crime charged in the bill of indictment is burglary in the first degree, the jury may render a verdict of guilty of burglary in the second degree if they deem it proper so to do.

SEC. 4. That this act shall not apply to any crime committed before its ratification, but as to such crimes the law shall remain as it was at the time of the commission of the crime.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 435.

An act to abolish the June term of Buncombe superior court.*The General Assembly of North Carolina do enact :*June term Bun-
combe superior
court abolished.

SECTION 1. That the term of the superior court of Buncombe county commencing the fifteenth Monday after the first Monday in March of each year, known as the June term, be and the same is hereby abolished, and all laws in conflict with this act are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 436.

An act to protect the public moneys in the hands of county treasurers.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any county treasurer shall petition the board of county commissioners to name a place of deposit for the public funds in his hands, the said board may designate the nearest national or State banks that they may deem safe and reliable, and such county treasurer may place the public funds in his hands in the State bank or banks so designated.

Place of deposit for funds in hands of county treasurer.

SEC. 2. That at the time of making such deposit he shall file with the board of county commissioners a statement of the amount so deposited, to what fund belonging, and what interest, if any, to be paid. Said interest shall be accounted for by such treasurer as other moneys that come into his hands.

Statement to be filed by treasurer.

SEC. 3. That the transportation of said funds to the designated bank shall be at the expense of the county treasurer, as shall also its return to him for disbursement. Any loss that may be sustained by reason of the failure of such banks shall be borne by the public fund to which said money may belong.

Expenses payable by treasurer.

Loss to be borne by fund.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 437.

An act prescribing the duties and directing the manner of appointing port wardens for the port of Wilmington.

WHEREAS, The law enacted authorizing the appointment and prescribing the duties of port wardens for the city of Wilmington, ratified the seventeenth day of December, one thousand eight hundred and two, has been omitted in the several Codes since published, thereby making it questionable whether that act is now the law of this State; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of navigation for the port of Wilmington shall be and they are hereby authorized, empowered and directed to appoint at their first meeting, which shall be held after the first day of May next, three fit persons to be wardens of the port of Wilmington, who shall, severally, within five days after such appointment, take the following oath before some justice of the peace of the county of New Hanover: "I, A. B., do solemnly and sincerely swear, that I will faithfully, honestly and impartially exe-

Commissioners of navigation to appoint port wardens.

Oath.

Vacancies. cute and discharge the duty of port warden for the port of Wilmington, by duly appraising and estimating the damage sustained on any vessel or goods arriving in or stranded within the bounds of said port, and will make a true and fair estimate and report of and regarding the seaworthiness of any vessel by me surveyed." And in case of the death, refusal to act, or resignation of any port warden appointed as aforesaid, or appointed at any other time, it shall be the duty of the commissioners of navigation, together with such port warden or wardens as shall be then living and acting, to elect, and they are hereby authorized and empowered to elect some other person or persons in the place and stead of the person so dying, refusing to act, or resigning.

Duties of port wardens. SEC. 2. That it shall be the duty of said port wardens, on request made by the master, owner, freighter or supercargo of any vessel arriving in said port, or stranded within the bounds thereof, to survey and make report of her situation and condition, and the causes thereof, and whether she should be repaired or condemned; to inspect the conditions of vessels, which may arrive in distress, or may have suffered by gales of wind or otherwise at sea; the situation and condition of goods, wares and merchandise, which may arrive in said vessels, or may have received damage at sea, and to report thereon and the probable causes thereof; to inspect the storage of cargoes of vessels arriving as aforesaid, or having received damage as aforesaid, before the same shall be discharged, except where vessels may be stranded, in which cases their cargoes may be inspected after the same are removed, and to report thereon, whether faulty or not, in which report shall be stated the probable cause of the damage; to make surveys of goods, wares and merchandise, and the cargoes of vessels damaged as aforesaid, and to make and report estimates of the amount of the damage sustained as aforesaid; and to make and report, if required, surveys of vessels outward bound, and to report whether they are seaworthy or not, and fit for the voyage intended.

Sale of damaged goods. SEC. 3. That all goods which shall be sold by reason of their having received damage as aforesaid, and shall have been surveyed or inspected by the said port wardens, shall be sold under their inspection and direction; and the said port wardens shall respectively receive for their services: for a survey at the town of Wilmington, the sum of ten dollars; for a survey at the flats, the sum of twelve dollars; and for a survey at Fort Johnson, the sum of fifteen dollars, to be paid by the party at whose request the same is made, and recovered before any jurisdiction having cognizance thereof.

Compensation of port wardens. SEC. 4. That the surveys and reports of the majority of said port wardens shall be considered authentic documents, and as such received as evidence in courts of law.

Surveys, &c, received as evidence. SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 438.

An act to make John S. Martin a citizen of Sampson county.

WHEREAS, The boundary line between Duplin and Sampson counties runs through the residence of John S. Martin, and the said John S. Martin has declared his wish to be a citizen of Sampson county; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the said John S. Martin is hereby declared to be a citizen of Sampson county, and the successive occupants of said house shall be taken and deemed to be citizens of said county of Sampson: *Provided*, this act shall not be construed as changing the boundary line between said counties: *Provided further*, that nothing in this act shall be construed as to exempt the said John S. Martin from paying tax in Duplin on all the property he may own in the said county of Duplin.

Preamble.

J. S. Martin declared a citizen of Sampson county.

Proviso.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 439.

An act allowing judgments and decrees of the circuit and district courts of the United States within this State to be docketed on the judgment dockets of the superior courts of this State.

The General Assembly of North Carolina do enact :

SECTION 1. That judgments and decrees rendered in the circuit and district courts of the United States within this State may be docketed on the judgment dockets of the superior courts in the several counties of this State for the purpose of creating liens of such judgments and decrees upon property within the county where the same may be so docketed, in like manner as the judgments of said superior courts may be docketed, for the purpose of creating liens upon property, but in no other manner, extend or order as contemplated, provided and intended by the act of Congress entitled "an act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1st, 1888. And it shall be the duty of the clerks of the said superior courts, when a judgment sale of said circuit and district courts shall be filed with him, to docket the same as judgments of the said superior courts are required to be docketed.

Judgments and decrees of U. S. circuit and district courts may be docketed in superior courts for purpose of creating lien.

Duty of superior court clerks.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 440.

An act to repeal that part of chapter 47, section 1, laws of 1887, so far as relates to the head-waters of the French Broad river, above Brevard, in Transylvania county.

The General Assembly of North Carolina do enact :

Chapter 47, laws 1887, making it unlawful to make dam, &c., more than three-fourths of French Broad river, in Transylvania county, repealed as to that part of river above Brevard. Proviso.

SECTION 1. That that part of chapter forty-seven, section one, laws of one thousand eight hundred and eighty-seven, be repealed so far as it applies to the French Broad river above Brevard, in Transylvania county: *Provided*, that sufficient space is left open in said river for the free passage of all kinds of fish.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 441.

An act regulating the manner of trial of certain actions.

The General Assembly of North Carolina do enact :

On trial of action in which sheriff is interested, judge to appoint person to summon jury, &c.

SECTION 1. That in the trial of any action in any court of this State before a jury, whether civil or criminal, in which the sheriff of the county where the case is to be tried is a party to or has any interest in the action, or when the presiding judge or justice shall find upon investigation that the sheriff of the county is not a suitable person, on account of indirect interest in or relative to the cause of action, to be entrusted with the summoning of persons from among the by-standers in any particular case pending, such judge or justice presiding at the trial shall appoint some suitable and desirable person to summon the jurors in place of the sheriff.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 442.

An act to amend section 1285 of The Code, adding another cause of divorce.

The General Assembly of North Carolina do enact :

Code, sec. 1285, amended.

Refusal of wife for twelve months to permit husband to have sexual intercourse.

SECTION 1. That section twelve hundred and eighty-five of The Code of North Carolina be amended as follows: Add after the fourth subdivision thereof the words and figures following, "If after the marriage the wife shall wilfully and persistently refuse for twelve months to allow the husband to have sexual intercourse with her."

SEC. 2. That on trial of any action for divorce on the ground above mentioned, either party may testify as to any facts relevant to the issue. Either party a competent witness.

SEC. 3. That this statute shall apply to existing cases where the husband has never had intercourse with the wife. Act applicable to existing cases.

SEC. 4. That this statute shall apply to no case where the husband has ever had intercourse with the wife. Act not applicable to any case where husband has had intercourse.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 443.

An act to amend section five hundred and sixty-five, relative to appeals from justices of the peace.

The General Assembly of North Carolina do enact :

SECTION 1. That section five hundred and sixty-five of The Code of North Carolina be amended by adding to the end thereof the words: "Provided, that if the appellant shall fail to have his appeal docketed as required by law, the appellee may, at the term of said court next succeeding the term to which the appeal is taken, have the case placed upon the docket, and upon motion the judgment of the justice shall be affirmed and judgment rendered against the appellant accordingly, and for the costs of appeal and against his sureties upon the undertaking, if there be any, according to the conditions thereof: *Provided further*, that nothing herein shall be construed to prevent the granting the writ of *recordari* in cases now allowed by law." Code, sec. 565, amended.
If appellant on appeal from justice fail to docket appeal, appellee can docket and have judgment affirmed, &c.

SEC. 2. That this act shall be in force from and after its ratification. Proviso.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 444.

An in relation to obtaining advances by false pretenses.

The General Assembly of North Carolina do enact :

SECTION 1. That if any person, with intent to cheat or defraud another, shall obtain any advances in money, provisions, goods, wares or merchandise of any description, from any other person or corporation upon and by color of any promise or agreement, that the person making the same will commence or begin any work or labor of any description for said person or corporation from whom said advances Misdemeanor to obtain advances on false promise, &c.

are obtained, and said person so making said promise or agreement shall unlawfully and wilfully fail to commence or begin said work, without a lawful excuse, the person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars or imprisoned not exceeding ten days.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 445.

An act for the county commissioners of Haywood county to reimburse certain townships for school funds.

Preamble.

WHEREAS, The constitution of North Carolina, in the year 1868, made it obligatory on the county commissioners to have taught in every school district four months school, and if the State and county taxes should not be sufficient for that purpose the county commissioners were authorized, empowered and instructed to levy and collect in each township, upon the petition of the school commissioners of said township, a sufficient tax to run said schools four months each year; and whereas, in compliance with the requirements of the law the county commissioners of Haywood county did levy and collect out of the townships of Iron Duff and Crabtree about three hundred dollars, in the year of eighteen hundred and sixty-eight; and whereas, said money was used without authority of law for general county purposes—

The General Assembly of North Carolina do enact :

Commissioners authorized to reimburse Duff and Crabtree townships, Haywood county, for certain taxes collected for school purposes.

SECTION 1. That the county commissioners of Haywood county be authorized and empowered to reimburse the townships of Iron Duff and Crabtree, in said county, out of any money in treasury of said county belonging to the general county fund not otherwise appropriated, the full and just amount, as shown by the treasurer's books and receipts, that was collected from these townships in the years of 1868 and 1869 for school purposes for these two aforesaid townships, but which was illegally used and paid out by order of said county commissioners for general county purposes.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws conflicting with [this] act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 446.

An act to amend section three thousand three hundred and eight,
volume two, of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand three hundred and eight, Code, sec. 3308, volume two, of The Code, be and the same is hereby amended by adding after the last word thereof as follows: "*Provided*, that in taking proof or acknowledgment of chattel mortgages the fee of said notary public shall be twenty-five cents for his seal and ten cents for his certificate: *Provided further*, that this act shall only apply to the notary at Matthews, in Mecklenburg county."

Code, sec. 3308,
amended.

Fee of notary for
probating chattel
mortgage.

Act applicable
only to notary at
Matthews, Meck-
lenburg county.

SEC. 2. This act shall be in force from and after its ratification
Ratified the 11th day of March, A. D. 1889.

CHAPTER 447.

An act to provide for the condemnation of land for sites for ferry-
houses.

The General Assembly of North Carolina do enact :

SECTION 1. That whereas [wherever] a public ferry has been or may hereafter be established, the board of county commissioners of the county in which any such ferry is or may be located shall have power to condemn land, not exceeding one acre, for each public ferry, adjacent or convenient to said ferry, upon which to erect necessary buildings for the use and convenience of ferrymen and the traveling public, under the same rules and regulations as is provided by law for condemning land for public roads; and upon the payment, or offer of payment, to the owner of said land of the amount awarded to him therefor, title to the same shall vest in the county in which said land is situate: *Provided*, nothing in this act shall be construed to deprive the owner of land so condemned of the right of appeal to the superior court upon the question of the valuation of said land.

County commis-
sioners empow-
ered to condemn
land for use of
public ferry.

Right of appeal.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 448.

An act to amend section three thousand six hundred and sixty-five of The Code, relating to church property.

The General Assembly of North Carolina do enact :

Code, sec. 3665, amended. Trustees of churches, &c., authorized to convey, &c., land.

SECTION 1. That section thirty-six hundred and sixty-five of The Code be amended by adding to the end thereof the words: "*Provided*, that such trustees may sell and convey or mortgage such land in fee simple, when directed so to do by such church congregation, society or denomination, or its committee, board or body having charge of its finances, and all such conveyances so made or heretofore made, or hereafter to be made, shall be effective to pass said law [land] in fee simple to the purchaser or purchasers, or to the mortgagee or mortgagors, for the purposes in such conveyances of mortgage expressed."

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. Ratified the 11th day of March, A. D. 1889.

CHAPTER 449.

An act to change the line between the counties of Davidson and Forsyth.

The General Assembly of North Carolina do enact :

Part of Davidson county annexed to Forsyth county

SECTION 1. That from and after the ratification of this act, all that portion of Davidson county lying north, northwest and west of a line starting at a point known as the "plow-handle corner," as shown on the map hereto attached as a part of this act, and running west twenty-three and one-half degrees, south three miles to a point on the Yadkin river at or below the mouth of Douthit's branch, shall be annexed to Forsyth county.

Liability of residents in annexed territory for *pro rata* share of indebtedness of Davidson county.

SEC. 2. That all persons living in the proposed territory to be annexed to Forsyth county are hereby required to pay their *pro rata* portion of the present indebtedness of Davidson county, which amount shall be ascertained by the board of commissioners of Davidson county and proved by the oath of said county commissioners to be the just and true *pro rata* share of said indebtedness, to be paid by the people of the said district; and upon presentation to the board of commissioners of Forsyth county, it shall be the duty of said board to levy a tax upon the property and polls of said annexed territory

Duty of commissioners of Forsyth county to levy tax.

sufficient to pay their portion of said indebtedness within three years next after the ratification of this act.

SEC. 3. That the taxes levied under the authority given in section two of this act shall be collected by the sheriff of Forsyth county, and he is authorized to collect the same in the same manner as other county taxes are collected, and when collected shall be paid to the chairman of the board of commissioners of Forsyth county, who shall account to the board of commissioners of Davidson county. Collection of tax, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 450.

An act to incorporate the Maxton and Northwestern Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That J. C. McCaskill, John Leach, E. F. McRae, H. W. McNatt, W. B. Harker, O. H. Blocker and William Black, of Maxton, J. B. Williamson, of Shelby, P. A. Fore, E. S. Lathrop, of Alma, Daniel Shaw, Neil McKay, D. P. Johnson and T. J. Wooten, of Richmond county, T. M. Watson, of Purcepolis, and Horace Butters, of Ludington, Michigan, or any five of them, their associates, successors and assigns, be and are hereby created a body politic and corporate under the name and style of the Maxton and Northwestern Railroad Company, with power and for the purpose of constructing a railroad from Maxton, in Robeson county, to Salisbury or some other point on the North Carolina Railroad, by such route as to the company may seem best, together with the right to construct such branch railroads as may be desired by said company to connect with or cross any railroads that are now or may hereafter be constructed. Body politic.
Corporate name.
Termini.

SEC. 2. Said company is hereby invested with power to take, hold, purchase and possess by lease, deed, gift or otherwise, real and personal or mixed property, and to transfer the same; to have a common seal, and to pass such by-laws as may be necessary to carry out the object of the corporation, and shall be capable of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State; and shall have the exclusive right to transfer and carry persons, produce, merchandise and other materials on and along such railroad at such prices as they may fix. Corporate powers

SEC. 3. The capital stock of said company shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each, payable in cash, land, timber, bonds, securities, real and Capital stock.

personal estate, machinery, rails, labor and services by contract or otherwise.

Directors.

SEC. 4. The affairs of said company shall be managed by a board of directors, who shall be stockholders.

Commissioners to open books of subscription.

SEC. 5. E. S. Lathrop, O. H. Blocker and Daniel Shaw are hereby appointed commissioners and authorized to open books of subscription to said road, and the said corporators, or any five of them, may, at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said company, have power to call together the subscribers to said shares of stock for the purpose of organization, and organize the same and build and operate any part of the same.

Organization.

Directors.

SEC. 6. Said stockholders shall elect at first meeting seven (7) directors of said company, who shall hold office for one year and until their successors be elected, and in all meetings of said directors a majority shall constitute a quorum, and in the meetings of the stockholders a majority of the stock must be represented by person or proxy, and each share shall be entitled to cast one vote.

Quorum.

Stock vote.

Certificates of stock.

SEC. 7. Said company shall issue certificates of stock to its members.

Entry on land.

SEC. 8. The said company shall have the right to enter upon any and all lands necessary for the purpose of surveying or locating its road.

Corporate powers

SEC. 9. Said company is hereby vested with all the rights and privileges of chapter 49 of The Code of North Carolina, besides those in this charter specially given.

Donations or subscriptions by counties, townships and towns.

SEC. 10. That any county, township or town through which said road may be located shall have full power and authority to make donations to said company or to subscribe to its capital stock on behalf of their respective counties, towns or townships to the amount they shall be authorized by the same to do; and to enable such corporations, or any or all of them, to pay said donations or subscriptions, they are hereby authorized to issue bonds, to borrow money and [do] all such other acts as may be necessary to carry out the same; and such subscription, when made, shall be as binding on said corporation as an individual citizen.

Election on question of subscription or donation.

SEC. 11. That upon the petition in writing of one-fifth of the resident tax-payers of any county, township, city or town through which said road may pass, or in which they may be interested, specifying the amount they wish to subscribe or donate, the board of commissioners of the county or the municipal authorities of the city or town may, in their discretion, order and provide for an election to be held within 60 days in said county, township, city or town, of which a notice of at least 30 days must be given by publication in some newspaper published in said county, if any there be, or by notice posted at the court-house door and three other public places in said county. That said election shall be held under the same rules that

govern elections of members to the General Assembly of North Carolina, and those who favor the donation or subscription shall vote a written or printed ballot, "for railroad," and those opposing shall vote a written or printed ballot, "against railroad." The returns of said election, if held for county or township, shall be made to the county commissioners, and if in a city or town, to the municipal authorities of the same; and the said county commissioners or municipal authorities, as the case may be, shall meet on Thursday next after said election and shall declare the result, after canvassing the returns; and if a majority of the votes cast in said election be "for railroad," then the commissioners of the county, or of the county in which any township shall have had such election, and the municipal authorities of any city or town voting under the provisions of this act, shall and are hereby directed to subscribe the amount (or donate the same, as the case may be) specified in said petition for and in behalf of the county, township, city or town so voting, but not otherwise.

Election, how held, &c.

Ballots.

Subscription or donation to be made on majority vote.

SEC. 12. The proper authorities of any county or township or city shall compute and levy in the township or county or city or town and cause to be collected annually a sufficient tax to pay the interest on said bonds and one-sixtieth part of the principal as a sinking fund, which shall annually be paid over to the treasurer of the county, town or city, and shall annually invest the same in said bonds at par or below, and if not able to purchase said bonds, then in good solvent bonds or securities to be approved by the county commissioners or corporate authorities.

Special tax.

SEC. 13. The bonds which may be issued by any county, city or town shall bear interest at 6 per cent. per annum, to be payable forty years after date thereof—interest payable semi-annually—and to be of the denominations of one hundred and five hundred dollars, and to be received by said company at par.

Description of bonds.

SEC. 14. That upon the delivery to said railroad company of the bonds subscribed (provided they be not donated), the said company shall issue to said county, township, city or town stock of equal value and to the amount of said bonds; and all dividends which shall be declared on said stock shall be applied to the reduction of the taxes of said county, township, city or town provided for the sinking fund.

Stock to be issued on delivery of bonds in payment of subscription. Dividends applicable to reduction of taxes.

SEC. 15. That all townships along the line of said proposed railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners [of the county] in which said townships are situated are hereby declared to be the corporate agents of said townships.

Townships incorporated.

SEC. 16. That this company is authorized to borrow money for the purpose of the company to such extent and at such rate of interest as its directors may determine, and to issue therefor its bonds, and to secure them by deed or deeds of trust or mortgage upon the whole or any part of its road, property or franchise, and to sell said bonds

Authorized to borrow money on mortgage.

wherever and whenever and at such price as its directors may deem best.

Authorized to consolidate with other companies, &c.

SEC. 17. This company is authorized to consolidate with any other railroad company or companies, and such other companies are hereby authorized to consolidate and merge with this company; and this company is further authorized to sell all or any part of its property, franchise and rights to any other corporation or person or persons, and all corporations are permitted to subscribe to the capital stock of this company; and upon said consolidation, sale or transfer, all rights herein granted shall be and constitute and belong to the company or persons so buying or purchasing this company.

No exemption from taxation.

SEC. 18. Nothing in this act shall be construed to exempt this company from taxation.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 451.

An act to amend chapter 206 of the laws of 1885.

The General Assembly of North Carolina do enact :

Chapter 206, laws 1885, amended. Time within which work to begin on Cabarrus and Stanly Railroad extended to ten years. Act applicable to all railroads in Cabarrus and Stanly counties.

SECTION 1. That section thirteen (13) of chapter two hundred and six (206) of the laws of this State, ratified March the fourth, 1885, be amended by striking out the word "five," and substituting therefor the word "ten," and adding at the end of said section the following: "And the provisions of this act shall apply to all railroads entering or going out of either Cabarrus or Stanly counties, within their borders."

SEC. 2. That this act shall take effect immediately.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 452.

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

The General Assembly of North Carolina do enact :

Town commissioners to appoint cotton weigher.

SECTION 1. That there shall be appointed for the town of LaGrange one public cotton-weigher; said cotton-weigher shall be appointed by the commissioners of the town of LaGrange, at their regular meeting, first Monday in August, 1889, 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.

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

SEC. 3. That 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 LaGrange." Oath.

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 LaGrange and filed in the office of register of deeds of Lenoir county. Bond.

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. To keep record open to inspection. Compensation.

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 Lenoir, upon the conviction of the offender before any justice of the peace of said county. No other person to weigh cotton, &c. Penalty. How applied.

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 for abuse of trust.

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. Recovery of damages. Misdemeanor.

SEC. 9. This act shall be in force from and after the first Monday in August, 1889. When act to take effect.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 453.

An act to require banks incorporated within the State of North Carolina to make stated reports to the State treasurer.

The General Assembly of North Carolina do enact :

State banks, &c.,
to make financial
statements at
same time as
national banks,
&c.

Statements to be
published.

Treasurer to pre-
scribe form.

Duty of treasurer.

Special examina-
tions.

Compensation of
examiner.

Penalty for fail-
ure of bank, &c.,
to comply with
this act.

SECTION 1. That all joint-stock companies now organized, or that may hereafter be organized, under the laws of this State for the purpose of conducting a banking business, whether saving or general, and all private banks and bankers that solicit or receive deposits, shall be required to make to the State treasurer statements of their financial conditions, at such times identically as the national banks organized under the laws of the United States are required to make their statement to the comptroller of the currency; and also to publish such statements in condensed form as published by said national banks, in some newspaper printed in the city or town where such banking business may be carried on, and if none there, then in a newspaper published in a town nearest thereto. Said statement 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. It shall be the duty of the State treasurer to call upon the banks for the statements hereinbefore mentioned, and at the times prescribed, and to have prepared such blank forms as may be necessary to carry out the provisions of this act. Whenever calls for statements are made by him, he shall forward to each bank in the State two blank statements, one copy of which, after being properly filled out and certified to by the bank to which it is sent, 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; and it shall also be the duty of the State treasurer 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; said examination to be made annually, at times unknown to any person except the State treasurer and said examiner, who shall receive twenty-five dollars for each examination when made.

SEC. 2. Any banking institutions 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 fine of one hundred dollars, to be recovered by motion in the superior court of the county in which the said bank is located, and should failure to render such statement continue for thirty days next succeeding such call from the State treasurer, then the institution so in default shall be subject to a fine of one thousand dollars additional,

collectible in like manner; and the State treasurer shall give notice of such default in a newspaper published and located as prescribed in the 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 felony, and upon conviction shall be fined not less than one hundred dollars and imprisoned in the penitentiary not less than one nor more than five years.

Notice of default to be published.

Officer knowingly making false statement guilty of felony.

SEC. 3. That chapter one hundred and seventy-five of the laws of this State, enacted by the General Assembly of eighteen hundred and eighty-seven, and ratified the third day of March, eighteen hundred and eighty-seven, is hereby repealed.

Chapter 175, laws 1887, repealed. (Act requiring banks to report, &c.)

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 454.

An act to incorporate the Winton Railroad and Lumber Company.

The General Assembly of North Carolina do enact:

SECTION 1. That John S. Camp, William N. Camp, Paul D. Camp, Benjamin F. Camp, Robert J. Camp, James S. Camp and George Cowper, and their associates and successors, be and they are hereby created and constituted a body politic and corporate by the name of "the Winton Railroad and Lumber Company," for the purpose of acquiring and owning timber and lands in the State of North Carolina and of conducting a general lumber business in all of its departments and branches, especially owning and purchasing timber and lands and of cutting, preparing for market and manufacturing pine, oak, gum, cypress, juniper and any other kind of timber for home and foreign markets; and by that name and style the said company shall have perpetual succession and all 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 rights of way as provided in chapter forty-nine of the first volume of The Code.

Body politic.

Corporate name.
Corporate powers

SEC. 2. That said company may build and construct and operate the main line of a railroad from some point on the line between the States of North Carolina and Virginia, in Gates county, to some point on the Roanoke river, in Northampton or Bertie counties, and may build and construct branch roads or tracks from any points on the main line, not exceeding ten miles in length, to be operated by steam or otherwise.

Authorized to build railroad, &c.

Branch roads.

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 two hundred

Capital stock.

thousand dollars by the stockholders at any meeting called for that purpose; and the said company is hereby authorized to subscribe to and hold stock in any other incorporated company.

Authorized to hold real estate.

SEC. 4. The said company may acquire and hold real estate in this State to an amount not to exceed at any time twenty-five thousand acres.

By-laws.

SEC. 5. That said company shall have authority to make from time to time such by-laws and regulations as it may deem necessary for the proper 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 Winton, in Hertford county, or at such other place as may be agreed upon by a majority of its directors. The president shall be elected by the stockholders and shall be ex-officio a member and chairman of the board of directors. The directors, not exceeding five, shall also be elected by the stockholders at their annual meeting.

Officers.

Annual meetings

President.

Directors.

Treasurer and Secretary.

Term of office.

Stock vote.

Authorized to issue mortgage bonds.

Authorized to purchase property.

Exclusive right of transportation.

Proviso as to Gates county.

No right to build branch roads in Gates county.

SEC. 6. The said company shall have the right to issue bonds for the purpose of borrowing money, and to secure the payment thereof by deed in trust or other lien upon its real estate and personal property, not exceeding in amount the paid-up capital of the company.

SEC. 7. That said company shall have the right to purchase and acquire property, both real and personal, from any person, persons, or associations or corporations chartered under the laws of this State.

SEC. 8. That the said company shall have exclusive right, at reasonable rates, to carry passengers and to transport freight over and along said road and branches, and shall have the right to connect the said road or any branch thereof with any railroad or other transportation company that may have been heretofore or that may be hereafter chartered by this State, and to interchange traffic upon reciprocal terms: *Provided*, the provisions of sections one and two of this act shall not apply to Gates county, except as to the construction and operation of the main line of said railroad from some point on the Chowan river, near Winton, to some point on the Virginia line in Reynoldson township in said county: *Provided further*, that nothing herein contained shall be construed so as to give said company the right to build branch roads in said county of Gates.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 455.

An act to incorporate the Methodist Protestant Church Bethany (white), at Vaughan Station, Warren county, N. C.*The General Assembly of North Carolina do enact :*

SECTION 1. That the Methodist Protestant Church Bethany, at Vaughan, N. C., be and is hereby incorporated within a radius of two (2) miles; and it shall be unlawful for any person or persons to manufacture, sell, directly or indirectly dispose of any spirituous, vinous or malt liquors within the limits of said corporation of said Bethany church; and any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not more than ten dollars or imprisoned not more than twenty (20) days.

Misdemeanor to sell, &c., liquor within one mile of Methodist Protestant Church Bethany at Vaughan.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 456.

An act to grant certain powers to the board of county commissioners of Wake county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Wake county be and are hereby empowered to charge the same license for retailing spirituous liquors within one mile of the city limits that the board of aldermen of the city of Raleigh charge.

Empowered to charge similar amount for license to retail spirituous liquors within one mile of city of Raleigh as charged by city Conflicting laws repealed.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 457.

An act to protect the water supply of Greensboro, N. C.*The General Assembly of North Carolina do enact :*

SECTION 1. Any person who shall wilfully place or deposit in any of the streams or creeks or springs from which the supply of water for domestic or other purposes if [is] drawn for the use of the citizens of Greensboro, N. C., or upon ground drained by said streams or creeks, any dead carcasses of any animal, or any filthy or poisonous substance,

Misdemeanor to place dead carcasses, &c., in streams, &c from which water supply is obtained.

or any other substance or thing by which the water in said streams, creeks or springs shall be rendered or may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor.

Unlawful to erect, &c., establishment, &c., deleterious to water supply.

Nuisance.

Duty of superintendent of health.

SEC. 2. That it shall be unlawful for any person to erect, establish or maintain upon said streams or creeks, or any tributary thereof, any establishment, contrivance or works, the effect of which, in its or their operations or use, shall be deleterious to the waters of said supply; and any such establishment, contrivance and works is hereby declared to be a public nuisance.

SEC. 3. That it shall be the duty of the superintendent of health of Guilford county to exercise due surveillance over the water-shed of such streams or creeks, and to abate the nuisance herein declared and forbidden in the manner provided by existing laws.

Wilful injury, &c., of property of Greensboro Water Company a misdemeanor.

SEC. 4. That any person who shall wilfully injure any of the property of the Greensboro Water 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, main pipes, trunks, reservoirs or other receptacle of water, or any source of supply of water connecting with the works of said company, shall be guilty of a misdemeanor.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 458.

An act to amend chapter fifty-seven, acts of one thousand eight hundred and eighty-five, in reference to the schools of Croatan Indians in Richmond county.

The General Assembly of North Carolina do enact :

Croatan Indians in Richmond county entitled to school privileges as granted in chapter 51, laws 1885.

SECTION 1. That the citizens of Richmond county who are Croatan Indians, or the descendants of such who are known as such, or who have a distinct race identity as such, shall be entitled to the same school privileges and benefits as were granted to other Croatan Indians in Robeson county under the provisions of said act of one thousand eight hundred and eighty-five, chapter fifty-one, and the act or acts subsequent to and amendatory of the act of one thousand eight hundred and eighty-five.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 459.

An act to amend chapter three hundred and thirty of the laws of 1887, entitled "an act to incorporate the Raker City and Greensboro Railroad Company," and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty of the laws of 1887, entitled "an act to incorporate the Raker City and Greensboro Railroad Company," be amended as follows, viz.: "Section 1. That C. S. Winstead, Thomas B. Keogh, William Raler, W. Z. Raker, J. A. Long, R. R. King, W. R. Murray, J. A. Odell, J. R. Mendenhall, J. E. Boyd, J. L. Brooks, T. H. Street, J. T. Yancey, George N. Thompson, A. M. Long, W. A. Warren, Wm. D. Amis and Rufus Amis, all of North Carolina, or any five of them, their associates, successors or assigns, are hereby made and declared a body politic and corporate by the name and style of the Greensboro, Roxboro and Eastern Railroad Company, for the purpose of constructing, equipping and operating a railroad from Greensboro, North Carolina, via Roxboro, N. C., to some point east of Roxboro on the Virginia line or within the State of North Carolina, which may be selected by a majority of the above incorporators."

Chapter 330, laws
1887, amended.

Body politic.

Corporate name
changed.

Route.

SEC 2. That said act is hereby further amended by adding thereto the following, viz.: "That for the purpose of aiding in building and equipping the Greensboro, Roxboro and Eastern Railroad from the city of Greensboro to its eastern terminus, and also any branch or lateral railroads which it is hereby fully empowered to construct and equip, in addition to private subscriptions provided for, it shall be lawful for any county, township, city or town in or through which the said railroad, branches or lateral railroads may be located, or which is interested in their construction, to subscribe to the capital stock of said 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 six per cent., payable not exceeding forty years after date thereof, to be received by said company at par, and to be of the denomination of one hundred dollars, five hundred dollars and one thousand dollars; the time to be specified in the written application for the election hereinafter mentioned, and the interest to be payable semi-annually at such time and place as may be designated in the bonds."

Subscription by
counties, town-
ships, cities and
towns.

Bonds.

SEC. 3. That for the purpose of determining the amount of such subscriptions, it shall be the duty of the county commissioners of any

Election on ques-
tion of subscrip-
tion.

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 [said] 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 said road, upon a written application of one-fifth of the freeholders of said county, township, city or town, specifying therein the amount 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 the words "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. Such election shall be ordered within ten days after the filing of such written application, to take place at the expiration of forty days from the date of the notice of election. 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 said county, township, city or town for said election if they deem it necessary.

New registration.

Election, how held, &c.

SEC. 4. That all elections held 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 of the same. If the election shall be held in a township, the registrars and the judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and record 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 officers or municipal authorities, shall ascertain and declare the result and make record of the same.

Subscription to be made on vote of majority of qualified voters.

SEC. 5. 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," 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, township, city or town, as the case may be, the sum which may have been moved in the said petition, which subscription shall be made, within twenty days after the ascertainment of the result of the vote, in coupon bonds bearing interest as afore-

When and how made.

said; and all tax levied for the purpose of raising funds to pay said bonds, or the interest, shall be made upon the polls and taxable property in such counties or townships, cities or towns.

SEC. 6. That to provide for the payment of interest on said 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, a sufficient tax to pay said interest as it falls due, and also to provide a sinking fund sufficient to pay the principal of said bonds at their maturity, which amount shall annually be collected as other taxes and paid to the county treasurer, or other proper officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him to be 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. If such investment cannot be made in the said bonds, then the moneys belonging to the sinking fund shall be invested as the proper authorities may direct.

SEC. 7. That for the purpose of this act, all the townships along the line of the railroad of the above named company, or which may be 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 subject 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 as incorporated and situated within the limits of the said counties respectively.

SEC. 8. That in all conventions of stockholders of said company, such counties, townships, cities and towns as may subscribe to the capital stock shall be represented by one delegate, 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. 9. That in entering upon lands or water for the purpose of exploring, surveying or laying out the route of said railroad and of locating the same, and also for condemning lands for railroad purposes, the said company shall have all the rights, powers and privileges conferred upon the North Carolina Railroad Company by its charter.

SEC. 10. That said company shall have power to farm out the privilege of transportation over its road or roads; and may lease its railroad or other property in such manner and on such terms as it may deem for the best interest of its company; that it shall also have

Special tax.

How collected, &c

Townships incorporated.

Corporate agents.

Counties, &c., to be represented in stockholders' meetings.

Condemnation of land.

Corporate powers

Contracts.

power to acquire control of other railroads in this or adjoining States by lease or otherwise, and shall have such powers as are conferred by the general laws of this State; that all contracts or agreements authenticated by the president under direction of the board of directors, with or without its seal, shall be binding upon the company.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 460.

An act to amend section twenty-seven hundred and seventy-nine of chapter seventeen of The Code, so as to authorize the secretary of State to correct State grants.

The General Assembly of North Carolina do enact:

Code, sec. 2779,
amended.
Secretary of
State empowered
to correct mis-
takes in grants.

SECTION 1. That section 2779 of chapter 17 of The Code be amended by adding to the end thereof the following words: "*Provided further*, that if in issuing any grant the number of the grant or the name of the grantee or grantees or any material words or figures suggested by the context has been omitted or not correctly written or given, or the description in the body of the grant does not correspond with the plat and description in the surveyor's certificate attached to the grant, or if in recording the grant in his office the secretary of State has heretofore made or may hereafter make any mistake or omission by which any part of any grant has not been correctly recorded, the secretary of State shall, upon the application of any party interested and the payment to him of his lawful fees, correct the original grant by inserting in the proper place the word or words, figure or figures, name or names omitted or not correctly given or suggested by the context; or if the description in the grant does not correspond with the surveyor's plat or certificate, he shall make the former correspond with the latter as the true facts may require. In case the party interested prefer it, the secretary of State shall issue a duplicate of the original grant, including therein the corrections made; and in those cases in which grants have not been correctly recorded he shall make the proper corrections upon his records, or by re-recording, as he may prefer; and any grant corrected as aforesaid may be recorded in any county of the State as other grants are recorded, and have relation to the time of the entry and date of the grant as in other cases."

Registration.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 461.

An act to amend section 1493 of The Code, in relation to lands devised to be sold by executors.*The General Assembly of North Carolina do enact :*

SECTION 1. That section 1493 of The Code be amended to read as follows: "Sec. 1493. When any or all of the executors of a person making a will of lands to be sold by his executors shall die, fail, or for any cause refuse to take upon them the administration; or after having qualified shall die, resign, or for any cause be removed from the position of executor; or when there is no executor named in a will devising lands to be sold, in every such case, such executor or executors as survive or retain the burden of administration, or the administrator with the will annexed, or the administrator *de bonis non*, may sell and convey such lands; and all such conveyances which have been or shall be made by such executors or administrators shall be effectual to convey the title to the purchaser of the estate so devised to be sold."

Code, sec. 1493, amended. Land devised to be sold by executors; who may sell.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 462.

An act to establish a public ferry across the Yadkin river, in Surry county.*The General Assembly of North Carolina do enact :*

SECTION 1. That Nathaniel A. Boyden, of the county of Surry, his heirs and assigns, are hereby authorized to establish a ferry across the Yadkin river, the landing on the Surry side to be fixed at a point on the land of said Boyden, near his Cool Spring boat landing, and the landing as near opposite on the other bank as may, in his opinion, be most suitable for the landing and the opening of a public road to said ferry.

N. A. Boyden authorized to establish ferry.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said Nathaniel A. Boyden, his heirs and assigns, to receive such tolls during the full term of thirty years.

Right vested for thirty years.

SEC. 3. That it shall be lawful for the said Nathaniel A. Boyden, his heirs [and] assigns, to receive such tolls and rates of ferriage as may be regulated by law.

Tolls, &c.

SEC. 4. That it shall be unlawful for any one to establish another ferry across the Yadkin river within one and one-half miles of said ferry, or to charge for transporting persons, vehicles, stock or other articles over said river within one and one-half miles of this ferry.

Unlawful to establish ferry within one and one-half miles.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 463.

An act to amend chapter one hundred and five, laws of one thousand eight hundred and eighty-five.*The General Assembly of North Carolina do enact :*Chapter 105, laws
1885, amended.Clerk of New
Hanover criminal court authorized to take probate of deeds, &c.

SECTION 1. That section three of chapter one hundred and five, laws of one thousand eight hundred and eighty-five, be and the same is hereby amended by adding the words "and New Hanover" after the word "Edgecombe," in last line of said section, so as to confer the same jurisdiction on the clerk of the criminal court of New Hanover as now given the clerk of the criminal court of Mecklenburg by an act amending sections one and two of said chapter, enacted at this session of the General Assembly.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 464.

An act to submit to the qualified voters of Waynesville township, Haywood county, the question of the prohibition or no prohibition of spirituous, vinous and malt liquors within the corporate limits of said town.*The General Assembly of North Carolina do enact :*

Local option election to be held on first Monday in May, 1889.

SECTION 1. That an election shall be held on the first Monday in May, one thousand eight hundred and eighty-nine, in the township of Waynesville, Haywood county, for the purpose of determining whether or not spirituous, vinous or malt liquors shall be sold within the corporate limits of said town.

Election, how held, &c.

SEC. 2. That said election shall be held under the supervision of three judges of election, to be appointed by the commissioners of said county at least fifteen days before said election, and under the same rules and regulations as are prescribed for holding elections for members of the General Assembly, except as herein modified. It shall be the duty of the judges of said election to give public notice by advertisement in one or more newspapers published in said town and by written advertisement at the court-house door and three other public places in said township, at least ten days prior to said election. Such judges shall make proclamation of the result of the election immediately after the same is ascertained and return the scrolls, with their certificate of the result of the election, to the clerk of the commissioners of the county of Haywood, who shall record the same and

notify the chairman of the board of commissioners of Haywood county of the result.

SEC. 3. That any person allowed to vote for members of the General Assembly in said township of Waynesville shall have the right to vote in said election. The tickets shall be written or printed. Those who vote against the sale of spirituous, vinous and malt liquors in said township shall vote a ticket with the words "no license" written or printed thereon, and those who favor the sale of spirituous, vinous and malt liquors in said township shall vote a ticket with the word "license" printed or written thereon.

Electors.

Ballots.

SEC. 4. That if a majority of the votes cast at said election shall have written or printed thereon the words "no license," it shall be unlawful for the board of commissioners of Haywood county to grant license to any person or persons for the sale of spirituous, vinous and malt liquors within the corporate limits of the said town of Waynesville. But if a majority of the votes cast at such election shall have written or printed thereon the word "license," then spirituous, vinous and malt liquors may be sold in said town of Waynesville, and the commissioners of Haywood county shall grant license to all persons who apply for same to sell spirituous, vinous and malt liquors in said town on Main street, between Academy street and Reeves' hotel, on paying the tax required by law and proving a good character.

If majority vote "no license," unlawful for commissioners of Haywood county to grant license.

If majority vote "license," commissioners to grant license.

SEC. 5. That all persons selling spirituous, vinous or malt liquors in the town of Waynesville, in addition to the *ad valorem* tax, shall pay an annual license tax in advance to the treasurer of said town of not less than three hundred dollars, as may be fixed by the commissioners or aldermen of said town, and the treasurer shall give his receipt for the same.

License tax.

SEC. 6. That any person selling spirituous, vinous and malt liquors within the incorporate limits of said town without first having paid the license tax aforesaid shall be guilty of a misdemeanor, and upon conviction before the mayor of said town shall pay a fine of not less than fifty dollars or be imprisoned not exceeding thirty days for each and every offence; and all fines collected for the violation of this act, and all license tax, shall be paid to the town treasurer for the use of said town.

Misdemeanor to sell liquor without license.

SEC. 7. That chapter eighty of the laws of 1876-'77 be and the same is hereby repealed: *Provided*, the aforesaid election shall be in favor of "license"; and all other laws and parts of laws that conflict with the provisions of this act be and are hereby repealed.

Chapter 80, laws 1876-'77, repealed. *Provided.* Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 465.

An act to repeal all laws prohibiting the sale of liquors relating to the town of Point Caswell, Pender county, North Carolina.*The General Assembly of North Carolina do enact :*

All laws prohibiting sale of liquor in Point Caswell, Pender county, repealed.

SECTION 1. That the act heretofore passed prohibiting the sale of liquors in Point Caswell, Pender county, North Carolina, and all laws now upon the statute books prohibiting the sale of liquors in Point Caswell, Pender county, North Carolina, be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 466.

An act to enable county officers to bond in surety companies.*The General Assembly of North Carolina do enact :*

County officers in Wayne county in discretion of commissioners allowed to give bond through surety companies.

SECTION 1. That in the discretion of the county commissioners of Wayne county, it shall be lawful for all county officers of said county who are now required by law to give bond, hereafter, instead of giving bond, to secure the State and county by insuring in surety companies, to be approved by the county commissioners of said county.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 467.

An act to amend chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three.*The General Assembly of North Carolina do enact :*

Chapter 154, laws 1883, amended. Name of Thomasville and Silver Valley Railroad Company changed to Thomasville, Silver Valley and Pee Dee Railroad Company.

SECTION 1. That chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three, be amended as follows: Strike out the word "and" in section one, line four, and add the word "Pee Dee" after the word "valley"; add after the word "company," in line five, "that H. H. Warner, of Rochester, N. Y., W. F. Buckley, of New York City. George Crawford, of Pittsburg, Pa., O. P. Posey, White-

water, Wisconsin, Chauncey Andrews, Youngstown, Ohio, H. W. Fries, of Forsyth county, P. C. Thomas and John F. Cramer, of Thomasville, Davidson county, N. C., and such other 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 Thomasville, Silver Valley and Pee Dee Railway Company.'" Add after the [word] "railroad," in line fourteen, "and in the corporate 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, and authority to acquire, hold, own, operate or lease any quarries, mines, coal-beds, timber, lands, lumber-yards, water-powers, factories 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 thirty miles in length." Add in line ten, section one, after the word "county," "or Wadesboro, in Anson county, also Forsyth county."

Corporate name.

Corporate powers.

SEC. 2. Strike out in section two, line two, all after the word "company" down to the word "of," in sixth line, and add instead thereof the following: "H. H. Warner, of Rochester, N. Y., W. F. Buckley, New York City, George Crawford, Pittsburg, Pa., O. P. Posey, White-water, Wisconsin, Chauncey Andrews, Youngstown, Ohio, H. W. Fries, Salem, Forsyth county, P. C. Thomas and Jno. F. Cramer."

Commissioners.

SEC. 3. That it shall be lawful to contract with the penitentiary authorities for convicts at the rate of one hundred and fifty dollars per annum for convicts not otherwise appropriated and in conformity to the law passed by the present General Assembly.

Lawful to contract with penitentiary authorities for convicts.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 468.

An act to amend section two thousand one hundred and eighty-four of The Code, in relation to the appointment of the chairman ex-officio of the board of agriculture of this State.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand one hundred and eighty-four of The Code be amended as follows: In lines four and five of said section strike out the words "the Governor, who shall be ex-officio chairman."

Code, sec. 2184, amended. Governor not to be chairman of board of agriculture.

SEC. 2. That the board of agriculture shall elect its own chairman.

Chairman.

SEC. 3. That all laws in conflict with the provisions of this act shall be and are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 469.

An act in relation to drawing jurors in Rowan county.

The General Assembly of North Carolina do enact :

Discretionary with commissioners to draw jury for second week of superior courts.

SECTION 1. That the county commissioners of Rowan county may or may not, in their discretion, draw a jury for the second week of the several terms of the superior court of said county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 470.

An act to regulate deposits of trust funds.

The General Assembly of North Carolina do enact :

Charters permitting deposits by fiduciaries and county officers, &c., not to be construed to discharge from liability on bonds, &c.

SECTION 1. That in all charters of incorporation granted by this or any preceding General Assembly, any provision permitting deposits therein by any guardian, executor or other trustee or fiduciary, or by any county, bonded or other officer, shall not operate or be construed as to relieve or discharge them, or either of them, from official responsibility, or to relieve them, or either of them, or their sureties, from liability on their official bonds.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 471.

An act to authorize the commissioners of Catawba county to use stock-law fund.

The General Assembly of North Carolina do enact :

Commissioners authorized to use fund to build stock-law fence, &c.

SECTION 1. That the county commissioners of Catawba county are authorized to use the stock-law fund now in the county treasury, arising from a tax upon the property of Hickory township to build a stock-law fence in said township, and not needed for that purpose, in improving the public road on the south side of Henry's Fork river, at Hanging Rock iron bridge, in said county, and pay a balance due for building said iron bridge.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 472.

An act for the relief of **Milton McNeill**, clerk of the superior court of Wilkes county.

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions of section one hundred and fourteen and one hundred and fifteen of The Code shall not apply to Milton McNeill, clerk of the superior court of Wilkes county, on the second Monday in May and June, in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety: *Provided, however,* that said Milton McNeill, when absent from his said office at the times above mentioned, leave a competent and legal deputy at his office for the transaction of business.

M. McNeill, clerk Wilkes superior court, permitted to be absent from office second Mondays in May and June, 1889 and 1890.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 473.

An act to amend chapter 309 of the laws of 1885, in relation to reprinting and sale of certain volumes of supreme court reports.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and nine of the laws of North Carolina, of one thousand eight hundred and eighty-five, be and the same is hereby amended by striking out all after the first section and inserting in lieu thereof the following:

Chapter 309, laws 1885, amended.

SEC. 2. That the secretary of State is authorized and directed to have republished not more than five volumes of the supreme court reports per annum, now out of print, in editions of not more than five hundred copies of each volume, and that he is hereby authorized to pay for said publications out of any money coming into his hands from the sale of supreme court reports on hand or to be published.

Secretary of State authorized to republish not more than five volumes per annum, &c.

How paid for.

SEC. 3. That said republication shall thus continue, as provided in the foregoing sections, until the State shall have on hand, for sale, all of said reports, and that thereafter when the editions of any number or numbers of said reports shall be exhausted, it shall be the duty of the secretary of State to have the same reprinted and pay the expense thereof out of any moneys realized from the sale of reports made by him.

How long republication to continue.

SEC. 4. That the secretary of State is authorized and directed to contract for the printing and binding of such supreme court reports on such terms as he may deem satisfactory and reasonable: *Provided,*

Secretary of State authorized to contract for printing and binding.

Proviso.	that the secretary of State may, at any time, purchase volumes or editions of said reports when the price per volume is not greater than the expense per volume of reprinting in editions as herein stated.
Secretary of State to sell reports, &c.	SEC. 5. That the secretary of State is authorized and directed to sell any or all of North Carolina supreme court reports at a price not to exceed two dollars per volume, and that said secretary shall receive as compensation for the sale of said reports such commissions as are now allowed by law for the sale of other reports, and that he may allow to regular licensed booksellers in this State such discount as to him may seem reasonable and just, from the prices hereinafter fixed.
Compensation.	SEC. 6. That the State treasurer is hereby authorized and directed to pay over to the secretary of State, annually, all moneys arising from the sales of the supreme court reports, to be expended in carrying out the provisions of this act.
Treasurer to pay to secretary of State proceeds of sales of reports.	SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.
Conflicting laws repealed.	SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 474.

An act supplemental to act of General Assembly passed at this session (one thousand eight hundred and eighty-nine) in relation to election of cotton-weighers for towns of Salisbury and Charlotte.

Preamble.

WHEREAS, An act entitled "an act to elect cotton-weighers for the towns of Salisbury and Charlotte, in the counties of Rowan and Mecklenburg," passed the two houses of the General Assembly without due consideration, and is objectionable and not suited to the condition of affairs in the town of Charlotte, N. C.; now, therefore,

The General Assembly of North Carolina do enact:

Chapter 13 *ante*
not to apply to
Charlotte and
Mecklenburg
county.

SECTION 1. That the provisions of the said act of Assembly be and the same is amended so that it will not apply to Charlotte and the county of Mecklenburg.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 475.

An act to authorize the running and marking the State line between this State and the States of Virginia, Tennessee, Georgia and South Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the governor of North Carolina is hereby authorized to appoint two competent commissioners and a surveyor and a sufficient number of chain-bearers, on the part of the State of North Carolina, to act with the commissioners or surveyors appointed or to be appointed by any of the contiguous States of Virginia, Tennessee, South Carolina and Georgia, to re-run and re-mark, by some permanent monuments at convenient intervals, not greater than five miles, the boundary lines between this State and any of the said States.

Governor authorized to appoint commissioners, &c., to act with commissioners, &c., appointed from adjoining States.

To re-run, &c., boundary lines.

SEC. 2. That when the line has been re run and re-marked as above provided, between this State and any of the contiguous States, or such portion of said lines as shall be mutually agreed by the commissioners, the governor is authorized to issue his warrant upon the State treasurer for such portion of the expenses as shall fall to the share of this State.

Payment of expenses.

SEC. 3. That if any disagreement shall arise between the commissioners the governor of this State is hereby authorized to appoint arbitrators to act with similar officers to be appointed by the other States in the settlement of the exact boundary.

Arbitrators in case of disagreement.

SEC. 4. That in case of any serious disagreement and inability on the part of the said arbitrators to agree upon said boundary, such fact shall be reported by the governor to the next General Assembly for their action.

Serious disagreement to be reported to General Assembly.

SEC. 5. That when the commissioners shall have completed the survey, or so much as shall be necessary, they shall report the same to the governor, who shall lay the same before the council of State; and when the governor and the council of State shall have approved the same the governor shall issue his proclamation, declaring said lines to be the true boundary line or lines, and the same shall be the true boundary line or lines between this and the States above referred to.

On report of survey and approval of council of State governor to issue proclamation, &c.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 476.

An act to amend section one thousand seven hundred and ninety-nine of The Code, in regard to advancement of money and supplies, etc.

The General Assembly of North Carolina do enact :

Code, sec. 1799,
amended.
Lien on crops for
advances made
by mortgagors,
&c., in possession
of land.

SECTION 1. That section one thousand seven hundred and ninety-nine of The Code be amended by adding thereto the following words: "And this section shall be deemed to apply to all contracts made for the advancement of money and supplies, or either, for the purposes herein specified by mortgagors or trustors who may be in possession of the lands mortgaged or conveyed in trust at the time of the making of the contract for such advancement of money or supplies, either in case the debts secured in said mortgage or deed of trust be due or not."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 477.

An act for the relief of Daniel G. McClellan, of Cumberland county.

The General Assembly of North Carolina do enact :

Treasurer of
school fund in-
structed to pay
D. G. McClellan
\$28.00.

SECTION 1. That the treasurer of the school fund of Cumberland county be and is hereby instructed to pay out of any funds that may now or hereafter be in his hands to the credit of school district number three, white race, of Black River township, Cumberland county, to Daniel G. McClellan, for board during the school term of four months ending twenty-fifth day of February, one thousand eight hundred and eighty-seven, as per agreement between him and the committee of said district, the sum of twenty-eight dollars: *Provided*, the board of education of Cumberland county shall have power to inquire into the claim of Daniel G. McClellan, and allow the same, provided they are satisfied of its justice, and that the same or part be paid, and if so satisfied they may endorse their approval thereon, whereupon it shall be paid out of the school fund of the district referred to.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

Proviso.

CHAPTER 478.

An act to authorize the commissioners of Hyde county to levy a special tax.*The General Assembly of North Carolina do enact :*

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-nine and one thousand eight hundred and ninety, 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 twenty cents upon every hundred dollars worth of property and sixty 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.

Authorized to levy special tax to pay county indebtedness.

Limitation of tax.

How collected.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 479.

An act to authorize Macon and Swain counties to subscribe capital stock to railroad companies.*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of aiding in raising the capital stock of the "Rabun Gap Short Line Railway Company," the Atlanta, Franklin and Knoxville Short Line Railway Company, or any other railroad company that may be chartered through the counties of Macon or Swain, or through either of them, it shall and may be lawful for either Macon or Swain county, or both, to subscribe to the capital stock of any such companies such sum, in bonds, as a majority of all the qualified voters or electors may authorize the county commissioners of such county to subscribe. Said subscription shall be made in bonds not bearing a greater interest than seven per cent. per annum, payable thirty years after date thereof, to be received by any of said companies at par, and to be of the denomination of one hundred dollars and five hundred dollars, interest to be paid annually: *Provided*, the total subscription of Macon county shall not exceed one hundred thousand dollars, and the total subscription of Swain county shall not exceed seventy-five thousand dollars.

Macon and Swain counties authorized to subscribe to capital stock of certain railroad companies.

Subscription to be made in bonds.

Limitation of subscription.

Election upon question of subscription.

SEC. 2. That for the purpose of determining the amount of such subscription, it shall be the duty of the county commissioners of either county above mentioned, upon the written application of one-fifth of the freeholders of the county in which the election is proposed to be held, specifying the amount to be subscribed in bonds, to submit to the qualified electors of such county the question of "subscription" or "no subscription" to the capital stock of any of such companies; and said county commissioners 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," and said commissioners 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 six weeks immediately prior thereto in one or more newspapers published or circulated in the county.

New registration.

That said county commissioners are hereby authorized to order a new registration of the qualified voters of the said county for said election.

Election, how held, &c.

SEC. 3. That the election under the preceding section shall be held 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 of the same. That in case a majority of all the qualified electors of said county shall have voted "subscription," then the chairman of the board of county commissioners shall be authorized and required to subscribe to the capital stock of said company so petitioned to be subscribed for in behalf of said county 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 cent. per annum as aforesaid, with interest payable annually; and all tax levied for the purpose of raising funds to pay said bonds or coupons shall be made upon the polls and taxable property of said county.

Subscription to be made on vote of majority of qualified voters.

Special tax.

SEC. 4. 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 shall, in addition to all other taxes, each year compute and levy on all property and polls of such county, 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 and additional tax sufficient to provide each year a sum equal to one-fiftieth 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 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; but in case said treasurer or other officer shall be unable

Sinking fund.

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.

SEC. 5. That in all conventions of stockholders of such companies, such county or counties so subscribing to the capital stock of such company shall be represented by one or more delegates, to be appointed for such purpose by the county commissioners of such county.

Representation of counties in stockholders' meetings.

SEC. 6. That the bonds thus subscribed shall not be deliverable to the company for which they were subscribed till the road is completed and in running order to the town of Franklin, in Macon county. The town of Franklin shall mean at any point within one mile of the court-house in said town.

When bonds to be delivered.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 480.

An act to incorporate the "Asheville Fast Line and Suburban Railway Company."

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of constructing and operating a railway in the city of Asheville, Asheville township and other townships of Buncombe county, Nat. Atkinson, C. M. McLoud, M. J. Fagg, W. J. Alexander, J. S. L. Baird, W. T. Reynolds, G. M. Roberts and Thad. Coleman, 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 "Asheville Fast Line and Suburban Railway Company," and by that name may sue and be sued, may 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 belongs to any and all street railway and other railroad companies in the State, including the right to condemn lands for rights of way and for depot purposes, subject to the restrictions in section seven of this act.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the said company is hereby authorized to make, construct and maintain a railway or railways with one or more tracks,

Authorized to construct railroad.

- to be used with such motive power as the board of directors may determine, through and along any of the streets, or other lands where the streets will not answer the purposes, of the city of Asheville, Asheville township and any of the townships of Buncombe county: *Provided*, that steam as a locomotive power shall not be used in the streets in the city of Asheville, except in crossing them, without the consent of the authorities of said city: *And provided further*, that this act shall not be interpreted so as to allow this company to build or construct its lines along any of the streets of Asheville on which the Asheville street railway, on the first day of March, one thousand eight hundred and eighty-nine, had privileges to run and construct its road from the authorities of said city, but may connect with said street railway or other railway in the city or county; that such railway shall be for the transportation of passengers and freight, and the charge for the transportation of a single passenger within the limits of Asheville township shall not exceed ten cents.
- Proviso.**
- Proviso.**
- Capital stock.** SEC. 3. That the amount of capital stock of the company shall be determined by the corporation, not to exceed five 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 incorporators may open books for subscription whenever they deem it expedient, and whenever as much as five thousand dollars shall be subscribed they may proceed to organize a company.
- Non-liability of stockholders.**
- Books of subscription.**
- Organization.**
- Corporate powers** SEC. 4. The company shall have the same power to elect directors, make by-laws, call meetings and condemn lands as has been heretofore granted to any street railway company or other railroad company in the State. 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.
- Misdemeanor to injure railway, &c.** 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. 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.
- Powers of conductors, &c.**
- Special powers.**

SEC. 6. The charter of the Asheville Fast Line and Suburban Railway Company shall be in force for ninety-nine years, provided work be commenced in the construction of said road within two years from and after the ratification of this act.

Charter in force for ninety-nine years.
Proviso.

SEC. 7. That before occupying any of the streets of the city of Asheville with the said railway, the consent of the board of aldermen of said city shall be first had and obtained.

Consent of aldermen necessary for occupation of streets of Asheville.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 481.

An act to review and amend the public road crossing the Blue Ridge at Mulberry Gap.

The General Assembly of North Carolina do enact:

SECTION 1. That Morgan Long, of the county of Ashe, John S. Miller, of the county of Alleghany, and D. M. Hall, of the county of Wilkes, are hereby appointed commissioners whose duty it shall be to review the public road which crosses the Blue Ridge at Mulberry Gap and to make and designate such changes or alterations as they may deem expedient to be made to improve the grade of said road. The said review to begin in branch where it crosses the road near Alexander Taylor's, and to extend to the top of the mountain near William Rose's.

Commissioners to review road, make changes, &c.

When review to begin.

SEC. 2. That after discharging their duties under this act, said commissioners shall make three reports of their work—one to board of commissioners of each county above named—and they shall in said report designate what damage any person, through or over whose lands said alterations have been made, has sustained, which damage is to be paid by the county in which the land is situate.

To report to county commissioners.

SEC. 3. That said commissioners, or a majority of them, shall have power to determine what portion of said road is to be made by the counties of Ashe and Alleghany on the upper end of said review, and what portion shall be made by the hands living in the county of Wilkes on the lower end of said review; and in apportioning said work, said commissioners shall consider the benefit to be derived by the hands and people living in the respective counties, and need not be governed by county lines further than they deem just and right.

To determine work to be done by several counties.

SEC. 4. That the boards of commissioners of the respective counties shall have power and it shall be their duty to call out all the hands in their respective counties living within five miles of said road or any portion thereof to aid in constructing and making said road according to the alterations of said road commissioners above named. And said board of commissioners shall have power and it shall be their

Duty of county commissioners.

duty to appoint overseers over the part of said road lying in their counties or in the portion allotted and designated by the road commissioners to be made by the hands of each county, respectively. The said alterations shall be equal in width to the old road when first made.

Road to be altered &c., before December 25th, 1889. How hands to work, &c.

SEC. 5. That said road shall be altered, changed and made according to the provisions of this act on or before the twenty-fifth of December, one thousand eight hundred and eighty-nine; but no person shall be compelled to work on said road in said time more than ten days, nor at a time that would materially interfere in working the crops.

Penalties, &c.

SEC. 6. That all hands subject to work on said road according to the provisions of this act shall be liable to all the penalties and laws now presented by law for failing to work public roads.

Township supervisors to receive road when completed, &c.

SEC. 7. That when the said alterations and changes in said road have been constructed as provided for in this act, then it shall be the duty of the township supervisors through whose township said road runs to receive the same and to report to the county commissioners that said road or the changes thereof have been constructed according to law; and when so completed said road shall be kept up and worked in the manner now prescribed by the general road law.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 482.

An act to amend section three thousand six hundred and six of chapter fifty-one of The Code.

The General Assembly of North Carolina do enact:

Supreme court justices to be trustees of court library, &c.

SECTION 1. The justices of the supreme court and their respective successors in office are appointed trustees of the supreme court library, and all moneys appropriated for its increase shall be paid out under their direction and supervision. The justices aforesaid shall have charge of the court library, and may, in their discretion, employ a librarian, who shall perform his duties under such rules and regulations, and shall receive such compensation, as may be prescribed by such trustees, not exceeding the sum of five hundred dollars per annum. And it shall be the duty of said librarian to admit attorneys to the library at night while they are in attendance and practicing in the supreme court during the session thereof: *Provided*, they make application to said librarian for such admission.

To employ librarian.

Compensation.

Duty to admit attorneys to library at night. Proviso.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 483.

An act to allow D. C. Mangum, clerk of the superior court of Durham county, to be absent from his office on Monday, the eleventh, and Monday, the eighteenth of March, one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section one hundred and fourteen, chapter nine, of The Code, shall not apply to D. C. Mangum, clerk of the superior court of Durham county, on Monday the eleventh, and Monday the eighteenth day of March, one thousand eight hundred and eighty-nine.

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

Ratified the 11th day of March, A. D. 1889.

D. C. Mangum, clerk Durham superior court, allowed to be absent from office certain Mondays in March, 1889.

CHAPTER 484.

An act to supplement the public school in district No. 4, Guilford county, North Carolina, with a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That all the territory embraced within the following boundaries—commencing at the southeast corner of the corporate limits of the city of Greensboro, running thence due south one mile; thence due west one mile and a half; thence north one mile; thence east to the southwest corner of the corporate limits of the city of Greensboro; and thence with the south corporate line of the city to the beginning—shall be known as school district No. 4.

Boundaries of school district number 4.

SEC. 2. That the board of commissioners of Guilford county, upon the written application of a majority of the committee of said school district, is hereby authorized and directed to make special provisions for the registration of voters, designate the place of holding election, and submit to the qualified voters of said school district, on the first Monday in May, 1889, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of the public schools for white and colored children of said district. Each voter shall vote a written or printed ballot with the words "for school" or "no school" thereon, and said election or elections shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election for members of the General Assembly.

Election upon question of special tax for support of schools.

SEC. 3. That in the event that a majority of the qualified voters of said district shall vote in favor of such tax, the same shall be levied and collected in the same manner as provided by law for the levying

Tax to be levied on vote of majority of qualified voters.

and collection of State and county taxes, and the sheriff shall pay over the same to the treasurer of the county board of education under the same liabilities as are now provided by law for the collecting and paying over of county school taxes: *Provided*, that the special tax so levied shall not exceed twenty-five (25) cents on each one hundred dollars worth of property and seventy-five cents on each poll.

Limitation of tax.

District school committee to expend tax, &c.

SEC. 4. That the special tax thus collected from the taxable property and polls, together with the general school fund appropriated by the board of education to said district, shall be expended by the school committee of said district in keeping up the public schools of said district for the white and colored races of both sexes between the ages of six and twenty-one years of age, in accordance with the general school law of the State.

Another election in case of adverse vote.

SEC. 5. That in the event that a majority of the qualified voters of said district shall vote against the special tax provided for in this act, then, and in that case, it shall be the duty of the board of commissioners of Guilford county, on a petition of a majority of the said committee, to submit again the question of a special tax to the qualified voters of said district, but not oftener than once in any one year.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 485.

An act to exempt township No. 12 (Roanoke), in Warren county, from the operation of chapter 107 of the laws of 1885, entitled "an act to prevent live stock from running at large in Halifax and Warren counties."

The General Assembly of North Carolina do enact:

Chapter 107, laws 1885, (stock-law) not applicable to Roanoke township, Warren county.

SECTION 1. That the provisions of chapter 107 of the laws of 1885, entitled "an act to prevent live stock from running at large in Halifax and Warren counties," shall not apply to township No. 12 (Roanoke), in Warren county.

Commissioners not to build, &c., fence around township.

SEC. 2. That the board of commissioners of Warren shall not be required to build or repair any fence or fences or pay for any fence or fences to be built or repaired, after this act goes into effect, in or around said township No. 12 in said county.

When act to take effect.

SEC. 3. That this act shall be in force from and after the first day of January, A. D. 1891.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 486.

An act to regulate and limit the amount of indebtedness to be contracted for special purposes by counties, cities, towns and townships.

WHEREAS, It is believed that the tendency of municipal governments at the present day is to contract indebtedness for the purpose of constructing railroads, maintaining other internal improvements and for special purposes generally to an extent which is now becoming unjust and burdensome to the people; and whereas, it is in the interest of good government and of economic administration in public affairs that some limit be fixed which such indebtedness shall not exceed; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any county, city, town or township to contract any debt, pledge its faith or loan its credit for the construction of railroads, the support or maintenance of internal improvements or for any special purpose whatsoever to an extent exceeding in the aggregate ten per cent. of the assessed valuation of the real and personal property situate in said county, city, town or township.

Limitation of subscriptions by counties, cities, towns and townships in aid of railroads.

SEC. 2. That the levy of any tax to pay any such indebtedness in excess of the said limitation shall be void and of no effect.

Levy of tax in excess of limitation void.

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

Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 487.

An act to improve the turnpike roads of Johnston county.

The General Assembly of North Carolina do enact :

SECTION 1. That the turnpike roads built by convict labor across the lowlands of Swift creek and Neuse river, in Johnston county, are hereby declared to be public roads, and the supervisors of Smithfield township, Johnston county, are hereby empowered to direct and require the overseers and those subject to road duty of said roads to do any and all such work on the same as shall be necessary to keep the said roads in good repair and in as good order as they were built: *Provided*, the said supervisors shall not have the power to require the working of the hands on said roads for a longer time than is now permitted by law.

Turnpike roads built across lowlands of Swift creek and Neuse river declared public roads. Duty of supervisors.

Proviso.

Supervisors of Smithfield township to re-apportion hands.

SEC. 2. That the board of supervisors of Smithfield township are hereby authorized to meet whenever its chairman or a majority of said board shall deem expedient and re-apportion the road hands of Smithfield township or do such other act in regard to the roads and turnpikes of said township.

Unlawful to injure roads, &c.

SEC. 3. That it shall be unlawful for any person to injure the turnpike roads before mentioned in any way whatsoever, or to break, injure or destroy any trees, grasses or plants growing or planted on the same or on the sides thereof, and every person convicted of any of said acts shall be fined not more than fifty dollars or imprisoned not more than thirty days, in the discretion of the court; and all fines and penalties collected or imposed under this act shall be paid to the county treasurer of Johnston county and by him credited to the turnpike road fund, and be by him kept and paid out as is herein-after provided.

Penalty.

Fines, &c., how applied.

Persons convicted before justices liable to be sentenced to work on roads.

SEC. 4. That upon every conviction before any justice of the peace of Smithfield township of an offence in the jurisdiction of a justice of the peace, it shall be lawful for the justice, instead of sentencing the person convicted to imprisonment in the jail of Johnston county, to sentence the same to work upon the roads and turnpikes of Smithfield township for such a length of time as he should otherwise [have] sentenced him or them to imprisonment in the common jail; and it shall be further lawful for said justice of the peace to commute the said work on the said roads for such a payment in cash as to him shall seem just, and such cash payment shall as [be] by him paid to the treasurer of Johnston county and by said treasurer credited to the turnpike road fund mentioned in section three hereof.

Commutation of work.

Turnpike road fund, how expended.

SEC. 5. That the turnpike road fund hereinbefore provided for shall be expended by the board of supervisors of Smithfield township in improving, in such manner as the said board shall deem best, the roads and turnpikes mentioned in section one of this act, and keeping the same in order; and the treasurer shall pay out the same on the order of the chairman of said board.

Fines collected by magistrates payable to county treasurer, &c.

SEC. 6. That magistrates collecting fines or commutations of sentences under the provisions of this act, shall be required to pay over and account for the same to the treasurer of Johnston county in the same manner and under the same penalties as they are now required to pay over fines and penalties belonging to the school fund.

Chapter 237, laws 1887, re-enacted.

SEC. 7. That chapter 237, acts of 1887, is hereby re-enacted, and this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 488.

An act to regulate the working of public roads in Cleveland county.

The General Assembly of North Carolina do enact :

SECTION 1. That the residence of a married man shall be where his family resides, and that of a single man where he sleeps; and any person, subject to road duty, shall be liable to work in any overseer's boundary when he shall have resided in said boundary for three days: *Provided*, that the board of supervisors may have the right to assign road hands to any public road within their respective townships.

Residence.

Where hands liable to work.

Proviso.

SEC. 2. That no overseer of a public road, appointed by the board of supervisors, shall be allowed to resign under two years from the date of his appointment, and not then unless that section of road of which he is overseer shall be in good condition: *Provided*, the board of supervisors may, at any time, accept the resignation of an overseer for good and sufficient reason.

Resignation of overseer.

Proviso.

SEC. 3. That the fees of a constable for serving notice of appointments to overseers shall be thirty cents only.

Fees of constable.

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

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 489.

An act to prevent the killing of deer during the breeding season in Bertie county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to hunt and kill deer in Bertie county between the first days of February and August of every year.

Unlawful to hunt, &c., deer in Bertie county from February 1st to August 1st.

SEC. 2. That any person who shall shoot or kill deer in the months prohibited shall be guilty of a misdemeanor, and on conviction shall be fined ten dollars or be imprisoned ten days in the county jail.

Misdemeanor.

SEC. 3. That it shall be lawful to kill wild turkey cocks in Bertie and Martin counties until the first day of May.

Lawful to kill wild turkey cocks in Bertie and Martin counties to May 1st.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 490.

An act to correct a certain land grant, number two hundred and twenty-seven, in Swain county, granted to Martin Dehart.*The General Assembly of North Carolina do enact :*Descriptive part
of grant corrected

SECTION 1. That the descriptive part of State grant number two hundred and twenty-seven, above referred to, be corrected to read as follows: Beginning at a chestnut tree on top of a ridge, the beginning corner of number seven thousand three hundred and sixty-four, running south ten (10) degrees west sixty-five poles to a hickory; thence north seventy-five (75) degrees east three hundred poles to a chinca-pin; thence north ten (10) degrees east sixty-five poles to a locust; thence seventy-five (75) degrees west one hundred and fifty poles to a stake; thence north ten (10) degrees east thirty-eight poles to a stake; thence north seventy-five (75) poles east one hundred and twenty-eight poles to a chestnut; thence north ten (10) degrees west sixty-five poles to a stake; thence east sixty poles to a stake; thence south ten (10) degrees east one hundred and fifty poles to a stake; thence south seventy-five (75) degrees west one hundred and seventy poles to a stake; thence south ten (10) degrees west forty poles to a stake; thence south seventy-five (75) degrees west two hundred and twelve poles to a stake; thence north ten (10) degrees east one hundred poles to a chestnut; thence north fifty-six (56) degrees west twenty poles to a black oak; thence north twelve (12) degrees east seventy poles to a chestnut; thence north seventy-five (75) degrees east twenty poles to a large chestnut; thence south fifteen (15) degrees east sixty poles to a stake; thence south seventy-five (75) degrees fifteen poles to the beginning.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 491.

An act to repeal chapter 15 of the laws of 1885, relative to the drainage of streams in Forsyth county.*The General Assembly of North Carolina do enact :*Chapter 15, laws
1885, repealed.

SECTION 1. That chapter fifteen of the laws of eighteen hundred and eighty-five be repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 492.

An act to amend the laws of one thousand eight hundred and eighty-three, relating to the drainage of South Fork creek.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and fifteen of the laws of one thousand eight hundred and eighty-three be amended by striking out the names of Frances Shere, C. S. Pope, Albert Yokely, A. Q. Pitts, Charles Rothrock, Alfred Smith, Lewis Smith, A. J. Sneider, Eli E. Hines and John Stockton, and the following names be inserted: Noah Hines, Henry Enochs, Jefferson Williard and Nelson Hines.

Chapter 115, laws 1883, amended.

Creek commissioners.

SEC. 2. That at the close of section two, in same chapter, the following words shall be added, viz.: "That from and after the organization of the creek commissioners, the chairman may call a meeting at any time upon the request of four or more of said commissioners, and upon notice given to all the commissioners they shall attend all such meetings or forfeit the sum of two dollars, unless a sufficient cause of absence appear to the members of the board, and any such forfeit shall be an assessment upon the lands of any such commissioner and recoverable in same manner as the forfeitures of overseers in section three of said chapter of said laws."

Meetings.

Penalty for failure to attend meetings.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 493.

An act to abolish the inferior court and to establish a criminal court for Buncombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That a court of record to be called "The Criminal Court of Buncombe County" is hereby established.

Criminal court of Buncombe county established. To be a court of record.

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

SEC. 3. That the said criminal court shall have exclusive original jurisdiction to inquire of, hear, try and determine all crimes, misdemeanors and offences committed within the county of Buncombe as fully and to the same extent as the superior courts of the State, and exclusive appellate jurisdiction of all offences tried and determined before the mayor, recorder or other officer of the city of Asheville, and the justices of the peace or other magistrates in said county.

To have exclusive original jurisdiction of crimes in Buncombe county as superior court.

Appellate jurisdiction.

Jurisdiction.	SEC. 4. That the said criminal court shall have all the jurisdiction vested in the superior courts to try all crimes and criminal offences originating within the said county of Buncombe, and to give judgment and award execution therein, and for the recovery of all fines and forfeitures, and that the process, pleading, practice and modes of proceeding shall be the same in said court as prevail in the superior courts of the State in such cases as aforesaid.
Process, &c.	
Appeals.	SEC. 5. That appeals to the supreme court and writs of error may be prosecuted from the judgments of said criminal court in the same manner as they may be from the superior courts.
Judge.	
How elected.	SEC. 6. That there shall be one judge of the said criminal court who shall preside over the same. He shall be elected by the justices of the peace of the county of Buncombe, and shall hold his office of judge for the term of two years and until his successor is elected and qualified. He shall take the oath prescribed for the judges of the superior courts and possess all the qualifications of a judge of the superior courts, and shall be paid by the county of Buncombe the sum of one hundred dollars (\$100.00) for every week and in the same proportion for every fraction thereof he may be engaged in presiding over said court: <i>Provided</i> , he shall not be by reason of his office of judge prohibited from practicing the profession of an attorney at law in any of the other courts of this State.
Term of office.	
Oath.	
Qualifications.	
Compensation.	
Proviso.	
Removal from office.	SEC. 7. That such judge may be removed from office for the same causes and in the same manner as a judge of the superior court; and all vacancies in said office shall be filled by the justices of the peace of Buncombe county in the same manner as required for the election of said judge.
Vacancies.	
Powers.	SEC. 8. That the judge of said criminal court shall be a conservator of the peace within said county, and shall have all the powers of the several judges of the superior courts of the State to hear and determine all criminal causes arising within said county, and the like powers to issue warrants or precepts for the arrest of criminals anywhere within the limits of the State, administer oaths, issue writs of <i>habeas corpus</i> , and hear and determine the same in the same manner as the judges of the superior courts.
Solicitor.	
How elected.	SEC. 9. That there shall be a solicitor for said criminal court, who shall be elected in the same manner as the judge thereof, and who shall hold his office for the term of two years and until his successor is qualified. He shall be a resident of the county of Buncombe and shall receive the same fees and compensation as now allowed by law to the solicitors of the several districts, and in addition thereto shall be paid an annual salary in quarterly instalments and of such a sum as the commissioners of said county may allow for performing the duties of his office as hereinafter prescribed, said sum to be paid as herein provided upon the certificate of the clerk of said court that he has attended the terms of said court and discharged the duties of his
Term of office.	
Qualifications.	
Fees, &c.	
Salary.	

office. Should any vacancy occur by death, resignation or refusal to accept, or removal from office of the said solicitor, the judge shall have the power to appoint a solicitor for the unexpired term. The duties of the solicitor shall be the same in respect to criminal matters arising in said county as those prescribed by law for the solicitors of the several judicial districts of the State, and he shall take a similar oath of office and be removable for the same causes as the solicitors of the several districts of the State. He shall, at least once in every three months, make an examination of the offices of the register of deeds and the superior and criminal court clerks of Buncombe county in the presence of the respective officers, and the said register of deeds and the clerks of the superior and criminal courts shall furnish every facility to enable the solicitor to make such examinations for the purpose of ascertaining whether inventories, accounts of sale, accounts current, wills, deeds, bills of sale, official bonds, mortgages and all other papers required or allowed to be recorded or registered have been duly recorded and registered and properly indexed, and also whether the several dockets and records or papers of the several courts, including those of justices of the peace, required by law to be filed therein, have been kept and filed in proper manner and as required by law. The judge and solicitor of said court, when duly elected as aforesaid, shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts, upon such election being certified to him by the chairman of the board of commissioners of said county.

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

SEC. 11. That the justices of the peace of the county of Buncombe may elect a clerk of said criminal court in the same manner as the judge and solicitor are required to be elected, and said clerk shall enter into bond, with good and sufficient security, in the sum of five thousand dollars (\$5,000), to be approved by the county commissioners, payable to the State of North Carolina, for the faithful performance of the duties of his office, which bond shall be renewed annually and recorded as other official bonds, and the person so elected as clerk

Vacancies.

Duties.

Oath.

Removal.

To examine offices of register and clerks.

Judge and solicitor to be commissioned by governor.

Solicitor to make reports to court.

To prefer indictments against derelict officers.

Proviso.

Clerk, how elected.

Bond.

- Term of office.** of said court shall hold his office for the term of two years; and in case of the failure of the person so elected to file said bond on or before the first day of the first term which shall be held of such court, or in case of any vacancy occurring from any cause whatever, the clerk of the superior court of Buncombe county shall become ex-officio clerk of said court for the term or for any unexpired part thereof; and the said clerk shall perform all the duties incident to his office and shall receive the same fees and compensation therefor as is now allowed by law to the clerk of the superior courts for discharging the same duties, and the said clerk shall be removable from office for the same causes as is now provided by law for the removal from office of the clerks of the superior court: *Provided, however,* that if the justices of the peace or a majority of them shall fail or decline to elect a clerk as herein provided, then and in that event the clerk of the superior court of said county shall be ex-officio clerk of said criminal court, and shall give like bond and be subject to the same duties and be liable in the same manner and to the same extent as if he had been elected by the justices of the peace.
- In case of vacancy clerk of Buncombe superior court to become clerk ex-officio.**
- Fees, &c.**
- Removal.**
- Proviso.**
- Sheriff.** SEC. 12. That the sheriff of Buncombe county shall be the sheriff of the criminal court of said county, and by himself or lawful deputies shall discharge all the duties incident to his office required of him in relation to the business of said court; and for a failure to perform the same shall be subjected to all the penalties and liabilities now prescribed by law.
- County commissioners to provide for payment of salaries, &c.** SEC. 13. That it shall be the duty of the board of county commissioners of the said county of Buncombe to provide for the payment of the salaries of the judge and solicitor, and the fees and compensation of the clerk and the sheriff of said courts respectively, and the pay of the jurors and witnesses, and all other expenses incident to said court, by order on the county treasurer of said county, which order shall be paid by said treasurer out of any moneys in his hands not otherwise appropriated by law.
- Jurors, witnesses, &c.**
- Books, seal, &c.** SEC. 14. That the commissioners of said county shall provide the necessary books to be used as dockets by the said court, and also a seal for said court with such device as the judge of the court shall prescribe, and shall furnish suitable rooms or offices for the use of the clerk and solicitor of said court.
- Terms of court.** SEC. 15. That there shall be four terms of said criminal court in each year, to be held in court-house in the city of Asheville in said county, on the fourth Monday in January, the fourth Monday in April, the fourth Monday in July and on the fourth Monday in October, and said court shall continue its sessions for the term of one week, if the business thereof shall so require: *Provided,* that if there be remaining undisposed of at the end of the week cases where defendants are charged with crimes punishable with imprisonment in the penitentiary, or capitally, or if defendants be in jail awaiting
- Proviso.**

trial, its sessions may continue until such cases are disposed of, either by trial or continuance by the court: *Provided further*, that the board of commissioners of Buncombe county may change the time of holding the terms of said court, or either of them, upon giving sixty days public notice thereof in some newspaper published in Buncombe county: *And provided further*, that the first court held under this act shall be held on the fourth Monday of July, 1889. Special terms of said court may be held at any time required by the board of commissioners of said county; and the judge of said court shall have power and it shall be his duty to hold such special terms of said court whenever said board of commissioners shall so direct, by an order to be entered on their minutes; of which order, and of the time of the holding of said special terms, public notice shall be given by the chairman of said board for twenty days, in such manner as the said board may direct; and at such special terms the judge may make all orders and do any and every thing which he can do at the regular term; and when such special terms shall be so ordered, all process and precepts returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summons taken for the appearance of defendants and witnesses to said regular term, shall be binding upon said parties for their appearance at the special term aforesaid.

SEC. 16. That in cases of change of venire from the criminal court of Buncombe county, applied for on account of the interest or relationship of the judge of said court, or on account of any other legal objection to said judge, the cause shall not be transferred to another county for trial, but the judge may order it to be transferred to the superior court of said county, where it shall be proceeded in as now prescribed by law, and shall be prosecuted by the solicitor of said criminal court. But any party desiring a change of venire from said criminal court on account of any other cause, may, upon application to the judge, obtain a removal of the same to any adjoining county under such rules and for such causes as prescribed by law for the removal of criminal causes from one county to another county; and all criminal cases now pending, or which may hereafter be pending in the superior courts of counties adjoining to Buncombe county, may be removed for trial to said criminal court in the same manner as is now allowed by law for the removal of causes from one county to another county.

SEC. 17. That if the judge of the said criminal court shall fail to attend to hold court on the day designated for a regular or special term, it shall be the duty of the clerk to open and adjourn the court for the first two days of the term, and if the judge shall not attend by four o'clock on the second day of said term, the court shall be adjourned by the clerk until the next term in course. and all recognizances, bonds, obligations, process and other proceedings returned

Proviso.

Proviso.

Special terms.

Process, &c.

Change of venire,
how made.

Clerk to adjourn
court if judge
fails to attend for
two days, &c.

or returnable to said term shall be of the same force and effect, and shall be proceeded in as though the same were returnable to such next regular term as is now provided in such cases in the superior courts, and shall be returnable as in such cases provided in such courts.

Code, sec. 1727,
(jurors for superior courts) not applicable to Buncombe county.

SEC. 18. That so much of section one thousand seven hundred and twenty-seven (1727) of The Code of North Carolina as requires the county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county, and also to draw eighteen jurors to serve during the second week of the terms of the superior court, shall not, after the ensuing March term, 1889, of the superior court, apply to the commissioners of Buncombe county; and from and after the holding of said March term, the county commissioners of said county shall proceed, at least twenty days before the meeting of regular terms of the superior court of said county, to draw the names of not less than twelve nor more than twenty-four jurors, in the manner now prescribed by law, for each week of the term of said superior courts, who shall be summoned to appear to serve as jurors during the week for which they were selected. And it shall be the duty of the county commissioners of said county, at least twenty days before the regular terms of said criminal court, to draw the names of thirty-six jurors, under the same rules and regulations as are now required by law, to serve as grand and petit jurors at the next term of said court; and at the said term of the court there shall be drawn, by a boy of ten years of age, or under, fifteen jurors from said number of thirty-six jurors drawn as aforesaid, who shall constitute a grand jury for said court, twelve of whom shall be necessary to agree before a bill of indictment shall be returned as true; and upon the failure of the commissioners of said county to draw the jurors as hereinbefore provided, said jurors shall be drawn by the sheriff and the chairman of the board of commissioners in the manner prescribed in this section, and by existing laws in regard to jurors of the superior court not inconsistent herewith. The qualification of jurors in said court shall be the same as prescribed by law for jurors of the superior courts.

Jurors for superior courts.

Jurors for criminal courts.

Grand jury.

On failure of commissioners to draw jury, sheriff and chairman to do so.

Compensation, &c., of jurors.

SEC. 19. That all jurors who attend or serve in said court shall be entitled to the same compensation and be subject to the same rules and regulations and possess the same qualifications as are required by law in regard to jurors of the superior court.

Tales jurors.

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

Special venire.

SEC. 21. That all criminal cases and all proceedings by *scire facias*

against defaulting defendants and witnesses summoned therein, or their securities, pending in the superior and inferior courts of Buncombe county, and not disposed of at the commencement of the first term of said criminal court held under this act, are by this act transferred to said criminal court, and all defendants and witnesses in the said causes and proceedings shall appear at the next term of said criminal court and be subject to the same forfeitures, judgments and penalties for not appearing as they would have been in the courts from which said cause and proceedings are transferred; and said criminal court shall have jurisdiction to regulate proceedings by *scire facias* against defaulting defendants and witnesses summoned in said causes, or their sureties, when the default occurred before the transfer or removal of said causes, and there has been no judgments rendered therein in said superior or inferior courts, in the same manner as if the default had occurred in said criminal court. That the inferior court of the county of Buncombe is hereby abolished from and after the ratification of this act, and it shall be the duty of the clerk of the inferior court of Buncombe county to deliver to the clerk of the criminal court all the records and papers of the said inferior court, which said records and papers shall thereby become a part of the records of said criminal court; and the clerk of the superior court of said county shall forthwith, after the ratification of this act, certify and transfer under his hand and the seal of said court complete and perfect transcripts of all criminal causes and proceedings by *scire facias* against defaulting witnesses and defendants summoned therein, as well as their sureties, pending in said superior court, to said criminal court, where they shall be proceeded in as if originally begun in said court. That the said criminal court shall have and possess full jurisdiction in the county of Buncombe to proceed in, hear, try and determine all causes and other matters transferred from the superior and inferior courts of said county in the same manner and to the same extent as the court from which said causes and matters were transferred would have had but for the provisions of this act, with the right of appeal as herein provided, and no causes or matters so transferred shall be in any way prejudiced by reason of this transfer.

Criminal cases, &c., pending in Buncombe superior court transferred to criminal court.

Defendants, &c., to appear.

Scire facias, &c.

Buncombe inferior court abolished.

Records, &c., to be delivered to clerk of criminal court.

Criminal cases, &c., in superior court to be transferred.

Jurisdiction.

SEC. 22. That there shall be an election by the justices of the peace of said county on the first Monday in June, 1889, for the purpose of electing the several officers of said criminal court, and every two years thereafter they shall meet and elect said officers for the succeeding two years: *Provided*, that the terms of office of the said officers shall commence immediately after the expiration of the terms of the present officers of the inferior court.

Election of judge, &c.

Proviso.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 24. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 494.

An act in relation to the county-seat of Harnett county.

The General Assembly of North Carolina do enact :

Election upon question of removal from Lillington to Dunn.

SECTION 1. That the question of removing the county-seat of Harnett county from Lillington to Dunn, in said county, shall be submitted to the qualified voters of said county on the second Tuesday in May, one thousand eight hundred and eighty-nine.

Commissioners to appoint registrars, &c.

SEC. 2. That it shall be the duty of the board of commissioners of said county, at their regular meeting in April of the present year, to appoint registrars and judges of election in the same manner as is now provided by law, which registrars shall perform all the duties required of such officers in registering voters for members of the General Assembly, in the same way and to the same extent as in said cases; and the judges of election shall be appointed, selected and notified, as in such elections, and shall conduct the same in the said several townships as such elections are held and conducted for members of the General Assembly in all respects.

Ballots.

SEC. 3. That the voters wishing to vote in favor of such removal shall use a ballot, written or printed, with the word "removal" thereon; and those opposing the same shall use a ballot with the words "no removal" written or printed thereon.

Removal to be made on vote of majority of qualified voters.

SEC. 4. That in case a majority of said qualified voters shall cast their ballots in favor of "removal," it shall then become the duty of the said board of commissioners, within ninety days from said election, to remove the records and other county books, papers, and every other matter and thing belonging or appertaining to the various offices of the county officers to the said town of Dunn, and to make and prepare suitable and convenient accommodation and protection for the same.

Election, how held, &c.

SEC. 5. That the said election shall be conducted in all respects and returns made in the same manner as is now provided by law for members of the General Assembly as hereinbefore mentioned.

Expenses to be paid by Averagesboro township. Proviso.

SEC. 6. All the expenses incident to the said election shall be borne by the township of Averagesboro without regard to the result of the same: *Provided further*, that should a majority of the qualified voters of the county vote "removal," the expenses of erecting or providing the public buildings shall be met by private subscription and not by special taxation nor by the general fund of the county.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 495.

An act to incorporate the Charlotte and Goldsboro Air-Line Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of constructing a railway from the city of Charlotte, in Mecklenburg county, to the city of Goldsboro, in Wayne county, the formation of a corporate company with a capital stock of one million dollars is hereby authorized, to be called the Charlotte and Goldsboro Air-Line Railway Company, and, when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity, and by that name may sue and be sued, plead and be impleaded in every court in the State of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed; and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the State of North Carolina and of the United States.

Incorporation authorized.

Corporate name.

Corporate existence.
Corporate powers

SEC. 2. That the said company be and the same is hereby authorized to construct a railway from the city of Charlotte, in Mecklenburg county, to the city of Goldsboro, in Wayne county.

Termini.

SEC. 3. That the capital stock of said company be created by subscription on the part of individuals, municipal and other corporations, in shares of the value of one hundred dollars each, which may be made in lands, timber, work or money, as may be stipulated.

Capital stock.

SEC. 4. The books of subscription to the capital stock of said company may be opened by the following persons, who are hereby appointed commissioners for that purpose, viz.: Joseph E. Robinson, I. S. D. Sauls, J. W. Holt, L. W. Humphrey, E. P. K. Osborn, Walter Brem, J. H. Weddington, C. C. Wade, Duncan McIver, and S. H. Hearn, John H. Van Landingham, James A. Bryan, J. Sol. Reid are hereby appointed commissioners, whose duty it shall be to open or direct the opening of said books of subscription at such times and places and under the direction of such persons as they, or a majority of them, may deem proper, and that twenty days notice of the opening of said books shall be given in one or more newspapers of the State; and furthermore, that the said commissioners, or a majority of them, at any time after said books have been kept open for the space of thirty days, and the sum of ten thousand dollars has been subscribed to the capital stock of said company, and five per cent. cash paid thereon, shall have power to call together the subscribers to said stock for the purpose of completing the organization of said company; and the subscribers shall be and are hereby declared incor-

Books of subscription.

Commissioners.

Duty.

Organization.

porated into a company by the name and style of the Charlotte and Goldsboro Air-Line Railway Company.

Stockholders' meetings.

SEC. 5. That said company may hold annual meetings of the stockholders, and oftener if necessary; and at its organization, and at the annual meetings subsequent thereto, five directors shall be elected by the stockholders, to hold office for one year or until their successors shall be elected. Any of said meetings shall have power to make or alter the by-laws of the company: *Provided*, that in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share they represent 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 president of said company, and to fill all vacancies which may occur in said board.

Directors.

By-laws.

Proviso.

President.

Location and construction of road.

SEC. 6. That after the company shall be 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 railway from the city of Charlotte to the city of Goldsboro, to be fixed by them. That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce on the said railway to be by them constructed at such charges as may be fixed by the said board of directors.

Condemnation of land.

SEC. 7. That whenever lands shall be required for the location and construction of the road, for warehouses, water-stations, work-shops or other building purposes, and for any cause the same cannot be bought from the owners, the directors may condemn the same at a valuation to be ascertained as follows: The sheriff of the county in which the lands are situated shall, at the request of the president of the company, summons three disinterested freeholders of his county, who, under oath to be administered by the sheriff, shall ascertain the value of the land, they first deducting the enhanced value of the said land caused by said road from such valuation, adding particular loss or damage; and upon payment or tender by the president of the amount so assessed, the title of property shall thereby vest in the said corporation: *Provided*, that not more than one hundred feet from the center of the road shall be allowed to be so condemned: *Provided further*, more may be so condemned when it may be necessary for warehouses and work-shops and other buildings.

Proviso.

Proviso.

Certificates of stock.

SEC. 8. That the said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.

Use of part of road.

SEC. 9. That said company shall have the power of using any section of said road constructed by it before the whole of said road shall be completed, and may charge for transportation thereon.

SEC. 10. That for the purpose of raising money to accomplish the purposes of this act, the said Charlotte and Goldsboro Air-Line Railway Company may make and issue its bonds to an amount not exceeding twelve thousand dollars per mile, bearing interest at the rate of six per cent. per annum, which bonds shall be signed by the president and attested by the secretary of the said corporation under the common seal of the same, with the usual half-yearly interest coupons annexed, the said bonds to be in sums of such denominations, the principal and interest on the same to be made due and payable at such times and places, and in such manner and to be sold at such times as the board of directors may determine.

Authorized to
issue bonds.

SEC. 11. That to secure payment of these bonds and the interest thereon as the same becomes due, the said Charlotte and Goldsboro Air-Line Railway Company may execute and deliver mortgage deeds, with power of sale, to such trustee or trustees as may be selected and agreed on, the same to be signed by the president and attested by the secretary of the corporation, conveying its railway franchise and property, including its road-bed, superstructure, equipments, choses in action, evidences of debt and all its real and personal property of whatever kind; and the said deed or deeds and all other agreements the said company enter into, which, by law, require registration, when duly executed, shall be recorded in the register's office in the county of Mecklenburg, and every other county through which said railroad or the proposed line of said railroad shall run.

Authorized to
execute mortgage

Registration.

SEC. 12. That the counties through which said railway shall run 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 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 cent. 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.

Subscription to
capital stock by
counties.

SEC. 13. In order to pay the principal and interest on the bonds issued as aforesaid, the commissioners of the county subscribing as above mentioned shall lay 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 further tax to be used in extinguishment of the principal or else to be invested as a sinking fund for the ultimate redemption of the principal.

Special tax.

SEC. 14. 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 the qualified

Election upon
question of sub-
scription.

- 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. And no election shall be ordered or held in any county on a proposition to subscribe to the capital stock of said railroad company except upon petition to the board of county commissioners signed by at least one-fifth of the freeholders in the county.
- Ballots.** SEC. 15. 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 through their chairman to make the subscription in behalf and in the name of the said county and to execute and issue the bonds aforesaid.
- When election to be ordered.**
- Registration of voters, &c.**
- How subscription to be made.**
- Subscription to capital stock by cities and towns.**
- Special tax.**
- Election upon question of subscription.**
- SEC. 16. Any incorporated city or town in either of the said counties may subscribe to the capital stock of the said company to such an amount as the authorities of the said city or town may determine, subject to the approval of a majority of the qualified voters of the said corporations; and the said authorities shall have power to issue bonds, bearing interest at the rate of six per cent. per annum, said bonds to be issued in such manner and form, and payable at such time and place, and authenticated in such manner as they may determine.
- SEC. 17. In order to pay the principal and interest of the bonds issued as aforesaid the authorities of the city or town subscribing as aforesaid shall levy and collect, annually, in such manner as is directed by law in case of taxes for other corporation purposes, a tax sufficient to pay the annual interest, and they may levy and collect a further tax to be used in the extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.
- SEC. 18. No subscription shall be made by the authorities of said city or town, as above mentioned, until the question of approval or disapproval of such subscription, the issue of bonds and the author-

ity to levy taxes to pay the interest, and to provide for the payment of the principal of the bonds, shall be submitted to the qualified voters of said city or town, and shall be approved by a majority of those voting. The election shall be held at the usual place of voting. Thirty days notice shall be given by advertisement at the court-house and in a newspaper having the largest circulation in such city or town. The advertisement shall state the amount proposed to be subscribed and the amount of bonds 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 printed or written words "not approved"; and if a majority of said voters 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. If the subscription be approved as aforesaid the authorities of said city or town shall have power to take all measures proper for carrying the same into effect, and it shall be their duty, through their chief officer, to make the said subscription in behalf and in the name of said city or town, and issue bonds accordingly as aforesaid. And no election shall be ordered or held in any city or town, or any proposition to subscribe to the capital stock of said railroad company, except upon petition to the board of aldermen or commissioners of such city or town signed by one-fifth of the freeholders of such city or town.

Ballots.

When election to be ordered.

SEC. 19. That the said Charlotte and Goldsboro Air-Line Railway Company shall have five years in which to construct its railroad; and all laws coming in conflict with this act are hereby repealed.

Five years to construct road. Conflicting laws repealed.

SEC. 20. That this act shall take effect from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 496.

An act to amend section 2120 of The Code, relating to the better maintenance of orphan children.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand one hundred and twenty (2120) of The Code be and is hereby amended by adding to the end of the said section: "*Provided*, that if the intestate leaves no widow surviving him, or if his widow dies before her year's allowance is assigned her as provided in this chapter, then there shall be assigned to every other member of the family, as in this chapter defined, the sum of one hundred dollars each, which shall be turned over imme-

Code, sec. 2120, amended.

Year's allowance to children when widow dead, &c.

diately to the guardian and used by him in the care and education of said members of the family, respectively; and if there be no guardian, the same shall be received and disbursed by the clerk of the superior court for their benefit."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 497.

An act to amend section 316 of The Code.

The General Assembly of North Carolina do enact:

Code, sec. 316,
amended.

In arrest and trial
defendant arrested
entitled to jury
trial on motion
to vacate order
of arrest.

SECTION 1. That section three hundred and sixteen of The Code be and it is hereby amended by adding to the end thereof the following: "And the defendant may at any time before judgment deny upon oath the facts alleged in the affidavit of the plaintiff on which the order of arrest was granted, and demand that the issue so raised by the plaintiff's affidavit and the defendant's denial be submitted to the jury and tried in the same manner as other issues are tried by a jury; and if the issues are found by the jury in favor of the defendant, judgment shall be rendered discharging the defendant from arrest and vacating the order of arrest, and the defendant shall recover of the plaintiff all costs of the proceeding in such arrest as he shall have incurred in defending the said action."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 498.

An act to drain certain swamp lands of Cumberland county, North Carolina.

The General Assembly of North Carolina do enact:

Penitentiary
directors required
to furnish con-
victs, &c.

SECTION 1. That the board of directors of the penitentiary are hereby required and directed to furnish to the county commissioners of Cumberland county not less than fifty able-bodied convicts to be worked by said commissioners in the county of Cumberland, under the provisions of chapter two hundred and sixty-seven, laws of one thousand eight hundred and eighty-seven, and on work thereunder to be selected by said board of commissioners: *Provided*, said board

Proviso.

of commissioners of said county shall first make proper provisions for receiving said convicts, and shall pay or secure to the satisfaction of the penitentiary directors the sum of one hundred and twenty-five dollars per capita per annum, and so much more as will cover the entire expense of the convicts furnished under this act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 499.

An act to amend section two thousand one hundred and two and two thousand one hundred and sixteen of The Code, in relation to dower and year's allowance.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand one hundred two of The Code be amended by adding after the word "death," and before the word "she," in the fourth line of said section, the words "or shall be convicted of the murder of her husband, or being accessory before the fact to the murder of her husband;" and after the word "adultery," and before the word "may," in the sixth line, the word "conviction."

Code, sec. 2102, amended.
Woman convicted of the murder of her husband, &c., not entitled to dower.

SEC. 2. That section two thousand one hundred and sixteen of The Code be amended by adding after the word "death," and before the word "she," in the ninth line of said section, the words "or shall be convicted of the murder of her husband, or of being accessory before the fact to the murder of her husband," and before the word "adultery," and before the word "may," in the twelfth line, the word "conviction."

Code, sec. 2116, amended.
Woman convicted of the murder of her husband not entitled to year's support.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 500.

An act to incorporate the Danville, Mebane and Southern Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Wm. Thomas, J. M. Neal (of Danville, Virginia), Spencer B. Adams, Samuel J. Crawford, E. C. Murray, W. E. White, Samuel H. Webb, Maj. R. Bingham, D. A. White, Henry A. London, J. B. Warren, S. E. Tate, and such other persons as they associate with them, are hereby declared a body politic and corporate with

Body politic.

- Corporate name.** perpetual succession under the name and style of the Danville, Mebane, Pittsboro and Southern Railroad Company, and in that name may sue and be sued in any court in this State, and shall be
- Corporate powers** 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 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 twenty miles in extent.
- Authorized to build road.** SEC. 2. That 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 (near Danville) in the county of Caswell, and through the counties of Caswell via Yanceyville, and through Alamance via Mebane, and through Chatham to Pittsboro.
- Route.**
- Capital stock.** SEC. 3. That the capital stock of said Danville, Mebane, Pittsboro and Southern Railway Company shall not exceed two million 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.
- Books of subscription.** SEC. 4. That for the purpose of raising the capital stock of said company, it shall be lawful to open books in any county in which the line of said road will run, under the direction of the following
- Commissioners.** commissioners: Samuel J. Crawford, Robt. W. Scott, Samuel H. Webb and H. A. London, and at such places and under the direction of such other persons as a majority of the commissioners above named may deem proper, for receiving subscription to the capital stock of said company.
- Books, when and how opened.** SEC. 5. That the commissioners above named, and all other persons who may hereafter be organized as aforesaid to open books for subscription, 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 so remain as long as the commissioners above named shall deem necessary and direct.
- Organization.** SEC. 6. That 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 in to the said commissioners, the subscribers, their executors, administrators and assigns, together with persons named as corporators in the 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.

SEC. 7. That it shall be the duty of the commissioners named in this act for receiving subscription as aforesaid, or a majority of them, so soon as a sum of fifteen thousand dollars 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 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 business: and the persons elected as aforesaid shall serve such period, not exceeding one year, as the stockholders may direct, and at each meeting the stockholders shall fix on the 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 is held.

Meeting of stockholders.

Directors.

SEC. 8. That 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-laws, or any 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 as the by-laws of the company prescribe.

Election of directors.

SEC. 9. That the board of directors may fill any vacancies which may occur in it during the period for which it has 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 the 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 shall act and preside.

Vacancies.

President, &c.

Secretary and treasurer.

SEC. 10. That 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. That said company shall have the power to use any section or portion of its road before the whole of the same shall be

Use of part of road.

completed, and to charge for transportation of passengers and freight thereon.

Construction
across public
road.
Proviso.

SEC. 12. That 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 constructing one equally as good and convenient as the one taken by the company, and shall be accepted by the board of county commissioners.

Condemnation of
land.

SEC. 13. That whenever, for any cause, the said railroad company cannot agree with the owner of the land over which their road shall go, for the purchase of land for way, the said company may file a 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 thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, 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 damage 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 extend only to the right of way, the said appraisers shall make their report to the clerk of the superior court within two days from the time of their meeting on the premises. Said report shall be recorded in the office of register of deeds after the 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 proved within ten days from the approval or disapproval of the clerk.

Appeal.

Width of right of
way.

SEC. 14. That 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-beds along the main track and its branches, measuring from the center of the same; and in all cases where the land for the right of way over land has 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 disability, and in such cases within two years from the removal of such disability.

Statute of limita-
tion.

Exclusive right of
transportation.
Proviso.

SEC. 15. That 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.

SEC. 16. That the board of directors may from time to time declare dividends of profits among the stockholders when the affairs of the company admit. Dividends.

SEC. 17. That it shall be lawful for any township, county, 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 qualified voters of such county, township, city or town. It shall be lawful for the Danville, Yanceyville, Mebane, Pittsboro and Southern Railroad Company, a corporation chartered by the laws of Virginia, also to subscribe for and hold stock in said company. Subscriptions by townships, counties, cities and towns.

SEC. 18. That it shall be lawful for the Danville, Mebane and Southern Railroad Company, chartered by this act, to issue coupon bonds in such denomination and running such time, not exceeding thirty years, and bearing interest at such rate and payable at such time 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 on separate sections in such manner as the company may direct; and it is hereby provided that the registration of mortgage provided to be executed in this section may be made in the county of Alamance, and upon such registration in Alamance county it shall be a lien upon the property and franchises conveyed in such mortgages as fully and completely as if the same were registered in each and every county through which the road passés, or any part thereof. Danville, Yanceyville, Mebane, Pittsboro and Southern Railroad Company authorized to subscribe. Authorized to issue mortgage bonds.

SEC. 19. That the said company may consolidate its stock and property with those of the Danville, Mebane, Pittsboro and Southern Railway, 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 right of suing and the liabilities of being sued, and the jurisdiction of the courts of North Carolina over the same. Registration.

SEC. 20. That the work on the said road shall be commenced within one year and prosecuted without unnecessary delay, and completed within three years. Authorized to consolidate, &c.

SEC. 21. That in case any county through or near which the 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 fifty freeholders and resident tax-payers of the county, to provide for the submission of the question of subscrip- When work to be commenced.

tion 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 is contained in chapter forty-nine of The Code of North Carolina.

Election in townships, cities and towns upon question of subscription.

SEC. 22. That 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 may run, or shall have been located in any county along the line thereof, to the board of 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 Danville, Mebane, Pittsboro 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, poll-holders and judges appointed, the registration of votes 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 such elections the poll-holders shall make returns within three days after the election 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.

Subscription, how made.

SEC. 23. That in case any township, city or town shall, by a majority vote of all the qualified voters therein, direct a subscription as provided for 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, and said bonds shall not be sold for less than par by said railroad company.

Bonds, how issued, &c.

SEC. 24. To provide for the payment of said subscription made as provided for 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 value, so indicate on account of what township, city or town they are issued and the condition upon which they are issued. Said bonds shall be in the 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 such place as the board of county commissioners may direct.

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 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.

Special tax.

SEC. 26. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall be personally reliable [liable] for the debts of said company to the amount only of the unpaid stock in said company held by them, respectively.

Liability of stockholders.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified the 11th day of March A. D. 1889.

CHAPTER 501.

An act to enable the townships of Guilford county to adopt the Meeklenburg road law.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five, being an act entitled "an act relating to roads and highways," together with all acts amendatory thereof, shall apply to each and any of the townships of Guilford county as soon as the said road law shall be ratified and adopted by a majority of the justices of each or any of said townships: *Provided, however,* that nothing contained in the above named chapter shall compel any person in the county of Guilford between the ages of eighteen and forty-five years to work over two days in any one year.

Chapter 134, laws 1885, and amendments, to be applicable to townships of Guilford county when adopted by justices.

Proviso.

When and how justices to determine.

SEC. 2. That the justices of each or any of said townships shall, upon the application of ten tax-payers of their township, meet and determine whether they shall adopt said road-law for their individual township or townships; and shall immediately notify the board of county commissioners of said county of the fact of such application and their action thereon.

Special tax.

SEC. 3. That the justices of each or any of said townships shall, upon the adoption by them of said road law, recommend to the board of county commissioners of said county a rate of taxation necessary, in their opinion, to carry said road law into practical operation, and thereupon the board of county commissioners and justices of the peace of said county of Guilford shall, annually, at their June session, levy upon the taxable property of such township, within the limits prescribed in said act and acts amendatory thereof, annual taxes at the rate recommended by the trustees of said township, and cause the same to be collected as in said act provided. All taxes heretofore collected by the commissioners for the benefit of said public roads shall be used and employed for said roads under the provisions of and in accordance with this act.

Taxes to be expended in township where collected.

SEC. 4. That all taxes levied and collected in each township shall be expended exclusively in said township under the direction of the trustees thereof.

Conflicting laws repealed.

SEC. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 502.

An act supplemental to an act in relation to the removal of the court-house from Lillington to Dunn, in Harnett county.

The General Assembly of North Carolina do enact :

Removal not to be made until court-house and jail built in Dunn by private subscription.

SECTION 1. That the board of commissioners of Harnett county shall not order the removal of the court-house from Lillington to Dunn, nor shall the county-site be so removed pursuant to the vote of the people, until the court-house and jail shall be built and completed in Dunn by private subscription.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 503.

An act to protect the public roads in Gates and Bertie counties from injury by log-haulers.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever any of the public roads of Gates and Bertie counties shall be used by any person, company or corporation engaged in hauling logs, whether such hauling be by the employees or agents of such person, company or corporation, or by contractors for such person, company or corporation, and the public roads shall become damaged by such use, and complaint shall be made to the chairman of the board of supervisors of the public roads of the township in which such damaged road is situated, who shall cite the person, company or corporation, or the manager of such person, company or corporation, alleged by such complainant to have damaged such road, before a called or regular meeting of the board of road supervisors of such township in which such alleged damaged road is situated within ten days after complaint is made to him, and said board of road supervisors shall investigate either by visiting and inspecting such damaged road, or they may hear evidence, on oath, as to the condition of such damaged road and the cause of its bad condition, and the damage done to such road by the hauling of logs over such road by such person, company or corporation; and if the board of supervisors shall find such road or any part thereof damaged by the hauling of logs over the same, the person, company or corporation or their agents, employees or contractors, alleged in the complaint to have damaged such road or any part thereof, they shall assess against such person, company, or corporation an amount of money sufficient to repair such road.

Proceeding to recover damages for injury to roads by hauling logs, before board of road supervisors.

SEC. 2. If such person, company or corporation shall fail to pay such assessed damages to the board of road supervisors as provided in section one of this act, within ten days after such assessment shall be made, he or they shall be deemed guilty of a misdemeanor, and shall be fined by the board of road supervisors not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days.

Failure to pay damages assessed a misdemeanor.

SEC. 3. And the board of road supervisors shall return to the clerk of the superior court the amount of such assessment as a judgment of the board of township road supervisors, and on this transcript the clerk of the superior court shall issue execution against such delinquent person, company, or corporation for the assessed damages, to the sheriff of the county, who shall forthwith collect the same and all costs and pay said moneys to the clerk of the superior court, to be applied by the board of the township supervisors to the repair of such damaged road.

Assessment of damages to be docketed as a judgment.

Execution, &c.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 504.

An act to enlarge the jurisdiction of justices of the peace.

The General Assembly of North Carolina do enact :

Justices to have exclusive original jurisdiction of certain offences

SECTION 1. That the justices of the peace shall have exclusive original jurisdiction to hear, try and determine the offences enumerated in sections 970, 972, 1054, 1091, 1115, 2811, 2818, 2819, 2820, 2827, 2828, 2829 of The Code, and the punishment for every such offence shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Justice to take cognizance of offences within his jurisdiction within twelve months.

SEC. 2. That section 892 of The Code be amended by striking out, in line eighteen, after the word "within" and before the word "months," the word "six," and insert in lieu thereof the word "twelve."

Conflicting laws repealed.

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

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 505.

An act to incorporate the Northeastern Railway Company.

The General Assembly of North Carolina do enact :

Location of road.

SECTION 1. That for the purpose of building and operating a railroad from the city of Wilmington to Jacksonville, or some other suitable point in the county of Onslow, to the city of Newbern, in Craven county, passing through Jones county, thence to Washington, in the county of Beaufort, and from thence to Edenton, in the county of Chowan, passing through the counties of New Hanover, Pender, Onslow, Jones, Craven, Beaufort, Martin, Bertie, Washington and Chowan, or through any part, or through any or all of said counties, as the board of directors may determine, William P. Fortune, Richard F. Fortune, John D. Bellamy, Jr., W. L. Smith, Frank H. Stedman, William E. Worth, Hanson M. Bowden, of the city of Wilmington, S. B. Taylor, of the county of Onslow, P. M. Pearsall, of the county of Jones, Clement Manley, of the county of Craven, John H. Small, of the county of Beaufort, and W. M. Bond, of the county of Chowan, be and the same are hereby incorporated into a

Body politic.

Corporate name.

body politic under the name of the "Northeastern Railway Company," and the said corporators and their successors and assigns,

Corporate powers

under said corporate name, shall have a corporate existence, and as such [may] exercise the powers granted herein in perpetuity as a body politic, and by that name may sue and be sued, plead and be

impleaded, may have and use a common seal, [be] capable of purchasing, holding, leasing and conveying real and personal property, and of acquiring the same, by gift or devise, for the purpose herein contemplated, and have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and make all necessary by-laws and regulations for its government not inconsistent with the laws of the United States or the State of North Carolina.

SEC. 2. That should the board of directors, or other proper authorities of said company, so determine, the said company shall have power to extend its road, at any time, from the city of Wilmington aforesaid to some point on the line dividing the States of North Carolina and South Carolina, in the county of Brunswick, State of North Carolina; and shall also have authority and power to extend the same from the town of Edenton in a northeastwardly direction towards the city of Norfolk, Virginia, to a point on the dividing line between the States of Virginia and North Carolina. Extension of road

SEC. 3. That the capital stock of said company shall be two hundred thousand dollars, which may be increased from time to time to any sum not exceeding five million dollars, and may be created by subscription on the part of individuals, municipal or other corporations in shares of the par value of one hundred dollars each, which may be made in money, bonds, lands, labor or material to the construction of said railroad. Capital stock.

SEC. 4. That for the purpose of creating capital of said company, any three of the corporators named in section one of this act may appoint commissioners at such places as they may determine to open books of subscription to such capital stock, and keep the same open for such time as may be deemed expedient, under such rules and regulations as may be prescribed by a majority of the corporators appointed under section one of this act. Books of subscription.

SEC. 5. That when the sum of twenty thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the corporators (any three of them may act for the purpose) to call a general meeting of the stockholders of said company, of which said meeting due public notice shall be given for at least twenty days prior thereto, specifying the day and place of the meeting, at which a majority of the stock subscribed shall be represented in person or by proxy; at which said meeting said stockholders shall proceed to elect a board of directors to consist of thirteen stockholders, and said directors shall proceed to elect one of their number president, and elect such other officers as the by-laws of the company may prescribe, and may do any and all other acts necessary for the complete and effectual organization of the company. Organization.

SEC. 6. That said company shall have power and authority to build all such branches and lateral roads and connecting lines of railways as may be deemed necessary and advantageous to the extension and Directors.
Officers.
Corporate powers

completion and successful operation of said railroad, and may make connections and lay down tracks through the city of Wilmington to reach the Cape Fear river, and make connections with the depots of said company, or of any other railroad leading into said city, by and with the consent of the board of aldermen of said city; and they may build, purchase or hold, charter or connect with such ocean or river steamers, vessels or boats as may be desired to be run or be used from or to the terminal points or on any water-course in connection with the road to be constructed by this company; and shall also have the like power and authority, with the consent of the boards of aldermen of the cities of Newbern, Washington and Edenton, to lay down tracks through the streets of said cities for the same purposes as are detailed in this section for the city of Wilmington.

Condemnation of land.

SEC. 7. That whenever land shall be required for the construction of the road or for depots, water-stations or for other purposes, and for any cause the same cannot be purchased from the owner of said lands, the same may be acquired as follows: The sheriff of the county in which the said land shall be located shall, upon the written petition of the president of said company, summon three disinterested freeholders of his county, who shall, under oath, ascertain the value of said lands, and upon the payment or tender by said president of the amount so assessed, the title of the said property so seized and appraised shall vest in said company: *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 one hundred feet on each side of the road from the center shall be condemned.

Appeal.

Width of right of way.

Gauge.

SEC. 8. That the gauge of said road shall be fixed by the stockholders at their first meeting, but the same may be changed from time to time as a majority in interest of the stockholders may desire.

Authorized to borrow money on mortgage.

SEC. 9. That the president and directors of said company shall have power at any time to borrow money upon the bonds of the company and secure the same by mortgage or other legal assurance, and full authority and power is hereby given to issue bonds of the company for the construction, extension or management of said road as the necessity for such issue may arise, and the said bonds so issued shall be signed by the president of said company under its common seal and under such rules and regulations as the company from time to time may adopt.

Bonds.

Exclusive right of transportation.

SEC. 10. That said company shall have the exclusive right to carry and transfer freight and passengers over and along said road and upon the steamers, vessels and boats run in connection therewith, 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.

SEC. 11. That in addition to the provisions contained in this act in regard to private subscriptions, it shall and may be lawful for any city, town, township or county interested in the construction of said road, or through which it shall pass, to subscribe to its capital stock such sum as a majority of the qualified voters may authorize the county commissioners, or proper authorities of such city or town or township, to subscribe, which subscription shall be made in six per centum coupon bonds, payable in such installments as the county commissioners or proper authorities of such city or town shall determine, and to be received by said company at par, said bonds to be made payable in equal installments of twenty, thirty, forty and fifty years after date, and to be of the denominations of one hundred, five hundred and one thousand dollars. And it shall be the duty of the commissioners of any such county, for the purpose of determining the amount of said subscription, or of the board of aldermen or other proper authorities of any city, town or township, upon the application of one hundred qualified voters, specifying the amount to be subscribed therein, and upon said company first securing the amount of the cost of holding any such election, to be paid by said company in the event of an adverse result, to submit to the qualified voters of said county, city, town or township, as the case may be, the question of subscription or no subscription to the capital stock of said company; and they shall have the power to order an election, specifying the time, place and purposes of the election, and to appoint three judges of election at such election precinct, who shall hold and conduct said election, at which election the ballots shall have written or printed thereon the word "subscription" or "no subscription"; the said county commissioners and proper authorities of said cities, towns or townships having first, by resolution of their board, fixed the amount proposed to be subscribed according to the petition or application submitted to them, notice of which resolution shall be given by the chairman or presiding officer of said boards, in some newspaper published in said county, city or town for thirty days previous to said election by inserting the same at least four times in said newspaper, and if there be no newspaper published therein, then at the court-house door of the county for said thirty days. It shall be the duty of said judges of election to count the votes and declare the result as in other cases of elections, and shall certify the same in writing to the chairman of the county commissioners or the mayor or other presiding officer of said city or town. In case a majority of the votes cast shall be for "subscription," then the said county commissioners or board of aldermen or proper authorities of said city or town shall be authorized and required to subscribe to the capital stock of said company the sum which may have been fixed and named in the resolution of said board or proper authority of said city, county

Subscription to capital stock by cities, towns, townships and counties.

Election upon question of subscription.

Subscription to be made on majority vote.

or town published as aforesaid, which shall be made in six per cent. bonds as aforesaid, with interest payable semi-annually.

Special tax.

SEC. 12. That for the payment of the interest on said bonds, the proper officers of said counties, cities or towns shall be required and authorized to assess annually upon the property of such county, city, town or township, as the case may be, such a per centum as may be necessary to pay said interest, which shall be known and styled in the tax-books as the "railroad tax," which shall be collected by the proper tax-collector under the same rules and regulations as are provided by law for the collection of all other taxes of said county, city, town or township subscribing the same, and which shall be paid over by the treasurer to the holder of the coupon representing said entire interest as the same becomes due, which coupon shall be cancelled by the treasurer.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 506.

An act to incorporate the Asheville and Craggy Mountain Railway Company.

The General Assembly of North Carolina do enact:

Location of road.

SECTION 1. That for the purpose of constructing a railroad from the city of Asheville in a northeasterly direction, along the side of Town mountain, and thence along the mountain range south of Beaver Dam creek in the direction of Craggy mountain, in the county of Buncombe, and so far towards the top of said Craggy mountain as may be practicable, the formation of a corporate company is hereby

Corporate name.

authorized under the name and style of the "Asheville and Craggy Mountain Railway Company," and when formed in compliance with

**Corporate existence.
Capital stock.**

the conditions hereinafter described, shall have a corporate existence as a body politic for ninety-nine years, with a capital stock of one hundred thousand dollars, which may be increased at the pleasure of said company to five hundred thousand dollars.

Authorized to construct road.

SEC. 2. That the said company shall have power to construct a railroad from Asheville to the top of Craggy mountain, and if it so desires may extend its road in the direction of and to the top of Mitchell's peak.

Commissioners to open books of subscription.

SEC. 3. That S. W. Battle, T. W. Patton, W. T. Penniman, C. W. Woolsey, J. H. Lee, W. W. West, C. T. C. Deake, Edward Shippen, W. F. Snider, G. S. Powell, J. H. Herring, J. H. McDowell, J. P. Sawyer, J. B. Bostic, W. A. Thompson, J. A. Tennent, A. G. Hallyburton, W. W. Waddell, G. W. Swain, J. S. Adams, D. L. Reynolds,

J. E. Rankin, A. Z. Lyman, W. R. Penniman, Jr., Frank Coxe, are appointed commissioners to open books and receive subscriptions to said road. That all subscriptions of stock shall be in shares of one hundred dollars each, and may be payable in money, lands or other valuable property.

SEC. 4. That when twenty-five thousand dollars shall have been subscribed, said subscribers, their associates, successors and assigns, be and they are hereby declared a body politic and corporate under the name and style aforesaid, and the stockholders may meet and organize the "Asheville and Craggy Mountain Railway Company," and elect a president and such other officers and directors as it may think proper, or it may elect a board of directors and delegate to them such powers not inconsistent with this charter as they may elect. That the company shall adopt a corporate seal.

SEC. 5. The company shall have power in its corporate name to sue and be sued, to own real and personal estate, to condemn land for right of way and 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.

SEC. 6. That said company may mortgage its road and other property, and issue bonds thereon for the purpose of constructing said road.

SEC. 7. That it may enter upon lands to survey its route and locate the road as it thinks proper and beneficial to the company: *Provided*, it does not run through yards, gardens and grave-yards, unless absolutely necessary to secure a grade: *And provided*, that when they locate on a highway they shall make another highway equally good, and shall place crossings wherever the road intersects the highway.

SEC. 8. That said company may make by-laws for the government of the company and prescribing the duties of its officers and the mode in which it may contract and convey property, and in all other matters not inconsistent with the constitution and laws of this State.

SEC. 9. That said company may adopt a gauge and change the same at their pleasure.

SEC. 10. That the company shall have all other rights which appertain to it as a corporation under the laws of North Carolina.

SEC. 11. That said corporation may take by purchase, devise or otherwise all such real estate as may by its directors be considered necessary or convenient for its road-ways or for toll-houses and gardens appurtenant thereto, or for sites for one or more hotels or houses of entertainment, with suitable yards, fields, gardens and grounds adjacent or near to the same, and may sell and convey the same at pleasure, and may make and construct its roads and the branches thereto of any such different materials and in such manner and form as to its directors may seem best.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 507.

An act to establish Barnesville as the voting precinct in Sterling's Mill township, in Robeson county.

Preamble.

WHEREAS, It is made to appear by petition that the present voting precinct in Sterling's Mill township, Robeson county, is not conveniently located for the voters in said township, and that Barnesville, in said township, is a convenient and central point and better situated as a polling place for said township; now, therefore,

The General Assembly of North Carolina do enact:

Barnesville made voting place for Sterling's Mill township, Robeson county.

SECTION 1. That Barnesville, in said township and county, be and the same is hereby established as the voting precinct for Sterling's Mill township, in said county of Robeson.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 508.

An act to appoint a cotton-weigher for the town of Matthews, Mecklenburg county.

The General Assembly of North Carolina do enact:

Town commissioners authorized to appoint cotton-weigher.

SECTION 1. That the commissioners of the town of Matthews shall, at their first regular meeting after the ratification of this act, and every year thereafter, appoint a cotton-weigher for said town, and any vacancy occurring in the office of said cotton-weigher shall be filled by the board of commissioners for the unexpired term at their first regular meeting after such vacancy.

Duties of cotton-weigher.

SEC. 2. That it shall be the duty of said cotton-weigher to weigh all baled cotton sold in the town of Matthews at its true weight, making just and proper deductions for water or damage: *Provided*, that if any purchaser or seller of any baled cotton shall be dissatisfied with such deductions as may be made by the weigher, the same shall be submitted to the judgment of two disinterested persons, one to be chosen by the weigher and the other by the purchaser or seller, and their decision shall be final.

Proviso.

SEC. 3. That 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 cotton-weigher in the town of Matthews."

Oath.

SEC. 4. That said cotton-weigher shall give bond in the sum of two hundred dollars, conditional upon the faithful performance of his duty. Bond.

SEC. 5. That said cotton-weigher shall keep a record open to the inspection of the public, showing the names of purchasers and sellers and weight of cotton sold and date of sale; and for his services shall receive such compensation as may be allowed by the board of commissioners: *Provided*, the towns of Pineville, Davidson College and Huntersville, in Mecklenburg county, may be included in the provisions of this act. To keep record.
Compensation.
Proviso.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 509.

An act explanatory of the recent act of this General Assembly entitled "an act for the relief of D. H. West, a totally disabled ex-Confederate soldier of Cumberland county, N. C."

WHEREAS, By the wording of the recent act for the relief of D. H. West, of Cumberland county, doubts have arisen as to its true intent and meaning; now therefore, for the purpose of explaining the same and removing all doubts as to its construction, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the governor is hereby authorized to cause to be paid to D. H. West, company E, 3d regiment N. C. State troops, such sum or sums as is designated in section thirty-four hundred and seventy-eight, chapter forty-five, of The Code. Governor authorized to pay D. H. West certain sums.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 510.

An act to amend the charter of the Atlanta, Franklin and Knoxville Short Line Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter fifty-eight of the laws of one thousand eight hundred and eighty-seven be amended by striking out the words "F. M. Coker, F. M. Coker, Jr., J. B. Redwine, S. W. Arrowood and C. C. Arrowood," in lines one and two, and insert after the word "Elias," and before the word "of," in line four thereof, Chapter 88, laws 1887, amended.

Incorporators.

the words "R. L. Porter, Sam. L. Rogers, N. L. Bernard, C. D. Bowers, John Ingram, Dr. A. C. Brabson, J. W. Dobson, John Hall, D. C. Cunningham, S. T. Kelsey, A. P. Munday and Geo. A. Jones."

(Concerning additional privileges.)

SEC. 2. That section ten of said chapter be and the same is hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 511.

An act to work the public roads of Mitchell county by taxation.

The General Assembly of North Carolina do enact :

Provisions of Code, chapter 50, and amendments conflicting with this act, repealed.

SECTION 1. That so much of chapter fifty of The Code and the amendments thereto as conflict with the provisions of this act be and the same are hereby repealed, and the following declared to be the public road law for Mitchell county:

Commissioners to give notice that roads will be let to lowest bidder.

SEC. 2. That it shall be the duty of the board of commissioners of Mitchell county, at their meeting on the first Monday of April, 1889, and at each succeeding April meeting, to issue notice that all the public roads in said county shall be let to contract to the lowest bidder, at so much per mile, in sections of not less than three miles. Said notice shall specify that said bids shall be opened by the board on the first Monday in July, 1889; that each bid shall contain a full description of the section or sections of road bid on, and specify the number and character of bridges, if any; and no bid shall be considered by the board for less than three miles of road; and at each succeeding July meeting.

What bids to contain.

When bids to be opened.

SEC. 3. That at the said July meeting the chairman of the said board of county commissioners, in the presence of the members of the board and such others as may choose to attend. [shall] publicly open all bids that may be filed, pass upon the same and let said contracts to the lowest bidder; and shall, at said meeting, levy a special assessment on all the property and polls in Mitchell county to pay for the same: *Provided*, that the constitutional equation between property and the poll shall be observed; *Provided further*, that the special tax shall not exceed ten cents on the one hundred dollars valuation on property and thirty cents on the poll.

Special assessment.

Proviso.

Proviso.

Bond to be filed by bidders.

SEC. 4. That before any bidder shall receive from the board any contract under this act, he shall file with the board a justified bond, to be approved by the board, in not more than five thousand dollars and not less than five hundred dollars, payable to the State of North Carolina, and conditioned for the faithful performance of said contract for one year; should such contractor fail to keep the section or sections of road let to him in as good order as the law now requires,

it shall be the duty of the board of county commissioners to notify such contractor of such neglect, and should he fail for the space of one month to repair said road, the said board shall declare the contract forfeited, and shall let out said road to other contractors after twenty days notice, and shall bring suit to the next term of the superior court of Mitchell county for the penalty of said bond. And should any private person suffer damage in person or property by reason of such neglect, he shall also have his action upon said bond for the amount of such injury.

Duty of commissioners on failure of contractor to perform duty.

Action on bond by private person

SEC. 5. That all notices mentioned in this act shall be published by posting the same at the court-house door and at not less than three public places in each township in said county. That this act shall not prohibit the commissioners of Mitchell county from adopting the provisions of the general road law of the State.

Publication of notices.

Commissioners not prohibited from adopting general road law.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 512.

An act to prevent fishing with wire-nets in the waters of the Cape Fear river below Wilmington.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or corporation to catch any fish with wire-nets or seines or weir-nets or pod-nets or pound-nets or traps in or about any inlet or bay or any waters between Wrightsville sound, in New Hanover county, and the mouth of the Cape Fear river, and including the mouth of the Cape Fear river, and also any waters connecting the Cape Fear river and the Atlantic ocean.

Unlawful to catch fish with wire-nets, &c., in waters of Cape Fear river below Wilmington.

SEC. 2. That any person or corporation violating the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction shall be fined twenty-five dollars for each and every offence, and imprisoned for twenty days in the county jail.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 513.

An act to allow standard-keepers to remove the weights and measures, stamps and brands from the court-house.*The General Assembly of North Carolina do enact :*

Standard-keepers allowed to remove weights, &c., from court-house not exceeding sixty days, &c

SECTION 1. That it shall be lawful for the standard-keeper of any county to remove the weights and measures, stamps and brands from the court-house, not to exceed sixty days in any one year, for the purpose of testing weights and measures throughout the county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 514.

An act to authorize the board of education of Haywood county to order the payment of a school claim.*The General Assembly of North Carolina do enact :*

Authorized to pay J. E. Kinsland, teacher, \$37.00.

SECTION 1. That the board of education of Haywood county be and are hereby authorized and empowered to order the treasurer of said county to pay, out of any moneys due district No. 21, or out of general fund at their discretion, to J. E. Kinsland thirty-seven dollars, for services rendered as teacher of the white race for the year eighteen hundred and eighty-eight, upon the order of the school committee of said district

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 515.

An act to amend section three thousand three hundred and eighty-three (3383) of The Code.*The General Assembly of North Carolina do enact :*

Code, sec. 3383, amended. Dutch and podnets prohibited within one mile of mouth of rivers emptying into Albemarle sound of less than two miles width at mouth, &c.

SECTION 1. That section three thousand three hundred and eighty-three of The Code be and the same is hereby amended by adding after the word "sound," in line five, the words "of less than two miles in width at its mouth, and that any such net fished within one mile of the mouth of any other river emptying into said sound shall not extend into the main channel at its mouth." Also amend by striking out the words "by any person," in line twenty-two, and insert between the words "court" and "of," in the same line, the words "and applied to the school fund."

Penalties payable to school fund of county, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 516.

An act to protect wire fences.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall wilfully destroy, cut or injure any part of a wire fence, situated on the land of another, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not exceeding thirty days or fined not exceeding fifty dollars.

Misdemeanor to destroy, &c. wire fence on another's land.

SEC. 2. That a fence composed partly of wire and partly of wood shall, for the purpose of this act, be deemed and taken to be a wire fence.

What deemed a wire fence.

SEC. 3. That this act shall be in force from and after June the first, one thousand eight hundred and eighty-nine.

When act to take effect.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 517.

An act to establish high-water signals.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the overseers of roads to establish high-water marks or signals on both sides of any river, creek or stream which is used as a ford for a public highway, and to permanently fix the same.

Overseers of roads to establish high-water signals on streams used as fords, &c.

SEC. 2. That any overseer failing to carry out the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 518.

An act for the better accommodation of the traveling public at railroad eating-houses.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of enabling railroad companies to provide better and more permanent accommodations for the traveling public, all railroads owning or operating lines of transportation in this State be and the same are hereby authorized to purchase, lease, hold, operate or maintain eating-houses, hotels and restaurants for

Railroads operating lines in State authorized to purchase, operate, &c., eating-houses, &c.

Proviso. the accommodation of the traveling public along the line of their respective roads: *Provided, nevertheless*, that this act shall not permit the purchase of hotels, eating-houses or restaurants by any railroad

Proviso. in which the State has a pecuniary interest: *Provided further*, that upon all real estate held or business carried on under the provisions of this act the same taxes shall be due and payable to the State and to county and municipal corporations as shall be due and payable by any other individual or firm carrying on a like business.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 519.

An act to prohibit the manufacture and sale of spirituous liquors in certain localities.

The General Assembly of North Carolina do enact:

Unlawful to manufacture, &c., spirituous liquors within one mile of certain localities.

SECTION 1. It shall be unlawful to manufacture, sell, or in any way dispose of any spirituous liquors within one mile of Leonard's Fork Baptist church in Lincoln county, Pleasant Grove Methodist church in Lincoln county, Ebenezer Lutheran church in Lincoln county, Labatory church in Lincoln county. The corporate 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.

Corporate limits.

Unlawful to manufacture, &c., within one mile of Bethphage church, Lincoln county. Corporate limits.

SEC. 2. It shall be unlawful to manufacture, sell or in any way dispose of any spirituous liquors within one mile of Bethphage Lutheran church in Lincoln county—the corporate limits to be one mile in every direction, so as to form a complete circle as a radius from said church.

Misdemeanor.

SEC. 3. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 4. This act shall be in full force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 520.

An act to authorize the payment of school order of Miss Maud Folger out of the school funds of Surry county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Surry county is hereby authorized and empowered to pay Miss Maud Folger the sum of nineteen dollars and seventy-five cents, the balance due her as teacher in district number fifty-eight (white race), Surry county, for the year eighteen hundred and eighty-eight, out of any school funds now due or may hereafter be due Surry county.

Treasurer authorized to pay Maud Folger, teacher, \$19.75.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 521.

An act to amend chapter 24, volume I, of The Code.*The General Assembly of North Carolina do enact :*

SECTION 1. That the last four lines of section 2912 of The Code be stricken out and the words "at the rate of one hundred dollars per year each" be inserted in their place.

Code, sec. 2912, amended. Compensation of physicians at quarantine station mouth of Cape Fear river. Section 2915 amended.

SEC. 2. That section 2915 of The Code be amended so that in the third line the word "sick" be stricken out, and in the fifth line of said section the word "and," after "nursing," be stricken out, and that after the word "attendance," in said line, the words "and observation" be inserted.

Hospital for persons removed from vessels for better nursing, attendance and observation. Section 2916 amended.

SEC. 3. That in the third line of section 2916 the word "sick" be stricken out.

SEC. 4. That in the third line of section 2921 the word "twenty" be stricken out and the word "thirty" be inserted in its place.

Persons sent to hospital to pay for, &c. Section 2921 amended.

SEC. 5. That if the quarantine board, on investigation, shall consider a site further removed from inhabited places as essential to the public safety, and shall so recommend, it shall be the duty of the governor to sell the present hospital site, at Price's Creek, in such manner as he may deem best, and make title to the purchaser thereof, and the moneys received for said site to turn over to the quarantine board, to be used by them for quarantine purposes at some other point as convenient as possible to the quarantine anchorage off Deep Water Point.

Compensation of boat's crew. Removal of hospital site.

SEC. 6. That all fees collected from vessels, as provided in section 2916 of The Code, and all penalties and forfeitures collected for violations of the quarantine regulations of the port of Wilmington, shall

Application of penalties, &c.

constitute a fund in the hands of the quarantine board, and shall be used by them for the purpose of preserving the site, improving the buildings and wharves and keeping them in repair, and for such other purposes as may be necessary for the efficient management of the quarantine service.

Conflicting laws repealed.

SEC. 7. That all acts and parts of acts which conflict with the foregoing be and the same are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 522.

An act to require the secretary of State to place in State grants the number of the tract granted.

The General Assembly of North Carolina do enact :

Secretary of State to place in grant number of survey

SECTION 1. That it shall be the duty of the secretary of State, upon issuing a State grant, to place in the grant issued the number of the survey from the certificate of survey upon which the grant is founded.

Duty of registers.

SEC. 2. That it shall be the duty of the register of deeds in each county of this State, when said grants have been registered without the number of the tract or survey, to place in the registration of the grants the number of the tract or survey, when the same shall be furnished him by the grantee or other person.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 523.

An act for the protection of schools and colleges.

The General Assembly of North Carolina do enact :

Loose women committing lewd act with student under twenty-one years old within three miles of college, &c., guilty of misdemeanor.

SECTION 1. That any loose woman or women of ill fame who shall commit any act of lewdness with or in the presence of any student, who is under twenty-one years old, of any boarding-school or college of this State, within three miles of such school or college, shall be guilty of a misdemeanor, and upon conviction thereof before a justice of the peace shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that upon the trial of any such cases, students may be competent but not compellable to give evidence: *And provided further*, that no prosecution shall be had in such cases after the lapse of six months.

Proviso.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 524.

An act to amend chapter 119, laws of 1885, and to amend section 3427 of The Code, in regard to the board of directors of the penitentiary.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 119 of the laws of one thousand eight hundred and eighty-five be amended by striking out in the last line of section one of said chapter, the word "nine," and insert in lieu thereof the word "five": *Provided*, that not more than one commissioner or director shall live in the same county. The said board shall have power to fix the salaries and compensation of all officers and employees of the penitentiary, not to exceed their present salary, and to abolish any offices or positions which they may deem unnecessary.

Chapter 119, laws 1885, amended. Penitentiary to have five directors. Proviso.

Board to fix salaries of officers, &c.

SEC. 2. That section thirty-four hundred and twenty-seven (3427) of The Code be amended by striking out in line five of said section, after the word "of," the word "three," and insert in lieu thereof the word "five." And said section thirty-four hundred and twenty-seven of The Code be further amended by inserting after the words "per annum," in line six (6), the following: "And said directors shall give so much of their time and attention as shall be necessary to the proper management and supervision of the penitentiary, and shall make to the governor quarterly reports of the condition and management of the penitentiary, who shall cause the same to be published; and shall submit the same to the General Assembly when in regular session."

Code, sec. 3427, amended. Compensation of directors to be \$500 per annum.

Duties of directors.

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

Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 525.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Moore county be and they are hereby authorized to levy a special tax not to exceed the sum of three thousand dollars, one-half of said amount to be levied on all subjects of taxation in the year one thousand eight hundred and eighty-nine in said county and the other half to be

Authorized to levy special tax.

levied in like manner in the year one thousand eight hundred and ninety.

Tax, how applied. SEC. 2. That said special tax shall be applied to the payment of the present indebtedness of said county, and first to the payment of judgments now docketed on the superior court judgment docket of said county, *pro rata*.

Tax, how levied. SEC. 3. That said special tax shall be levied in the same manner and at the same time the other taxes are levied in said county, observing the constitutional equation between the tax on polls and property.

Tax, how collected. SEC. 4. That said special tax shall be collected and accounted for by the sheriff or other collecting officer in the same manner and under the same penalties and at the same time other taxes are accounted for by him.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 526.

An act in relation to the superior courts of Wake county.

The General Assembly of North Carolina do enact :

August and July terms and third week of April term abolished. SECTION 1. That the August term of Wake county superior court and the third week of the April term, both being civil terms, and the July term, being a criminal term, be and the same are hereby abolished.

Conflicting laws repealed. SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 527.

An act making it a misdemeanor to handle fire-arms in certain ways.

The General Assembly of North Carolina do enact :

Unlawful to point gun, &c., at another. SECTION 1. That it shall be unlawful for any person to point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded.

Person convicted guilty of assault. SEC. 2. That any person violating the above section of this act shall be deemed guilty of an assault, and upon conviction of the same shall be fined, imprisoned, or both, at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 528.

An act for the relief of Frances Shearin, widow of Thomas G. Shearin.

WHEREAS, Frances Shearin, of Warren county, widow of Thomas G. Shearin, a Confederate soldier of company B, 30th N. C. regiment, killed in the service of the Confederate States in 1863, is a pensioner under the act of 1885, and made her application to the auditor before the 1st day of August, 1885, but the same was overlooked by [him] that year; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the said Frances Shearin shall be paid out of the appropriation that shall be made by this General Assembly for pensions fourteen dollars for her pension in 1885. To be paid \$14.00 for her pension in 1885.

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 529.

An act to authorize sheriffs to administer oaths in cases where the performance of their duties require them to take justified bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That in all cases where the law requires a sheriff to take justified bond, the said sheriff is hereby authorized to administer oaths in such cases. Sheriffs authorized to administer oaths in taking justified bonds.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 530.

An act to correct the State grant number seven thousand eight hundred and seventy-nine.

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 State grant number seven thousand eight hundred and seventy-nine by inserting the name of C. P. Ledbetter instead of R. P. Ledbetter. Secretary of State authorized to correct name of grantee.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 531.

An act to protect deer.*The General Assembly of North Carolina do enact :*

Code, sec. 2332,
amended.
Unlawful to hunt,
&c., deer between
February 1st and
October 1st.

SECTION 1. That section twenty-eight hundred and thirty-two of The Code be amended by striking out. in line three of said section, the word "fifteen" and insert in lieu thereof [the] word "first;" and by striking out, in line four of said section, the words "fifteenth day of August" and insert in lieu thereof the words "first day of October."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 532.

An act to amend chapter four hundred and eighteen of the laws of one thousand eight hundred and eighty-seven, relative to the protection of fish in Sessoms and Evans' mill-pond, in Hertford county.*The General Assembly of North Carolina do enact :*

Chapter 418, laws
1887, amended.
Misdemeanor to
fish with seine,
&c., without per-
mission in Ses-
soms and Evans'
mill-pond in
Hertford and
Bertie counties.

SECTION 1. That section first of chapter four hundred and eighteen of the laws of one thousand eight hundred and eighty-seven be amended by inserting between the word "Hertford" and word "and," in the fifth line of said section, the words "and county of Bertie."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 533.

An act to amend sections six hundred and four and six hundred and five of The Code.*The General Assembly of North Carolina do enact :*

Code, secs. 604 and
605, amended.
Action by attor-
ney general by
direction of legis-
lature against a
corporation to
vacate its letters
of incorporation.

SECTION 1. That sections six hundred and four and six hundred and five of The Code be amended by inserting the words "or its letters of incorporation" after the word "existence," in the fifth line of section six hundred and four: and by inserting the words "or such letters of incorporation" after the word "renewal," in the sixth line

of section six hundred and four; and by inserting the words "or letters of incorporation" after the word "charter," in the fourth line, and after the word "charter," in the ninth line of section six hundred and five; and also by inserting the words "or against its letters or plan of incorporation" after the word "corporation," in the seventh line of section six hundred and five.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 534.

An act repealing certain laws of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-five, pertaining to the alternative system of working the roads in Forsyth county.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "Forsyth," in line two of section twenty-nine, chapter two hundred and thirty-four, laws of one thousand eight hundred and eighty-three, be stricken out. Chapter 234, laws 1883, amended. Forsyth county stricken out.

SEC. 2. That chapter one hundred and thirty-five, laws of one thousand eight hundred and eighty-five, is hereby repealed. Chapter 135, laws 1885, repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 535.

An act relating to the laws, reports, etc., received by this State from other States and Territories by exchange.

WHEREAS, There being no particular department of the State designated to receive and preserve a record of the receipts of the published laws, reports, documents, etc., from other States and Territories received by exchange for like documents from this State: and for the purpose of having such record carefully kept and preserved, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the State librarian be and he is hereby directed to keep a record of all such receipts, to receipt for the same and to State librarian to receive and distribute.

distribute them to the different departments to which they belong immediately on receipt.

Other States requested to forward to librarian. SEC. 2. That all States and Territories exchanging such documents with this State are requested to forward all documents direct to the State librarian.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 536.

An act to amend chapter two hundred and ninety-one, laws of one thousand eight hundred and eighty-seven, in relation to a road in Jackson and Macon counties.

The General Assembly of North Carolina do enact :

Chapter 291, laws 1887, amended. Commissioners and magistrates of Jackson and Macon counties authorized to levy special tax to complete road from Daniel Ashe's to mouth of Cowee creek. Proviso. Road commissioners authorized to employ certain persons to supervise work. Compensation.

SECTION 1. That section second of chapter two hundred and ninety-one, laws of one thousand eight hundred and eighty-seven, be amended as follows: By adding at the end of said section, "And the county commissioners and magistrates in joint session, of Jackson and Macon counties, are authorized, in their discretion, to levy a special tax and appropriate the same to complete said road: *Provided*, the amount shall not exceed six hundred dollars for each county."

SEC. 2. That said chapter is further amended by authorizing said road commissioners to employ C. S. Buchanan and James Bryson to supervise the work on said road; and for such services they shall each receive a sum not exceeding one dollar and fifty cents per day for each day actually engaged.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 537.

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

The General Assembly of North Carolina do enact :

Chapter 122, laws 1887, amended. Judge riding third judicial district empowered to permit clerk of Vance superior court to absent himself from his office on such Mondays as may not be inconsistent with the public interest, &c.

SECTION 1. That chapter one hundred and twenty-two, laws of one thousand eight hundred and eighty-seven, be amended by adding at the end of section three the following, to-wit: "That the provisions of this act shall apply to the county of Vance, the resident judge of the third judicial district, or the judge holding the court of the said third judicial district, having the power herein granted to the judge holding the court of the sixth judicial district."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 538.

An act to prohibit the chasing or killing of deer with dogs in Caldwell county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to chase or kill, with dog or dogs, any wild deer in Caldwell county. Unlawful to chase, &c., deer in Caldwell county with dogs. Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 539.

An act to amend section two thousand two hundred and thirty-four, volume second, of The Code.*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand two hundred and thirty-four of The Code be and the same is hereby amended by striking out all after the word "character," in line five, to and including the word "position," in line six, and insert in lieu thereof as follows: "And shall have experience as a teacher in the Deaf, Dumb and Blind Institution of North Carolina, or some similar institution, for the term of two or more years." Code, sec. 2234, amended. Qualifications of principal of Deaf, Dumb and Blind Institution.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 540.

An act to amend the stock law of Wayne county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Wayne county shall have power, annually, to levy such an assessment upon all the farming lands within the stock-law territory of said county, including wood and timbered lands, and all improvements thereon, not exceeding one-half of one per centum on the hundred dollars, as may be necessary to maintain a lawful fence around said territory. Special tax to maintain fence.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 541.

An act to prohibit the sale of liquors in certain localities.*The General Assembly of North Carolina do enact :*

Unlawful to sell,
&c., liquor within
two miles of cer-
tain churches in
Washington
county.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person to sell or dispose of, with a view to remuneration, any spirituous, vinous or malt liquors within two miles of Pleasant Grove M. E. church or Hebron M. E. church, in the county of Washington.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 542.

An act to protect fish in Pamlico county.*The General Assembly of North Carolina do enact :*

Unlawful to put
on timber, logs,
&c., above "old
bridge" in Broad
creek run be-
tween March 20th
and May 1st.
Misdemeanor.

SECTION 1. That it shall be unlawful to put on timber, logs or wood, above the "old bridge," in Broad creek run—a part of the dividing line between Craven and Pamlico counties—between the twentieth day of March and the first day of May in any year.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 543.

An act to repeal chapter 73 of the laws of 1887, and to amend section 2040 of The Code.*The General Assembly of North Carolina do enact :*

Chapter 73, laws
1887, repealed.

SECTION 1. That chapter 73 of the laws of 1887, entitled "an act amendatory and explanatory of the duties of county commissioners and supervisors in relation to public roads," be and the same is hereby repealed.

Code, sec. 2040,
amended.
When road to be-
come a public
road.

SEC. 2. That section 2040 of The Code be amended by adding to said section the following words: "Whenever a road has been or shall have been ordered and laid out in accordance with the pro-

visions of this and the two preceding sections, and the report of the jury adopted by the commissioners, the road so laid out shall be a public road within the meaning of section 2014 of The Code; and the clerk of the board of county commissioners shall transmit to the supervisors of public roads in the township or townships in which such road is situated a notice embracing copies of the order for laying out such road, the report of the jury by whom it was laid out and the order of the board of commissioners adopting such report. It shall be the duty of the supervisors, at or before their next regular semi-annual meeting after the receipt of such notice, to appoint an overseer or overseers and assign hands to work such road as other public roads in their township or townships: *Provided*, that nothing herein contained shall be so construed as to require the board of supervisors to assign to such new road a sufficient force of hands to complete the construction of such road within any specified or limited time, but that in determining the number of hands to be assigned to such new road they shall consider the comparative importance of the new road as compared with the old-established roads of their township, and assign to such new road a sufficient number of hands to complete its construction as speedily as may be practicable without unreasonably weakening the force assigned to the old-established roads in the township."

Duty of clerk of board of commissioners.

Duty of supervisors.

Proviso.

SEC. 3. All laws and parts and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that the provisions of this act shall not apply to the counties of Ashe, Alleghany, Watauga, Burke, Bladen, Caldwell, Cumberland, Currituck, Forsyth, Harnett, Henderson, Moore, Surry, Tyrrell and Vance.

Conflicting laws repealed. Act not to apply to certain counties.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 544.

An act in reference to fishing in Pamlico county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to catch fish with a seine or drag-net in the waters along the shores of Pamlico county on any day in the week except Monday, Wednesday and Friday.

Unlawful to fish with seine, &c., except on certain days.

SEC. 2. That any person violating section one of this act shall be guilty of a misdemeanor, and fined not exceeding ten dollars or imprisoned not exceeding ten days for each offence.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 545.

An act to provide for the drainage of Myer's Fork creek, in Guilford county.

The General Assembly of North Carolina do enact:

County commissioners to appoint drainage commissioners on application, &c.

SECTION 1. That upon the written application of not less than three citizens of Guilford county, who are owners of land on Myer's Fork creek in said county, it shall be the duty of the county commissioners in said county of Guilford to appoint three commissioners, residents of the county and owners of land lying on said creek, who shall be charged with the duty of keeping said creek open and drained, and free from all obstructions.

Duty of commissioners.

SEC. 2. That said commissioners shall estimate the number of acres of land belonging to each land-owner on said creek, and said land-owners, when required by said commissioners, shall furnish for each fifty acres so owned one hand, with appropriate tools, for the purpose of ditching, draining and removing obstructions from said Myer's Fork creek; and it shall be the duty of said commissioners to work the said hands not less than four nor more than eight days in each year upon said creek, with the power also to straighten the same when necessary.

Land-owners to furnish hands, &c.

Penalty for failure of land-owner to furnish hands.

SEC. 3. That any of the land-owners failing to furnish hands when required so to do, as above provided, on five days written notice, shall forfeit and pay one dollar and fifty cents for each day for which a hand is so required, which forfeiture may be recovered by the chairman of the said commissioners by warrant as in case of failure to work on public roads.

Wilful obstruction of creek a misdemeanor.

SEC. 4. That any person or persons who shall wilfully or knowingly fell any timber or otherwise obstruct the waters of said creek, and shall allow the same to so remain for the space of three days, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than twenty dollars, or be imprisoned, at the discretion of the court, for not more than thirty days.

Penalties, how applied.

SEC. 5. That all moneys arising from forfeitures or fines for failing to work on said creek shall be paid to said commissioners, and by them expended on work on said Myer's Fork creek.

Chairman.

SEC. 6. That the commissioners so appointed by the said county commissioners shall have power to elect one of their number chairman, and prescribe his duties for the purpose of this act.

Act applicable to drainage of Haw river, Rockingham county.

SEC. 7. That the powers herein given to the commissioners of Guilford county are also conferred upon the commissioners of Rockingham county, to be exercised in like manner, for the purpose of draining and improving Haw river. That the duties of commission-

ers so appointed to drain and improve said river and remove obstructions therefrom, and the duties, forfeitures and penalties of land-owners on said river, shall be the same, with the same manner of recovery of forfeiture as above prescribed and mentioned, as if here specifically set forth.

SEC. 8. This act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 546.

An act for the relief of D. Congden.

WHEREAS, At the May term, 1888, of the superior court of Craven Preamble.
county, D. Congden recovered a judgment against the Western North Carolina Insane Asylum for the sum of two hundred and ninety-seven $\frac{7}{100}$ [dollars], with interest on two hundred and twenty-two $\frac{2}{100}$ dollars from 28th day of May, 1888, until paid, and costs of said suit, for lumber used in the construction of said asylum building—

The General Assembly of North Carolina do enact :

SECTION 1. That the State treasurer be and he is hereby empowered and directed to pay to D. Congden, in full satisfaction of said judgment, whenever he shall receipt in full for all demands against the Western North Carolina Insane Asylum, out of the moneys appropriated for the support of said asylum for the year 1888, the sum of one hundred and seventy-five dollars, with interest at six per cent. from the 23d day of August, 1885, and the court costs:

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

Treasurer directed to pay D. Congden \$175 in full of claim against Western N. C. Insane Asylum.

CHAPTER 547.

An act to correct certain grants from the State.

The General Assembly of North Carolina do enact :

SECTION 1. That the description of the lands conveyed by grant number ten (10) of lands in Swain county, issued to T. H. Parish on the twenty-fourth (24) day of January, one thousand eight hundred and seventy-three, be corrected so that the same shall read as follows, viz.: Beginning at a pine on the dividing ridge between Alaska creek and Tennessee river, in Nathan DeHart's line, and runs north forty-five (45) west one hundred and forty (140) poles to a hickory; then south fifty-nine (59) poles to a locust; then west one hundred

Grant to T. H. Parish corrected.

and twenty (120) poles to a hickory; then north sixty (60) poles to a beech; then south sixty-eight (68), west eighty (80) poles to a beech; then south sixty-eight (68), west eighty (80) poles to a beech; then south thirty (30), west eighteen (18) poles to a white oak; then west twenty (20) poles to a black oak; then south thirty-two (32), west sixty-four (64) poles to a pine; then south fifty-nine (59), east seventy-two (72) poles to a pine; then north seventy-one (71), east forty-two (42) poles to a chestnut; then north seventy-five (75) poles to a hickory; then east one hundred (100) poles to a white oak; then south fifty-one (51) poles to a chestnut; then north eighty-five (85), east twenty-four (24) poles to a chestnut oak; then north fifty-four (54), east eighty-five (85) poles to the beginning: *Provided*, that this act shall not affect the title of junior grantees.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 548.

An act to extend the time of working the roads in New Lake neighborhood, in Tyrrell county.

The General Assembly of North Carolina do enact:

In Tyrrell county persons liable to road duty not more than twelve days in a year and hands not required to work longer than four days at one time.

SECTION 1. That chapter fifty of The Code be and the same is hereby amended by striking out in line six, of section two thousand and seventeen, the word "six," and insert in lieu thereof the word "twelve": and by striking out in line five, of section two thousand and nineteen, the word "two," and insert in lieu thereof the word "four": *Provided*, this act shall only apply to New Lake neighborhood, in Tyrrell county.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 549.

An act to aid the Guilford Battle Ground Company.

Preamble.

WHEREAS, The legislature of North Carolina, at its session of one thousand eight hundred and eighty-seven, ratified an act entitled "an act to incorporate the Guilford Battle Ground Company," for the laudable and patriotic purpose of redeeming the grounds on which that memorable battle for the cause of liberty and independence was fought between the American forces and the English invaders, March the fifteenth, one thousand seven hundred and eighty-one; and

whereas, the said company, by their individual exertions, energies and personal liberality, have raised about three thousand dollars, with which they have purchased seventy acres of land embracing the battle-field, and have erected thereon a keeper's lodge and a handsome cottage, and marked the field by a pyramid of granite blocks, beautified and adorned two fine springs on the property, erected two monuments in memory of the fallen heroes of this battle, and cleared and ornamented the grounds by a considerable expenditure of money, and collected a most valuable and interesting museum of relics from the battle-field, and have collected and published many new and interesting historical facts vindicating the good name of the North Carolina militia, who have been traduced by partisan writers of history; and whereas, the Guilford Battle Ground Company has expended every dollar of its money for these patriotic purposes, and is unable to raise any more funds to keep the grounds in order hereafter; and whereas, the State of North Carolina is in full sympathy with the worthy objects which said company has in view, and has heretofore shown her interest in preserving the memory of the heroic dead, who gave birth to this mighty nation, by contributing liberally to the erection of a monument at King's Mountain, where North Carolina organized and achieved a splendid victory over our oppressors, and by erecting a monument to the memory of Governor Caswell, the heroic executive of our State in its struggle for independence; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of two hundred dollars, annually, be and \$200 appropriated, the same is hereby appropriated by the State, to be paid by the treasurer to the president of the Guilford Battle Ground Company, for the purpose of preserving, improving and protecting the battle-field of Guilford court-house.

Ratified the 1st day of February, A. D. 1889.

CHAPTER 550.

An act to authorize the levy and collection of an additional tax for the support of the graded schools of Raleigh township, in the county of Wake.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of increasing the annual tax for the support of the graded schools of Raleigh township, in the county of Wake, as now provided by law, the board of aldermen of the city of Raleigh may apply to the board of county commissioners of Wake, asking that an additional annual tax of ten (10) cents on one hundred

Board of aldermen of Raleigh authorized to apply to county commissioners for levy of additional tax.

- dollars of property and thirty (30) cents on the poll be annually levied and collected in said Raleigh township for the support of the graded schools in said township; whereupon, at their next regular meeting to be held after said application shall have been made by said board of aldermen, said board of county commissioners shall order and direct that the question whether such additional tax shall be levied be submitted to the vote of the qualified voters of said township at the different wards and election places therein. Said election shall be held under rules and regulations to be fixed by said board of county commissioners and conforming as near as may be to the rules and regulations as prescribed in chapter sixteen, volume two, of The Code of North Carolina: *Provided*, a petition to county commissioners for this election shall be signed by one-fifth of the freeholders of the township.
- Commissioners to order election, &c.**
- Proviso.**
- New registration.** SEC. 2. That said board of county commissioners shall, for the purposes of the election [to] be held under this act, direct that there shall be an entirely new registration of voters in said township, notice of which shall be given by thirty days advertisement in some daily newspaper published in said township, said publication to begin not later than the day on which the books are opened for registration of voters; and the said election shall be advertised by said board of commissioners in some daily newspaper published in said township for thirty days prior to the day of election.
- Notice of election**
- Ballots.** SEC. 3. That at said election those who are in favor of the levy and collection of said additional tax shall vote "for additional school tax," and those who are opposed shall vote "against additional school tax."
- Result of election to be certified, &c.** SEC. 4. That the number of votes cast for and against said additional tax shall be deposited in a special box, counted and duly certified by the registrars and judges of election, and returned to said board of county commissioners, who shall canvass said returns and certify the result to the secretary of State and to the register of deeds of Wake county. If at said election a majority of the qualified voters of said township shall vote "for additional school tax," the said board of county commissioners shall thereafter annually levy said additional tax hereinbefore mentioned in said Raleigh township in the manner prescribed by law for the levying of other school taxes; and said additional tax, when collected, shall be appropriated in the manner prescribed by law for the appropriation of other school funds for the public schools of Raleigh township in chapter one hundred and forty-one, laws of one thousand eight hundred and eighty-five: *Provided*, not more than seven grades shall be taught in the public schools in Raleigh township.
- Tax to be levied on majority vote of qualified voters**
- Tax, how appropriated.**
- Proviso.**
- Additional election.** SEC. 5. That if a majority of said qualified voters of Raleigh township shall not vote for said additional tax, then other elections shall, upon application by said board of aldermen, be thereafter held under

this act: *Provided*, said elections shall not be held oftener than once **Proviso.**
a year.

SEC. 6. That this act shall not be construed to release or repeal or **Construction of**
in any manner interfere with any annual taxes heretofore voted by **act.**
said township for school purposes.

SEC. 7. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 551.

**An act to legalize the marriage of Willie Upton and Sallie Wilroy
(white), of Camden county, N. C.**

WHEREAS, Willie Upton and Sallie Wilroy, white persons, of the **Preamble.**
county of Camden, the latter being half-aunt of the former, were
married in said county on the tenth day of March, one thousand
eight hundred and eighty-seven, with the solemnities required by
law; and whereas, said marriage is void under section eighteen hun-
dred and ten of The Code; and whereas, said marriage was contracted
and solemnized by said parties in ignorance of law; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the said marriage between the said Willie Upton **Marriage vali-**
and Sallie Wilroy be and the same is hereby validated, confirmed and **dated.**
made legal to all intents and purposes.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 552.

**An act to authorize and empower the trustees to sell and convey
Oak Forest school-house and school-house site, in Randolph
county.**

The General Assembly of North Carolina do enact :

SECTION 1. That the trustees of Oak Forest school-house be and **Trustees author-**
they are hereby authorized and empowered to sell and convey, either **ized to sell.**
at public or private sale, said school-house and site, situate in the
county of Randolph, and execute title to the purchaser.

SEC. 2. That the trustees aforesaid shall pay over to the treasurer **Proceeds of sale,**
of the county board of education for said county the money arising **how applied.**
from such sale, to be credited to school district number two.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 1st day of March, A. D. 1889.

CHAPTER 553.

An act in regard to prisoners in the town of Salem.*The General Assembly of North Carolina do enact :*

Persons convicted of violation of town ordinances to be confined in county jail, &c.

SECTION 1. That the mayor and commissioners of the town of Salem are empowered to confine in the county jail of Forsyth county any and all persons convicted of the violation of the ordinances of the town of Salem, upon such terms as may be agreed upon between the commissioners of Forsyth county and the mayor and commissioners of Salem.

Persons convicted, &c., liable to work on public roads, &c.

SEC. 2. Whenever a person convicted under an ordinance of the said town of Salem fails to pay the fines, penalties and costs imposed by the mayor of said town, the mayor and commissioners of said town are empowered to hire to the commissioners of Forsyth county such person for work upon the public roads of the county upon such terms as may be agreed upon between the county commissioners and the mayor and commissioners of Salem.

Contract between town and county commissioners.

SEC. 3. The commissioners of Forsyth county are hereby empowered to contract with the mayor and commissioners of any incorporated town in Forsyth county for the confinement, support and work of such convicts as may be sentenced to imprisonment by the mayor of such town.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 554.

An act to incorporate Mt. Zion Baptist church, in Watauga county.*The General Assembly of North Carolina do enact :*

Unlawful to sell liquor within two miles.

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous liquors within two miles of Mt. Zion Baptist church, in Watauga county.

Misdemeanor.

SEC. 2. That any person or persons violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction therefor shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 555.

An act to amend section 2751 of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand seven hundred and fifty-one of The Code be and the same is hereby amended by adding at the end of line eleven of subsection one, after the word "navigation": "*Provided further*, that no land covered by water shall be subject to entry within thirty feet of any wharf, pier or stand used as a wharf already in existence, or which may hereafter be erected by any person on his own land or land under his control, or on an extended line thereof; but land covered by water as aforesaid for the space of thirty feet from the landing place or line of any wharf, pier or stand used as a wharf as aforesaid, shall remain open for the free ingress and egress of said owner and other persons to and from said wharf, pier or stand."

Code, sec. 2751,
amended.

No land covered
by water in front
of adjoining land
subject to entry
within thirty feet
of any wharf, &c.

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. Ratified the 9th day of March, A. D. 1889.

CHAPTER 556.

An act to incorporate Skyland Institute, near Blowing Rock, in Watauga county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to sell or give away or dispose of any spirituous liquors at or within two miles of Skyland Institute; and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offence, be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to
sell, &c., spirituous
liquors with-
in two miles.

SEC. 2. That it shall be a misdemeanor for any person to exhibit himself drunk, or use any profane or indecent language within the grove surrounding the said institute; and for every offence in this section the offender shall be fined not over ten dollars or imprisoned not more than six days.

Misdemeanor to
exhibit one's self
drunk, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 557.

An act to amend chapter three hundred and sixty-five of the laws of eighteen hundred and eighty-seven.

Preamble.

WHEREAS, The town of Murfreesboro and Murfreesboro township, in the county of Hertford, were authorized and empowered by the laws of 1887, chapter three hundred and sixty-five, to subscribe to the capital stock of the Murfreesboro Railroad Company for the purpose of building and constructing or aiding in building and constructing said railroad from said town to some point on the Roanoke and Tar River Railroad; and whereas, it has been made to appear that, in accordance with the provisions of said chapter, said Murfreesboro township, by a majority of its qualified voters, has voted a subscription of twenty-five thousand dollars to the capital stock of said railroad company for the said purpose; and whereas further, it has been made to appear that a railroad from said town of Murfreesboro to some point on the line of the Norfolk and Carolina Railroad, in said Hertford county, would be more advantageous to said township; now, therefore,

The General Assembly of North Carolina do enact:

Chapter 365, laws 1887, amended. Authorized to extend road from Murfreesboro to Norfolk and Carolina Railroad.

SECTION 1. That section two of said chapter three hundred and sixty-five be amended by adding thereto the following clause: "That said company may extend the main line of its road from the town of Murfreesboro to some point on the line of the Norfolk and Carolina Railroad in said county of Hertford; and the said company shall not be required to build that part of the main line of the road between the said town and the Roanoke and Tar River Railroad in order to entitle said company to the rights and privileges granted in said chapter."

Election upon question of issuing bonds heretofore issued in building road to Roanoke and Tar River Railroad or to Norfolk and Carolina Railroad.

SEC. 2. That the commissioners of Hertford county are authorized, and it shall be their duty, whenever fifty tax-payers in said township shall petition the same, to cause an election to be held in said township as prescribed in said chapter, and submit to the qualified voters of said township the question as to whether or not the bonds heretofore issued in payment of the subscription of said township to the capital stock of said Murfreesboro Railroad Company shall be used in building and constructing or aiding in building and constructing said Murfreesboro Railroad from the town of Murfreesboro to the Roanoke and Tar River Railroad, or in building and constructing or aiding in building and constructing said railroad from said town to some point on the line of the Norfolk and Carolina Railroad. At such election those in favor of the latter route shall deposit a ballot on which shall be written or printed the words "for transfer," and those opposed to same shall deposit a ballot on which is written or printed the words "against transfer." And if at such election a

majority of the qualified voters of said township shall vote "for transfer," then the bonds heretofore issued for the subscription of said township to the capital stock of said Murfreesboro Railroad Company shall be used and applied for the purpose of building and constructing or aiding in building and constructing that part of said railroad provided for in section one of this act, from said town of Murfreesboro to said Norfolk and Carolina Railroad in Hertford county.

SEC. 3. That so much of said chapter three hundred and sixty-five, laws of 1887, as prescribes the place and manner of holding elections under said act, ascertaining and declaring the result thereof, shall apply to any and all elections under this act except wherein the same are inconsistent with the provisions of this act. Election, how held, &c.

SEC. 4. That the construction of the railroad provided for in said chapter and in this act shall be commenced within two years from the ratification of this act. Construction of road to begin within two years

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 558.

An act to secure better drainage and improvement of the lowlands of Rowan county.

The General Assembly of North Carolina do enact:

SECTION 1. That upon the written application of one-fourth of the land-owners of any township in the county of Rowan, the commissioners of said county shall order an election for the adoption of this act by said township: *Provided*, that no such election shall be ordered more than once in twelve months in same township in said county. Township elections upon question of adopting this act.

Proviso.

SEC. 2. That said election shall be held in accordance with the existing election law at the time of said election and at the usual places of voting in said township, after giving, by the sheriff of said county, thirty days notice of said election at three or more public places in said township, at which election each qualified voter of said township proposing to vote for the adoption or rejection of this act shall be entitled to cast one ballot upon which shall be printed or written "adoption" or "rejection." And if the commissioners of said county (the returns having been made to and examined by them) shall declare that a majority of the votes cast at said election were for "adoption," then the provisions of this act shall be in full force and effect in said township. Election, how held.

Ballots.
Act adopted upon majority vote.

SEC. 3. That within thirty days after the adoption of this act in any township as aforesaid, the supervisors or justices of the peace of said township shall meet together and elect three or more of the freehold- Overseers.

- Duties.** ers of said township to be known as overseers, whose duty it shall be to supervise and expend at their discretion the money hereinafter provided to be collected in straightening the creeks and water-courses in said township and in removing obstructions from the same and otherwise draining and improving the lowlands adjacent thereto.
- Duty of supervisors or justices.** SEC. 4. That the said supervisors or justices of the peace of said township shall estimate the amount necessary to carry out the provisions of section three of this act, and shall report the same in writing to the board of commissioners of said county; and thereupon the said board of commissioners shall levy and have collected as other taxes a special tax not to exceed twenty cents on the hundred dollars worth of property upon all property and polls taxable by the State and county within such township as may adopt this act, preserving the constitutional equation between said property and polls; and any person wilfully refusing to pay said tax shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.
- Special tax.**
- Misdemeanor.**
- Collection of tax.** SEC. 5. That the sheriff of said county shall collect said taxes and be liable for the same as far as other taxes, and that he shall pay the same over to said supervisors or the justices of the peace or to any person designated by them.
- Township adopting act not subject to provisions of chapter 149, laws 1885.** SEC. 6. That any township adopting this act shall not be subjected to the provisions of chapter one hundred and forty-nine of the laws of 1885.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

 CHAPTER 559.

An act to amend chapter thirty-nine of The Code.

The General Assembly of North Carolina do enact :

- Code, sec. 1722, amended. When county commissioners to select jurors.** SECTION 1. That section 1722 of The Code be amended by striking out the words "in each year," in lines two and three, and by inserting in lieu thereof the words, "in the year 1892 and every four years thereafter."
- Section 1725 amended. Examination of jury list by commissioners.** SEC. 2. That section 1725 be amended as follows: Strike out the words "at each regular meeting on the first Monday in September in each year," in lines one and two, and insert in lieu thereof the words "after the jury-lists have been made out in accordance with sections 1723 and 1724": strike out the words "as already made out," after the word "lists," in the same line.
- Section 1726 amended. Additions to jury list.** SEC. 3. That section 1726 be amended by adding to said section the following words, "on the first Monday in September in each intervening year between the years prescribed for the revision of the jury-

lists the names of such persons as have during the preceding twelve months become qualified to serve as jurors in the county shall be placed in jury-box in the division marked No. 1.”

SEC. 4. That section 1727 of The Code be amended as follows: Section 1727 amended. How juries shall be drawn.
 Insert in line five, after the word “age,” and before [the word] “thirty-six,” the words “not less than,” and after [the word] “thirty-six,” and before the word “scrolls,” in said line five, [the words] “nor more than forty-eight.”

SEC. 5. That section 1729 be amended as follows: Strike out “or,” Section 1729 amended. In case of death, &c., other names to be drawn.
 in line two, and insert a comma; and after the word “county,” in said line two, remove the comma and insert the words “or otherwise disqualified to serve as jurors.”

Ratified the 11th day of March, A. D. 1889.

CHAPTER 560.

An act to increase the powers of the commissioners of Iredell county.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven hundred and nine of The Code be amended by adding “Iredell” after “Halifax.” Code, sec. 709, amended. Commissioners of Iredell county authorized to allow chairman such compensation as they think proper.

SEC. 2. That this act shall be in force from and after its ratification.
 Ratified the 11th day of March, A. D. 1889.

CHAPTER 561.

An act to amend chapter three hundred and ninety-seven of [the laws of] eighteen hundred and eighty-seven, relating to graded schools in Asheville.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter three hundred and ninety-seven, laws of eighteen hundred and eighty-seven, be amended as follows: Strike out the words “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,” and insert in lieu thereof the following: “*Provided*, the special taxes so levied and collected shall not exceed, annually, twenty cents on the one hundred dollars valuation of property and sixty cents on the poll.” Chapter 397, laws 1887, amended. Special tax for schools.

Levy of tax to pay existing indebtedness.

SEC. 2. That nothing contained in the foregoing section shall operate to prevent the levying and collecting of such a tax as may be necessary to pay any existing indebtedness incurred by the school committee in the purchase of any lot or lots for school purposes or the purchase, lease, construction or erection of any building or buildings for the maintenance of said school; or, in lieu of a present levy to meet such debt, the committee shall, if they deem it best to do so, have power and authority to secure any such indebtedness by executing a mortgage on any real estate purchased, leased or owned and controlled for graded school purposes in Asheville for such sum or amount not exceeding said indebtedness and on such terms as to time and rate of interest, not exceeding eight per centum per annum, as they shall determine or agree upon; and the levy to meet the interest on such mortgage debt shall not be affected by the limit of taxation imposed in section one of this act.

Mortgage.

When act to take effect.

SEC. 3. This act shall be in force from and after the first day of July, eighteen hundred and eighty-nine.

Ratified the 11th day of March, A. D. 1889.

RESOLUTIONS

OF THE

GENERAL ASSEMBLY,

SESSION 1889.

Resolution of instruction to the State librarian.

Resolved by the House of Representatives, the Senate concurring: Record room in capitol to be kept open for use of committee, &c.
That the record room, formerly the library room, be kept open during the session of the General Assembly for the convenience of the members, in respect to the records, and for the use of committees of either house; and to effectuate this purpose the State librarian is authorized to employ some suitable person at a cost not exceeding one dollar per day.

Ratified the 15th day of January, A. D. 1889.

Resolution in regard to the inauguration of Governor Fowle.

Resolved by the Senate, the House of Representatives concurring: Committee appointed.
SECTION 1. That the president of the Senate appoint a committee of three senators, and that the speaker of the House of Representatives appoint five representatives, to act as a committee on inauguration.
SEC. 2. That said committee shall make all proper arrangements for the inauguration of the governor of this State, and that this committee be authorized to expend a reasonable sum for this purpose, which shall be paid by the treasurer of this State upon the warrant of the chairman of said joint committee, not to exceed five hundred dollars. Duties of committee.
Expenses, how paid.

Ratified the 18th day of January, A. D. 1889.

Resolution to raise a joint committee on joint rules.

Resolved by the Senate, the House of Representatives concurring: Joint committee on rules appointed.
That a committee of three (3) on the part of the Senate and five (5) on the part of the House be appointed to prepare and report rules for the government of the two houses of the General Assembly.

Ratified the 18th day of January, A. D. 1889.

Resolution for the appointment of a joint select committee on railroad commission.

Joint select committee on railroad appointed.

Resolved by the Senate, the House of Representatives concurring: That a committee of five (5) on the part of the Senate, and eight on the part of the House of Representatives, be appointed to constitute a joint select committee, to be designated "the committee on railroad commission," to which shall be referred all petitions, resolutions and bills concerning or relating to the establishment of a railroad commission for this State; and the said committee be directed and empowered to report by bill.

Ratified the 18th day of January, A. D. 1889.

Resolution assigning a room in the capitol building to the use of the engrossing clerks.

Room assigned to engrossing clerks.

Resolved by the House of Representatives, the Senate concurring: That the room on the east wing of the capitol on the first floor, now vacant, be assigned to the engrossing clerks of the Senate and House for use during the session of the General Assembly.

Ratified the 18th day of January, A. D. 1889.

A resolution requesting our representatives and instructing our senators in the Congress of the United States to use all honorable means to secure the passage of an act so amending the national banking act as to enable the people to establish State banks with power to issue bills.

Senators and representatives in Congress requested to secure passage of law enabling State banks to issue bills, &c.

Resolved by the House of Representatives of North Carolina, the Senate concurring: That our senators and representatives in the Congress of the United States be and are hereby requested to use every honorable effort to secure the passage of a law that will enable State banks to be established and issue bills as money and currency without the payment of the ten per cent. tax as now required under the provisions of the national banking act.

Benefits of law.

Resolved. That such a law would materially benefit and relieve the necessities of our people, who are now suffering by reason of a contraction of a currency that is largely insufficient for the needs of the people of all classes and conditions of our State.

Copies to be sent, &c.

Resolved. That a copy of these resolutions be sent to our senators and representatives in Congress.

Ratified the 21st day of January, A. D. 1889.

Resolution to pay clerks to the board of State canvassers.

Resolved by the Senate, the House of Representatives concurring: Allowance to clerks of board of State canvassers.
That the treasurer of the State be and he is hereby authorized to pay C. W. Lambeth and H. H. Roberts each the sum of eight dollars for services as clerks to the board of State canvassers, and that the auditor of the State shall issue his warrant for the said amount.

Ratified the 23d day of January, A. D. 1889.

Resolution of instruction to members of Congress.

Resolved by the Senate, the House of Representatives concurring: Senators and representatives in Congress requested to endeavor to secure passage of laws preventing trusts, &c.
That our senators in Congress be directed, and our members be requested, to use their best endeavors to secure the passage of such law or laws as may be necessary to prevent trusts, combinations or other methods resorted to by the monopolists to oppress the people.

Ratified the 23d day of January, A. D. 1889.

Joint resolution to purchase a new chair for the president of the Senate.

Resolved by the Senate, the House of Representatives concurring: Keeper of capitol authorized to purchase chair for president of Senate.
That the keeper of the capitol be instructed to purchase a new chair for the president of the Senate.

Ratified the 23d day of January, A. D. 1889.

Joint resolution instructing our senators in congress and requesting our representatives to use their best efforts to secure the immediate and total repeal of all internal revenue taxes.

WHEREAS, The present system of tariff is unjust, unfair and burdensome to the people of North Carolina, and has proven a heavy embargo laid upon labor and industry; and whereas, this system has been declared by the supreme court of the United States to be robbery under the forms of law; and whereas, it has been clearly demonstrated that the present tariff supports and fosters monopolies, trusts and combines; and whereas, the present system of internal revenue laws is oppressive, inquisitorial and contrary to the spirit and genius of our institutions; therefore, Preamble.

Senators and representatives in Congress requested to secure reduction of tariff duties, &c.

Resolved by the Senate, the House of Representatives concurring:
 FIRST. That our senators in Congress be instructed and our representatives be requested to secure such a sound, healthy and substantial reduction of the tariff as will make the taxation upon articles that are intended to be consumed as luxuries higher than the necessities of life and those materials, implements and machinery which are consumed or used in agriculture and manufacturing.

SECOND. That our senators be instructed and our representatives in Congress be requested to secure an early repeal of the entire internal revenue system and all taxation thereunder.

THIRD. That copies of these resolutions be sent to our senators and representatives in Congress.

Ratified the 23d day of January, A. D. 1889.

Resolution in favor of John R. Smallwood.

State treasurer authorized to issue Jno. R. Smallwood consolidated four per cent. bonds to replace lost bonds

Resolved by the Senate, the House of Representatives concurring:
 That the State treasurer be and he is hereby authorized to issue to John R. Smallwood consolidated four per cent. bonds of the State of North Carolina for such amount as he is entitled to by reason of the loss or destruction of three bonds, issued by the State of North Carolina on account of the Wilmington, Charlotte and Rutherford Railroad Company, in the sum of one thousand dollars each, of the issue of July 1st, 1862, and numbered three thousand eight hundred and thirty-nine, three thousand eight hundred and forty and three thousand eight hundred and forty-one, and owned by John R. Smallwood: *Provided*, that said John R. Smallwood shall furnish to the treasurer satisfactory evidence of his ownership and loss of said bonds, and that he give proper and sufficient indemnity against the further liability of the State on account of said bonds so lost or destroyed.

Ratified the 23d day of January, A. D. 1889.

Joint resolution requesting our senators and representatives in Congress to procure a geological survey of the mineral deposits of central and western North Carolina.

Senators and representatives in Congress requested to secure survey of mineral deposits in central and western North Carolina.

** Resolved by the Senate of North Carolina, the House of Representatives concurring:* That our senators and representatives in Congress be requested to use their best efforts to secure from the Federal government a thorough survey of the mineral deposits of central and western North Carolina under the auspices of the geological survey. That copies of this resolution be furnished to each of our senators and representatives aforesaid.

Ratified the 28th day of January, A. D. 1889.

Resolution for the relief of M. P. Dellinger, of Shelby, N. C.

WHEREAS, M. P. Dellinger, of the county of Cleveland, was a Preamble. brave, true and faithful soldier in the Confederate service, and lost one eye by a gun-shot wound while in the discharge of his duty as a soldier; and whereas, the said M. P. Dellinger has since lost the other eye by reason of the diseased condition and sympathy set up by said gun-shot wound, and is now blind, needy and helpless; therefore,

Resolved by the House of Representatives, the Senate concurring: M. P. Dellinger entitled to benefits of law for relief of blind and maimed Confederate soldiers.
That the said M. P. Dellinger is entitled to all the rights, privileges and benefits of sections 3476, 3477, 3478 and 3479 of The Code of North Carolina.

Ratified the 25th day of January, A. D. 1889.

Resolution requesting our representatives in Congress to secure the passage of the Cowles internal revenue measure.

WHEREAS, The tobacco interests of North Carolina demand that Preamble. speedy action be taken on any proposed legislation by Congress on internal revenue taxes; and whereas, the people of North Carolina are suffering from the inquisitorial, obnoxious and oppressive features of the internal revenue laws; therefore,

Resolved by the Senate, the House of Representatives concurring: Senators and representatives requested to secure passage of the "Cowles internal revenue bill."
That the General Assembly of North Carolina most heartily endorses the recent movement of Col. W. H. H. Cowles to secure speedy action on his bill, embodying the internal revenue features of the "Mills bill."

SECOND. That our representatives and senators be requested to use all possible means to have the bill passed during the present session of Congress.

THIRD. That a copy of these resolutions be forwarded to each of our senators and representatives. Copies of resolutions to be sent.

Ratified the 28th day January, A. D. 1889.

Resolution of instruction to our senators and members of Congress.

Resolved by the House of Representatives, the Senate concurring: Senators and representatives in Congress requested to secure repeal of internal revenue system.
SECTION 1. That our senators and members of Congress from the State of North Carolina are hereby requested to use their utmost efforts to secure immediate repeal of the present internal revenue system; or if impracticable at this session of Congress to secure its entire repeal,

then at least so much thereof as relates to the internal tax on tobacco and brandy distilled from fruits.

SEC. 2. That copies of this resolution be sent to each senator and member aforementioned.

Ratified the 30th day of January, A. D. 1889.

Resolution of instruction to our senators and request to our representatives in the Congress of the United States, in regard to the surplus funds in the treasury.

Resolved by the Senate, the House of Representatives concurring :

Senators and representatives requested in respect to bill appropriating money for school purposes, &c.

SECTION 1. That our senators be instructed and our representatives be requested to urge the passage of a bill appropriating so much of the surplus funds now in the United States treasury as they may deem proper for school purposes in the different States in proportion to the illiteracy of each State, based upon the statistics of the last census; the fund so appropriated to be paid to the States and by them disbursed under the same rules and regulations as the school funds of the States are disbursed.

Ratified the 30th day of January, A. D. 1889.

Resolution requesting our senators and representatives in the Congress of the United States to use their best efforts to obtain an increase of salary of the employees of the Life-saving Service.

Preamble.

WHEREAS, The brave and noble men of the Life-saving Service are constantly exposed to the dangers and hardships incident to their calling, often imperiling, not infrequently losing, their lives in their heroic struggles to save the lives of others; and whereas, they receive but small compensation, by no means commensurate with their labors—

Senators and representatives requested to obtain increase of salary of employees of Life-saving Service.

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 effort in their power to obtain an increase of the salary of the employees of the Life-saving Service.

That a copy of these resolutions be mailed by the secretary of State to each of our senators and representatives in Congress.

Ratified the 30th day of January, A. D. 1889.

Resolution in relation to the use of electric lights.

WHEREAS, It is believed that the use of electric lights, both in the Senate chamber and hall of the House of Representatives, will prove more efficient and advantageous to the members of the General Assembly than the use of gas lights; and whereas, it is believed that the introduction of electric light in lieu of gas light will entail no additional cost; therefore, be it

Preamble.

Resolved by the Senate, the House of Representatives concurring: That the doorkeepers of the Senate and House of Representatives, respectively, be and they are hereby directed and authorized to furnish the Senate chamber and hall of the House of Representatives with electric lights in lieu of gas light, under the direction of the keeper of the capitol.

Doorkeepers directed to provide electric lights for Senate chamber and House of Representatives.

Ratified the 31st day of January, A. D. 1889.

Resolution in favor of J. A. Perry.

WHEREAS, J. A. Perry, a citizen of the county of Burke, has a claim against the State for the sum of three hundred and five dollars for services rendered as a special agent of the State in 1883-'84 in arresting certain outlaws in the border counties of the State, near the Tennessee line, which is still unpaid; and whereas, it appears to this General Assembly that said claim is just, and that the services were rendered in good faith; therefore,

Preamble.

Resolved 1. That the auditor be and he is hereby directed to issue his warrant on the treasury in favor of said J. A. Perry for the sum of three hundred and five dollars in payment of said claim.

Treasurer authorized to pay J. M. Perry \$305 for services as agent in arresting outlaws

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

Ratified the 31st day of January, A. D. 1889.

Resolution in favor of Baring Brothers & Co.

WHEREAS, It appears to the General Assembly of North Carolina by the memorial of Baring Bros. & Co., bankers, of London, England, supported by the affidavit of J. Gridler Walker, notary public, of London, England, properly made before the consul general of the United States at London, that the said Baring Bros. & Co., being the holders of the coupons hereinafter described, on the fifth day of March, A. D. 1886, caused the same to be forwarded by steamer

Preamble.

“Oregon,” addressed to Kidder, Peabody & Co., of New York, for collection, and that the said coupons were lost by the wreck and loss at sea of the said steamer “Oregon,” and have never been recovered or paid, and it appearing from the certificate of the State treasurer that said coupons have not been paid or presented for payment; therefore,

Treasurer authorized to pay Baring Bros. & Co. \$930 for coupons, &c.

Resolved by the Senate, the House of Representatives concurring: That the State treasurer be and he is hereby authorized to pay to Baring Bros. & Co., their agent or attorney, nine hundred and thirty dollars (\$930), being the amount of thirty-one semi-annual interest coupons of thirty dollars each, payable on the first day of April, 1886, on thirty-one bonds of the State of North Carolina, numbered 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989 and 990, each bond being for \$1,000, and all dated April first, 1879, and issued under act of General Assembly of North Carolina, ratified fourteenth March, 1879, entitled “an act to adjust and renew a portion of the State debt”: *Provided*, that the said Baring Bros. & Co. shall furnish to the said treasurer satisfactory evidence that they were the holders of said coupons and that the same have been lost: *And provided further*, that they give proper and sufficient indemnity against the further liability of the State on account of said coupons so lost or destroyed.

Proviso.

Proviso.

Ratified the 13th day of February, A. D. 1889.

Resolution in favor of T. H. Briggs & Sons.

Allowed \$44.55 for articles furnished General Assembly.

Resolved by the House of Representatives, the Senate concurring: That the auditor be authorized to draw his warrant, and the treasurer is authorized to pay to Thos. H. Briggs & Sons the sum of forty-four dollars and fifty-five cents for bill of articles furnished to the General Assembly.

Ratified the 28th day of February, A. D. 1889.

Resolution to investigate railroad corporations which refuse or fail to pay taxes in North Carolina.

Preamble.

WHEREAS, It is alleged that there are railroads and other corporations doing business in this State under charters which are claimed contain provisions exempting them, upon certain conditions, from the payment of taxes, and others in which certain kinds of property are claimed to be exempted from taxation upon certain conditions;

and whereas, it is alleged that the said conditions have ceased to exist, and that the said companies have refused and evaded and continue to evade and refuse to list said property for taxation or pay taxes thereon; and whereas, it is alleged that there are other railroads and other corporations created or organized or doing business in this State which have evaded taxation and have failed and refused to list their stock and other property for taxation—

Resolved by the Senate, the House of Representatives concurring: That a special committee, to consist of two senators and three representatives, be appointed, who shall forthwith proceed to investigate the question of the liability of any railroad or other corporation, claiming immunity from taxation by virtue of any provision in its charter, to list and pay taxes upon its property, and who shall also investigate and ascertain what railroads or other corporations have failed and refused to list their stock and other property for taxation; and to this end the said committee may sit during a recess of the General Assembly, may hold its sessions at any place which may the better facilitate its investigations, may send for and compel the attendance of persons and the production of books and papers, administer oaths, and may employ such stenographers and clerks as may be necessary to carry out the purposes of this resolution. The committee shall report the testimony taken by them, and shall report such legislation or other proceedings as in their opinion may be requisite to compel said companies to pay their lawful taxes; and shall have power and is hereby instructed to sit after the adjournment of this session of the General Assembly and make report by bill or otherwise to the next General Assembly.

Special committee appointed to investigate liability of railroads &c., to taxation.

Ratified the 1st day of March, A. D. 1889.

Resolution in favor of the pages and special messengers.

Resolved by the House, the Senate concurring: That the pages and special messengers be allowed five dollars for extra service, as the little boys who have waited on us so well only receive one dollar per day.

Allowed \$5.00 for extra services.

Ratified the 11th day of March, A. D. 1889.

Resolution of instruction to our senators and representatives in Congress in relation to the signal corps service.

WHEREAS, North Carolina is greatly concerned in the efficiency of the United States signal corps; and whereas, the weather and crop reports emanating from the signal service of the government are of great benefit to our people; now, therefore, be it

Preamble.

Instructed to aid passage of bill to increase efficiency of signal corps.

Resolved by the Senate, the House of Representatives concurring: That our representatives in Congress be requested and our senators instructed to take all necessary steps to aid in the passage of the bill now pending in Congress, known as Senate bill number two thousand two hundred and three, and entitled "an act to increase the efficiency of the signal corps."

Resolved further, That upon the passage of this resolution the secretary of State be instructed to send forthwith copies thereof to our senators and representatives in Congress.

Ratified the 5th day of March, A. D. 1889.

Resolution in favor of F. Kuester.

Allowed \$24.95 for supplies furnished Senate.

Resolved by the Senate, the House of Representatives concurring: That the auditor of the State be and is hereby directed to issue to F. Kuester a warrant on the State treasurer for twenty-four dollars and ninety-five cents, in full of [for] supplies furnished the Senate chamber and repairs thereon, and the treasurer is hereby directed to pay the same out of any funds in the treasury not otherwise appropriated.

This resolution shall take effect from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

Resolution relieving certain property of double tax.

Preamble.

WHEREAS, James Webb, Jr., of the county of Orange, is the agent for certain property in the city of Raleigh, recently belonging to the estate of Mrs. C. Roulhac, being that upon which stores Nos. 113 and 115 on Fayetteville street are located; and whereas, by inadvertence said property failed to be listed for tax for the year 1888, in the time prescribed by law, and double tax has been charged against the same; therefore,

Jas. Webb, Jr., relieved from double tax, &c.

Resolved by the Senate, the House of Representatives concurring: That the sheriff of Wake county be and he hereby is authorized and instructed to give a receipt for the State and county taxes due upon the said property for the year 1888 upon the payment by said James Webb, Jr., to said sheriff of one-half of the amount now charged against said property, remitting all over and above single tax for said year: *Provided*, that if any cost has been incurred the same shall be paid by the person asking relief.

Ratified the 9th day of March, A. D. 1889.

Resolution in favor of F. A. Watson.

Resolved by the Senate, the House of Representatives concurring: Allowed \$19.85 for supplies furnished General Assembly.
That the auditor of the State is hereby directed to draw a warrant upon the treasurer of the State for the sum of nineteen dollars and eighty-five cents (\$19.85) for supplies furnished the General Assembly, and the treasurer is hereby directed to pay the same out of any funds in the treasury not otherwise appropriated.

This resolution shall be in effect on and after its ratification.

Ratified the 2d day of March, A. D. 1889.

Resolution concerning captions.

Resolved by the Senate, the House of Representatives concurring: Secretary of State directed to have annotated captions of laws, &c., printed, &c.
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 the 11th day of March, A. D. 1889.

Resolution in favor of S. A. Ashe, postmaster, Raleigh, North Carolina.

Resolved by the Senate, the House of Representatives concurring: Allowed \$1.50 for box rent.
That the auditor be and he is hereby directed to draw his warrant in favor of and the treasurer to pay to S. A. Ashe, postmaster, Raleigh, North Carolina, the sum of one dollar and fifty cents for rent of post-office box for the use of the Senate.

Ratified the 11th day of March, A. D. 1889.

Resolution of instruction to our senators and representatives in Congress.

WHEREAS, Certain adulterations of the spirits of turpentine are now being done by persons in this State claiming to have a right on patents to do so, and it is feared that such patent might place these adulterations beyond the reach of any law the State of North Carolina may enact, which, if so, will tend to drive out of business and ruin those who honestly desire and are industriously endeavoring to make an honest livelihood by fair means in the legitimate distillation of turpentine, many persons and much money being engaged therein; now, therefore,

Directed to procure passage of law against manufacture of turpentine by adulteration, &c.

Resolved by the House of Representatives of North Carolina, the Senate concurring: That our representatives in Congress be requested and our senators be instructed to procure the passage of a law by Congress forbidding the manufacture of turpentine by any process of adulteration, or putting the same upon market unless the barrel or package containing it have the mark of "adulterated spirits of turpentine," or some other mark or brand plainly stamped thereon whereby it can be distinguished from pure spirits, with sufficient penalties to enforce the same.

Resolved 2. That a copy of these resolutions be sent to each of our senators and representatives in Congress.

Ratified the 11th day of March, A. D. 1889.

A resolution concerning the governor's mansion.

Governor directed to use available assets to complete building.

Resolved by the Senate, the House of Representatives concurring: That the governor and his council be and they are hereby authorized to use all the available assets on hand toward the completion of the governor's mansion as far as the same will go.

Ratified the 11th day of March, A. D. 1889.

[A resolution in reference to keeping open the State library at night.]

State librarian to keep library open at night.

Resolved by the House of Representatives, the Senate concurring: That the State librarian is hereby directed and authorized to keep the State library open from seven o'clock until nine each afternoon: *Provided*, that the necessary expense of keeping said library open be voluntarily paid by the board of trade of the city of Raleigh.

Proviso.

Ratified the 11th day of March, A. D. 1889.

Resolution in favor of M. N. Monroe, clerk to the committee on propositions and grievances.

Allowed \$40 for clerical services.

Resolved by the House of Representatives, the Senate concurring: That M. N. Monroe, clerk to the committee on propositions and grievances, be and is hereby allowed the sum of forty dollars in full of his services as such clerk, and this to include the service rendered on the Senate as well as the House "omnibus" liquor bill.

Ratified the 11th day of March, A. D. 1889.

A resolution in reference to the purchase of the "brick-yard" farm.

Resolved by the House of Representatives, the Senate concurring: Penitentiary directors empowered to purchase brick-yard, &c.
 That the board of directors of the penitentiary be and they are hereby empowered and required to purchase and take a deed to them and their successors for the "brick-yard" farm, near Raleigh, at the option price specified in the contract of September the twenty-eighth, one thousand eight hundred and eighty-four: *Provided*, they can pay Proviso.
 for same, and can get a perfect title, within the appropriation made for the support of the penitentiary by the present session of the General Assembly.

Ratified the 11th day of March, A. D. 1889.

Resolution asking an appropriation to erect a monument to the Honorable Nathaniel Macon.

Resolved by the Senate, the House of Representatives concurring: Senators and members requested to procure appropriation for monument to Nathaniel Macon
 FIRST. That our senators be instructed and our representatives be requested to use their influence with this Congress to procure an appropriation by Congress sufficient to have erected, over the burial place of the Honorable Nathaniel Macon, a suitable monument to commemorate the virtues and public services of this great statesman.

SECOND. That a copy of this resolution be transmitted by the secretary of State to each senator and representative in Congress from North Carolina.

Ratified the 11th day of February, A. D. 1889.

Resolution relative to retaining The Code and laws of 1885-'87.

Resolved by the Senate, the House of Representatives concurring: Senators and members of House authorized to retain Code and laws of 1885 and 1887.
 That the senators and representatives and the officers of the present session of the General Assembly be allowed to retain The Code and the laws of 1885 and 1887, turned over to them by resolution of this session.

Ratified the 11th day of March, A. D. 1889.

Resolution in favor of Latta & Myatt.

Resolved by the Senate, the House of Representatives concurring: Allowed \$33 for chairs, &c.
 That the treasurer pay to Latta & Myatt, upon the warrant of the auditor, the sum of thirty-three dollars for two dozen chairs furnished the Senate.

Ratified the 11th day of March, A. D. 1889.

Resolution in favor of W. P. Whittington and T. B. Bailey.

Treasurer authorized to pay expenses of committee on insane asylum.

Resolved by the House of Representatives, the Senate concurring:
That the treasurer is hereby authorized, upon the warrant of the auditor, to pay W. P. Whittington, chairman of the House branch of the committee on insane asylums, the sum of twenty-six dollars and fifty cents, and T. B. Bailey, chairman of Senate branch, twenty-two dollars and twenty-five cents, actual expenses of said committee.

Ratified the 11th day of March, A. D. 1889.

Resolution to preserve the governor's mansion.

Governor authorized to draw on treasurer for \$300, &c.

Resolved by the House of Representatives, the Senate concurring:
That the governor is hereby authorized and empowered to draw on the State treasurer an amount not exceeding the amount of three hundred dollars (\$300) belonging to the governor's mansion fund to repair and preserve said mansion.

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

Ratified the 11th day of March, A. D. 1889.

Resolution to authorize the destruction of certain bonds which have been redeemed by the State.

Governor, &c., authorized to burn bonds, &c.

Resolved, That the governor, secretary of State, auditor, superintendent of public instruction and attorney general are hereby authorized to burn all bonds of the State, that have [been] exchanged with certain railroad companies or otherwise redeemed and cancelled and now in the possession of the State treasurer, after taking a descriptive list of the same.

The State treasurer is hereby directed to record said descriptive list in a book in his office.

Ratified the 11th day of March, A. D. 1889.

A resolution in favor of Fred. Kuester.

Allowed \$20.35 for work done on capitol.

Resolved by the House of Representatives, the Senate concurring:
That the auditor of the State issue a warrant on the State treasurer for the sum of twenty and $\frac{35}{100}$ dollars in favor of Fred. Kuester, for work done on capitol and material furnished, as per account rendered and hereto attached, and contract made with officers of the General Assembly.

Ratified the 11th day of March, A. D. 1889.

Resolution of thanks to Lieut. Francis Winslow, U. S. Navy.

WHEREAS, The State of North Carolina has realized great benefits Preamble.
from the efficient, careful and economic survey and investigation of
its waters by Lieut. Francis Winslow, of the U. S. Navy; and whereas,
the said Lieut. Francis Winslow neither received or solicited any
compensation from the State for his services; therefore, be it

Resolved by the House of Representatives, the Senate concurring: Thanks of Senate
That the thanks of the General Assembly of North Carolina are and House of
hereby extended to the said Lieut. Francis Winslow, U. S. N., for Representatives
the skill and devotion he has displayed in the interest of the State; tendered for work
for the care, efficiency and economy with which he has conducted done in connec-
the work entrusted to him, and for the valuable results obtained tion with the
through the survey of oyster area. oyster survey, &c.

Resolved further, That a copy of these resolutions be transmitted
to Lieut. Francis Winslow, U. S. Navy.

Ratified the 11th day of March, A. D. 1889.

Resolution in favor of A. Williams & Co.

Resolved by the Senate, the House of Representatives concurring: Allowed \$74.80 for
That the treasurer pay to A. Williams & Co., upon the warrant of stationery.
the auditor, the sum of seventy-four and $\frac{80}{100}$ dollars for stationery
furnished the two houses during the present session of the General
Assembly.

Ratified the 11th day of March, A. D. 1889.

Resolution requesting Congress to make an appropriation to complete the improvement of Neuse river.

WHEREAS, The Congress of the United States has heretofore made Preamble.
several appropriations to make the Neuse river navigable from the
sea to the town of Smithfield; and whereas, a very moderate addi-
tional appropriation will make the navigation of the said river practi-
cable to the town of Smithfield, and would open to the markets of
the world vast quantities of valuable timber now inaccessible, and
supply a valuable means of transportation; therefore,

Resolved by the Senate of North Carolina, the House of Representa- Senators and rep-
tives concurring: SECTION 1. That our senators and representatives re-
in Congress be and they are hereby requested to use all honorable quested to secure
means to secure a sufficient appropriation to make the Neuse river appropriation for
Neuse river.

navigable from the sea to the head of navigation, and that an adequate part of said appropriation be used exclusively for the improvement of that part of said river between the towns of Goldsboro and Smithfield, N. C.

Secretary of State to forward copies of resolution.

SEC. 2. That the secretary of State be directed to transmit copies of this resolution to each of our senators and representatives in Congress immediately after its ratification.

Ratified the 8th day of February, A. D. 1889.

A resolution of instruction to the State printer.

To do necessary binding for State library.

Treasurer to pay for same.

Proviso.

Resolved by the House of Representatives, the Senate concurring: That the State printer be and is hereby directed to do all necessary binding for the State library: *Provided further*, that the State treasurer is directed to pay for all such binding for the State library from such funds as is now used to pay for similar work for the other departments of the State: *Provided*, the cost shall not exceed one hundred dollars.

Ratified the 11th day of March, A. D. 1889.

Resolution in relation to contested election cases.

Preamble.

WHEREAS, It is believed to be in accordance with the spirit and genius of wise, prudent and economic legislation that all contested election cases should be speedily determined and disposed of; and whereas, it is deemed to be a wasteful, unjust and unfair application of the public money that the unsuccessful party in such contests should receive mileage and per diem; therefore,

Committee on privileges and elections to report as soon as practicable.

Resolved by the Senate, the House of Representatives concurring: 1. That the committee on privileges and elections of the Senate and of the House of Representatives be instructed to report on the cases referred and submitted to said committee as soon as may be deemed practicable and just.

Reports to have precedence.

2. That the reports of such committee shall be disposed of by the Senate and House of Representatives at the earliest practicable moment, and said reports shall have precedence over all other legislative work.

Unsuccessful party not to receive mileage Proviso.

3. That the unsuccessful party in such contests shall not receive mileage or per diem: *Provided, however*, that if in such contested cases a sitting member, holding his seat under a certificate in due form, shall lose his seat, such member shall receive mileage and per diem for the period served by him.

Ratified the 1st day of February, A. D. 1889.

Resolution in favor of N. H. R. Dawson.

Resolved, That a copy of the Colonial Records of North Carolina be deposited with the governor of the State to be forwarded to N. H. R. Dawson, of Washington, D. C.

Copy of Colonial Records to be sent to N. H. R. Dawson.

Ratified the 2d day of February, A. D. 1889.

A joint resolution in relation to the boundary line of North Carolina.

Preamble.
WHEREAS, Great doubt and uncertainty exist in regard to the true boundary line dividing the State of North Carolina from the States of Virginia and Tennessee; and whereas, in consequence of this uncertainty it is rendered difficult, and in fact impossible, to enforce the criminal laws of the State in the counties bordering on said disputed and uncertain boundary; and whereas, it is believed that the States of Tennessee and Virginia are claiming and exercising jurisdiction over a large portion of territory which rightfully belongs to the State of North Carolina, comprising many thousand acres of the most valuable mineral lands in the State; therefore, be it

Resolved by the House of Representatives, the Senate concurring: That a joint select committee of five, three upon the part of the House and two upon the part of the Senate, be raised, with instructions to inquire [into] and investigate this subject and ascertain and report as to what legislation, if any, is necessary to carry into effect the provisions of chapter three hundred and forty-seven, laws of one thousand eight hundred and eighty-one, with such recommendations as may be deemed proper to make.

Joint select committee raised to investigate and report.

Ratified the 5th day of February, A. D. 1889.

Resolution in regard to printing the inaugural address of Hon. Daniel G. Fowle.

Resolved by the Senate, the House of Representatives concurring: SECTION 1. That twelve hundred copies of the inaugural address of his Excellency Hon. Daniel G. Fowle be printed for the use of the executive department and the General Assembly.

Twelve hundred copies ordered to be printed.

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

Ratified the 5th day of February, A. D. 1889.



PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1889.

PRIVATE LAWS

OF THE

State of North Carolina,

SESSION 1889.

CHAPTER 1.

An act to amend chapter twenty-nine of the private laws of one thousand eight hundred and eighty-seven, entitled "an act to charter the Savings and Deposit Bank of North Carolina."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-nine of the private laws of one thousand eight hundred and eighty-seven, entitled "an act to charter the Savings and Deposit Bank of North Carolina," ratified the 19th day of February, A. D. 1887, be amended by striking out the words "Savings and Deposit Bank of North Carolina" wherever they occur in said chapter, and inserting in lieu thereof the words "Bank of Guilford."

Chapter 29, private laws 1887, amended.

Name changed to "Bank of Guilford."

SEC. 2. That section nine of said chapter be amended by striking out the words "and to what banks," in line four of said section, and the words "and what banks," in line seven of said section.

Section 9 amended.

Report to State treasurer not to include statement of what banks the bank is indebted to, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of January, A. D. 1889.

CHAPTER 2.

An act to incorporate the State Bank of Commerce, to be located in Hendersonville, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That Geo. H. P. Cole, M. C. Toms and their associates and successors are hereby constituted and declared a body politic and corporate by the name and style of the State Bank of Commerce; and shall continue for the term of sixty years, with the capacity to take, hold and convey real and personal estate, with the powers, rights and privileges incident or belonging to corporations as set forth

Body politic.

Corporate name.

Corporate powers

or referred to in the first, second and third sections of the sixteenth chapter of The Code of North Carolina, volume I, entitled "corporations."

Capital stock.

SEC. 2. That the capital stock of said corporation shall not be less than thirty thousand dollars, in shares of one hundred dollars each; and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

Books of subscription.

SEC. 3. That the corporators in the first section named 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 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 thirty thousand dollars shall be subscribed, and thirty thousand dollars be paid into the said capital stock of said corporation, the beforenamed corporators 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 may elect such directors as they may think proper—not more than ten—for one year or 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 allowed 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.

Lien on stock.

Corporate powers

SEC. 6. That the said corporation may receive and pay out lawful currency of the country, and deal in exchange, gold and silver coin, 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 said corporation, or may be sold under execution or deed of trust to satisfy any debt due to the said corporation, and may sell and convey the same; may purchase and hold real and personal estate and property, and at pleasure sell and exchange the same; may discount notes and other evidences of debt and lend money on such terms as are now allowed 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 president or cashier of said corporation shall be as binding as if under the seal of the same.

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 in the proper court of the county where the delinquent may reside, upon giving him ten days notice of the motion, or by civil action of the court having jurisdiction thereof; or the entire stock of such delinquent may be sold by order of the directors for cash at the banking-house of said corporation, after advertisement of such sale for twenty days in the newspaper published in the aforesaid 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 subscriber failing to pay.

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 separately by motion as aforesaid or by civil action. In every case of delinquency of 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 the recovery of the same as in the distribution of the assets of any deceased subscriber.

Remedy against assignee.

SEC. 9. That the president and board of directors may establish offices and agencies at such times and places as they may think proper, but the principal office shall be located in the town of Hendersonville and State of North Carolina.

Offices and agencies.

SEC. 10. 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 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 the 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 the stockholders holding one-tenth of the stock may call a special meeting on giving thirty days notice in a newspaper published in the aforesaid town. At all meetings stockholders may be represented by written proxy, each share being entitled to one vote.

Powers of president and directors.

Proxies.

SEC. 11. That when the said corporation 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 said corporation may

Bank authorized to purchase at foreclosure sales.

bid for and purchase any and all such property, and their title thereto so acquired shall be valid and binding in all respects.

Distribution of assets on dissolution of corporation.

Liability of stockholders.

Exception.

SEC. 12. 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, 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.

SEC. 13. That this act shall take effect from and after its ratification.

Ratified the 25th day of January, A. D. 1889.

CHAPTER 3.

An act to amend chapter seventy-two, laws of eighteen hundred and eighty-five, and chapter eighty-four of the laws of eighteen hundred and eighty-seven, in relation to the charter of the Henderson Savings Bank.

The General Assembly of North Carolina do enact:

Chapter 72, private laws 1885, amended.

SECTION 1. That chapter seventy-two of the laws of North Carolina of eighteen hundred and eighty-five, and chapter eighty-four of the laws of North Carolina of eighteen hundred and eighty-seven, be and the same are hereby amended by striking out the words "the Henderson Savings Bank" wheresoever they appear in said chapters, and inserting instead thereof the words "Citizens Bank."

Name changed.

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

Ratified the 18th day of January, A. D. 1889.

CHAPTER 4.

An act to amend the charter of the Western Carolina Savings Bank.

The General Assembly of North Carolina do enact:

Chapter 48, private laws 1887, amended.
Name changed to "Western Carolina Bank."

SECTION 1. That chapter 48, private laws of 1887, be so amended as to strike out the words "the Western Carolina Savings Bank," wherever they occur, and inserting in lieu thereof the words "Western Carolina Bank."

Section 7 amended.

SEC. 2. That section seven of said act be amended by inserting after the word "transaction," in the ninth and tenth lines thereof, and before the word "and," in the said tenth line, the following

words, "and may, in its discretion, use such method and form of making such guaranty, either by endorsement, the issuing its own debenture bonds or otherwise, as to said company may seem best; and in the case of issuing debenture bonds, it shall have the right to secure their payment by the pledging of the securities or evidences of debt thus held by it in some trust company or otherwise, under such contract as it may make for such purpose."

SEC. 3. That all the right and privileges, duties and liabilities of said bank as a savings bank shall remain unchanged and of full force and effect.

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

Ratified the 25th day of January, A. D. 1889.

CHAPTER 5.

An act to incorporate Bethany College.

The General Assembly of North Carolina do enact:

SECTION 1. That L. A. Rutherford, L. H. Holoway, A. Wintfield, C. Hooper, H. B. McNeil, C. B. Blue, John Holoway, Wesley Rozier, N. A. Rutherford, and their associates and successors, be and the same are hereby created a body politic and corporate, under the name and style of Bethany College, in the county of Robeson, Lumberton township, State of North Carolina, situated two hundred yards from the town line of the town of Lumberton, on the east side of the Carthage road, at the Rutherford place, for the education of colored people; and as such they shall have all the corporate powers, rights and immunities of trustees of similar colleges in North Carolina. The trustees may plead and be impleaded, sue and be sued, and acquire and hold such real and personal property as may be necessary and suitable to maintain a college.

SEC. 2. That the said trustees shall be entitled to all the rights and privileges conferred upon colleges of like character in North Carolina.

SEC. 3. That all vacancies occurring in said board of trustees, from whatever cause, shall be filled by appointment of the remaining members thereof.

SEC. 4. That the trustees shall have power to appoint a president and such professors and tutors for said college as they shall think proper. Said president and professors shall constitute the faculty of said college; by and with the consent of the trustees shall have power to confer all such degrees as are usually conferred in colleges or universities.

Exemption from
taxation.

SEC. 5. That the grounds and other property belonging to said college, for the benefit of said college, shall be and the same are hereby exempted from all taxation so long as they are used for college purposes.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 25th day of January, A. D. 1889.

CHAPTER 6.

An act to amend the charter of the town of Winston.

The General Assembly of North Carolina do enact :

Wards.

SECTION 1. That said town of Winston is hereby divided into three wards, to be known and designated as wards one, two and three, and the following are declared to be the boundary lines of said wards:

Boundary lines
of first ward.

The first ward shall begin at the corner of First and Chestnut streets, and run north along the center line of Chestnut street to the center line of Fourth street; thence west along the center line of Fourth street to the point where the Shallowford and Vienna roads divide, just east of Petticord's store; thence in a southwestwardly direction in the center line of Shallowford road to the corporation line; thence in a southerly direction with the corporation line to the southwest corner of the corporation; thence east with the corporation line to First street; thence with said First street to the beginning.

Second ward.

The second ward shall begin at the center line of Fourth and Chestnut streets and run north along the center line of Chestnut street to the center line of Seventh street; thence west along the center line of Seventh street to the point where it now terminates; thence in a direct westwardly course to the corporation line; thence in a southerly direction with the corporation line to the center line of Shallowford road; thence in an easterly direction along the center line of said road to the point where the Shallowford and Vienna roads intersect at Fourth street; thence along the center line of Fourth street to the beginning.

Third ward.

The third ward shall begin at the Salem corporation line, at the corner of Chestnut and First streets, and run north on the center line of Chestnut street to the center line of Seventh street; thence west on the center line of said Seventh street to the point where it now terminates; thence westwardly with the line of the second ward to the corporation line; thence in a northerly direction with the corporation line to the northwest corner of said corporation line; thence in an easterly direction with the corporation line to the northeast corner of the corporation; thence in a southerly direction with the corporation line to the southeast corner of the corporation;

thence westwardly with the corporation line to First street; thence along with said street to the beginning.

SEC. 2. There shall, on the third Tuesday in February, one thousand eight hundred and ninety, and on the third Tuesday in February biennially thereafter, be elected nine commissioners for said town, who shall hold their offices until their successors are qualified, of whom three shall be elected from the first ward, three from the second ward, and three from the third ward. Such commissioners shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively.

Commissioners, when and how elected, &c.

SEC. 3. The board of commissioners of the town of Winston shall select, at their regular meeting in December, 1889, and biennially thereafter, a registrar of voters for each of the three wards of Winston, and shall cause publication thereof to be made at the court-house door, and notice to be served on the persons selected, by the chief of police of said town, and shall give ten days public notice of a registration of voters in and for said wards, specifying time and place and names of registrars.

Election, when and how held.

SEC. 4. Said registrars shall be furnished by said board of commissioners with registration books, and it shall be the duty of said registrars to open their books at such places in the town of Winston as may be designated by said commissioners on the second Tuesday in January next preceding the election, and to register therein the names of all persons applying for registration and entitled to register and vote in the ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of colored voters, and designating on the registration books opposite the name of each person registering the place of his residence in his ward; and if any applicant for registration shall not disclose the place of his residence in his ward, his wilful failure so to do shall be *prima facie* evidence that he is not entitled to register in such ward. Any person offering to register shall be required to take an oath that he has been a *bona fide* resident of North Carolina for twelve months, of the town of Winston and of the ward in which he proposes to register for ninety days next preceding that date, and that he has not been convicted of any crime which, by the laws of North Carolina, disqualifies him from voting. In said oath he shall specify the place of his residence in such ward. If any person shall wilfully swear falsely in such affidavit he shall be deemed guilty of a felony, and on conviction thereof shall be punished as for larceny: *Provided*, that after the first registration shall have been made as provided for herein, a new registration shall not be biennially held unless the board of commissioners shall, at their regular meeting in December, determine that the same is necessary, and by due advertisement give notice of the same and the place where the books of registration shall be opened; but a revision of the registration books shall be

Registration.

False swearing a felony.

Proviso.

New registration.

Revision.

made, beginning on Saturday next preceding each election to be held for said town, in accordance with the provisions of section 2075 of The Code.

Registration books, when closed, &c.

SEC. 5. The registration books shall be kept open for the registration of voters for ten days only, exclusive of Sunday; and after the same are closed no person shall be allowed to register, but the registrars shall, on application before said books are closed, register all persons not qualified then to vote in his ward who will have become so qualified on or before the day of election. Immediately after the books are closed they shall be deposited in the office of the mayor, and, under his charge, all citizens of Winston, desiring so to do, may inspect them.

Inspection of registration books.

Judges of election

SEC. 6. The board of commissioners of the town of Winston shall, at their meeting in December, one thousand eight hundred and eighty-nine, and biennially thereafter, appoint two judges of election for each of the several wards of Winston, to open the polls and superintend the same for the municipal election to be held on the third Tuesday of February next succeeding, and the polls shall be opened at such places in the wards, respectively, as said board shall designate.

Places of voting.
Electors.

SEC. 7. All electors who have been *bona fide* residents of North Carolina for twelve months, and of the town of Winston and of the ward in which they offer to register for ninety days next preceding the election, shall be entitled to register hereunder. A residence in said town shall be construed to be permanent citizenship thereof and not a temporary residence. 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, his ballot shall not be received. Ballots shall be on white paper and without device. The commissioners of each ward shall be voted for on one ballot.

Polls, when opened.

Challenges.

Ballots.

Preservation of ballots.

SEC. 8. 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 the election, and the registration books, delivered to the mayor of Winston for preservation.

Tie vote, how determined.

SEC. 9. If, among the persons voted for in any ward, two or more should have an equal number of votes, and either would be elected but for the equal vote, the judges of election and registrar in such ward shall decide the election between such persons. As soon as the result of the election in any ward is determined, a certificate thereof shall be made under the hands of the registrar and judges, setting forth in writing and in words the number of votes each candidate received, which certificate they shall deliver to the mayor, who shall, at twelve o'clock M. on the day after election, make proclamation thereof at the door of the mayor's office. The registrar and judges

Certificate of election.

Proclamation.

of election shall also furnish to each person elected as commissioner in their ward a certificate of his election.

SEC. 10. Whenever, under the provisions of this act, any question is to be decided by the judges of election, and said judges cannot decide the same by reason of a tie vote, the registrar shall give the casting vote. Questions arising before judges of election, how decided.

SEC. 11. That on the Tuesday next succeeding the day of election the commissioners elected thereat shall qualify by taking the oath now provided by law, and shall succeed to and have all the rights, powers and duties now provided by law for such board, as well as those conferred on them by the provisions of this act. Qualification of commissioners.
Powers, &c.

SEC. 12. The board of commissioners, upon their organization, shall elect some person, not of their own number, to be mayor of said town, to hold his office for two years and until his successor shall qualify. The mayor shall preside at the meetings of the board of commissioners, and shall have the rights, powers and duties now provided by law for the mayor of Winston, and such as are conferred on him by the provisions of this act. For misconduct in office the mayor may be removed from his office by a vote of two-thirds of the entire number of commissioners; and upon such office becoming vacant for any cause, the board of commissioners shall fill the same for the unexpired term. Mayor.
Duties, &c.

SEC. 13. That all elections held by virtue of this act shall be held under the supervision of the chief of police of the town of Winston, who shall attend the polls, and, by his regular force of police and such additional numbers whom the mayor may appoint as special deputies, preserve order. Removal.
Vacancy, how filled.
Election to be held under police supervision.

SEC. 14. That the mayor, before entering upon the duties of said office, shall take the oath now prescribed by law for that officer before the clerk of the superior court of Forsyth county. Oath of mayor.

SEC. 15. That each commissioner, before entering upon the duties of said office, shall take, before the mayor or some justice of the peace, the oath now prescribed by law. The mayor and commissioners shall hold their offices, respectively, until the next succeeding election and until their successors are elected and qualified; and they shall have and exercise all the rights, powers and duties as are now prescribed by law and are herein conferred. Oath of commissioners.
Terms of office of mayor and commissioners.
Powers, &c.

SEC. 16. That the present mayor and board of commissioners of the town of Winston shall continue to hold and exercise the powers, rights and duties now vested in them by existing law, as also such as are conferred upon them respectively by the provisions of this act, until the election and qualification of their respective successors at the next election in said town, on the third Tuesday of February, one thousand eight hundred and ninety, and the dates and times respectively fixed in this act for the election and qualification of their successors. There shall not be held an election for said mayor and board Present mayor and commissioners to hold office until election of successors on third Tuesday in February, 1890, &c.

of commissioners in said town until the said third Tuesday in February, one thousand eight hundred and ninety, and all laws contained in the charter of said town, or otherwise, in conflict with the provisions of this act, are hereby repealed.

Terms of office of commissioners hereafter elected.

SEC. 17. That when said commissioners shall be elected as herein provided on the third Tuesday in February, one thousand eight hundred and ninety, and at each biennial election therefor as herein provided, their term of office shall begin, and they shall organize on the Tuesday next succeeding their election, when they shall proceed at once to elect a mayor, who shall qualify and shall hold said office until his successor is elected and qualified.

Election of mayor

Examination of person offering to register.

SEC. 18. Whenever any person shall offer to register in said town the registrar may examine him on oath touching his qualification to register, and may hear evidence thereof, and upon such examination it shall be unlawful for any person to interfere or suggest answers to the person being examined, and any one so offending, upon conviction therefor before the mayor or some justice of the peace of Forsyth county, he shall be fined not more than ten dollars. The board of commissioners of said town shall have the authority to provide by ordinance for the punishment of any person who interferes with the registrar or judges of election in the discharge of their duties. If the registrar shall decide that the applicant for registration is entitled to register he shall record his name as herein prescribed, and shall issue to him a certificate of registration, printed or written, and which shall contain a statement of the name, age and color of the applicant, and also the number of his ward and the place of his residence in the town.

Penalty for interference.

Certificate of registration.

Any person not known to the registrar to be a qualified voter, offering to vote at an election in said town, upon challenge, may be required to produce his certificate and prove his identity; and, upon his failure so to do, his vote shall not be received. The board of commissioners shall furnish the registrar with blank forms of such certificates.

Challenges.

Blank forms.

Tax-collector.

SEC. 19. At their regular meeting in May, one thousand eight hundred and eighty-nine, and biennially thereafter, the commissioners of said town shall elect a tax-collector for the town, who shall hold his office for two years, and until his successor is elected and qualified; but the commissioners shall have the power to remove him from office for inefficiency or misconduct in office, and to elect his successor to fill his unexpired term. Said tax-collector shall give the bond, and have the rights, powers and duties now prescribed by law for that officer.

Mayor's fees payable into town treasury.

SEC. 20. That after the first Monday in May, one thousand eight hundred and eighty-nine, the mayor of said town shall not receive any fees in any case tried before him, whether he has final jurisdiction or only to act as a committing magistrate; but the fees now prescribed by law for the mayor shall be collected and covered into the

treasury of said town. The mayor shall receive as compensation for his services the sum of six hundred dollars per annum, payable out of the town treasury in such sums and at such periods as the commissioners may prescribe. Compensation of mayor.

SEC. 21. The commissioners of said town shall have the power to grant to any street railway company or other persons the right to use the streets of said town to operate railway lines in the town under such terms as they may contract. Street railways.

SEC. 22. The commissioners of said town shall have the authority to pass such ordinances in relation to vagrants as they may deem necessary for the good government of the town; and any person who may be in the habit of sauntering about the town, not engaged in any lawful occupation, or of loafing about the streets, or who may spend his time in gambling, and without visible means of support, shall be guilty of a misdemeanor, and on conviction therefor before the mayor shall pay a fine of not exceeding fifty dollars or be imprisoned not exceeding thirty days. The said mayor is constituted a special court to hear and finally determine such offence; and upon failure of any person convicted of said offence to pay such fine and cost of his arrest and conviction, he shall have the authority to imprison such person in the county jail, and the commissioners of Winston may work such persons on the streets or other public works of said town, or they may hire said persons to private persons until the fine and costs are paid. Vagrants.
Misdemeanor.
Special court.

SEC. 23. Any person imprisoned by the mayor for violation of law, or any ordinance of said town, or for the non-payment of any fine, penalty or cost, may be placed in the county jail of Forsyth county for safe-keeping under such terms as the mayor and commissioners of said county may contract; and during such imprisonment such person may be worked upon the streets of said town, upon the county public roads, or any other public improvement. Persons imprisoned liable to work on streets, &c.

SEC. 24. That at the expiration of the term of office of the various graded school commissioners, respectively, their respective places shall be filled by the board of commissioners of said town, and the persons elected shall hold their respective offices for the same terms respectively as now provided by law, and a vacancy occurring for any cause shall be filled by the commissioners for the unexpired term. The said school commissioners shall have full power, in addition to that already granted, in the distribution and apportionment of the graded school fund of said town. Graded school commissioners.

SEC. 25. Any person offering to register in said town shall take and subscribe the following oath or affirmation: "I do solemnly swear, that I am or will be twenty-one years of age, that I have been or will have been an actual *bona fide* resident of North Carolina for twelve months, and an actual *bona fide* resident of ward No. . . . , in Winston, for ninety days, on the third Tuesday of February next, and

Oath of persons offering to register.

that I have not been convicted of any crime which, under the laws of North Carolina, disqualify me to vote: so help me God."

Conflicting laws repealed.

SEC. 26. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 27. That this act shall be in force from and after its ratification. Ratified the 25th day of January, A. D. 1889.

CHAPTER 7.

An act to amend chapter seventeen of the private acts of eighteen hundred and eighty-seven, entitled "an act to amend an act to incorporate the Biddle University," ratified the eighth day of February, 1887.

The General Assembly of North Carolina do enact:

Chapter 17, sec. 1, private laws 1887, amended.

SECTION 1. That section one of chapter seventeen of the private acts of eighteen hundred and eighty-seven, entitled "an act to amend an act entitled an act to incorporate the Biddle University," ratified the eighth day of February, 1887, be amended by striking out the words "and others," between the words "race" and "for," in the thirty-first line of said section, the said line being the last line but one in said section.

Students limited to colored race.

SEC. 2. That all laws in conflict with this act are hereby repealed, and that this act shall be in force from and after its ratification.

Ratified the 25th day of January, A. D. 1889.

Conflicting laws repealed.

CHAPTER 8.

An act to authorize the commissioners of the town of Taylorsville, in Alexander county, to sell certain real estate.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas, William Matheson, Joseph M. Bogle and James James, in the year 1847, conveyed to James Thompson, chairman of the county court of Alexander county, in separate deeds, aggregating about forty-four acres of land, for the purpose of building thereon a county-town; and whereas, for the purpose of carrying out the intent of the grantors aforesaid, the town of Taylorsville, in Alexander county, was located and is situate on the lands aforesaid; and whereas, a large portion of the lands aforesaid are still unoccupied and not likely to be needed for street purposes, nor for the erection of any public building or buildings for said town or county; therefore,

SEC. 2. That the mayor and the commissioners of the town of Taylorsville be and they are hereby authorized to sell any part of the lands aforesaid not needed for street purposes or the erection of any public building thereon for said town or county of Alexander, and convey to the purchaser or purchasers a deed in fee simple for the same. Said land may be sold in lots, as in the discretion of the commissioners may be most advantageous, and the proceeds arising from the sale thereof applied to the benefit of said town, as may be directed by the commissioners.

Mayor and commissioners of town of Taylorsville authorized to sell certain real estate.

SEC. 3. That any deed or deeds to any part or parts of said lands heretofore executed by the mayor of said town and the chairman of the board of the commissioners of Alexander county are hereby declared valid.

Deeds heretofore executed validated.

SEC. 4. That the commissioners of the county of Alexander be and they are hereby authorized and directed to join in the conveyance mentioned in section two of this act.

County commissioners to join in conveyances.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1889.

CHAPTER 9.

An act to amend chapter one hundred and sixty-two, private laws of the acts of 1887, entitled "an act to incorporate the Guilford Battle Ground Company."

The General Assembly of North Carolina do enact:

That chapter one hundred and sixty-two of the private laws of North Carolina, session of 1887, entitled "an act to incorporate the Guilford Battle Ground Company," be amended by adding the following sections:

Chapter 162, private laws 1887, amended.

SEC. 6. That the board of directors of the Guilford Battle Ground Company shall be invested with municipal powers to the extent that they may pass ordinances, not inconsistent with the constitution and laws of the State, for the protection of the real and personal property of the company, to prevent drunkenness and disorderly conduct on the grounds of the company, to prevent disturbances on public celebration days, to prevent intrusions and trespasses, and the like ordinances [offences]; and that any violation of an ordinance so passed by said board of directors shall be a misdemeanor.

Powers of board of directors.

SEC. 7. That the board of directors may appoint policemen, who shall take an oath of office before a justice of the peace, and who shall have authority to preserve the peace on the grounds of the company, to execute all criminal process issued to them for violations of the ordinances of the company, to quell riots, to arrest persons who are disorderly, so as to prevent breaches of the peace; and to have all

Policemen.

the powers of a constable on the grounds of the company, and to enforce the rules and regulations prescribed by the board of directors.

Unlawful to sell liquor within one mile.

SEC. 8. That it shall be unlawful to sell any spirituous, malt or vinous liquors, or any compounds of which these liquors, or any of them, constitute the principal ingredient, within one mile of the grounds of the company.

Exemption from taxation.

SEC. 9. That the property of the company shall be exempt from taxation.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1889.

CHAPTER 10.

An act to incorporate the Phoenix Fire Engine Company, of Wilson, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Alexander Greene, W. H. G. Scott, W. P. Snakenburg, Roscoe G. Briggs, W. P. Wooten, and such other persons as are now or may hereafter become associated with them, not to exceed one hundred in number, and their successors, be and they are hereby created and declared a body politic and corporate by the name and style of the Phoenix Fire Engine Company, of Wilson, North Carolina, and shall by that name have perpetual succession and a common seal, sue and be sued, plead and be impleaded, have, hold, purchase and transfer such real and personal estate as may be necessary and convenient for its purposes and for its government; may make all necessary by-laws and regulations not inconsistent with the constitution and laws of North Carolina or of the United States, and shall have and enjoy all other rights, privileges and franchises which are incident to corporate bodies of the same nature.

Corporate name.

Corporate powers

Officers.

SEC. 2. That the officers of said corporation shall be fixed by the by-laws of the same, shall be elected annually, and shall hold office until their successors are elected and qualified.

Fines, &c.

SEC. 3. That said corporation is empowered to impose reasonable fines and penalties to secure prompt and efficient services from its members.

Exemption from jury duty, &c.

SEC. 4. That the members of said corporation while they continue to perform the duties of firemen shall be exempt from all jury duty, tales, regular or otherwise, and from the performance of street or road duty either within or beyond the corporate limits of the town of Wilson, and in case of active service in said company for seven successive years, said exemptions shall continue during the life-time of the member rendering such active service.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 28th day January, A. D. 1889.

CHAPTER 11.

An act to establish a board of health in the city of Charlotte.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of aldermen in the city of Charlotte be and are hereby authorized to create a board of health for said city. Board of aldermen of Charlotte authorized to create board of health.

SEC. 2. The committee to consist of not exceeding three members. Committee.

SEC. 3. That the members of said board of health shall be allowed such salaries as the board of aldermen shall determine, not to exceed six hundred dollars per annum each. Salaries.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1889.

CHAPTER 12.

An act to incorporate the Merchants and Planters Bank, of Milton, North Carolina.*The General Assembly of North Carolina do enact :*

SECTION 1. J. L. Waring, W. N. Ruffin, Albert Garst, L. E. Harvie, Body politic.
of Danville, Va., E. F. Reid, of Chatham. Va., and H. T. Riggs, R. L. Walker, Geo. W. Thompson, John L. Irvine, W. W. Luck, W. M. Watkins, E. Hunt, J. S. Cunningham, W. T. Farly and J. A. Hurdle, of Milton, N. C., and their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of the Merchants and Planters Bank, and by such name Corporate name.
may acquire, hold and convey real and personal estate, may sue and Corporate powers
be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.

SEC. 2. That the offices and place of business of said bank shall be Place of business.
in the town of Milton, North Carolina; and the capital stock of said Capital stock.
corporation shall not exceed the sum of two hundred thousand dollars, in shares of not less than ten dollars each nor more than one hundred dollars each, and the corporators in the first section named, or any five of them, are hereby empowered to cause books to be Books of sub-
opened at such time or times, at such places and for such periods as scription.
they may determine, and by such persons as they may name as commissioners for the purpose of receiving subscriptions to said stock.

SEC. 3. That whenever five thousand dollars of stock shall have Organization.
been subscribed and twenty-five per cent. of the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem

Directors.

sufficient, when such stockholders (a majority of the stock subscribed being present or represented) shall elect ten directors. Said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly elected, and assume office and elect one of their number to be president and one vice-president of said bank during their continuance in office.

Officers.**Powers of president and directors**

SEC. 4. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as they may deem proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties; may prescribe the manner of paying for stock and transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations.

Lien on stock.

SEC. 5. That said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State.

Taxes.**Corporate powers**

SEC. 6. That said bank may receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, bullion, uncurrent paper and public and other securities; may purchase and hold a lot of ground for a place of business, and at pleasure sell or exchange the same; may purchase and hold such personal and real property and estate as may be conveyed to secure debts due said bank, and may sell and convey the same, and may own other real estate; may discount notes and other evidences of debts; may lend money on such terms as may be agreed on not inconsistent with the laws of the State, and may receive moneys on deposit on terms to be agreed upon between its officers and depositors not exceeding the rate allowed by law, and issue certificates of the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit, signed by the proper officers of the bank, shall be as binding as under seal of the bank.

Powers of president and directors

SEC. 7. That the president and directors of said bank shall direct where, to whom, and in what manner dividends of profit may be made; and shall be allowed to open the subscription books from time to time, at their discretion, until the whole of the stock is taken. They may call meetings, extraordinary, of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may

be prescribed in their by-laws, and any number of stockholders—not less than five—holding together not less than one-fifth of the capital stock subscribed, may call a special meeting on giving thirty days notice thereof printed in some newspaper published at Milton, North Carolina. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Proxies.
Stock vote.

SEC. 8. That the stockholders in said bank shall be liable for an amount only equal to the amount of stock held by them, the said holders of stock.

Liability of stock-
holders.

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 branches 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.

Branches and
agencies.

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

Ratified the 23th day of January, A. D. 1889.

CHAPTER 13.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy, section one, of the laws of one thousand eight hundred and eighty-seven, be amended as follows: Strike out in line six thereof all after the word "Fidelity," down to and including the word "Durham," and insert in lieu thereof the word "bank."

Chapter 70, sec. 1,
private laws 1887,
amended.
Name changed to
Fidelity Bank.

SEC. 2. Strike out the word "secretary" and "treasurer," wherever the same may appear in said act, and insert in lieu thereof the word "cashier."

Cashier.

SEC. 3. This act shall take effect and be in force from and after the first day of March, one thousand eight hundred and eighty-nine.

When act to take
effect.

Ratified the 23th day of January, A. D. 1889.

CHAPTER 14.

An act for the relief of Handsel McCall, of the county of Transylvania.

The General Assembly of North Carolina do enact :

SECTION 1. That the secretary of State be and is hereby authorized and directed to make such alterations in the calls and courses contained in a grant for land, No. 162, issued to Handsel McCall, for fifty acres of land in Transylvania county, as may be necessary to include

Secretary of State
directed to cor-
rect grant to H.
McCall.

the lands actually run out and surveyed by the original survey, but by mistake were omitted; and that the filing of an amended and corrected plat and certificate of survey by the surveyor who made the original survey upon which the grant issued, with a sworn statement to the effect that the same is in all respects in accordance with the original survey and includes only the lands actually surveyed in said original survey, shall be sufficient to authorize the alteration and correction aforesaid.

Validity of corrected grant.

SEC. 2. That the said grant, when so altered and corrected, shall have the same force and validity to pass title to the lands included in the said grant as if the same had been included in the original grant of December 28, 1882.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 30th day of January, A. D. 1889.

CHAPTER 15.

An act to authorize the commissioners of the town of Shelby, N. C., to issue bonds for the purchasing of fire engine, etc., for said town.

The General Assembly of North Carolina do enact:

Commissioners authorized to issue bonds not exceeding \$2,000.

SECTION 1. That the commissioners of the town of Shelby be and the same are hereby authorized to issue coupon bonds, not to exceed the amount of the sum of ten thousand dollars, and in denominations of not less than one hundred or more than one thousand dollars, bearing interest from date of issue at the rate of six per cent., payable annually, on the first day of January, until all of said bonds are paid. That said bonds shall be payable in one and two years, in equal payments, from date of issue. The said bonds and their coupons for interest shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the clerk of the board of commissioners of said town, and a record shall be kept of said bonds showing the number, amount and to whom sold.

Bonds not to be sold under par, and proceeds to be used for purchase of fire engine, water supply, &c.

SEC. 2. That said bonds shall not be sold for less than par value, and the proceeds arising from the sale thereof shall be used by the mayor and commissioners of said town for the purchase of an engine and fixtures or the necessary machinery, etc., for a hook and ladder company, as may be necessary to protect said town of Shelby and the property therein against fires, and also in getting the necessary hydrants, cisterns, etc., to have a supply of water necessary to use said engine and other machinery for the extinguishment of fire in said town of Shelby, of North Carolina: *Provided, however*, that this act shall be submitted to the qualified voters of said town for their ratification or rejection at an election to be held in said town at such

Special election to be held, &c.

time as the commissioners thereof may appoint within twelve months after 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 also at the court-house door in said town and at other public places 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 in favor of issuing said bonds shall vote a written or printed ticket with the words "for bonds" thereon. Those opposed shall vote a written or printed ticket with the words "against bonds" thereon. The result of said election shall be ascertained by said inspectors or supervisors and returned by them, over their signature, to the commissioners of said town, who shall verify same and certify the result of said election and cause same to be recorded in the minutes of said board of commissioners of said town. If a majority of the votes cast be "for bonds," then the commissioners of said town and the mayor thereof shall proceed to issue and sell said bonds and apply the proceeds as directed in this act. But if a majority of the votes cast be "against bonds," then this [act] shall be of no force and effect. The inspectors shall be appointed and the election held as all other elections are held in said town.

SEC. 3. In order to pay the interest on said bonds and the principal when due, the commissioners of said town shall levy a special tax of not more than one dollar on the hundred dollars worth of personal property and real estate and three dollars on the poll in said town per annum, until said bonds and interest are paid off.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 16.

An act to incorporate the town of Liberty.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Liberty, in Randolph county, be and the same is hereby incorporated by the name and style of the town of Liberty, and it shall be subject to all the provisions of chapter sixty-two (62) of The Code of North Carolina.

SEC. 2. That the boundaries of said town shall be as follows, viz.: Beginning at a stone in L. Wright's orchard, running thence north with Asheboro street one hundred and eighty-one rods to Brower street; thence west with Brower street seventy-two and two-thirds rods to a stone; thence north one hundred and sixty-two rods to a

stone; thence east twenty-seven rods to a stone; thence north one hundred and seventy-five rods to a stone; thence east seventy-four rods to a stone; thence south two hundred and six rods to a stone; thence east thirty-two rods to a stone; thence south fifty rods to a stone; thence east sixty rods to a stone; thence south eighty-four rods to a stone; thence west twenty rods to a stone; thence south one hundred rods to a stone: thence west fifty-eight rods to a stone; thence south four degree west eighty-two rods to a stone; thence west forty-six rods to the beginning.

Officers.

SEC. 3. The officers of said town shall consist of a mayor, five commissioners, a marshal and a treasurer. The treasurer shall be ex-officio clerk of the board of commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, viz.: mayor, H. L. Brower; commissioners, D. J. Staley, J. F. Pickett, W. J. Staley, E. A. Griffin and D. S. Coltrane; marshal, W. B. Owen; treasurer, J. W. Brower.

Temporary officers.

SEC. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-nine, 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, when and how held.

Powers of commissioners.

SEC. 5. That said commissioners shall have power to pass all by-laws and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy a tax on all objects of State taxation not to exceed sixteen and two-third cents on each one 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 for the use of the town.

Bonds.

SEC. 6. The treasurer and the marshal shall each enter into bond, approved by the commissioners, payable to the State of North Carolina, to the use of the town of Liberty, conditioned for the faithful performance of their respective duties.

Compensation.

SEC. 7. That the officers of said town shall receive such compensation for their services as the mayor and commissioners of said town shall, in their discretion, authorize.

Sale of spirituous liquors.

SEC. 8. That this charter shall be subject to all the conditions and privileges heretofore granted to Liberty station (church and school) in regard to the sale of spirituous liquors.

Officers to qualify

SEC. 9. That it shall be the duty of the officers of the town appointed by this act, within thirty 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.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 17.

An act to amend section one of chapters fifty-nine and ninety-four, respectively, of the laws of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapters fifty-nine and ninety-four, respectively, of the laws of 1887 be amended by inserting the word "the" before the word "young," in line twelve, and striking out the words "ladies" and "female," in line thirteen, and the word "female," in the last line of said section, so that said section, when so amended, shall read: "Section 1. That R. S. Adderton, Miss Laura C. Clement, Jesse S. Clement, R. I. Cecil, A. L. Clodfelter, D. K. Cecil, J. W. Davis, G. 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 Harbin, Allen Jones, W. C. B. Leonard, S. E. March, C. A. Noah, J. L. Peacock, M. H. Pinnix, H. T. Phillips, B. B. Robarts, 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 the young, under the name and style of Lexington 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 education."

Chapters 59 and 94, private laws 1887, amended. Lexington Female Seminary allowed to educate pupils of both sexes. Body politic.

Corporate name. Corporate powers

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

Conflicting laws repealed.

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

Ratified the 30th day of January, A. D. 1889.

CHAPTER 18.

An act to amend an act entitled "an act to incorporate the trustees of the Kittrell Industrial Normal School," ratified the seventh day of March, A. D. one thousand eight hundred and eighty-seven, and amendments thereto.

WHEREAS, It is desirable to promote useful knowledge among the people of our land and thereby better fit them for the several avocations of life; and whereas, an institution for that purpose has been established by the African Methodist Episcopal Church in the United

Preamble.

States of America near the town of Kittrell, in the county of Vance, under a charter granted by the General Assembly of North Carolina, March the seventh, one thousand eight hundred and eighty-seven; and whereas, we desire to widen our sphere of usefulness and obtain a more uniform and effective organization for said school, therefore we ask further legislation from the State of North Carolina.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That J. P. Campbell, W. D. Cook, James W. Telfair, W. Duke, R. B. Fitzgerald, H. H. Hall, N. L. Jeffries, J. S. Carr, William H. Giles, J. E. C. Borhan, Stewart Ellison, B. B. Goins, J. E. Sampson, J. W. O. Daniels, G. F. Bowers, W. E. Coleman, Anderson Edwell, C. W. Raney, Wadkins Roberts, Charles O. Winstead, W. T. Blackwell, T. B. Keogh, G. A. Guthrie, John O. Kelly, G. W. Rogers, Jocklin Strange, J. E. W. Moore, W. H. Hunter, E. H. Balden, John Copening, P. G. Alexander, R. H. W. Leak, and their successors in office, only elected and appointed as hereinafter provided, be and 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 Kittrell Normal and Industrial Institute of the African Methodist Episcopal Church, 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; and the said institution shall be under the control of the said African Methodist Episcopal Church.
- Corporate name**
- Corporate powers**
- Corporate powers** SEC. 2. The said corporation may have a common seal, may sue and be sued, may take, in gift or otherwise, lease, hold, sell and convey real and personal property not exceeding five hundred thousand dollars, may make by-laws, elect members and officers of the corporation and do all other acts necessary for the support, control and good government beneficial to the said institution of learning.
- Authorized to confer degrees.** SEC. 3. The faculty of the said school, together with the trustees, may confer such degrees and marks of literary distinction, and any other such degrees, as in their opinion, may promote the object of the corporation.
- Corporate body.** SEC. 4. The corporation shall consist of thirty-six members for the next four years succeeding the ratification of this act, and for all time thereafter the corporation shall consist of nineteen members, who shall be elected by the members of the corporation at their annual meeting: *Provided, however,* that a majority of the members of said corporation shall always be members of the African Methodist Episcopal Church, under the direction of the North Carolina and Virginia conferences of the aforesaid church.
- Proviso.**
- Election of members.** SEC. 5. The members of the corporation shall be elected annually after the expiration of the term specified in section four of this act.
- Vacancies.** SEC. 6. The corporation shall have power to fill vacancies occurring from resignation, death or any other cause.

SEC. 7. Seven of the members of the corporation present at an annual meeting shall constitute a quorum for the transaction of business.

Quorum.

SEC. 8. The officers of the corporation shall be a president, vice-president, secretary, treasurer, and an executive committee consisting of three or five members of the corporation, and such other officers or servants as shall by them be deemed necessary, to continue for such a time as the board may direct, and that the president, vice-president, secretary and treasurer of the corporation shall be ex-officio members of the executive committee. The treasurer shall give to the corporation a bond, conditioned for the faithful performance of his duties in a penalty to be fixed and with sureties to be approved by the executive committee.

Officers.

Bond of treasurer.

SEC. 9. The board shall elect a president, professors and tutors of said institution: *Provided, however,* that no professor or instructor in the institution shall be elected to the office of trustee thereof; but the president of the institution 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.

Election of president, &c. Proviso.

SEC. 10. That it shall not be lawful for any person or persons to set up or cause to be set [up] or continued any gaming table or any device whatever for playing at any game of chance 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 the aforesaid institution; and any person or persons who shall offend against the provisions of this section, or any of them, shall be deemed guilty of a misdemeanor.

Gaming tables, sale of liquor, &c., within one mile prohibited.

Misdemeanor.

SEC. 11. The said corporation shall be entitled to hold one hundred acres of land free from taxation, and in case of sale of any real or personal property of the said corporation, the proceeds arising from the said sale shall go or be applied as provided in the property deed.

Exemption from taxation.

SEC. 12. The said institute and incorporators shall be governed by the organic laws enacted from time to time by the general conference of the African Methodist Episcopal Church of the United States for the government of the connectional school of the aforesaid church.

Government of corporation.

SEC. 13. Be it further enacted by the authority aforesaid, that so much of the act of the General Assembly of North Carolina, ratified the seventh day of March, A. D. one thousand eight hundred and eighty-seven, entitled "an act to incorporate the trustees of the Kittrell Industrial Normal School," 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.

Conflicting parts of chapter 107, laws 1887, repealed.

Other conflicting laws repealed.

Ratified the 30th day of January, A. D. 1889.

CHAPTER 19.

An act to authorize the mayor and commissioners of the town of Southport to convey certain lots in said town.*The General Assembly of North Carolina do enact :*

Authorized to convey certain real estate to churches.

SECTION 1. That the mayor and commissioners of the town of Southport be and they are hereby authorized and empowered to convey, by deed in fee simple, the lots on Franklin square in said town to the trustees of the Methodist and Baptist churches now occupying the same; and if other churches or christian associations desire to build on any vacant lots in said square, to execute similar deeds to the authorities thereof whenever, in the discretion of said mayor and commissioners, it is desirable to do so.

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

Ratified the 31st day of January, A. D. 1889.

CHAPTER 20.

An act to incorporate the trustees of Antioch Methodist Protestant church and camp-ground, in Union county.*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That D. T. Morris, J. T. Black, J. M. Phifer, T. N. Lewis, J. M. Haywood, W. L. Mars and W. P. Rich, 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 Antioch Methodist Protestant church and camp-ground, in the county of Union; and said corporation shall have power to purchase and hold real and personal estate and to acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court of the State having competent jurisdiction, and may have and use a common seal, and have power to elect their officers, consisting of a chairman, a secretary and treasurer.

Corporate name.
Corporate powersOfficers.
Vacancies.

SEC. 2. That in case of death or refusal to act, or removal, or from any other cause, there becomes a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than five nor more than ten trustees.

Proviso.

Unlawful to sell, &c., liquor within two miles.

SEC. 3. That it shall not be lawful for any person to sell, give away or dispose of spirituous liquors, wine or cider at or within two miles of Antioch Methodist Protestant church and camp-ground, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each

Misdemeanor.

offence, be fined not less than ten nor more than fifty dollars, or imprisoned not exceeding thirty days.

SEC. 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. By-laws.
Proviso.

SEC. 5. That the trustees of the Antioch Methodist Protestant church and camp-ground 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. Special police.

SEC. 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 and camp-ground. Powers of police.

SEC. 7. That chapter eighty-three, private laws of 1886 and 1887, is hereby repealed. Chapter 83, private laws 1887, repealed.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1889.

CHAPTER 21.

An act to declare the Albemarle Timber Company a duly incorporated company, and to amend and enlarge its charter.

The General Assembly of North Carolina do enact:

SECTION 1. That the Albemarle Timber Company, a corporation organized under the general laws of this State, articles of association only filed in the clerk's office of Halifax county on the thirteenth day of January, A. D. one thousand eight hundred and eighty-seven, and by letters issued on that day by the clerk of the superior court of said county, and the persons named therein as incorporators, to-wit: W. W. Tunis, C. G. Elliott, G. M. Serpell and W. G. Elliott, and such other persons as are now or that may be hereafter associated with them as stockholders, their successors and assigns, are hereby declared a duly incorporated company and body politic and corporate under the laws of this State, under and by the aforesaid name of the Albemarle Timber Company, and by such name shall have all the general powers granted and given to bodies politic and corporate by the laws of this State. Declared incorporated.
Corporate name.
Corporate powers

- Corporate powers** SEC. 2. The said company shall continue to have the right to buy and sell standing timber, and shall also have the right to acquire and hold lands in this State that may be timbered, in whole or in part, not to exceed five thousand acres at any one time, and to grant and convey the same by deed in fee, in trust or by mortgage.
- Increase of capital stock.** SEC. 3. The said company shall also have the right, from time to time, to increase its capital stock to such an amount as the directors may think proper, not exceeding five hundred thousand dollars.
- Mortgage bonds.** SEC. 4. The said company shall also have the right to borrow money and to issue its bonds for the same, and to secure the payment of the same by one or more mortgages on its real and personal property.
- SEC. 5. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 22.

An act to authorize the trustees of Brower's chapel, in Randolph county, to sell a certain lot.

The General Assembly of North Carolina do enact :

Authorized to sell lot in Randolph county.

SECTION 1. That the trustees of Brower's chapel, a church of the Methodist Protestant denomination of North Carolina, shall have full power and authority, and they are hereby authorized and empowered, in their discretion, to sell or donate and convey a certain lot of land belonging to the said church, in Randolph county, to any person who may desire to buy.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 23.

An act to incorporate the Scranton and North Carolina Land and Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. M. Rhodes, Frank Rouschmeier, F. E. Loomis, F. E. Nettleton, Everett E. Dale, P. Mulhesin, James Matter, M. O. Webster, A. D. Dean, W. L. Dean, George H. Lancaster, P. J. McCaffrey, Charles Monie, Henry W. Siefecker, Theodore Berger, and all persons who become stockholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of the Scranton and North Carolina Land and Lum-

Corporate name.

ber Company, and by that name shall have perpetual succession, a common seal, the power to sue and be sued, to purchase, hold, lease, sell and convey real estate and personal property, to borrow money, to contract and be contracted with, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations. Corporate powers

SEC. 2. The said corporation is hereby authorized and empowered to carry on the manufacture and sale of lumber and other articles of trade and commerce, to erect mills, machinery, wharves, store-houses and all other buildings necessary or profitable in the conduct of their business, to buy, sell and raise cattle or other live stock, and deal in goods, wares and merchandise of every kind and description at its will and pleasure. Corporate powers

SEC. 3. The said corporation is hereby authorized to own and manage steam and sailing vessels to transport its products to market, and carry passengers and freight at such rates as the company may fix upon, and to own tug-boats to haul logs to the mill or mills of the company, or for hire when not needed for the other purposes of said company. Corporate powers

SEC. 4. The said corporation is hereby authorized to build railroads to connect its mills with other railroads or shipping ports in the State of North Carolina, to erect and maintain telegraph, telephone and electric light lines between its mills, stores, offices or other places of business, and to connect such lines with other lines or plants operated or hereafter erected within the State. Where lands or right of way shall be required for the purposes named in this section, the same may be taken and condemned, and the value thereof ascertained in the manner prescribed by The Code of North Carolina and the laws of the State where land is taken for similar purposes. If such railroads, telegraph, telephone or electric light lines shall be built, the said corporation shall have the right to charge and collect such toll, fees, or compensation for the use thereof as are reasonable and just. Corporate powers
Condemnation of land.

SEC. 5. The capital stock of said company is one hundred thousand dollars, divided into shares of one hundred dollars each, but the same may be increased to any sum not exceeding one million dollars. Capital stock.

SEC. 6. The stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the debts, liabilities, contracts or torts of the corporation, except that said incorporators herein named, and such stockholders as shall hereafter subscribe, shall be liable for the amount of the stock subscription, to be enforced by law. Liability of stockholders.

SEC. 7. The principal place of business of said corporation shall be at Makelyville, Hyde county, North Carolina, and the said company shall have an office and agent there, upon whom all process may be served, and service upon such agent shall have the same effect as if made upon the president or other officers of the company. The place Place of business.
Service of process.

Place of stockholders' meetings.

of meeting of the stockholders and directors of said company may be at any place most convenient as provided in the by-laws of said company.

By-laws.

SEC. 8. The said corporation shall have the right, at the lawful meetings of the stockholders, to make, change and adopt by-laws for its regulation and management not inconsistent with the laws and constitution of this State.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 1st day of February, A. D. 1889.

CHAPTER 24.

An act to incorporate the town of Hot Springs, in the county of Madison.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Hot Springs, in the county of Madison, be and the same is hereby incorporated by the name and style of the town of Hot Springs, and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns, as set out in chapter sixty-two, volume two, of The Code of North Carolina, not inconsistent with this act.

Corporate name.

Corporate powers

Corporate limits.

SEC. 2. That the incorporate limits of the said town shall be as follows: One mile north and south, east and west, from the center of the railroad passenger depot in said town.

Officers.

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.

Temporary officers.

SEC. 4. That until their successors are elected and qualified, the following persons shall be the officers of said town, viz.: Mayor, B. N. Hill; commissioners, F. L. Montgomery, Martin McFall and N. J. Lance; constable, John Daniels.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1889.

CHAPTER 25.

An act to amend the charter of the town of Smithfield, chapter 142, private laws of 1883.

The General Assembly of North Carolina do enact :

Chapter 142, sec. 4, private laws 1883, repealed.

SECTION 1. That section four, chapter one hundred and forty-two, of the private laws of one thousand eight hundred and eighty-three, be and the same is hereby repealed, and the following is substituted therefor: "There shall, annually, on the first Monday in May of each

Commissioners.

year, be elected six commissioners for the said town. The first ward, the second ward and the third ward shall have two commissioners each, who shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of each ward."

SEC. 2. That section nine, chapter one hundred and forty-two, of Section 9 repealed the laws of one thousand eight hundred and eighty-three, be and the same is hereby repealed, and the following is substituted therefor: "That the commissioners of said town, after being duly qualified, Mayor shall, on Thursday succeeding the day of their election, elect by ballot a mayor for the said town of Smithfield, and the mayor 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 office."

SEC. 3. That the board of commissioners of said town shall have Town constable. the authority to elect a town constable, with the same power and authority as is given to town constables by section three thousand eight hundred and ten of The Code.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1889.

CHAPTER 26.

An act to amend an act entitled "an act to incorporate the town of Asheboro, in the county of Randolph," being chapter 79 of the private acts of 1883.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-nine of the private acts of one thousand eight hundred and eighty-three, entitled "an act to incorporate the town of Asheboro," be amended by adding the following additional sections: That the board of commissioners of said town shall have power to lay out and open any streets within the corporate limits of said town whenever they may deem it necessary, and 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 of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder in and a citizen of the said town, and in case the owner of the land shall refuse to choose said arbitrator, then the sheriff of the county shall in his stead select one for him; and in case the two

Chapter 79, private laws 1883, amended.

Streets.

Condemnation of land.

chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purpose specified; and all damages agreed upon by the commissioners or awarded by the arbitrators or umpire shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Appeal.

Taxation.

SEC. 2. That the board of commissioners of said town shall have full power and authority to levy a tax upon the real and personal property and polls of the said town for the purpose of raising the money to pay any and all such sums as may be required to be paid under the preceding sections.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1889.

CHAPTER 27.

An act to incorporate the Greenleaf Johnson Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Greenleaf Johnson, Howard N. Johnson, Greenleaf Johnson, Jr., and E. E. Smith, and such other persons as may be associated with them, be and they are hereby created and constituted a body politic and corporate for the purpose of conducting a general lumber business in all of its branches, under the name and style of the Greenleaf Johnson Lumber Company, and by such name shall have perpetual succession and a common seal, which it may adopt and alter at pleasure; may contract and be contracted with, sue and be sued, and make, maintain and alter such by-laws, rules and regulations for the government and the carrying on of its business as it may deem expedient, not in conflict with the constitution and laws of this State or of the United States.

Corporate name.

Corporate powers

Capital stock.

SEC. 2. The capital stock of said company shall not be less than one hundred thousand dollars or more than five hundred thousand dollars, divided into shares of one hundred dollars each, and said company may receive subscriptions to its capital stock or payment for its shares in money, land or other property upon such terms as may be agreed upon or authorized by its board of directors. Each stockholder in said company shall be entitled to one vote for each share of stock held by him, and no stockholder shall be individually liable for the debts or liabilities of said company in any larger or further sum

Stock vote.

Liability of stockholder.

than to such amount as may be due and unpaid, severally, upon his stock subscription.

SEC. 3. The incorporators named herein, or any of them, may receive subscriptions to the capital stock of said company, and when the minimum capital of one hundred thousand dollars shall have been subscribed, said subscribers may organize said company by the election of such a number of directors as they may deem expedient, but not less than three. The directors shall elect a president of the company, and said president and directors shall remain in office for one year and until their successors are elected and qualified, unless sooner removed by the stockholders. The number of directors may be changed from time to time by the stockholders at any general meeting, and said stockholders may provide for the government of the corporation by such laws, rules and regulations as they may deem fit and proper. The board of directors may appoint such other officers and agents for the management of the business of the company as they may think necessary or expedient. The principal office of the company may be located and its general meetings held at Norfolk, Virginia.

Organization.

By-laws.

Principal office.

SEC. 4. The said company is hereby authorized and empowered to carry on the business of getting, cutting, buying, selling, milling, transporting and manufacturing timber and lumber in whatever manner it may deem proper and expedient, and generally to conduct and carry on the lumber business in all its details, branches and departments; and said company shall have the right to buy, own, sell, dispose of, pledge or mortgage property of all kinds and descriptions, whether real, personal or mixed, and to own and operate in its business steamers, vessels and boats of every kind, and to build, own, equip and operate such tramways and railroads as it may desire for the transportation of its timber and lumber, manufactured or unmanufactured: *Provided*, that said company shall not own at any one time more than five thousand acres of land in this State, and the timber on not more than one hundred thousand acres. Its main line of railroad to be from some point in Martin county on Gardner's creek or Roanoke river to some point at or near Tar river, in Pitt county, and the branches not to exceed twenty miles in length.

Corporate powers

Proviso.

Main line of road.

SEC. 5. Said company shall have the right to borrow money and to issue notes or bonds in such manner and for such sums as its board of directors may determine, and it may secure the payment of said notes or bonds, and interest thereon, by mortgages or deeds of trust upon the whole or any part of its property and franchises, including its franchise to be a corporation, as its board of directors may deem proper and expedient.

Mortgage bonds.

SEC. 6. That whenever any land may be needed for the building of any railroad or tramway desired to be constructed by said company, or for warehouses, water-stations, turnouts, work-shops, wharves,

Condemnation of land.

landings or other necessary purposes, and the same cannot be obtained by agreement with the owners, the same may be acquired by the company in the manner provided for the condemnation of land in chapter forty-five, acts 1873-'74, and ratified twenty-second December, 1873, incorporating the Seaboard and Raleigh Railroad Company, now known as the Albemarle and Raleigh Railroad Company. Said right shall not extend to the condemnation of more than fifty feet on each side of the centre of the railroad bed.

Rights of transportation, &c.

SEC. 7. That said company shall have the right, whenever it shall determine to do so, to carry passengers and freight over any railroad that it may build, and charge reasonable rates therefor, and shall have the right to connect its road with any other railroad or transportation company and to interchange traffic upon reciprocal terms as may be agreed on, and may own and use steamboats, vessels, barges or other craft for the purpose of carrying on its business.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1889.

CHAPTER 28.

An act to incorporate the Raleigh Gas Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Thomas D. Hogg, W. J. Hawkins, C. M. Hawkins, A. B. Andrews, W. E. Anderson, B. P. Williamson, Master J. Hawkins, Julius Lewis, G. Rosenthal and G. E. Leach, 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 "Raleigh Gas Company," by which name said company and their successors shall have perpetual succession and all rights and privileges usually conferred upon corporations.

Corporate name.
Corporate powers

Capital stock.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, represented by one thousand shares of the par value of one hundred dollars, with the privilege of increasing the same from time to time as a majority of the stockholders may deem necessary, to a sum not to exceed five hundred thousand dollars.

Corporate powers

SEC. 3. That said company is hereby authorized and empowered to manufacture, produce, lease and sell light, heat and power made from or by the use of gas, electricity, coal, oil, steam, water or any other product or material or a combination of any product or material for any or all of said purposes: and said company shall have power to erect, maintain and operate such a plant or plants and appliances as may be necessary to manufacture and distribute for sale or use, light, heat and power from the sources above named, and

to do any and all things that may be necessary for the proper conduct of said business: and also to lease, purchase, hold, sell and convey patents relating to, or in any way identified with said business; and also lease, purchase, hold, sell and convey such real or personal estate as the said company may deem necessary for the proper prosecution of its business; and to borrow money and to issue bonds or other evidences of 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 and personal estate of any kind, at such rates and upon such terms as said corporation may deem best.

SEC. 4. The principal office of said company shall be in the city of Raleigh, North Carolina. Principal office.

SEC. 5. Owners of stock in this company shall not be individually liable for any contract, indebtedness or liability of this company. Non-liability of stockholders.

SEC. 6. The stockholders shall have power at their annual meetings to adopt such by-laws and alter them at pleasure as they may deem necessary for the proper conduct of the business contemplated, not inconsistent with the constitution and the laws of the United States and of the State of North Carolina. By-laws.

SEC. 7. Within thirty days after the ratification of this act, the incorporators, or any three of them, may call a general meeting of the stockholders in the city of Raleigh, North Carolina, and proceed to organize in accordance with this act. Organization.

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

Ratified the 8th day of February, A. D. 1889.

CHAPTER 29.

An act to incorporate the town of West Asheville, in the county of Buncombe.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of West Asheville, in the county of Buncombe, be and the same is hereby incorporated by the name and style of the town of West Asheville, 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. Incorporated.
Corporate name.
Corporate powers

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake on the east bank of the French Broad river, three rods above the county iron bridge; thence a straight line in a westwardly direction, crossing through the gap of a ridge to the ford of Smith's mill creek below R. O. Patterson's mill; thence up with the meanderings of said creek to the mouth of a small branch at the Corporate limits.

Jarrett old ford across said creek; thence up said branch to the ford of said branch; thence up the dividing ridge between said branches in a southern direction, crossing the county road one rod west of J. M. Jarrett's store; thence in the same southern direction to the head of a branch fronting said Jarrett's store; thence down said branch with its meanderings to the French Broad river; thence down the southern and eastern bank of said French Broad river 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, R. M. Deanes: commissioners, F. S. H. Reynolds, J. W. Clapp and James M. Jarrett, 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.

Election, when to be held.

SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and eighty-nine, 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 mayor and three commissioners, who shall hold their offices until their successors are qualified.

Subsequent election.

SEC. 6. That after the first election held in pursuance to the provisions of the preceding section, the commissioners may dispense with the notice of the time and place for holding the election provided for in this act: *Provided*, they shall establish, by ordinance or otherwise, a permanent polling place in said town.

Proviso.

Who eligible for mayor or commissioner.
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.

Electors.

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 West Asheville 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.

Streets.

SEC. 9. That in addition to the powers conferred on the commissioners of incorporated towns enumerated in chapter sixty-two (62) of The Code of North Carolina, the said commissioners shall have power to lay out and open any new street or streets within the cor-

porate 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 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, the matter shall be referred to arbitration, the commissioners and the owners 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 an 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.

Condemnation of land.

Appeal.

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.

Commissioners empowered to prohibit stock from running at large, &c.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1889.

CHAPTER 30.

An act to incorporate the Woman's Christian Temperance Union of Asheville, North Carolina.*The General Assembly of North Carolina do enact :*

- Body politic. SECTION 1. That the officers and members of the Woman's Christian Temperance Union of Asheville, Buncombe county, North Carolina, be and they are hereby constituted a body politic and corporate
- Corporate name. under the name and style of the Woman's Christian Temperance Union of Asheville, North Carolina, and by that name and style shall
- Corporate powers have perpetual succession and a common seal; may sue and be sued, plead or be impleaded in any court of record or before any justice of the peace in this State; contract and be contracted with, acquire, hold and dispose of property, both real and personal, as their interest or convenience may require, and may have all such rights and privileges for ninety-nine years as are incident to such corporations.
- By-laws. SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this State or of the United States.
- SEC. 3. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 31.

An act to incorporate the North Carolina Power Company.*The General Assembly of North Carolina do enact :*

- *Purposes of act. SECTION 1. That for the purpose of making, producing, generating and furnishing to those persons and corporations that may contract for the use of the same, light and motive power produced by or resulting from electric currents, Isaac Bates, G. W. Williams, John W. Atkinson, Wm. Latimer, and such other persons as they may associate with them, are hereby constituted a body politic and corporate
- Body politic. under the name and style of "The North Carolina Power Company," and by that name shall be entitled to sue and be sued,
- Corporate name. 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 hereinbefore 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 other corporation organized for similar purposes in this State.
- Corporate powers

SEC. 2. The principal place of business of said corporation shall be at Wilmington, North Carolina. Its capital stock shall be twenty thousand dollars (\$20,000) in shares of one hundred dollars (\$100) each, and may be increased to a sum not exceeding one hundred thousand dollars (\$100,000) whenever the board of directors shall so determine; and the company shall have the right to borrow money, to make, negotiate and to dispose of its promissory notes, drafts or bonds, and to mortgage any or all of its property or franchise to secure their payment.

Place of business.
Capital stock.

Authorized to borrow money on mortgage.

SEC. 3. Said company shall be deemed fully organized upon the ratification of this act, and a majority of the corporators named in the first section may meet at any time thereafter and elect a president, secretary and treasurer, and not less than three nor more than nine directors; issue stock, bonds and other securities, obtain subscriptions and 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 right for a term of fifty (50) years to make, produce and generate in the city of Wilmington, light and motive power produced by or resulting from electric currents.

Organization.

Corporate powers

SEC. 4. This act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 32.

An act to authorize the Tunis and Serpell Lumber Company to hold and convey lands in this State.

The General Assembly of North Carolina do enact:

SECTION 1. That the Tunis and Serpell Lumber Company, a corporation created by and organized under the laws of the State of Virginia, is hereby given the power to acquire and to hold and convey lands in this State, not to exceed, however, one thousand acres at any one time.

Authorized to acquire, &c., real estate not exceeding one thousand acres.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1889.

CHAPTER 33.

An act to incorporate Sparta Institute.

The General Assembly of North Carolina do enact:

SECTION 1. That S. W. Brown, H. F. Jones, H. S. Edwards, H. K. Boyer, W. C. Fields, R. S. Carson, George Doughton, I. M. Honeycutt, W. K. Halbrook and R. A. Doughton, their successors and associates, be and they are hereby created a body politic for educa-

Body politic.

Corporate name.	tional purposes under the name and style of Sparta Institute, and as
Corporate powers	such shall have all the powers of trustees of like institutions; may purchase and hold and convey real and personal estate, may plead and be impleaded, may sue and be sued.
Officers, &c.	SEC. 2. That the members of said corporation shall have a perpetual succession; shall elect their officers by a vote of a majority of the stock owned in said corporation, which officers shall consist of a president, secretary, and treasurer, who shall be elected annually.
By-laws.	SEC. 3. That said body politic shall have power to make such by-laws and regulations, not inconsistent with the laws of the State, as shall be deemed necessary to promote the objects of the corporation.
Authorized to grant certificates, &c.	SEC. 4. That said corporation shall have power to grant certificates of merit or proficiency in any of the departments, classical or otherwise, taught in said institution.
	SEC. 5. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 34.

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

The General Assembly of North Carolina do enact :

Chapter 28, private laws 1885, amended.
Name of Hickory Hill, Edgecombe county, changed to Lawrence.

SECTION 1. That section one, chapter twenty-eight, of the private laws of one thousand eight hundred and eighty-five, be amended as follows: Strike out the words "Hickory Hill" wherever it occurs in said section and insert in place thereof the word "Lawrence."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 13th day of February, A. D. 1889.

CHAPTER 35.

An act to empower gas companies to supply electricity for lighting and power.

The General Assembly of North Carolina do enact :

Gas companies authorized to supply electric lights, &c.

SECTION 1. That any gas company incorporated by the laws of this State and doing business therein, in addition to the rights, privileges and powers contained in the charter, shall have full power and authority to have, use and employ and supply electricity for lighting streets, stores, public and private buildings and all other places, and for this purpose may require [acquire], have, hold, use and convey all real and personal property necessary or convenient for carrying

Corporate powers

on said business, and at all times maintain the same; and may charge, demand and collect such reasonable rates and fees for the use of such lights, fixtures and appliances as may be established by said company.

SEC. 2. That any of said companies shall have the power and authority and the free and unrestricted right, at any and all times, to lay, extend, construct, build, erect, maintain, repair and remove all necessary or convenient towers, poles, cable wires, conductors, lamps, fixtures, appliances, appurtenances, in, upon, through and over any and all roads, streets, avenues, lanes, alleys and bridges within and near any city, town or village where said company may be located: *Provided*, that all such roads, streets, lanes, alleys and bridges shall be left in as good condition as they were in at the time of using them as aforesaid: *Provided further*, that the rights and privileges conferred in this section shall not be exercised unless the authorities of such city, town or village first give their consent, and afterwards the said authorities shall have full power to control the location of all towers, poles, wires, conductors and all other fixtures, appliances and appurtenances belonging to or operated by any of said companies.

Corporate powers

Proviso.

Proviso.

SEC. 3. That if any person shall wilfully, wantonly or maliciously remove, obstruct, injure or destroy any part of the plant, machinery, fixtures, structures or buildings, or anything appertaining to the works of any of said companies, or shall use, tamper or interfere with the same, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for such offence, and such person shall also forfeit and pay to the company so injured, to be sued for and recovered in a civil action, double the amount of the damages sustained by any such injury.

Misdemeanor to injure, &c., plant. &c.

Penalty.

SEC. 4. That any of said gas companies shall have the right to purchase or to have and to use all or any of the property, licenses, rights, privileges and franchises of any electric light company engaged in the business of furnishing electric lights or power in the locality in which such gas company may be authorized to furnish such light, heat and power.

Authorized to purchase, &c., rights, &c., of electric company.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 13th day of February. A. D. 1889.

CHAPTER 36.

An act to incorporate the Wrightsville and Onslow Navigation Company.

The General Assembly of North Carolina do enact :

- Purposes of act. SECTION 1. That for the purpose of navigating by steamboats the waters of the sounds from the point near Fort Fisher, in the county of New Hanover, to the junction of the waters of the sounds with the waters of New river, and from New river to Swansboro, in Onslow county, and also the waters of the said New river, B. R. Moore, E. S. Latimer, J. H. Chadbourn, Jr., and G. H. Smith, and their associates, successors and assigns, are hereby constituted a body corporate under the name and style of "The Wrightsville and Onslow Navigation Company," with a capital stock of twenty-five hundred dollars, with power to increase the same to one hundred thousand dollars, which shall have a corporate existence, together with the powers and franchises herein granted in perpetuity as a body politic, and by that name may sue and be sued, plead and be impleaded in every court in the State of North Carolina, and may have and use a corporate seal, and shall be capable of purchasing, owning, leasing and conveying estates, real, personal and mixed, and by 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 other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution and laws of the State or of the United States.
- Body politic.
- Corporate name.
- Corporate powers
- Capital stock. SEC. 2. That the said capital stock of said company may be created by subscription on the part of individuals or of municipal or other corporations, in shares of the value of twenty-five dollars each, which subscription may be paid in lands, timber, boats, labor, services or money, as may be stipulated.
- Books of subscription. SEC. 3. That books of subscription may be opened by the corporators herein named at such times and places and under such rules and regulations as a majority of them shall direct.
- Organization. SEC. 4. That when the sum of fifteen hundred dollars shall have been subscribed to the capital stock of said company, a general meeting of the stockholders shall be held, after due notice, and such general meeting, a majority of the stockholders being present either in person or by proxy, shall elect a board of directors, to consist of such a number, not less than three, as the stockholders shall determine; and said directors shall immediately thereafter elect one of their number president, and such other officers as the by-laws of said company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company, and to carry into effect the object of this charter.

SEC. 5. That whenever any land shall be required for the construction of warehouses, landings, or for canals, and for any cause the same cannot be purchased from the owner, the same may be taken by the directors at a valuation to be ascertained as follows: The Wrightsville and Onslow Navigation Company, by its president, shall select two disinterested freeholders of the county in which the land lies, and the owner of said land shall likewise select two freeholders of the same county, who shall ascertain the value of said land, they first deducting the enhanced value of adjoining lands which may belong to the owner of said lands by the establishment of such steamboat landing or by the opening up for navigation of such canal, and by adding any particular loss or damage; and if these four assessors cannot agree, they shall call in a fifth such freeholder, and upon the payment, or tender of payment of the amount so assessed, by the president, the title to the land so appraised shall thereby vest in the said corporation: *Provided*, that either party may appeal from the decision of said appraisers to the superior court of the county wherein the land lies upon the question of the amount assessed: *And provided further*, that not more than one acre of land at any one landing shall be liable to be so condemned for the purposes of a warehouse and landing.

Condemnation of land.

Appeal.

Proviso.

SEC. 6. That the president and directors shall have power at any time to borrow money upon the lands of the company and to secure the same by mortgage or other legal assurance.

Mortgage bonds.

SEC. 7. That the said company shall have the exclusive right to convey and transport freight and passengers over and along the waters of said sounds, that is to say, from what is commonly called the head of the sound, in New Hanover, northwardly and return, to the waters of New river, in Onslow county, and thence on to Swansboro by steamboats and sailing vessels, and at such rates as said company shall prescribe: *Provided*, that said company shall open a connection, whenever necessary, between the waters of said sounds by canal sufficient to carry into effect the objects of this charter.

Exclusive right of transportation.

SEC. 8. That said company shall have the power and authority to construct and open a ship canal connecting the waters of Wrightsville sound, or Masonboro sound, with the waters of the Cape Fear river, and to this end may use the creeks and water-courses at all intermediate points, and may seize and cause to be assessed all lands necessary therefor under the restrictions and provisions contained in section five of this chapter, and shall have power to fix the tariff of tolls for all vessels that said company may allow to pass through the same, and to demand and collect said tolls; and the said company shall have the exclusive right for the period of ten years, from and after the ratification of this act, to construct the canal aforesaid.

Corporate powers

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

Ratified the 13th day of February, A. D. 1889.

CHAPTER 37.

An act to incorporate the Farmers Bank, of Roxboro.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That A. J. Hester, John H. Henry, W. F. Reade, M. S. Jones, John S. Cunningham, C. S. Winstead, J. S. Merritt, and their associates and successors, are hereby constituted and declared to be a
- Corporate name.** body politic and corporate by the name and style of the Farmers
- Corporate powers** Bank, of Roxboro, and by such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations.
- Place of business.** SEC. 2. That the office and place of business of said bank shall be
- Capital stock.** in the town of Roxboro, North Carolina, and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, in shares of twenty-five dollars each; and the corporators in the
- Books of subscription.** first section named, or any three of them, are hereby empowered to cause books to be opened at such time or times, at such place and for such periods as they may determine, and by such persons as they may name as commissioners, for the purpose of receiving subscriptions to said stock.
- Organization.** SEC. 3. That whenever one hundred shares of stock shall have been subscribed and twenty-five per centum of the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient. When such stockholders (a majority of the stock subscribed being represented) shall elect their directors, said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank: shall hold office for one year and until their successors are duly elected and assume office, and shall elect one of their number to be president of said bank during their continuance in office.
- Corporate powers** SEC. 4. That the president and directors of said bank may ado t and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for their faithful discharge of their duties; may prescribe the manner of paying for stock and transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State, and, in general, have the privileges conferred on corporations by the general law of the State relating to corporations.

SEC. 5. That the said bank shall have a lien on the stock for debt due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State. Lien on stock.

SEC. 6. That said bank may receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, bullion, uncurrent paper and public and other securities; may purchase and hold a lot of ground for a place of business, and at pleasure sell or exchange the same; may purchase and hold such real and personal property and estate as may be conveyed to secure debts due said banks, and may sell and convey the same; may discount notes and other evidences of debt; may lend money on such terms as may be agreed on, not inconsistent with the laws of the State; and may receive on deposit money on terms to be agreed upon between its officers and depositors, not exceeding the rate allowed by law, and issue certificates of the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as [if] under seal of the bank. Corporate powers

SEC. 7. That the president and directors of said bank shall direct when, to whom and in what manner dividends of profits may be made, and shall be allowed to open the subscription books from time to time at their discretion until the whole of the stock is taken. They may call meetings extraordinary of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws, and a number of the stockholders—not less than five—holding together not less than one-fifth of the capital stock, may call a special meeting on giving thirty days notice thereof, printed in some newspaper published in Roxboro, North Carolina. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote. Powers of president and directors.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889. Stock vote.

CHAPTER 38.

An act to confirm the incorporation and organization of the Moore County Millstone Company.

WHEREAS, The North Carolina Millstone Company was incorporated by act of the General Assembly of North Carolina, ratified March the fifth, one thousand eight hundred and eighty-five; and whereas, the said company thereafter executed deeds of trust to A. G. Branizer and A. H. McNeill, in consequence of which the property, assets and Preamble.

effects of the said company, including its franchise, were sold by receivers appointed by the United States circuit court for the western district of North Carolina, and M. Schall became the purchaser thereof; and whereas, the said M. Schall, Horace Keesey, James H. Schall, W. C. Codd, J. W. Hinsdale, the Richmond Locomotive and Machine Works, and W. R. Burgess, their associates, have duly organized a new company by the name of the Moore County Millstone Company under the said charter; now, therefore,

The General Assembly of North Carolina do enact :

Incorporation
and reorganiza-
tion ratified.

SECTION 1. That the incorporation and organization of the said new company under the name of the Moore County Millstone Company, with the franchises granted in the said charter of March the fifth, one thousand eight hundred and eighty-five, as aforesaid, is hereby ratified and confirmed.

Capital stock.

SEC. 2. That the said company shall be at liberty from time to time to increase its capital stock to any sum not to exceed two hundred thousand dollars.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 39.

An act to incorporate the town of Grogansville, in Rockingham county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Grogansville, in Rockingham county, be and the same is hereby incorporated under the name and style of Grogansville; and it shall have the benefit of and be subject to all the provisions of law, and shall be subject to all contained in chapter sixty-two 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: One-half mile square from W. P. Grogan's store in said town.

Officers.

SEC. 3. That the officers of said corporation shall be a mayor, three commissioners, and a town marshal, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and eighty-nine, viz.: W. P. Grogan, mayor; Lacy Lewis, R. G. Stone, R. L. Sneed, commissioners; Thomas Pratt, marshal.

Temporary offi-
cers.

Election.

SEC. 4. That there shall be an election held in said town on the first Monday in May, eighteen hundred and eighty-nine, 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 of 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 II.

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 tax, and to impose fines for the violation of town ordinances, and to collect the same; also to levy and collect all such licenses and privilege taxes as are mentioned in chapter sixty-two of The Code, volume II.

Powers of commissioners.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 40.

An act to amend chapter 58, private laws of 1879, in reference to Rock Spring camp-ground, in Lincoln county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-eight, private laws of one thousand eight hundred and seventy-nine, entitled "an act concerning Rock Spring camp-ground," State of North Carolina, be amended as follows:

Chapter 58, private laws 1879, amended.

SEC. 2. That it shall be a misdemeanor for any one to erect a stand or saloon, for the purpose of selling lemonade or soda-water or ice-cream or cider or beer or any other articles of traffic, within one mile of said Rock Spring camp-ground while occupied for divine worship, as stated in section nine; and any one violating this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to erect stand for sale of lemonade, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1889.

CHAPTER 41.

An act to incorporate the Bank of Rocky Mount.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That S. E. Westray, Thomas H. Battle and L. F. Tillery and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the
- Corporate name.** Bank of Rocky Mount, and by such name may acquire, hold and
- Corporate powers** convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continual succession for forty years, and a common seal, for the purpose indicated in this act.
- Capital stock.** SECTION 2. That the capital stock of said corporation shall be not less than twenty-five thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of one hundred dollars each. Said corporation may commence business when said twenty-five thousand dollars is paid in. Each stockholder shall be individually liable for the debts of the bank to an amount not to exceed the amount of capital stock owned by him.
- Liability of stock-holders.**
- Officers.** SECTION 3. That the affairs of the corporation shall be governed and managed by a president, a vice-president and a board of three directors, to be elected by the stockholders annually, who shall hold their offices for one year and until their successors have been appointed.
- Principal office.** SECTION 4. That the principal office or banking-house of the corporation shall be located in the town of Rocky Mount, North Carolina, and branches thereof may be opened and established in such other places as may be deemed expedient and beneficial.
- Branches.**
- Corporate powers** SECTION 5. That the corporation shall have all the powers, rights, privileges and immunities granted to any bank and banking institution by the laws of North Carolina, and especially those granted in chapter four, volume two, of The Code of North Carolina, entitled "Banks," and shall have the power to receive and pay out the lawful currency of the country, to deal in mercantile paper, exchange, gold and silver coin, stocks, bonds, notes and other securities; to buy and sell real and personal property, to lend money on real or personal security; to receive deposits; and for the use and loan of money may charge as high a rate of interest as eight per cent. 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. When married women or minors shall deposit money or other property in the bank to their own credit, they may withdraw the same on their individual checks, and be bound thereby. Deeds to real estate shall be made by the president and vice-president under the seal of the corporation. When the bank shall sell the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for

its benefit, the bank may bid for and purchase any and all such property, and its title thereto so acquired shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to destroy or impair the mortgagor's equity of redemption. Proviso.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 42.

An act to amend the charter of the "Rough and Ready" Fire Company of the city of Newbern.

The General Assembly of North Carolina do enact :

SECTION 1. That all the privileges and immunities conferred by any act of the Legislature upon the members of the Newbern Steam Fire Engine Company, number one, of the city of Newbern, and the Atlantic Fire and Hook and Ladder Company of the city of Newbern, be and are hereby conferred upon and granted to the members of the Rough and Ready Fire Company of the city of Newbern. To have all rights and privileges conferred upon other companies.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 43.

An act to incorporate the Bank of Leaksville.

The General Assembly of North Carolina do enact :

SECTION 1. That J. P. Dillard, A. Moir, D. F. King, J. H. Lane, C. S. Hamlin, J. H. Hampton, B. K. Terry, W. T. Swann and W. R. Walker, their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of the Bank of Leaksville, and shall continue for the term of sixty years, with capacity to take, hold and convey real and personal estate, to sue and be sued, to plead and be impleaded in any of the courts of this State, and to have all the powers, rights and privileges granted to any bank or banking institution incident or belonging to corporations. Body politic.
Corporate name.
Corporate powers

SEC. 2. That the office and place of business of said bank shall be in the town of Leaksville, N. C., and the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, in shares of fifty dollars each. Place of business.
Capital stock.

- Books of subscription.** SEC. 3. That the corporators in the first section named, or a majority of them, are hereby authorized and empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and by such persons as they may name as commissioners, for the purpose of receiving subscriptions to said stock; 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, as herein limited, be wholly taken.
- Organization.** SEC. 4. That whenever two hundred shares of stock shall be subscribed and ten per cent. of the same shall be paid in to said commissioners, they 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 (a majority of the stock subscribed being represented) shall elect such directors as they may think proper, who shall take charge of the books and money in the hands of the commissioners, and shall hold office for one year and until their successors shall be chosen and shall assume office, and said directors shall elect a president to serve during their continuance in office. No stockholder shall be eligible to election as director unless he owns five shares of stock.
- Who eligible to be director.** SEC. 5. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensation and take bond and security for the faithful discharge of their duties, and may, when they deem it to the interest of the bank to do so, discharge any and all of them and appoint others to fill their places; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business, and, in general, have the privileges conferred on corporations by the general law of the State relating to corporations.
- Lien on stock.** SEC. 6. That the said bank shall have lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.
- Liability of stockholders.** SEC. 7. That 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*.
- Deposits by married women and minors.** SEC. 8. That when married women or minors deposit money or other property in said bank to their own credit they may withdraw the same on their own order or check, and be bound thereby; and such individual check or order of such minor or married woman shall be a valid and sufficient release and receipt to said bank against themselves and all other persons.

SEC. 9. That said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper, and public and other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts due said bank, and may sell and convey the same; may purchase and hold real and personal estate and property for the transaction of its business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money and take the interest in advance; and may receive on deposit moneys, on terms to be agreed upon between its officers and depositors, and issue certificates for the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under seal of the bank.. Corporate powers

SEC. 10. That the president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the bank. They 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 they shall direct when dividends of profit shall be made and declared. They may call a meeting of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws, and any number of stockholders holding one-fifth of the capital stock may call a special meeting on giving thirty days notice in some newspaper published in Rockingham county. At all meetings stockholders may be represented by proxy, and each share of stock be entitled to one vote. Powers of president and directors.

SEC. 11. That the bank is authorized to organize in connection with its general banking business a department for savings, and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said bank to receive small deposits in said savings department, not less than one dollar nor more than five hundred dollars in any single case, and to give certificates or other evidences of deposit and to pay such interest as may be agreed on, not exceeding the legal rate, and to regulate the time of payment and notice of demand; and to the depositors in the savings department the bank itself shall be liable for their final payment as to its general depositors or creditors; but the said limits of deposits shall apply only to the savings department and not to the general business of the bank. Stock vote.

SEC. 12. That this act shall be in force and effect from and after its ratification. Authorized to do savings bank business.

Ratified the 18th day of February, A. D. 1889.

CHAPTER 44.

An act to repeal chapter one hundred and two of the private laws of eighteen hundred and eighty-seven, being entitled "an act to amend the charter of the town of Youngsville, in Franklin county."

The General Assembly of North Carolina do enact :

Chapter 102, private laws 1887, repealed.

Corporate limits of Youngsville.

SECTION 1. That chapter one hundred and two of the private laws of eighteen hundred and eighty-seven, entitled "an act to amend the charter of Youngsville, in Franklin county," and which extends the corporate limits of said town, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 45

An act to incorporate the town of Edwards' Mill, in Beaufort county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Edwards' Mill, in the county of Beaufort, be and the same is hereby incorporated under the name and style of the town of "Edwards' Mill," and shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in the public road on the west side of Durham's creek, running east to the ravine north of Dr. B. Stillely's home farm; then with said ravine to Durham's creek; then with said creek to mouth of Mary's run; then up said run to the old sand-hill road; then with said sand-hill road to a stake; thence west to mouth of Horse-pen swamp; then up said swamp to the public road first above named, and with said road to the beginning.

Officers.

SEC. 3. The officers of said town shall consist of four commissioners, a constable, and a treasurer who shall be ex-officio clerk of the board of commissioners. Said four commissioners shall choose one of their number mayor, and also their constable and treasurer.

Temporary officers.

SEC. 4. Until officers shall be elected under the general law concerning corporations, Burton Stillely, T. R. Boyd, Josephus Edwards and Augustus D. Bennett are appointed commissioners of said town, with power to appoint their constable and treasurer, to serve until the time prescribed by law for the next election of officers for incorporated towns.

SEC. 5. The commissioners of said town shall have power to make all necessary by-laws, rules and regulations for the good government of said town, not inconsistent with the constitution of this State or of the United States. By-laws.

SEC. 6. This act shall be in force from and after its ratification.
Ratified the 18th day of February, A. D. 1889.

CHAPTER 46.

An act to amend chapter one hundred and nineteen, private laws of one thousand eight hundred and seventy-nine, and the amendatory law thereto, the same being chapter thirteen, private laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and nineteen, private laws of one thousand eight hundred and seventy-nine, is hereby repealed, and the following substituted in its stead: "That the corporate limits of the town of Concord shall hereafter be as follows: Beginning at the center of Union street at a point where said street intersects East and West Depot streets, and runs north forty-two and one-half degrees west three hundred and fifty-eight poles; then beginning again at said intersection and runs south forty-two and one-half degrees east three hundred and fifty-eight poles; then beginning again at said intersection and runs south forty-seven and one-half degrees west two hundred and seventy-eight poles; then beginning again at said intersection and runs north forty-seven and one-half degrees east two hundred and seventy-eight poles. And the corporate limits of said town shall be comprised within a parallelogram enclosed within four lines run at right angles to said lines running from the intersection of Union and East and West Depot streets at the termination thereof, and extending each way until they intersect each other respectively.

Chapter 119, private laws 1879, amended.
Corporate limits of Concord.

SEC. 2. That the territory comprised within said limits shall be composed of four wards or voting precincts. Ward number one shall be embraced within the following lines: Beginning at the point of intersection first specified in the preceding section, then with West Depot street, crossing the county bridge over the railroad to the corporate limits; then north forty-two and one-half degrees west with said limits to the Beatty's Ford road; thence with said road to where it intersects with Union street, near the residence of J. M. Odell; then with Union street to the beginning. Ward number two shall be embraced within the following lines: Beginning at the point where the Beatty's Ford road crosses the corporate limits, then with the two last designated lines of ward number one to East Depot street;

Divided into four wards.
First ward.
Second ward.

- then with East Depot street and the new Salisbury road to the corporate limits; then north forty-two and one-half degrees west with said limits, and south forty-seven and one half degrees west with said limits, and south forty-two and one-half degrees east with said limits to the beginning. Ward number three shall be embraced within the following lines: Beginning at the commencing point of ward number one, then with East Depot street and the new Salisbury road to the corporate limits; then south forty-two and one-half degrees east with said limits and south forty-seven and one half degrees west with said limits to the Camden road; then with the Camden road and Union street to the beginning. Ward number four shall be embraced within the following lines: Beginning at the point where the Camden road crosses the corporate limits, then with said road and Union street to West Depot street; then with the first line of ward number one to the corporate limits; then south forty-two and one-half degrees east with said limits, and north forty-seven and one-half degrees east to the beginning. And the present board of commissioners shall provide a polling place, box and registration book for each of said wards; and all persons entitled to vote at any municipal election of said town, special or otherwise, shall vote in the ward of which they are residents. The board of commissioners shall appoint, as provided in chapter sixty-two in the second volume of The Code, for each of said wards three inspectors of election, residents of the wards for which they are appointed; and from each set of inspectors there shall be selected by the board of commissioners a registrar for the ward of which he was appointed inspector, and it shall be the duty of said registrars to register the names of all qualified voters of their respective wards. And the registrars first appointed shall transcribe from the present registration book of said town to the registration books furnished them by the board of commissioners the names of the qualified voters who reside in their respective wards. That at the annual election next ensuing for mayor and commissioners of said town, and annually thereafter, there shall be elected six commissioners.
- Commissioners.** SEC. 3. That the board of commissioners of said town shall not make any assessment for municipal taxation of the property, real or personal, of the Odell Manufacturing Company and the Cannon Manufacturing Company to exceed in valuation the sum of sixty-five thousand dollars and the sum of forty-five thousand dollars, respectively, unless there shall be an increase in the valuation of said property by reason of improvements or additions thereto: *Provided*, that the board of commissioners may arrange or contract with any manufacturing establishments hereafter to be located within the corporate limits of said town as to the assessed valuation of the property of such establishments.
- Exemptions from taxation.**
- Proviso.**
- Third ward.**
- Fourth ward.**
- Polling places,&c.**
- Electors.**
- Inspectors of election.**
- Registrars.**

SEC. 4. Insert between the words "cents" and "provided," in line ten of section four of said chapter one hundred and nineteen, the following words, "and an *ad valorem* tax not exceeding seven cents on the one hundred dollars of the assessed valuation of all real and personal property, and a like tax upon the real value of the other specified subjects of taxation, which tax, together with a tax on all taxable polls not exceeding twenty-one cents, shall be applied exclusively to keeping in repair West Depot street to the railroad; but nothing herein is to be construed as allowing a greater assessment of the real and personal property of the Odell Manufacturing Company and the Cannon Manufacturing Company than is provided in section three of this act." Taxation.

SEC. 5. That the sections of said chapter one hundred and nineteen and chapter thirteen, private laws of one thousand eight hundred and eighty-five, be renumbered in accordance with the changes made necessary by the foregoing amendments. Sections renumbered.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1889.

CHAPTER 47.

An act to incorporate the Davis and Wiley Bank, in the town of Salisbury, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That Samuel H. Wiley, Orin D. Davis and Theodore F. Klutz, their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of Davis and Wiley Bank, and shall continue for the term of sixty years, with capacity to take, hold, sell and convey real and personal estate, and to have all the powers, rights and privileges granted to banks and corporations by the general bank and corporation laws of this State as contained in chapter 16, volume I, and chapter 4, volume II, of The Code of North Carolina. Body politic.
Corporate name.
Corporate powers

SEC. 2. That the capital stock of said corporation shall not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars, in shares of one hundred dollars each. Capital stock.

SEC. 3. That the office and place of business of said bank corporation shall be in the town of Salisbury, North Carolina, and the corporators named in the first section of this act are hereby empowered to cause books of subscription to its capital stock to be opened at such time and place and for such periods as they may determine. Place of business.
Books of subscription.

SEC. 4. That when fifteen thousand dollars or more shall have been subscribed to the capital stock of said corporation, and ten thousand Organization.

dollars paid thereon, the above named corporators shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock being represented, shall elect three directors, who shall take charge of the subscription books and the moneys collected thereon, and shall enter upon the discharge of their duties as directors of said banking corporation, and shall hold office for one year and until their successors are elected and installed, and shall elect one of their number to be president of said bank during their continuance in office.

Powers of president and directors

SEC. 5. That the president and directors of said bank may adopt, use, make, and at pleasure alter, a common seal; may make and appoint all necessary officers and agents, and, subject to the approval of the stockholders, fix their compensation, and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and transfer thereof; may do a general banking business on such terms and rate of discount as may be agreed on, not to exceed the legal rate to be prescribed by the laws of this State, and, in general, have all the privileges conferred on banks and corporations by the general laws of this State.

Lien on stock.

SEC. 6. That the said bank shall have a lien on the stock subscribed for and unpaid by stockholders before and in preference to other creditors of the same dignity, and shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed by the revenue laws of this State.

Liability of stockholders.

SEC. 7. That each stockholder shall be liable to depositors and creditors of said bank to the extent of amount of their stock therein, in such shares at the par value thereof, in addition to the amount invested at the time the deposit was made or debt contracted: *Provided*, that all liability so incurred shall be borne by the stockholders *pro rata*.

Proviso.

Corporate powers

SEC. 8. That the said banking corporation may receive and pay out lawful currency of the country, deal in exchange, gold and silver coin, bullion, 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, *femes covert*, executors, administrators, guardians, trustees and fiduciaries or other persons on such terms and upon such security 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 as discount at the time of making the loan; may invest in the stocks, bonds or securities of the United States, of this or any other State of this Union, or of any corporation created under the laws thereof, and take such individual security or real and personal property as

security for all loans, and upon such terms as may be agreed upon: *Provided*, that nothing contained in this act shall operate or be construed so as to exempt any executor, administrator, guardian, trustee or other person acting in a fiduciary capacity from official responsibility, nor to exempt them or any of them or their sureties from liability on their official bonds.

SEC. 9. That said banking corporation may purchase and hold all such real and personal property as may be necessary for its 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 may purchase and hold any real or personal property or estate which may be sold under foreclosure of any mortgage made to said corporation, or which may be sold under any power of sale contained in any mortgage or trust deed made to it, or which may be sold under any execution or order of court to satisfy any debt due to it, and may sell, convey and reinvest the proceeds thereof at pleasure: *Provided*, that nothing contained in this act shall operate or be construed so as to relieve the corporation from the restrictions and provisions of section 666 and section 690 of The Code.

SEC. 10. 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 to all intents and purposes valid in law to fully discharge said corporation from any and all liability on account thereof.

SEC. 11. That if any subscriber shall fail to pay for his stock or any part thereof as the same may be 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 by motion in any court of the county where the delinquent resides, upon giving him ten days notice, or by ordinary civil action, or the entire stock of such delinquents may be sold by order of the directors, for cash, at the banking-house in Salisbury, after ten days advertisement in some newspaper published in said town; and if the proceeds of such sale shall not be sufficient to discharge the amount so due and unpaid with costs of such sale, the delinquent shall be liable for such deficiency in a civil action.

SEC. 12. That if any subscriber to the capital stock of said corporation shall assign his stock before its full payment, he and his assignee and all subsequent assignees thereof shall be liable for its full payment, and may be sued jointly or severally by motion or by civil action as aforesaid; and in every case of delinquency of a subscriber or others, the subscription shall be deemed a promissory note, payable to said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of a deceased subscriber.

SEC. 13. That the president and directors shall be capable of exercising all such powers and authority as may be necessary for the

better governing the affairs of said corporation; shall have power to prescribe rules for the government of said bank, and, subject to the approval of the stockholders, make all necessary by-laws and regulations to that end. They shall call such annual meetings of the stockholders as may be fixed by the by-laws, and such other meetings as they may deem necessary. At all meetings the stockholders may be represented in person or by proxy (the proxy being a stockholder), each share being entitled to one vote. A majority of all the stock shall be necessary to constitute a quorum for the transaction of business, and a majority of the stock represented at any meeting of the stockholders shall be required to decide and shall decide all questions properly coming before such meeting. The directors shall be elected at the annual meetings, and shall then, from their own number, elect the president, who shall hold his position during their term of office, and they shall hold office for one year and until their successors are elected and installed; and the stockholders may, at any general meeting, increase the number of directors to any number not exceeding seven, and the directors shall be authorized to open books of subscription to the capital stock from time to time until the maximum amount of the capital stock shall have been subscribed. The directors shall have authority to fill all vacancies which may occur in their own body or in any of the officers or agents of the corporation, and no person not a stockholder shall be eligible to election as a director.

Stockholders' meetings.

Directors, &c.

Change of name. SEC. 14. That the stockholders shall be authorized to change the name of said bank and the name and title of the corporation hereby created, and in case of such change of name, the new body politic and corporate shall succeed to all the rights, powers, property, privileges and liabilities conferred by this act upon the corporation hereby created.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1889.

CHAPTER 48.

An act to amend chapter 102 of the private acts of 1885, entitled an act to incorporate the town of McFarland, in Anson county.

The General Assembly of North Carolina do enact :

Chapter 102, private laws 1885, amended.

Corporate powers

SECTION 1. That chapter one hundred and two of the private laws of one thousand eight hundred and eighty-five, entitled "an act to incorporate the town of McFarland, in Anson county," be and the same is hereby amended by striking out all of section one after the word "chapter," in line three of said section, and inserting in lieu thereof "sixty-two of volume II of The Code"; by striking out in

line four of section three the words "and a marshal," and inserting in said line four of said section, immediately after "mayor," the word "and"; by striking out in line one of section four of said act the words "and marshal," and inserting in said line, and immediately after the word "mayor," the word "and"; by striking out all of section four after the word "States," in line five of said section, and inserting in lieu thereof "with all of the rights and powers prescribed in chapter sixty-two, volume II of The Code," and by striking out all of section five of said act.

Office of marshal abolished.

Section 5 stricken out.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day February, A. D. 1889.

CHAPTER 49.

An act to extend for a period of thirty years an act incorporating the North State Copper and Gold Mining Company, ratified the 26th day of January, 1859.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-eight of the laws of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, entitled "an act to incorporate the North State Copper and Gold Mining Company," be and the same is hereby extended for a period of thirty years, with all the powers, privileges and rights granted to said company in said act ratified the 26th day of January, 1859.

Chapter 138, laws 1858-'59, extended for thirty years.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1889.

CHAPTER 50.

An act authorizing the board of councilmen of Greenville to make an appropriation for building a road or highway near said town.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of councilmen of the town of Greenville be and they are authorized and empowered to appropriate from the funds belonging to said town a sum, not exceeding two hundred dollars, for the purpose of raising and building a road or highway from the northern end of the bridge across Tar river, at Greenville, a sufficient distance to make the said bridge accessible for travel at all times.

Authorized to appropriate not exceeding \$200 to build road at bridge, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1889.

CHAPTER 51.

An act to amend chapter eighty-five of the private acts of one thousand eight hundred and eighty-five, amending the charter of the town of Greenville, in Pitt county.

The General Assembly of North Carolina do enact :

Chapter 85, private laws 1885, amended.

SECTION 1. That chapter eighty-five of the private acts of eighteen hundred and eighty-five, entitled "an act to extend the corporate limits and to amend the charter of the town of Greenville," be amended as follows, to-wit:

Third ward.

SEC. 2. Strike out section four of said act and insert in lieu thereof the following: "That portion of said town embracing the following boundaries, to-wit, beginning at the intersection of Second and Washington streets and running a southerly course with Washington street to the end thereof, and continuing in a straight line to the corporate boundary of said town; thence a westerly course around and with said corporate boundary line to the old plank road; thence down the old plank road to Greene street; thence a northerly course with Greene street to Fifth street; thence a westerly course with Fifth street to the Tarboro road; thence with said road to the farthest line of the corporate boundary; thence a northerly course with said boundary line to Tar river; thence down said river to Pitt street; thence a southerly course with Pitt street to Second street; thence an easterly course with Second street to the beginning, shall constitute and be known as the third ward."

Fourth ward.

SEC. 3. Strike out section five of said act and insert in lieu thereof the following: "That portion of said town embraced in the following boundaries, to-wit, beginning at the intersection of Greene and Fifth streets, and running a southerly course with Greene street to the old plank road; thence a southwesterly course with said road to the corporate boundary of said town; thence a westerly and northerly course around and with said boundary line to the Tarboro road; thence an easterly course with said road and Fifth street to the beginning, shall constitute and be known as the Fourth ward."

Mayor and councilmen.

SEC. 4. Strike out section six of said act and insert in lieu thereof the following: "That the municipal affairs of said town shall be controlled by a mayor and six councilmen, who shall be known as the board of councilmen of Greenville. The first and fourth wards shall each elect one councilman, and the second and third wards shall each elect two councilmen, who shall hold their office one year or until their successors are qualified. The said councilmen shall be elected at one election, to be held on the first Monday in May, one thousand eight hundred and eighty-nine, and on the same day [annually] thereafter. In case of vacancies occurring in said board of councilmen from any cause, the said board shall fill the same by an election

Councilmen, how elected.

Election.

among themselves. That the six councilmen so elected shall, at their first meeting, elect from outside of their number a mayor, who shall hold his office one year, and shall preside at the meetings of the board of councilmen, but shall not be entitled to vote except in case of a tie, when he shall give the casting vote. In the absence of the mayor, the board of councilmen shall elect one of their own number mayor *pro tempore*, who shall be allowed to vote as councilman and also the casting vote in case of a tie.”

Mayor, how elected, &c.

Mayor *pro tem.*

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1889.

CHAPTER 52.

An act to incorporate the Jule Carr Home Loan Fund.

The General Assembly of North Carolina do enact:

SECTION 1. That Julian S. Carr, Dr. A. G. Carr, John S. Lockhart, Wm. A. Guthrie, E. A. Heartt, Thomas B. Fuller, and their associates and successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name, style and title of Jule Carr Home Loan Fund, 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 to have and exercise all such powers and corporate rights as are ordinarily conferred by law upon private business corporations, as well as the specific corporate powers, rights and privileges herein set forth.

Body politic.

Corporate name.

Corporate powers

SEC. 2. The chief purposes and main objects of said corporation shall be to include within the scope of its business the borrowing and lending of money upon real estate security, and providing the benefits of a savings bank for depositors, so as to induce capitalists to invest their money in real estate in the town of Durham and its vicinity, upon lawful rates of interest, and to encourage economy and thrift among the laboring classes as depositors in a savings bank, and induce them to purchase homes for themselves and families by partial payments from the accumulations of deposits made with said corporation. And to accomplish the purposes and objects aforesaid, the said corporation shall be capable, in law and in equity, to contract, bargain for, purchase, receive, take, have, hold, possess and enjoy all such lands, houses, rents, tenements, hereditaments, stock, chattels, moneys, and effects of whatever kind, nature or quality by gift, grant, demise, bargain and sale, devise, bequest, testament,

Purposes of act.

Corporate powers

legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever; and the same to give, grant, bargain and sell, lease, convey, assure, transfer, alien, mortgage, lend, pay, release and dispose of for the whole or any less estate or property than said corporation may 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 to borrow money upon its bonds and mortgage upon its real estate, and to pledge and hypothecate, as security for money borrowed by said corporation, any or all its choses in action owing to said corporation, or any other chattels or other personal property belonging to the same; and to lend, at a lawful rate of interest, any money held by said corporation upon such credit, terms and security as may be agreed on; and shall and may apply the rents, issues, income, interest and profits of such estate, and the money arising from the sale, lease, alienation, disposal or employment thereof, to the uses, ends and purposes of the said corporation according to the rules, regulations, orders and by-laws of said corporation as fully and effectually as any natural person or body politic or corporate, within this State, can or may do or perform.

Corporate powers

SEC. 3. The 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 lend money to or receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and married women, 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 cent. per annum, and may take and receive said interest at the time of making said loan or otherwise, free from all control, contract or liability whatever, and pay interest on all moneys deposited with said corporation at such rate as may be agreed on between said corporation and its depositors, not exceeding eight per cent. per annum; and to invest in such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; and to buy and sell or make investments 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: *Provided*, that nothing in this act shall operate or be so construed as to relieve and discharge guardians, executors, fiduciaries or bonded or other officers who may make deposits with said company from official responsibility, nor relieve them, or either of them, or their sureties, from liability on their official bonds.

Proviso.

SEC. 4. The said corporation shall have power to receive and hold on deposit and in trust and as security estates, 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 on between said corporation and the parties contracting with said corporation. Corporate powers

SEC. 5. That said corporation shall have power to elect such officers as they see fit, and prescribe their duties, compensation and terms of service, to make, ordain, establish and put in execution such by-laws and regulations as to said corporation shall seem proper and convenient for the government thereof, 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 said corporation shall or may appertain and be necessary for the purposes thereof. Corporate powers

SEC. 6. That the capital stock of said corporation shall be one hundred thousand dollars, divided into four 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. Capital stock.

When ten thousand dollars of the capital stock is subscribed, the corporators herein named, 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 three nor more than seven, who shall serve for one year or until their successors are elected and qualified, unless otherwise provided in the by-laws of said corporation, and these directors so chosen shall proceed to elect a president, vice-president, secretary and treasurer, and such other officers as they think necessary, to serve for one year or until their successors are duly elected and qualified, as the by-laws may provide. And no person shall be elected director, president or vice-president, unless he is a stockholder in said corporation. Organization.

And the directors shall require of the secretary and treasurer and all subordinate officers such bond and security for the honest and faithful discharge of their duties as they may order. The corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of said corporation, and the shares shall be forever non-assessable for such purposes. Bonds.

Subscriptions for stock in said corporation may be paid in money or in real estate situated in the town of Durham or in its vicinity, or in the certificates of stock in any land company [or] corporation doing business in the town of Durham, upon such terms and at such prices and to such an amount as may be agreed upon Subscriptions, how paid.

Non-liability of stockholders.

between the board of directors of said corporation and the owner of such real estate, or the holder of such certificates of stock.

Deposits.

SEC. 7. All deposits of money with said corporation 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 said corporation. 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 or her 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.

Payment to possessor of pass-book.

Deposits by minors and married women.

SEC. 8. 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 person except creditors, and shall be paid, together with the 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 of 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.

Loss of pass-book, &c., bond of indemnity, &c.

SEC. 9. 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 the representative of any deceased or other depositor, they may require and demand an adequate bonus 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.

Purchase of real or personal property at trust sale.

SEC. 10. 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 or contract of the party, 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.

SEC. 11. The company shall pay to its depositors, who allow their deposits to remain three months or more with the company, such rates of interest thereon 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 the 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 computations and additions of interest to deposits monthly, quarterly, or semi-annually, as they see fit and as often as they please.

Interest on deposits.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 53.

An act to amend chapter 112 of the laws of 1848 and 1849.

The General Assembly of North Carolina do enact:

SECTION 1. Whereas, Charles Latham, Thos. E. Pender, Jas. Ramsey, H. G. Gamil, F. F. Fagan, Edgar Hankes, Jas. B. Griffin, John H. Hampton and Thos. B. Nichols were constituted trustees of the Plymouth Academy by chapter one hundred and twelve, section one, of the laws of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine; and whereas, all said trustees except Charles Latham are dead, and the vacancies caused thereby have not been filled, that J. F. Norman, W. H. Stubbs, Jas. Tucker, A. O. Gaylord, N. B. Teages, S. T. Harrison, L. H. Hornthal and J. P. Hilliard be constituted trustees in the place of said deceased trustees, with all the power and authority given in said act to the trustees named therein.

Preamble.

Trustees of Plymouth Academy.

SEC. 2. That section three of said act of one thousand eight hundred and forty-eight and one thousand eight hundred and forty-nine be amended so as to read as follows, viz.: "That in case of any vacancy for any cause in said board of trustees, the remaining trustees shall elect a suitable person to fill the same."

Vacancies.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 54.

An act to incorporate the town of Jason, in the county of Greene.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of Jason, in the county of Greene, be and the same is hereby incorporated by the name and style of the town of Jason, and shall be subject to all the provisions laid down for the incorporation of towns and cities of this State.
- Corporate name.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows, viz.: Beginning at a pine near the road, R. H. Hardy's and G. M. Carter and wife, A. P. Carter's corner; thence with said Hardy's line to I. R. Baker's line; thence with said Hardy's and Baker's line southward to the line of the Hadley heirs; thence with said line eastward to a stake one hundred yards east of the public road; thence a direct line north to a stake; thence westward to the beginning.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, two commissioners, a constable and treasurer; and the following named persons shall be commissioners until their successors are elected and qualified, viz.: R. H. Hardy, J. L. Mewborn and R. H. Hadley, who shall elect some suitable person as mayor and shall appoint a treasurer and constable.
- Temporary officers.**
- Registration.** SEC. 4. That it shall be the duty of the commissioners to provide for a registration of the voters of said town, and an election on the first Monday in May annually, according to the election laws of the State for officers of incorporated towns and cities.
- Election.**
- Oath of commissioners.** SEC. 5. That it shall be the duty of the commissioners elected to meet within five days after their election and before some one authorized to administer oaths, to take the oath required by law; and the constable, before entering into his office shall be required to execute a bond in the sum of two hundred dollars, to be approved by the commissioners, and take the usual oath of office. The treasurer is also required to enter into bond to the amount of whatever the commissioners may think proper.
- Bond of constable.**
- Oath.**
- Bond of treasurer.**
- No exemption from road duty.** SEC. 6. That nothing in this act shall be so construed as to prevent or exempt the citizens of public road duty outside of said town.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 55.

An act to incorporate the town of Springhope, in the county of Nash.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Springhope, in the county of Nash, be and the same is hereby incorporated by the name and style of the town of Springhope, and shall be subject to all the provisions of chapter sixty-two, volume two (2), of The Code of North Carolina.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be one mile square, running south forty-seven and one-half degrees west with the Nashville branch of the Wilmington and Weldon Railroad, and south forty-two and one-half degrees east across the same; and that the center of the railroad warehouse (and in taking the center of the warehouse the cotton platform shall be considered a part of said warehouse) shall be the center of said square mile.

Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor and five commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, or until their successors are elected and qualified, viz.: Mayor, C. K. Bell; commissioners, T. C. May, J. J. Spivey, W. H. A. Harris, Burtis Cone and W. H. Culpepper.

Officers.

Temporary officers.

SEC. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, as is required by the general laws regulating elections in cities and towns in North Carolina.

Election.

SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law for such officers before some justice of the peace of said county, or other persons qualified to administer an oath, within thirty days from the passage of this act, and enter upon the discharge of their respective duties.

Oath of officers.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 56.

An act to amend the charter of the town of Morganton.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty of the private laws of eighteen hundred and eighty-five be amended by adding after section sixty-three of said chapter the following, to-wit: "The mayor and commissioners of said town, by a vote of a majority of the

Chapter 120, private laws 1885, amended.

Authorized to issue bonds not exceeding \$5,000 for street improvement, water supply, &c., if approved by popular vote.

whole number, shall have power at any time or from time to time to issue bonds to an amount not exceeding in the aggregate the sum of five thousand dollars for the purpose of making or improving sidewalks, macadamizing public streets and improving the water supply for public purposes or for other permanent public improvement. Said bonds to bear a rate of interest not exceeding six per cent. per annum and running not less than five nor more than twenty years from the date of the issue of said bonds, and to be sold for not less than their par value for cash: *Provided*, that at an election to be held as hereinbefore provided for, a majority of the registered voters of said town shall have voted in favor of the issue of said bonds before the bonds shall be actually issued."

Special tax.

SEC. 2. That whenever said bonds or any part of them shall be issued by said mayor and commissioners, it shall be their duty to levy a tax not exceeding twenty cents on the one hundred dollars worth of property and sixty cents upon the poll, sufficient for the payment of the interest on said bonds as it may become due and provide for a sinking fund to pay the bonds at maturity, unless they should be paid at an earlier date, and a tax not exceeding said limits shall be imposed year after year until said bonds and interest shall be fully paid; and the mayor and commissioners are hereby authorized and empowered to levy and collect the aforesaid tax in addition to the amount of tax now authorized by law in the charter of said town to be collected; and the fund arising from the taxes levied and collected under this section shall be set aside as a special fund and shall be applied exclusively to the payment of interest on said bonds as it may become due and to provide a sinking fund for the payment of said bonds, and for no other purpose whatsoever.

Election, when and how ordered.

SEC. 3. That when a majority of the commissioners of said town shall propose to issue bonds for any of the purposes aforesaid, they shall order an election to be held, on a notice of thirty days, published in a newspaper printed in said town or posted at four public places in said town, to determine whether the amount in bonds at the rate fixed by their order and maturing at the time specified in the order of the said commissioners shall be issued for the purposes specified in said order; and if at an election held according to said notice, a majority of the registered voters of said town shall deposit a ballot with the word "issue" printed or written thereon, then the mayor and commissioners shall issue the bonds according to the terms of said order. If at such election a majority of said voters shall deposit a ballot on which is printed or written the words "no issue," then said bonds shall not be issued.

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

Election, how held.

SEC. 4. That all elections ordered under the preceding sections shall be held under the laws and regulations provided for the election of members of the General Assembly, except that the mayor and com-

missioners shall have the power to appoint a registrar and judges of election, and compare the vote and adjudge and declare the result of the election and make a record of the same; and the town constable may also serve notices on the registrar and judges of election.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 57.

An act to incorporate the Bank of Goldsboro.

The General Assembly of North Carolina do enact :

SECTION 1. That John D. Spicer, A. T. Winslow, John F. Southerland, J. C. Eason, R. J. Southerland and I. F. Dortch, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the Bank of Goldsboro, and shall so continue for the term of sixty years, with capacity to take, hold and convey real and personal estate, and with all the powers, rights and privileges granted to any bank or banking institution 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. That the capital stock of said corporation shall not be less than fifty thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

SEC. 3. That the corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine. And the stockholders at any general meeting called after the due organization of said corporation may, at their discretion, from time to time re-open books of subscription to said capital stock until the same, as herein limited, be wholly taken.

SEC. 4. That whenever twenty-five thousand dollars shall be subscribed and fifteen thousand dollars shall be paid into the capital stock of said corporation, the before named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be chosen. And said directors shall elect a president and such other officers as may be provided for by the by-laws of said corporation.

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, and may discharge any and all of them at their pleasure; may 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 are now provided by law. The said corporation shall have a lien on its stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Lien on stock.

Corporate powers

SEC. 6. That the said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper and public or other securities, including the bonds or other securities of the United States, this State and other States, also county bonds, township bonds or other municipal bonds; 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, mortgage or other lien 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 are now provided by law; and may receive deposits and issue certificates therefor bearing interest, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors. And all certificates and evidences of deposit signed by the proper officers of the said corporation shall be as binding as if under the seal of the same.

Liability of subscriber falling to pay for stock.

SEC. 7. That if any subscriber shall fail to pay for his stock, or any part thereof, as the time [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 the superior court of Wayne county, upon giving ten days notice of the motion, or by ordinary civil action; or the entire stock of such delinquent may be sold by order of the directors, for cash, at the banking house of said corporation in the city of Goldsboro, after advertisement of such sale for twenty days in some newspaper published in said city; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Liability of assignee of subscriber.

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.

SEC. 9. That the president and directors of said corporation shall exercise and have all such powers and authority as may be necessary in 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 stockholders whenever they think proper, and any number of stockholders holding one-tenth of the stock may call a special meeting on giving thirty days notice in some newspaper published in the city of Goldsboro. At all meetings stockholders may be represented by proxy, each share being entitled to one vote; but such proxy must be a stockholder.

Powers of president and directors

Meetings of stockholders.

Stock vote.

SEC. 10. That branches or agencies of said corporation may be established at such times and places as the president and directors may designate, and such branches 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 said corporation.

Branches.

SEC. 11. That said corporation shall have power to negotiate loans on mortgages of real or personal estate at a rate of interest not exceeding eight per cent. per annum, and to charge and receive from the lender or borrower, or either of them, a reasonable commission therefor.

Loans on mortgage.

SEC. 12. That said corporation shall have power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders, to receive on storage or deposit all kinds of produce, merchandise and other personal property, to make advances in money on merchandise and produce, and carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage, and all labor and expenses incident thereto. All advances made by said corporation on property received on storage or deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Corporate powers

SEC. 13. That said corporation shall have authority to establish 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

Authorized to establish savings bank.

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; the same may be drawn out by such persons making the deposit unless restrained by law: *Provided*, the right here given to receive deposits from guardians or other fiduciaries or persons required to give bond shall not operate or be so construed as to relieve them, or either of them, or their security, from official responsibility or liability on their aforesaid bond.

No forfeiture by non-user. Proviso.

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.

Liability of stockholder.

SEC. 15. That in case of the insolvency of the bank hereby created, or ultimate inability to pay, shareholders shall be individually responsible, equally and ratably, 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.

Limitation of loans.

SEC. 16. That the total liabilities to the bank of any one 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, shall not be considered as money borrowed.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 58.

An act to permit the town of Elizabeth City to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners authorized to submit question of issuing bonds not exceeding \$10,000 for town improvements to popular vote. Election.

SECTION 1. That the board of commissioners of Elizabeth City is hereby authorized and permitted to submit to the qualified voters of said town the question of issuing bonds of said town in an amount not exceeding the sum of ten thousand dollars, to be expended in improvements in said town. An election for this purpose may be had at such time as the said board may determine. Notice thereof shall be given at least two weeks prior to same being held by making publication thereof by posters in each of the wards of said town, specifying the amount of bonds proposed to be issued. Said election shall be conducted in the same manner as is now provided for the election of commissioners. Those in favor of issuing the bonds shall vote a ticket having thereon the word "bonds." Those opposed shall vote a ticket having thereon the words "against bonds."

How held.

Ballots.

SEC. 2. That the judges of election, on the day after the same is held, shall meet in their respective wards and make an abstract of the votes cast, and file said abstract with the clerk of said board of commissioners of Elizabeth City. The said board of commissioners, at the first meeting after said election is held, shall examine the returns made to them by the judges of election, and declare the result of the election. If it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds, then the said board of commissioners shall cause the same to be prepared and issued. Said bonds shall be signed by the mayor of said town and countersigned by the clerk. The interest on said bonds shall be at the rate of six per centum per annum, payable semi-annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

Returns of election.

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

Interest.

SEC. 3. That in order to meet the payment of said bonds and the accruing interest thereon, the said board of commissioners are hereby authorized and empowered to levy and collect each year a special tax not exceeding twenty cents on the one hundred dollars of assessed valuation of all property, both real, personal, choses in action and solvent credits, within the corporate limits of said town.

Special tax.

SEC. 4. That said bonds, when issued, shall be placed in the hands of the town treasurer, and shall be negotiated under the direction of the said town commissioners, and the proceeds thereof shall be paid over to the town treasurer and used for such improvements as may seem best to said board of town commissioners: *Provided*, said bonds shall not be negotiated for less than par value.

Negotiation of bonds, &c.

Proviso.

SEC. 5. That said town commissioners shall have the power to cause the treasurer to increase his bond before said bonds and proceeds go into his hands in such sum as they may deem advisable, not to be less than ten thousand dollars nor more than twenty thousand dollars.

Increase of treasurer's bond.

SEC. 6. That said bonds, when issued, shall mature at such time as shall be fixed by said town commissioners: *Provided*, there shall not be more than one thousand dollars nor less than five hundred dollars, principal and interest, to become due and payable annually.

Maturity of bonds.

Proviso.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 59.

An act to provide for the refunding of the bonded indebtedness of the city of Charlotte maturing in the year 1890.

The General Assembly of North Carolina do enact :

Board of aldermen authorized to issue bonds to fund "market-house bonds."

Description of bonds

SECTION 1. That for the purpose of paying such bonds of the city of Charlotte as mature in the year one thousand eight hundred and ninety, known as the "market-house bonds," amounting to ten thousand dollars, the board of aldermen of the said city are hereby authorized and empowered to issue coupon bonds, bearing interest, payable annually, at a rate not exceeding five (5) per centum, to the amount of ten thousand dollars, in denominations not less than one hundred dollars or not more than one thousand dollars, to be made payable thirty years after the date of their execution, with a provision therein inserted that the said bonds may be paid or redeemed within a time not less than years after the date of their execution at the option of the city. This period may be lengthened or shortened by the board, or the provisions omitted from the bonds, as the board may decide. The said bonds and coupons shall be signed by the mayor of the city and countersigned by the clerk and treasurer, and shall be made payable at such place or places as the board may determine.

Exchangeable for "market-house bonds" or to be sold, &c.

SEC. 2. That the said bonds may be exchanged for the said "market-house bonds," or if this cannot be done they may be sold and the proceeds applied to the payment of said bonds, or part sold and part exchanged, as the case may require; but none of said bonds shall be sold or exchanged at a less sum or rate than their par value.

Executors, &c., authorized to exchange.

SEC. 3. That all executors, administrators, guardians, trustees, and other persons acting in a fiduciary capacity, who now hold, or may hereafter hold, or become possessed of, any of the bonds of said city which mature in the year one thousand eight hundred and ninety, and known as the "market-house bonds," are hereby fully authorized and empowered to exchange the same for bonds issued under the provisions of this act.

Destruction of "market-house bonds" when paid, &c.

SEC. 4. That it shall be the duty of the mayor, a member of the board of aldermen, to be appointed by the board, and the clerk and treasurer, to destroy the said "market-house bonds" as they are paid or exchanged; and the clerk and treasurer shall make a record of the bonds so destroyed and of the bonds issued under this act.

Special tax.

SEC. 5. That the board of aldermen of the said city shall levy a tax upon the property and polls of the citizens of the city to provide for the payment of the interest, as it may accrue, upon said bonds issued under this act, and in like manner provide for the payment of the principal of said bonds as they mature and become payable.

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

Ratified the 25th day of February, A. D. 1889.

CHAPTER 60.

An act to incorporate the town of Walnut Cove, in the county of Stokes.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Walnut Cove, in the county of Stokes, be and the same is hereby incorporated under the name and style of the town of Walnut Cove, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary or expedient.

Incorporated.

Corporate name.

Corporate powers

SEC. 2. That the corporate limits of said town shall be a territory embraced in the following boundary, viz.: Commencing at the north end of Town Fork bridge, following the main public road on the east side of said road (not to include said road) as it meanders to the stock-law gate near London; thence along said stock-law fence to a point west of the Episcopal church; thence on an east line so as to include said church to the Still-house branch; thence down said branch as it meanders to the road leading up the edge of the bottom of Town Fork; thence along said road to the beginning.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and four commissioners, who shall be styled the board of commissioners of Walnut Cove, who shall have the power to select a constable and secretary immediately after its organization; said constable and secretary shall hold office for one year, at the pleasure of the said board of commissioners. And until the first Monday in May, 1890, Wm. H. Gentry shall fill the office of mayor, and F. A. Freeman, A. F. Fair, N. B. Vaughn and W. A. Lash shall act as commissioners, and Charles Rayburn as constable; at which time, the first Monday in May, 1890, and annually thereafter, there shall be an election held in said town to choose its officers.

Officers.

Temporary officers.

Election.

SEC. 4. That the board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes on all polls 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 poll and property shall be the same as is established by the constitution of the State; and the taxes so levied shall not exceed thirty-three and one-third cents on the one hundred dollars of property and one dollar on the poll.

Taxation.

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 United States.

Ordinances.

Violation of ordinance a misdemeanor.

Penalty.

Powers of mayor.

Authority of constable.

Duties of constable.

Fees.

Duties of secretary and treasurer.

Bond of treasurer.

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 and imprisonment for thirty days.

SEC. 7. That the mayor of said town, within the limits thereof, shall have and exercise the true jurisdiction and powers which are now or may hereafter be conferred by the laws governing cities and towns. And the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights and powers which are now or may hereafter be conferred by the law on constables, including the right and authority to arrest any person, without warrant, who commits a breach of the peace or violates a town ordinance in the presence of such constable or marshal.

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 executions are 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 until they are in a condition to be brought before the mayor. He shall execute all processes directed to him by the mayor within the limits of 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 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 may require. 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.

SEC. 9. That the secretary and treasurer shall act as 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 property belonging to the said town, and for his services shall receive such compensation as the board may allow.

SEC. 10. That the secretary and treasurer, before entering upon the duties of his office, shall enter into a bond, conditioned 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 Walnut Cove upon relation of the State of North Carolina for any violation of said bond.

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 jailer shall receive such persons as are committed by the mayor and shall charge the same fees as in case of other prisoners; or the mayor shall have power, under such rules and regulations as the board of commissioners may adopt, to require any person who fails to pay fines and costs to work on the streets of the town till the fines and costs are paid. And the town constable is authorized to use a ball and chain upon persons working the streets for the non-payment of such fines and costs: *Provided*, this act shall not be so construed as to make the county of Stokes liable for jail fees and cost in cases of violations of the ordinances of said town.

Imprisonment for violation of ordinances, &c.

Liabie to work on streets.

Proviso.

SEC. 12. That the mayor shall have power to charge for his services the same fees as are allowed justices of the peace of this State.

Fees of mayor.

SEC. 13. 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 improvements of the streets of the town or in such other manner as the board of commissioners shall direct.

Fines, &c., how applied.

SEC. 14. 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.

Oath of mayor.

SEC. 15. 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 faithfully and impartially discharge the duties of commissioner for the town to the best of his skill, ability and judgment.

Oath of commissioners.

SEC. 16. That the mayor and commissioners shall hold their offices, respectively, until the next ensuing election and until their 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 vacancies when they may occur.

Term of office.

Mayor to preside &c.

Mayor *pro tem*.

Vacancies.

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

Streets.

by paying the owner through whose lands the said streets and alleys may run, the damage, if any there be: *Provided*, that if the said commissioners and 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 a third; and the three thus selected shall assess the damages to the land: *Provided*, that either party being dissatisfied with the decision of the persons thus selected, by giving bond for payment of costs, may appeal to the superior court.

Official powers. SEC. 18. That the mayor and commissioners and constable named in this charter shall hold said office, with all the powers, privileges, rights and responsibilities which this charter confers, until their successors are elected and qualified.

Corporate powers SEC. 19. That in addition to the rights, franchises and immunities conferred by the foregoing sections by [to] the town of Walnut Cove, it shall have and be subject to all the provisions contained in the Code of North Carolina, chapter sixty-two, not inconsistent with this act.

SEC. 20. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 61.

An act to incorporate "The West End King's Daughters," of Greensboro, N. C.

The General Assembly of North Carolina do enact :

Body politic. SECTION 1. That Clara Albright, Bettie D. Caldwell, Myra Alderman, Pattie Caldwell, Addie Donnell, Daisy Caldwell, Ruth Wilson, Nannie Caldwell, Sue Gregory, Mary L. Newlin, 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 West End King's Daughters," 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. style of "The West End King's Daughters," 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 powers SEC. 2. That said corporation 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 may hereafter be given, sold, released or bequeathed by any person or persons or incorporated company for "The West End King's Daughters."

SEC. 3. That all such lands, moneys and other property mentioned in the next preceding section, owned or held by this corporation, shall be held in special trust for the benevolent purpose of establishing and properly conducting a city hospital at Greensboro, N. C., wherein shall be cared for and provided for sick or in any wise disabled persons who may seek entrance to the same.

Property to be held in trust for city hospital.

SEC. 4. That this corporation 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 of which it is the owner, when the condition of the grant to it or the will of the deviser does not forbid it.

Authorized to sell, &c., land, &c.

SEC. 5. That the corporators aforesaid and all members and officers of the corporation shall not be individually liable for its debts.

Non-liability of corporators.

SEC. 6. The corporators named in the first section of this act shall be the first board of directors of the corporation, and shall hold office for one year from the first Monday in April after the ratification of this act. On each succeeding first Monday in April a board of directors, to consist of ten members, shall be elected by the corporation.

Directors.

SEC. 7. The officers of the corporation shall be a president, one vice-president, a corresponding and a recording secretary and a treasurer, with such other officers as the corporation may deem necessary to provide for in its by-laws. The officers may be selected from the board of directors or other members of the corporation, and shall be elected at the annual meeting. In the event of a failure to so elect, the incumbent officers shall hold over until their successors are elected and consent to act.

Officers.

SEC. 8. This corporation is hereby authorized and empowered to make, ordain and establish by-laws, ordinances and regulations for its government and the management of its affairs. It shall have power to elect, in such manner as it may adopt, such persons as it desires to become members of the corporation and prescribe the requirements for membership. And, in general, said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the government and management of its affairs as it may deem necessary and expedient and best calculated and adapted to carry out the objects of the corporation.

By-laws, &c.

SEC. 9. That the real and the personal estate of this corporation shall not exceed in value one hundred thousand dollars.

Limitation of property.

SEC. 10. That such real and personal estate, to the limit above prescribed, shall be exempt from all taxes, whether city, township, county or State.

Exemption from taxation.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1889.

CHAPTER 62.

An act to incorporate the Farmers' Co-operative School of North Carolina.*The General Assembly of North Carolina do enact :*

- Body politic.** SECTION 1. That J. T. Eaton, T. C. Davis, A. C. Davis, J. J. Royal, W. L. Arendell, T. D. Webb, A. S. Willis, Silas Webb and Daniel Bell, their associates and successors, be and they are hereby created a body politic and corporate for the purpose of maintaining a school of high grade in or near the town of Morehead City, county of Carteret, State of North Carolina, for the intellectual development and training of the white children, under the name and style of the Farmers' Co-operative School Company, and in that name may sue and be sued, may plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, personal and real, and exercise all acts in relation thereto incident to the ownership of personal property and real estate.
- Corporate name.**
- Corporate powers** SEC. 2. That the members of the corporation shall have perpetual succession, and forever elect their officers hereinafter named, and may, if they so elect, have and use a common seal.
- Corporate powers** SEC. 3. That the officers of said company shall be a president, two vic.-presidents, treasurer, secretary, and a board of nine directors, five of whom shall constitute a quorum for transaction of business, and all of whom shall be elected annually by the stockholders after the first year.
- Officers.**
- Meeting of stockholders.** SEC. 4. That the annual meeting of the stockholders shall be the third Monday in August, unless otherwise ordered by a majority of the stockholders.
- Capital stock.** SEC. 5. That the capital stock of said corporation shall not be less than one thousand nor more than three hundred thousand dollars, and shall be divided into shares of ten dollars each, to be paid at such time and in such manner as the board of directors may prescribe.
- Property acquired by corporation to belong to Morehead City, &c.** SEC. 6. That all bequests and donations to the corporation shall be the property of the town of Morehead City, and shall be used as the town directs. For every ten dollars that shall be donated or bequeathed in money or its equivalent the corporation shall sell to the town of Morehead City one share of stock, which shall be held by their trustees (who shall be appointed by the said town), who shall take in trust and hold said certificate of stock.
- Donations, &c., how used.** SEC. 7. That in the event there are such bequests and donations as are provided for in section six of this charter, and the same shall not be directed by the donors, they shall be used as directed by the trustees provided for in said section, who shall be ex-officio directors and shall have perpetual succession.

SEC. 8. That the officers of the corporation, until the election and qualification of their successors in office, shall be: J. T. Eaton, president; A. C. Davis and T. D. Webb, vice-presidents; T. C. Davis, secretary, and Daniel Bell, treasurer. Temporary officers.

SEC. 9. That stockholders shall not be individually liable for the indebtedness of the institution. Non-liability of stockholders.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 63.

An act to incorporate the town of Ramoth, in the county of Buncombe.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Ramoth, in the county of Buncombe, be and the same is hereby incorporated by the name and style of the town of Ramoth, and shall be subject to all the provisions contained in chapter sixty-two of The Code of North Carolina not inconsistent with this act. Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in the north corporate line of the city of Asheville, on the east edge of Charlotte street, where said street crosses said line at or near C. T. C. Deake's dwelling-house, and following the extreme east edge of the road so as to include the same to where it intersects the Beaver Dam road near the Episcopal church: thence with said Beaver Dam road south to W. M. Cocke's northeast corner; thence with Cocke's line west to the top of the Woodfin mountain; thence with said mountain in a southwestwardly course to the west margin of the Hot Springs road; thence with the west margin of said road to the Asheville corporation line; thence with said corporation line to the beginning. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal; and the commissioners, when qualified, may elect a clerk and such other officers as may be necessary. Officers.

SEC. 4. That until the election hereinafter provided for, the mayor and five commissioners, provided for in the preceding section of this act, shall be as follows: Mayor, Rev. J. S. Burnett; commissioners, J. B. Bostic, C. S. Cooper, James Reed, J. N. Morgan and C. B. Way, 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. Temporary officers.

- Election.** SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and eighty-nine, and every year thereafter, in some convenient place within said corporate limits, to be designated by said commissioners by due notice of the time and place thereof posted in three public places in said town, an election for mayor and five commissioners, who shall hold their offices until their successors are qualified.
- No notice as to subsequent elections.** 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 provided 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.** 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 Ramoth 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 The Code of North Carolina, chapter sixty-two, 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 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
- Streets.**

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, so awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the superior court of Buncombe county.

Right of appeal.

SEC. 10. That it shall not be lawful for the commissioners of the town of Ramoth or the commissioners of the county of Buncombe to grant license to any person or persons to sell spirituous or malt liquors within the corporate limits of the town of Ramoth; and it shall be a misdemeanor for any person or persons to sell spirituous, malt or vinous liquors within the corporate limits of Ramoth, and on conviction thereof shall be fined twenty-five dollars.

Unlawful to grant license to sell liquors.

Misdemeanor.

SEC. 11. 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 the animals mentioned in this section found roaming at large in the corporate limits of the said town contrary to the ordinances of said town.

Prohibition of live stock from running at large.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 23th day of February, A. D. 1889.

CHAPTER 64.

An act to incorporate the town of Ellenboro, in Rutherford county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Ellenboro, in the county of Rutherford, be and the same is hereby incorporated by the name and style of the town of Ellenboro, and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: One-half mile in each and every direction from the Carolina Central depot.

Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor and four commissioners and a marshal; and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, viz.: B. B. Byers, mayor; H. Randall, G. B. Pruett, D. B. Harrill and J. H. Goforth, commissioners; and W. J. Durham, marshal.

Officers.

Temporary officers.

- Election.** SEC. 4. That there shall be an election held for officers provided for in this act on the first Monday in May of each and every year, under the same rules and regulations that members of the General Assembly are held, and all persons who shall have resided in the State twelve months, and in the corporate limits thirty days previous to the day of election, shall be entitled to vote in said election.
- By-laws, &c.** SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and the United States, and levy and collect taxes on all subjects of State taxation not to exceed one-half of State tax, and to impose fines for the violation of the town ordinances, and collect the same.
- Taxation.**
Fines. SEC. 6. That it shall be unlawful to sell spirituous liquors within two miles of the depot in said town. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction in the superior court shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.
- SEC. 7. That this act shall be in force from its ratification.
Ratified the 28th day of February, A. D. 1889.

Misdemeanor to
sell spirituous
liquor within
two miles.

CHAPTER 65.

An act to incorporate the West Asheville Toll Bridge Company.

The General Assembly of North Carolina do enact :

- Incorporation authorized.** SECTION 1. That a company may be formed with a capital stock not exceeding fifty thousand dollars (\$50,000), to be divided into shares of one hundred dollars each, to be called and known as the West Asheville Toll Bridge Company, for the purpose of constructing a bridge across the French Broad river at a point which said company may select between the mouth of Swannanoa river and the Lyman branch;
- Corporate name.** and said company, when formed as hereinafter directed, shall have
- Corporate powers** power to receive, possess, own and transfer real and personal property and estate, to have a common seal, and to pass such by-laws, not inconsistent with the laws of this State, as may be necessary to carry out the objects of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State.
- Commissioners to open books of subscription.** SEC. 2. That for the purpose of creating the capital stock of such company, T. W. Patton, E. G. Carrier, C. T. Rawls, A. J. Lyman, J. E. Rankin and F. S. H. Reynolds, or any three of them, are hereby appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be, to appoint commissioners to open books

of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe. Such subscriptions, or any part thereof, may be payable in money, lands, labor or material necessary in the construction of said bridge, bonds, stocks or other valuable credits, in such manner or on such terms as shall be agreed between said company and subscribers.

Subscriptions,
how payable.

SEC. 3. That whenever the sum of one thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners above named (any three of whom may act) to call a general meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine; and at general meetings of said stockholders not less than a majority of all stock subscribed shall constitute a quorum for the transaction of business; and said stockholders, when so met in general meeting, shall have power and it shall be their duty to elect a president and four directors, whose term of office shall be one year and until others are chosen.

Organization

SEC. 4. That it shall be the duty of said stockholders at their general meetings to prescribe the manner and the time in which payment of stock on the subscription books shall be made.

Payment of stock
subscriptions.

SEC. 5. That it shall be the duty of the president and directors to appoint a treasurer, who shall remain in office such a length of time as the company in their by-laws may determine.

Treasurer.

SEC. 6. That the president or board of directors shall, at least once a year, make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener if required by any by-law of the company, and also call a general meeting of the stockholders whenever they may deem it expedient; and the company may provide in their by-laws for the calling of occasional meetings and prescribe the mode thereof.

President, &c., to
make report.

Stockholders'
meetings.

SEC. 7. That if said company and the owner of any lands which may be necessary for the location of a bridge or for the building of a keeper's house, shall be unable to agree upon the price of the same, or for any cause the same cannot be purchased from the owner, the same may be taken by the company at a valuation to be ascertained as follows, to-wit: according to the mode prescribed in chapter ninety-nine of Battle's Revisal for the condemnation of lands needed for railroad companies incorporated under said chapter.

Condemnation of
land.

SEC. 8. That said company shall prescribe the rates to be charged for tolls in their by-laws, but they shall in no case exceed the following rates: For man on foot, five cents; for man on horse, ten cents; for one-horse wagon, twenty-five cents; for sulky or buggy, twenty-five cents; for two-horse wagon, forty cents; for two-horse carriage, forty cents; for three or four horse wagon or carriage, fifty cents; for five or six horse wagon, sixty cents; for loose hogs or sheep, per head, one cent; for loose cattle or horses, two and one-half cents.

Rates of toll.

Public road.

SEC. 9. That said company may survey and locate a route for a road from their bridge site to Asheville on the east end, and to the Sulphur Springs from the west end, intersecting the Bear Creek road or all of said road in Buncombe county, North Carolina; and when they have made such a survey and location, if they report the same to the commissioners of the county in which the proposed route lies, and shall ask for a jury to assess the damages which land-owners may sustain by the making of said proposed road, it shall be the duty of said commissioners to appoint three disinterested freeholders, whose duty it shall be to examine the ground, assess the damages, and report the same to the county commissioners.

Penalty for fast driving, &c.

SEC. 10. That upon conviction before a justice of any person who shall ride or drive on the company's bridge at a pace faster than a walk, a penalty of five dollars shall be imposed, and any person who shall cross the company's bridge and refuse or wilfully neglect to pay the legal toll which may have been prescribed by the company, said person shall be held guilty of a misdemeanor, and may be fined five dollars or imprisoned one month, at the discretion of the justice of the peace trying the case.

Misdemeanor.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1889.

CHAPTER 66.

An act to amend chapter 82 of the private laws of 1881.

The General Assembly of North Carolina do enact :

Chapter 82, private laws 1881, amended.

Corporators of Bank of Craven.

SECTION 1. That section one of the private laws of one thousand eight hundred and eighty-one, chapter eighty-two, be amended by striking out the names of Edward F. Smallwood, Thomas Powers, George Sloan, Elijah Ellis, Benjamin Lane, G. F. M. Dail, William Sutler, Charles C. Clark, William Cleve, C. E. Fay, M. Bray, William C. Clark, L. H. Gray, R. W. King, and inserting the name of William E. Clark, E. G. Hill and George Moulton.

Section 2 amended. Organization upon subscription and payment of ten thousand dollars.

Section 5 amended. Stockholders' meeting on subscription and payment of ten thousand dollars. Other sections re-enacted.

SEC. 2. That section two of said act shall be and the same is hereby amended by striking out the words "twenty-five," in the first line of said section, and inserting in lieu thereof the word "ten."

SEC. 3. That section five of said act shall be and the same is hereby amended by striking out the words "twenty-five," in line one of said section, and inserting in lieu thereof the word "ten."

SEC. 4. That all the other sections of said act shall be and the same are hereby re-enacted and declared in full force and effect.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 67.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter thirteen of the private laws of one thousand eight hundred and eighty-three be amended by striking out all of said section after the word "persons," in line eight, and inserting "who are members of said society and dying without leaving the means necessary for their burial."

Chapter 13, private laws 1883, amended. Purposes of the Weeping Mary Burial Society, of Camden county, N. C.

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

Ratified the 28th day of February, A. D. 1889.

CHAPTER 68.

An act to incorporate Centre Lodge, number three, Knights of Pythias.

The General Assembly of North Carolina do enact :

SECTION 1. That Eugene G. Harrell, John M. Sherwood and John Ward, trustees, and their associates and successors in office, are hereby created and constituted a body corporate under the name and style of Centre Lodge, number three, Knights of Pythias, and by such name may sue and be sued, and contract and be contracted with.

Body politic.

Corporate name.

SEC. 2. That said corporation may pass all such by-laws not inconsistent with the laws of North Carolina as may be necessary for their government; may purchase, loan, hold and convey all such real estate as is necessary for carrying out the objects and purposes of the Knights of Pythias and for which it is incorporated.

Corporate powers

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

Ratified the 1st day of March, A. D. 1889.

CHAPTER 69.

An act to amend the charter of the town of Salisbury.

The General Assembly of North Carolina do enact :

SECTION 1. That subsections one and two of section fourteen, chapter thirty-four, of the private laws of one thousand eight hundred and eighty-five, be and the same are hereby repealed, and the following substituted therefor, to-wit: "The poll-tax shall not exceed one dollar and eighty cents, and the *ad valorem* tax on real and personal

Chapter 34, private laws 1885, amended.

Poll tax.

Ad valorem tax.

property shall not exceed sixty cents on the one hundred dollars worth of the assessed value of said property, and the constitutional equation between the taxes on property and on the poll shall always be observed."

Streets.

SEC. 2. That the following be added as a new section to said chapter, to be numbered section twenty-three, to-wit: "That the board of commissioners shall have power to lay out and open new streets within the corporate limits of the town whenever by them deemed necessary, and have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owners of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall, in his stead, select one for him. And in case the two arbitrators chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefit accruing to the owner in consequence of the change; and the award of the arbitrators or the umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court, as now provided by law.

Right of appeal.

How money borrowed, &c., by commissioners upon popular vote.

SEC. 3. 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 three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days notice shall be given of such election in some newspaper published in Salisbury, at which election those who favor creating the debt shall vote "approved"; and those who oppose it shall vote "not approved." The board may order a new registration of voters at any and all such elections if they deem it proper to do so.

Section renumbered.

SEC. 4. That section twenty-three of said chapter be numbered section twenty-four.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 70.

An act to incorporate the Bank of Industry and Commerce of
Raleigh, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That F. B. Arendell, T. H. Briggs, Paul F. Faison, A. M. McPheeters, Charles Root, and their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of the Bank of Commerce and Industry of Raleigh, and by such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this State, and have all the rights, powers and privileges granted to any bank or banking institution incident or belonging to corporations.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the office and place of business of said bank shall be in the city of Raleigh, North Carolina, and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars in shares of one hundred dollars each. And the majority of the incorporators in the first section named, with their associates or of their successors, are hereby empowered to cause books to be opened at such time or times, at such place, and for such periods as they may determine, and by such persons as they may name as commissioners, for the purpose of receiving subscriptions to said stock.

Place of business.

Capital stock.

Books of subscription.

SEC. 3. That whenever three hundred shares of stock shall have been subscribed, and twenty-five per centum of the same paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place, and upon such notice, as they may deem sufficient, when such stockholders, a majority of the stock subscribed being represented, shall elect five directors; said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly elected and assume office, and shall elect one of their number to be president of said bank during their continuance in office.

Organization.

SEC. 4. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure; may make and adopt such by-laws for their government as by them deemed proper and necessary: make and appoint all necessary officers and agents, fix their compensation and take bond and security for their faithful discharge of their duties; may prescribe the manner of paying for stock and transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on not inconsistent with the laws of the State; and, in general, have the privileges conferred on corporations by the general law of the State relating to corporations.

Powers of president and directors

Lien on stock. SEC. 5. That the said bank shall have lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue law of the State.

Corporate powers SEC. 6. That said bank may receive and pay out the lawful currency of the country and deal in exchange, gold and silver coin, bullion, uncurrent paper and public and other securities; may purchase and hold a lot of ground for a place of business, and at pleasure sell or exchange the same; may purchase and hold such real and personal property and estate as may be conveyed to secure debts due said bank, and may sell and convey the same; may discount notes and other evidences of debt; may lend money on such terms as may be agreed on not inconsistent with the laws of the State, and may receive on deposit money on terms to be agreed upon between its officers and depositors, not exceeding the rate allowed by law, and issue certificates of the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under seal of the bank.

Meetings of stockholders. SEC. 7. That the president and directors of said bank shall direct when, to whom, and in what manner dividends of profits may be made, and shall be allowed to open the subscription books from time to time, at their discretion, until the whole of the stock is taken. They may call meetings, extraordinary, of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws. And a number of the stockholders, not less than five, holding together not less than one-fifth of the capital stock, may call a special meeting on giving thirty days notice thereof printed in some newspaper published in Raleigh, North Carolina. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Stock vote. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 71.

An act to incorporate the Long Creek High School, of Long Creek, in Pender county.

The General Assembly of North Carolina do enact:

Body politic. SECTION 1. That James E. Henry, Grotham Williams, W. W. Larkins, Bruce Williams and John A. Jones, their associates and successors, are hereby created a body politic and corporate under the

name and style of the Long Creek High School, and in that name may sue and be sued, contract and be contracted with for the purposes of maintaining the high school at present in operation in the village of Long Creek, in Pender county. They may use a common seal, purchase land and other property, employ and dismiss teachers, and establish such rules and regulations as may be necessary for the course of education and maintaining said school, not inconsistent with the laws of the State.

Corporate name.

Corporate powers

SEC. 2. That it shall be lawful for any children of legal school age of the white race residing in the school district in which said high school is situated to attend the same: *Provided*, such children shall have the same rights and be subject to the same discipline as other children attending said school.

Lawful for white children to attend school.

Proviso.

SEC. 3. That should any children attend said school, as provided for in section three of this act, it shall be the duty of the school committee of said district and of the county school authorities to cause to be paid to the treasurer of said high school the *pro rata* share of the school fund that may be due and appropriated in said district for said child or children.

Pro rata share of school fund payable to treasurer of school.

SEC. 4. That it shall be the duty of the principal of said high school to monthly report to the school committee of said district the number of children that shall be attending said school from said district.

Monthly reports by principal.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1889.

CHAPTER 72.

An act to incorporate the Southern Inter-State Exposition Society.

In order to aid in the development of the natural resources of the Southern States and the fostering of a friendly feeling between the Northern and Southern people,

Purposes of act.

The General Assembly of North Carolina do enact:

SECTION 1. That John T. Patrick, P. M. Wilson, Dr. W. R. Capehart, Wm. H. S. Burgwyn, Julian Allen, F. B. Clifton, L. H. Roots, S. W. B. Hale, L. S. Packard, and the members of the executive committee of the Southern Inter-State Immigration Bureau, and such others as may be associated with them and their successors, be and they are hereby declared to be a corporation by the name and title Southern Inter-State Exposition Society, by which name said corporation and their successors shall have perpetual succession and enjoy all the franchises and privileges incident to a corporation; may sue and be sued, plead and be impleaded, hold and possess real and per-

Body politic.

Corporate name.

Corporate powers

sonal property, have power to make by-laws for the regulation and management of the corporation, have, secure and retain to them and their successors property, both real and personal; also devises and bequeaths of any person or persons, bodies corporate or politic, capable of making the same, and to do all acts and things which a body corporate may do not inconsistent with the constitution of the United States and the constitution and laws of North Carolina or any other State.

Purposes of corporation.

SEC. 2. That the purpose of the association is and shall be to hold expositions of Southern products in any section of the United States.

Officers.

SEC. 3. That the officers shall consist of a president, who shall be the general manager of the Southern Inter-State Immigration Bureau, and fourteen vice-presidents—one from each Southern State—who shall be the executive committee of the Southern Inter-State Immigration Bureau; one secretary and one treasurer, who shall be elected by a majority vote of the stockholders of the society. In addition to the general officers, the society shall elect a full set of officers to manage each exposition, said officers to consist of a president, two vice-presidents, a secretary, a treasurer, a general director, a superintendent of advertising, and such other officers as the association may see proper to elect: *Provided*, that on a call of any three of the names at such time, place and notice as they deem proper, after giving all persons named in the bill written notice, an organization can be effected.

Organization.

SEC. 4. That the officers of the general organization shall hold office for a term of one year or equal to the term of office as prescribed by the Southern Inter-State Bureau of Immigration for their officers.

Term of office.

SEC. 5. That the officers elected to manage the several expositions shall hold office until the affairs of the exposition over which they preside is fully settled.

Term of officers managing an exposition.

SEC. 6. That all vacancies in office shall be filled as the society may deem proper.

Vacancies.

SEC. 7. That the capital stock shall consist of five hundred thousand dollars, divided into one hundred thousand shares of par value of five dollars per share, and it may be increased to an amount not to exceed five million dollars. The said society shall have the power to organize whenever one hundred shares of said stock shall have been paid in.

Capital stock.

SEC. 8. That stockholders shall in no wise be liable for any debts of the society.

Non-liability of stockholders.

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

Ratified the 1st day of March, A. D. 1889.

CHAPTER 73.

An act to re-enact and amend chapter one hundred and eight of the private laws of one thousand eight hundred and eighty-five, entitled "an act to incorporate the town of Lewisville, in Columbus county."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eight of the private laws of one thousand eight hundred and eighty-five, entitled "an act to incorporate the town of Lewisville, in Columbus county," is hereby re-enacted, and sections three and four of said chapter are amended by striking out the words "one thousand eight hundred and eighty-six," where they occur in said sections, and inserting in lieu thereof the words "one thousand eight hundred and ninety."

Chapter 108, private laws 1885, re-enacted and amended.

Election, when held.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day March, A. D. 1889.

CHAPTER 74.

An act to authorize 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 eight thousand dollars and not less than five thousand dollars, and in denominations of not less than twenty-five dollars nor more than five hundred dollars, bearing interest from date of bonds at a rate not to exceed eight per centum per annum, and payable annually on the first day of January of each year until the said bonds are paid; that the said bonds shall be made payable after the expiration of ten years from the date thereof: *Provided, however,* that the board of commissioners of the town of Shelby may divide them into two classes of equal amounts—the first class payable after five years, and the second class at the expiration of ten years from the date of said bonds. It is further enacted, that said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the town of Shelby and the clerk of the board of town commissioners; that a record shall be kept of said bonds showing the number, amount and to whom sold.

Commissioners authorized to issue bonds not exceeding \$8,000.

SEC. 2. That the bonds shall not be sold for less than their face value, and the proceeds arising from the sale of said bonds shall be expended by the trustees, hereinafter appointed, in the purchase and erection of suitable grounds and buildings for school purposes: *Provided, however,* that this act shall be submitted to the qualified voters

Bonds not to be sold for less than par, and proceeds to be used for school purposes. Question to be submitted to popular vote.

of said town for their ratification or rejection at an election to be held in said town on the eighteenth day of April, 1889. The said election shall be advertised by the commissioners of said town for twenty days prior to the day of election in at least one paper published in said town. Those who are in favor of issuing said bonds shall vote a ballot on which shall be written or printed "for bonds," and those who are opposed shall vote a ballot on which shall be written or printed "against bonds." That the number of votes cast for and against said bonds shall be deposited in a special box, counted and duly certified by the inspectors of said election and returned to the clerk of the commissioners of said town, who shall take charge of and preserve the same. If a majority of the votes cast shall be "for bonds" the said commissioners shall proceed at once to issue and sell the bonds; but if a majority of the votes cast 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 elections for mayor and commissioners of said town, and all persons entitled to vote for mayor and commissioners of said town shall be entitled to vote at such election.

Bonds to be issued on majority vote.

Special tax.

SEC. 3. That in order to pay interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the commissioners of the town of Shelby shall annually levy a special tax of not less than fifteen nor more than thirty-three and one-third cents on the hundred dollars worth of real and personal property and other articles taxed by the State, and not less than forty-five cents nor more than one dollar on each poll, 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 payment of said taxes as he is or may be for other town taxes, and shall receive the same compensation therefor: *Provided*, the taxes levied and collected under the provisions of this act shall be applied to the payment of said bonds and interest on same.

Proviso.

Board of trustees.

SEC. 4. That in case said election shall result for bonds, then T. D. Latimore, A. C. Miller, John W. Lineberger, R. L. Reyburn and J. J. McMurry are hereby appointed a board of trustees. The said trustees shall be divided by the commissioners of the town of Shelby, at their next regular meeting held after the election provided for in this act, into five classes of one each. The term of office of the first-class shall expire at the end of one year from the date of said meeting; and the term of office of the second class shall expire at the end of two years from said meeting; and the term of office of the third class shall expire at the end of three years from said meeting; and the term of office of the fourth class shall expire at the end of four years from said meeting; and the term of office of the fifth class shall expire at the end of five years from the date of said meeting. Whenever the term of office of any class shall expire as above provided, his suc-

Divided into classes, &c.

Vacancies.

cessor shall be appointed for a term of five years by the said commissioners at their first meeting after their election and qualification. Whenever any vacancy occurs in said board of trustees, 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 trustees.

* SEC. 5. That in case the election provided for in this act shall result in favor of bonds, then the trustees aforesaid shall proceed at once to procure sites in the town of Shelby, and erect thereon suitable school buildings for the white and colored races, separately, as in their judgment, according to the needs and requirements of each race. That the trustees aforesaid shall have control and general supervision of the property acquired under this act, and shall provide for the conduct of schools therein under such rules and regulations as they may adopt. They shall meet within ten days after the election provided for in this act, and organize by electing a president and a secretary, and make rules and regulations for subsequent election of officers and their own government.

Duties and powers of trustees.

SEC. 6. That all moneys arising under the provisions of this act shall be paid to the treasurer of the town of Shelby, and his receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same. The moneys received shall be held by the treasurer as a separate fund. The moneys arising from the sale of the bonds aforesaid to be disposed of under the direction of the aforesaid trustees, whose warrants, signed by the president and countersigned by the secretary of said board of trustees, 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 report to the trustees aforesaid, when required by them, the condition of said fund.

Moneys arising under this act, how applied, &c.

SEC. 7. That the bond now required of the treasurer of the town to protect public funds of the town in his hands shall be in 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 under this act, and nothing for disbursing same.

Bond of treasurer

Compensation.

SEC. 8. That out of the taxes collected under the provisions of this act the town treasurer shall pay all due coupons of the bonds aforesaid: *Provided*, the same are presented within the limit prescribed by the general law, and such coupons, together [with] such as he may receive from the town constable, shall constitute valid vouchers in his hands in settlement as the law directs; that the past due coupons of said bonds, if presented within the time prescribed by the general law, shall be received by the authorities of said town in payment of all taxes collectable by said town. After the payment of the coupons presented as herein required, the treasurer of said town

Taxes applicable to payment of coupons. *Proviso.*

Coupons receivable for town taxes.

Sinking fund, how invested.

shall lend any money remaining in his hands arising from taxes levied under the provisions of this act at the highest legal rate of interest that may be obtained, securing said bonds by mortgage on real estate, taking as a basis of the value of such estate the value 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 loan to be paid semi-annually. If unable to make satisfactory loans on mortgages, then said treasurer may loan on such securities as may be approved by the town commissioners: *Provided*, that by the authority of the commissioners of said town the treasurer may purchase any of the bonds issued under this act, paying not more than par value for the same. Said bonds shall not be taxable by the town of Shelby for any purpose whatever.

Proviso.

Powers of trustees in respect to site for schools, &c.

SEC. 9. That the trustees aforesaid shall have the right to control the site and buildings of the present academy in the town of Shelby, and the title thereto is hereby vested in them and their successors, and they shall have the right to improve the same by erecting other buildings, etc., for the use of a school for the white race, or to sell the same and apply the proceeds of such sale in the purchase of sites and erecting and furnishing buildings for schools for the white race, and make title to the same in fee to the purchaser; and any laws heretofore enacted vesting the title in any other person or persons, or giving control of same to any other person or persons, are hereby repealed.

Trustees incorporated.
Corporate name.
Corporate powers

SEC. 10. That the trustees aforesaid and their successors shall be a body corporate by the name and style of the School Trustees of the Town of Shelby, 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 trustees 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 and the secretary of the board of trustees aforesaid.

Conflicting laws repealed.

SEC. 11. That all laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 75.

**An act to incorporate the Bethlehem Burial and Benevolent Society,
of Martin county, N. C.***The General Assembly of North Carolina do enact :*

SECTION 1. That George Reddie, John Reddie, Adolphus Reddie, Body politic.
Sandy Williams, Charles Yates, Frederick Griffin and Owen Clements,
their associates, successors and assigns, are hereby constituted a body
corporate by the name of the Bethlehem Burial and Benevolent Corporate name.
Society, by which name said corporation and their successors shall
have perpetual succession and enjoy all privileges made in chapter Corporate powers
16, sections six hundred and sixty-three and six hundred and sixty-
four, of The Code of North Carolina, for the purpose of burying their
dead, doing acts of charity and all other free and Christian acts as the
trustees may deem advisable and prudent.

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

Ratified the 2d day of March, A. D. 1889.

CHAPTER 76.

An act to amend the charter of the town of Morganton.*The General Assembly of North Carolina do enact :*

SECTION 1. That section fifty-six, private laws of one thousand Chapter 120, pri-
eight hundred and eighty-five, chapter one hundred and twenty, be vate laws 1885,
amended by striking from said section all after the word "cemetery," amended.
in line eight thereof, and inserting, "and no person shall hereafter be
buried at any place within the corporate limits of the town of Mor- Burials within
ganton without a permit from the commissioners of the town, who corporate limits
shall grant such permit on application, and the payment into the on permit from
town treasury of the sum of five dollars per capita to bury in either the commissioners,
Episcopal, M. E. Episcopal, South, [or] Presbyterian grave-yards; and upon payment of
the money accruing from such payment shall be a fund for the main- five dollars.
tenance of said cemeteries: *Provided*, the fund arising from the burial
of white persons shall be applied to the maintenance of the white Fund, how ap-
cemetery, and that arising from the burial of colored persons shall plied.
be so applied to the maintenance of the colored cemetery."

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

Ratified the 2d day of March, A. D. 1889.

CHAPTER 77.

An act to incorporate the Battleboro Home Mission Society.*The General Assembly of North Carolina do enact :*

Incorporated.	SECTION 1. That Margaret J. Jones, president, Laura J. Watson, vice-president, Harriet Titus, secretary, Cornelia Odom, treasurer, Francis Pitman and Bettie Bunn, trustees, be and the same are hereby
Corporate name.	made and constituted a corporation to be known as the Woman's Home Mission Society of Battleboro, N. C., and by such name may
Corporate powers	sue and be sued, purchase and hold real and personal property for their own use and benefit and for the use and benefit of their successors, and perform and do any and all act or acts given to other private corporations of like character by the laws of this State.
Objects of corporation.	SEC. 2. That the objects of said corporation shall be religious, advance the causes of christianity and humanity, and to that end may use all lawful means, which it may deem proper, to secure whatsoever money or property, real or personal, it may regard as essential for the accomplishment of said above object mentioned.
	SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1889.

CHAPTER 78.

An act to incorporate the town of Southport.*The General Assembly of North Carolina do enact :*

Body politic.	SECTION 1. That the inhabitants of the town of Southport shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style
Corporate name.	of "The City of Southport," and under such name and style is hereby invested with all the property and rights of property which now
Corporate powers	belong to the present corporation of the town of Southport, or any other corporate name or names heretofore used; and by the corporate name of "The City of Southport" may purchase and hold for purposes of its government, welfare and improvement, all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and reinvest, as shall be deemed advisable by the proper authorities of the corporation.
Corporate limits.	SEC. 2. That the corporation line of "The City of Southport" shall hereafter be defined and located as follows: Beginning at a stake in the marsh near Judah's creek, 166 poles south 78 degrees west from the corner of Boundary and Brown streets, runs north 92 degrees

west; thence north 78 degrees east 218 poles; thence north 57 degrees east 170 poles to a stake in T. G. Drews' field; then south 33 degrees east 166 poles; thence north 57 degrees east 4 poles; thence south 33 degrees east 26 poles; thence north 57 degrees east 8 poles; thence south 33 degrees east 26 poles; thence north 57 degrees west 10 poles; thence 33 degrees east 26 poles to Cape Fear river; thence the same course one-half mile beyond the original limits of the town; thence a line parallel with the southern edge of the original limits to a point in the river opposite the beginning corner; south 120 degrees east from said corner; thence north 12 degrees west to the beginning.

SEC. 3. *Be it further enacted*, that the mayor and commissioners are required to order an election on the subject of extending the corporate limits whenever one hundred voters within the town shall petition them to do so; and if, after giving twenty days notice in some paper in the county of such election, a majority shall be in favor of extension, then the limits must be so enlarged: *Provided*, however, that not more than half a mile of territory shall so be added to the corporation in any one year: *Provided further*, that when such election is ordered by the mayor, it shall also be the duty of the sheriff of Brunswick county to give like notice of the holding of such election to the voters residing outside of the corporate limits but embraced in the bounds intended to be taken in, and shall arrange that they may vote whether they desire to be taken [in] to the corporate limits; and such votes shall be properly authenticated by the inspectors of the polls and forwarded to the mayor of "The City of Southport." And if a majority of either the city or those residing within the bounds of the proposed extension vote against the proposition to enlarge the limits thereof, in that case the city limits will not be extended. Nor shall it be legal to hold another election within the space of twelve months.

Election upon question of extending corporate limits.

Proviso.

Proviso.

SEC. 4. There shall, on the first Monday in May in each and every year, be elected by the qualified voters of "The City of Southport," a mayor and five aldermen, who shall be residents within the corporate limits of said City of Southport.

Election of mayor and aldermen.

SEC. 5. That the election provided for in the foregoing section shall be held under the same rules and regulations as elections are now held for members of the General Assembly, and every citizen residing within the corporate limits of "The City of Southport" who is qualified to vote for members of the General Assembly, shall be entitled to vote for one mayor and for five aldermen. Each elector shall vote one ballot on which shall be placed the name of the person voted for as mayor; who shall receive the greatest number of votes cast at said election shall be declared elected mayor of "The City of Southport," and of the persons voted for as aldermen the five who receive the greatest number of votes cast at said election shall be declared elected aldermen of "The City of Southport." Immediately

Election, how held, &c.

upon the result of said election being declared by the judges, it shall be the duty of the sheriff to make proclamation at the court-house door in said city, and then and there declare the result of the same; it shall be the duty of the judges within the next twenty-four hours thereafter, to certify under their hands and seals, to the mayor of "The City of Southport," the result of said election, which certificate, together with the scrawl and ballots, shall be filed in the mayor's office: upon the receipt of said certificate, the mayor shall immediately notify the persons of their election, requesting them to immediately appear before him to be qualified and enter upon the duties of their respective offices. If among the persons voted for there shall be any two or more who shall receive an equal number of votes for the same office, and either of them would be elected but for the equal vote, the question as to which of said parties is elected shall be decided by the judges of election; and in case they divide, the registrar shall decide between the persons for whom the judges vote.

Tie vote.

Oath of mayor

SEC. 6. That the mayor, immediately upon his election and before entering upon the duties of his office, shall take and subscribe, before his predecessor in office or other person authorized and empowered by law to administer oaths, the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of 'The City of Southport' while I continue therein, and will cause to be executed, as far as in my power lies, all laws, ordinances and regulations made for the government of the city; and in the discharge of my duties I will do equal justice in all cases whatsoever: so help me, God." The oath shall be filed in the office of the mayor, and record thereof made by his predecessor in the records of the mayor's office.

Oath of aldermen.

SEC. 7. That each alderman, before entering upon the duties of his office, shall take, before the mayor or some other person authorized to administer oaths, an oath that he will truly and impartially perform the duties of alderman for "The City of Southport" according to the best of his ability and judgment.

Terms of office.

SEC. 8. That the mayor and aldermen shall hold their offices, respectively, until the succeeding election and until their successors are qualified.

Vacancy in office of mayor.

SEC. 9. That if the person elected mayor of "The City of Southport" shall refuse to qualify, or if after qualifying there is any vacancy in the office of mayor of the city by reason of death, resignation or disability to discharge the duties of the office, or if the mayor, during his term of office, shall become a non-resident of the city, the aldermen, after due notice, shall choose by ballot in a full meeting of the aldermen some discreet and well-qualified person to serve as mayor for the term, or for the unexpired portion of the term, as the case may be; and in like manner and if for like causes vacancies should

occur in the board of aldermen, shall the remaining aldermen elect suitable persons to fill said vacancies.

SEC. 10. That any person elected mayor or alderman who shall refuse to qualify and act as such shall forfeit and pay for the use of the city twenty-five dollars, and it is hereby the duty of the mayor to enforce this section.

Penalty for refusal of mayor or aldermen to qualify.

SEC. 11. That the mayor of said city of Southport, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers in criminal offences occurring within the limits of the city of Southport which are now or hereafter may be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances or by-laws of said city. The proceedings of said court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the next inferior or superior court of Brunswick county having jurisdiction of the case. In all cases of appeal from the mayor's judgment the mayor shall require bond, with security, which, in his judgment, is sufficient to insure the defendant's appearance at the next succeeding term of the appellate court, and on failure to furnish said bond the mayor shall commit the defendant to the common jail of Brunswick county.

Mayor to be a special court.

Bond on appeal.

SEC. 12. That in all cases when judgment may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the city of Southport, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor of said city to order and require such person or persons so convicted to work on the streets or other public works of said city, under the supervision of the marshal or street overseer, until, at a fair rate of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Persons failing to pay fine liable to work on streets.

SEC. 13. That the mayor of "The City of Southport" may issue his precepts to any constable, marshal or to such other officers to whom a justice of the peace may direct his precepts.

Precepts of mayor.

SEC. 14. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings; the precepts issued by him shall have all the force, virtue and validity of precepts issued by a single justice of the peace, and may be executed and enforced against parties in the county of Brunswick for violation of any of the ordinances or by-laws in the said city of Southport, and elsewhere, in same manner and by the same means as if the same had been issued by a justice of the peace for the county of Brunswick.

Mayor to keep record, &c.

SEC. 15. That the mayor shall keep his office in some convenient part of the city designated by the aldermen; he shall keep the seal of the corporation, and shall perform such duties as shall from time to

Mayor's office. Duties.

time be prescribed, and he shall receive such compensation as fees as may be allowed by this act and the ordinances of the corporation.

Mayor to preside,
&c.

SEC. 16. That the mayor, when present, shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case; and if he shall be absent, the board may appoint one of their number *pro tem.* to exercise his duties at the board, and in the event of his extended absence or sickness, the board of aldermen may appoint one of their number *pro tempore* to exercise his duties.

Mayor *pro tem.*

Board of aldermen.

SEC. 17. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall convene at the mayor's office for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often, at least, as once in each and every calendar month; special meetings of the aldermen may also be held on the call of the mayor, or of a majority of the aldermen. And every such meeting, when call[ed] by the mayor, all the aldermen, and when called by a majority of the aldermen, such as shall not join in the call, shall be notified in writing.

Penalty for failure of alderman to attend meeting.

SEC. 18. That if any alderman shall fail to attend a regular meeting of the board of aldermen, or any special meeting of which he shall have notice as prescribed in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of four dollars; and it shall be the duty of the mayor to enforce such forfeitures.

Ordinances, &c.

SEC. 19. That the aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary.

Powers of aldermen.

SEC. 20. That among the powers hereby conferred on the board of aldermen, they may borrow money only by the consent of a majority of the qualified and registered voters of the city, which consent shall be attained by a vote of the citizens of the corporation, after a thirty days public notice, at which time those who consent shall vote "approved," and those who do not consent shall vote "not approved." The aldermen shall also provide for repairing and cleaning the streets and sidewalks; take all proper and effectual means to prevent and extinguish fires; make regulations to cause the due observance of Sunday; appoint and regulate city watches; suppress and remove nuisances; take all necessary measures to preserve the city from contagious or infectious diseases; appoint marshals or other officers to execute such precepts as the mayor may lawfully issue to them; take measures to preserve the peace and order of the city, and to execute all the laws and ordinances thereof; establish one or more public

cemeteries, either within or without the corporate limits, of such dimensions as they may deem necessary, and provide for the care and maintenance of the same; to enact and pass such laws and ordinances as they may deem necessary for the health of the city; to determine when necessary the boundaries of streets, lots and alleys, and to establish new streets, lanes or alleys; to provide for licensing and regulating auctions; to restrain and prohibit gambling, and provide for licensing, regulating or restraining theatrical or other public amusements within the city; to establish necessary inspections within the city; to impose and appropriate fines, penalties or forfeitures for the breach of its by-laws and ordinances; to lay and collect taxes for carrying all necessary measures into operation for the benefit of the city; to regulate or restrain tippling houses, and pass all laws and ordinances necessary to carry out the intent and meaning of this act with effect: *Provided*, they are not incompatible with the constitution and laws of the State. They shall have the right to regulate the charges for the carriage of persons, baggage and freight by omnibus or other vehicles, and to issue license for omnibuses, hacks, drays or other vehicles used for the transportation of persons or things for hire.

Proviso.

SEC. 21. That the aldermen, at the first meeting after their election, shall appoint a clerk and treasurer, who may be one of their own number; also a collector of taxes, who may be one of the marshals provided for; and shall appoint one or more marshals, all of which officers shall respectively hold their offices during the official term of the aldermen, subject, however, to be removed at any time for misbehavior or neglect of duties, and others appointed in their stead by the aldermen, who alone shall be the judges of such misconduct or neglect of duty. Before entering upon the duties of his office, each of said officers shall be sworn by the mayor or other person competent to administer oaths to the faithful discharge of his duties, and execute a bond, payable to the city of Southport, in such sums as the aldermen shall determine, with security approved by the aldermen, which bond shall be duly probated and recorded in the office of the register of deeds in the county of Brunswick in a book prepared for the official bond of the officers of said county. The original bonds shall be deposited with the mayor, and a copy of the same, duly certified by the register of deeds, shall at all times be received as evidence in any court of law for the enforcement of penalty or for any other purpose. The offices of clerk and treasurer may be united in one and the same person, or otherwise, as the board of aldermen may deem best.

Clerk and other officers.

Oath.

Bond.

SEC. 22. That the officers provided for in the foregoing section shall have a reasonable salary or compensation, to be determined by the board of aldermen; and it shall be the duty of the clerk to keep regular and fair minutes of the proceedings of the board, and to

Salaries.

Duty of clerk.

preserve all books, papers and articles committed to his care during his continuance in office, and deliver the same to his successor, and regularly to perform such other duties as may be prescribed by the aldermen.

Duty of treasurer. SEC. 23. That it shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse the funds according to such orders as may be drawn on him in the manner hereafter specified. He shall keep in a book, provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the mayor or aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise; and during his continuance in said office, he shall faithfully perform all duties imposed upon him as city treasurer.

Orders on treasurer. SEC. 24. That all orders drawn on the treasurer shall be signed by the mayor, and shall state the purpose for which the money is applied. And the treasurer shall specify said purpose in his accounts, and also the sources whence are derived the moneys recived by him.

Annual statements by aldermen. SEC. 25. That the aldermen shall cause to be made out, annually, a fair transcript of their receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted at the court-house door in "The City of Southport" at least ten days before the annual election of mayor and aldermen. The aldermen failing to comply with the duties prescribed in this section shall forfeit and pay for the use of the city one hundred dollars; and it shall be the duty of the mayor to enforce the provisions of this ordinance.

Penalty.

Duty of constable or marshal. SEC. 26. That it shall be the duty of the constable or marshal to see the laws, ordinances and orders of the aldermen are enforced, and report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and apprehending offenders. and for that purpose he shall have all the powers and authorities vested in sheriffs or county constables. He shall execute all precepts lawfully directed to him by the mayor or others, and in execution thereof shall have the same power anywhere in the county of Brunswick as sheriffs or constables of the county have; and he shall have the same fees on all process and precepts executed and returned by him which may be allowed to the constable of the county on like precepts, and also such other compensation as the aldermen may allow.

Officers, &c., prohibited from speculating in claims against city. SEC. 27. That any and all officers or employees of the city of Southport are prohibited from speculating in or purchasing at a discount any claims, papers or evidence of indebtedness, whether

allowed or not allowed by the city of Southport or of the county of Brunswick. The provisions of this section shall apply to any person employed in any capacity by the city, and shall hold good for the term of the aldermen during whose term such person may be employed; and any violation of this section shall cause the forfeiture and non-payment by the city of Southport or by the county of Brunswick of any evidence of indebtedness which may have been so speculated in or purchased at a discount.

SEC. 28. That the marshal have the same power and be bound by the same rules in this respect as constables in the county of Brunswick to apprehend all offenders against the State in the limits of the city or of the county of Brunswick, and to carry them before the mayor or some justice of the peace; and for such duty he shall have the same fees as the constables of the county, to be paid by the party offending if found guilty. Powers of marshal.
Fees.

SEC. 29. That the aldermen may provide a patrol or watch for the city, and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch. Patrol.

SEC. 30. That the inhabitants, when classed into such watch, each one, either by person or by substitute acceptable to the mayor, shall serve in turn when ordered out by the mayor or other person appointed by the aldermen as director of the watch. Duty of citizens.

SEC. 31. That any person being of the watch or patrol, and failing to serve and faithfully discharge his duties, for each default, if an officer of the watch, shall forfeit and pay four dollars. and if not an officer, two dollars. Penalty for failure to serve on patrol.

SEC. 32. That the sheriff or jailer of Brunswick county is hereby required, without *mittimus*, to receive into the jail of said county as his prisoner any person taken up in the night by the watch, marshal or police of the city of Southport, and to keep such person safely until the following morning, when the offender shall be brought before the mayor or some magistrate resident in the city and be lawfully dealt with; and for such service the sheriff or jailer shall be entitled to such fees as he is in other like cases. If the offender is charged with violation of a law of the State, the fees shall be paid by him, if guilty, and if not, by the county of Brunswick. If the offender is charged with violation of an ordinance of the city, the fees shall be paid by him, if guilty, and if not, by the city. Persons arrested to be received in jail, &c.

SEC. 33. That for any breach of his official bond of any officer of the city who may be required to give an official bond, such officer shall be liable to an action on the same in the name of the city, at the suit of the city, or of any person aggrieved by such breach; and the same may be put in suit, without assignment, from time to time until the whole penalty be recovered. Actions on bonds.

- Auctioneers.** SEC. 34. That the aldermen shall have power to appoint one or more auctioneers in and for the city, and prescribe his duties and fix his compensation, and if any person shall act as auctioneer within the city without being duly authorized or appointed by the aldermen, he shall be deemed to be guilty of a misdemeanor.
- Misdemeanor.**
- Public inspector.** SEC. 35. That the aldermen may elect one of their number, or any other citizen of the city whom they shall deem capable, to fill the office of public inspector; and it shall be the duty of this officer to carefully inspect and examine all articles of food offered for sale within the city limits, and should he find any such articles of food, either vegetable or animal, to be uncleanly, impure, tainted or otherwise unfit for human food, he shall at once notify the persons offering it for sale to cease such offering or selling, and to remove such articles without the city limits, and in case he is not immediately obeyed, it shall be his duty to seize all such articles and cause them to be immediately destroyed. It shall be the duty of any marshal or policeman, when called by the public inspector, to assist him in effecting such seizure and destruction, and to arrest any person who shall resist his authority, and the person so arrested shall be taken before the mayor to be dealt with as other offenders. It shall also be the duty of the public inspector to inspect and examine any cistern, well, spring or other water supply which he shall have reason to believe is impure and unfit for human use; and if, after making such inspection or examination, he shall not be fully satisfied that such water is thoroughly pure and wholesome, he shall notify the owner thereof to stop its use by himself or any other person, until a thorough analysis thereof can be made. And he shall at once cause an analysis of the suspected water to be made, either by the State chemist or other competent person, and if the report of said analysis does not remove all doubt from his mind in regard to the purity of said water, he shall cause the place from which the same was procured, if a cistern, to be thoroughly emptied and cleansed, and if a well or spring, to be filled up, or by some other means rendered forever incapable of being used. All expenses incurred in making such inspection and analysis, except his own fees or salary, he shall report to the mayor of the city, and the amount shall be by him charged to owner of such water supply, and be collected in same way as taxes are collected. The salary of this officer shall be fixed by the aldermen.
- Duties.**
- Duty of marshal, &c.**
- Salary.**
- Taxation.** SEC. 36. That in order to raise a fund for the expenses incident to the proper government of the city, or for the improvement thereof, and to provide for the payment of the interest on the bonded debt of the city, and to provide for a sinking fund to meet the principal of said debt when it shall become due, the aldermen may, at their regular meeting in June of each year, levy and collect the following taxes, to-wit: 1. On all real and personal property within the corporate limits of the city of Southport, including all subjects taxable by the General

Assembly of North Carolina, as specified, set forth and valued on the tax-list of Brunswick county, a tax *ad valorem* not exceeding twenty-five cents on every one hundred dollars in valuation. 2. On all taxable polls residing within the corporate limits of the city of Southport, on the first day of June of each year, a tax not exceeding seventy-five cents; upon every omnibus used for the carriage of persons, for hire, a license tax not exceeding ten dollars per annum, and upon every hack, carriage or other vehicles, including express wagons, used for the carriage of persons or baggage, for hire; and for every dray, wagon or other vehicle, used for transportation of persons, freight or other articles, for hire, a license tax not exceeding three dollars per annum: *Provided*, that in fixing the license on the above enumerated vehicles, the aldermen shall discriminate between one, two or four horse vehicles, and also between the various kinds of vehicles, as to them may seem just, for the enforcement of this section. The aldermen may give notice by ordinance, at their meeting in June of each year, of the amount of license tax fixed on vehicles of each kind. And every person intending to use such vehicles in the city shall report the same to the clerk on or before a day to be fixed in said ordinance, and on payment to the clerk of the amount of license tax fixed on his vehicle or vehicles, shall obtain from him a certificate stating the kind and the number of each kind of vehicle he shall be entitled to use: *Provided*, that any person may take a license *pro rata* for any portion of a year, not less than three months, on such terms as may be fixed by the aldermen; and any person who shall use any such vehicle after the day appointed by the aldermen for procuring the license, shall be deemed guilty of a misdemeanor, and on conviction before the mayor shall be fined double the amount of his license tax, and costs of action.

SEC. 37. That upon every saddle horse kept for hire, a license tax not exceeding five dollars per annum. The license on saddle horses shall be obtained in the same manner as is prescribed for vehicles and under the same penalties. The citizens of Southport and others liable to taxes under this charter shall, on the day prescribed for listing State and county taxes, under oath to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, deliver a list of such property taxable under the charter, and which is not liable to State and county tax under all rules and penalties prescribed for listing State and county taxes; and if any person shall fail to render such list within the time prescribed for State and county taxes, he shall pay double the tax assessed on any article for which he is liable to be taxed under this charter. The clerk shall procure from the register of deeds of Brunswick county a duly certified list of the assessments of the value of property, real and personal, which have been returned to him for taxation, situated within the corporate limits of the city of Southport, and such other records pertaining to

Ad valorem tax.

Poll tax.

License taxes.

Omnibuses.

Hacks, &c.

Provido.*Provido*.

Misdemeanor.

Saddle horses.

Property, how listed.

Penalty for failure to list.

Duty of clerk.

Levy and collection of taxes.

matters taxable by the city as may be kept in his office. The board of aldermen shall have all the powers given to the authorities of Brunswick county pertaining to the revision of the tax list, except the power to alter the valuation of real estate; that as soon as the tax-list can be completed, and not later than the regular meeting of the aldermen in September, they shall proceed to levy the tax upon such subjects of taxation as they shall determine, and shall place the tax-list in the hands of the tax-collector for collection, who shall proceed forthwith with the collection and shall complete the same by the first day of January following: *Provided*, that the aldermen may extend the time for completion of such collection as they may think best, but not later than the first of March next ensuing. The tax-collector shall pay over all moneys as collected as often at least as once a week to the treasurer and take his receipt therefor; and the tax-collector shall receive as his fees for the collection of taxes not more than five per cent. on the amount collected, at the discretion of the aldermen, on the first day of January, or at the time fixed by the aldermen, not later than first of March. There shall be one per cent. added to all taxes due, and on the first day of each month thereafter one per cent. additional until the taxes are paid.

Proviso.

Failure to list, &c., a misdemeanor.

6th. That all persons who are liable for a poll-tax to said city and shall wilfully fail to make return thereof, and all persons owning property and who wilfully fail to list the same as hereinbefore provided, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of the city shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the tax-collector to prosecute offenders against this section: *Provided*, that any person prosecuted under this section may be discharged by the mayor upon the payment of double the amount of tax found to be due by him to the city, together with the costs of the prosecution.

Proviso.

Collection by distress.

7th. That if any person liable to payment of any tax shall fail to pay the same within the time prescribed for collection, the collector shall proceed to collect the same forthwith by distress and sale, after public advertisement for a space of ten days at the court-house door in the said city, if the property to be sold be personal.

Sale of real estate for taxes.

8th. That when the tax due on any lot or other real estate (which is hereby declared to be a lien on the same) shall remain unpaid at the time prescribed by the aldermen for completing collection of taxes, the tax-collector shall either proceed to collect the same by distress and sale of personal property belonging to owner of such lot, if enough of such personal property can be found, or, if enough of such personal property cannot be found, the tax-collector shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon they shall direct the

same to be sold at the court-house door in the city of Southport by the collector. The collector shall, before selling the same, make a full advertisement of said real estate at the court-house door and at three or more public places in the city for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement for sale of real estate belonging to such owner shall be made for one week (during the twenty days above specified) in a newspaper published in the city of Southport; and the collector shall divide said real estate into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as much of said real estate as may be required to pay said taxes and all penalties and expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole, the sale, in either case, to be made at public auction to the highest bidder, for cash; and if no person will bid enough to pay taxes, penalties and expenses for the whole of said property offered, the collector shall bid on behalf of the city the amount of said taxes, penalties and expenses, and no other or higher bid being offered, the same shall be struck off to the city, and if not redeemed as hereinafter provided, shall belong to the city in fee. The collector shall return to the aldermen a statement of his proceedings, specifying the portions into which the real estate was divided and the purchaser or purchasers thereof, and the price of each, which shall be entered upon the book of the proceedings of the aldermen; and if there be a surplus after paying said taxes, penalties and expenses, the same shall be paid into the city treasury, subject to the demand of the owner.

9th. That the owner of any land sold under the provision of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent. in addition thereto.

Redemption of
land sold for
taxes.

10th. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the collector or his successor, under the direction of the mayor of the city, shall convey the same in fee to the purchaser or his assigns. In the event that the city is the purchaser, the collector or his successor shall convey to the corporation of the city of Southport, and the recital in such conveyance, or in any other conveyance of real estate due the city, if the taxes were due and unpaid at date of sale, shall be *prima facie* evidence that the same was true.

Conveyance to
purchaser.

SEC. 38. That in addition to the subjects listed for taxation, the aldermen may levy and collect a tax on the following subjects, the amount of which tax, when paid, shall be collected by the city tax-collector instantly; and if the same be not paid on demand, the same

Additional li-
cense taxes.

- may be recovered by suit or by distress and sale of the articles on which tax is imposed, or of any other property of the owner, which may be forthwith distrained and sold to satisfy said taxes; upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding fifty dollars per year in addition to a tax not exceeding one per cent. on his purchases. This clause is to include all itinerant venders of patent medicines.
- Peddlers.**
- Shooting galleries, &c.** 2d. Upon every shooting gallery, billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or place of any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with a hotel or restaurant, a license tax not exceeding ten dollars.
- Hotels, &c.** 3d. Upon any hotel, restaurant or eating-house, a license tax not exceeding five dollars.
- Retail liquor license.** 4th. Upon any license to retail spirituous or malt liquors, a tax not exceeding two hundred and fifty dollars.
- Circuses, &c.** 5th. Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city, or within one mile outside of the corporate limits thereof, a license tax not exceeding one hundred dollars for each performance and separate exhibition; and upon every side show connected therewith a license tax not exceeding twenty dollars for each performance. The tax herein specified to be paid before exhibition, or otherwise to be doubled.
- Theatres, &c.** 6th. Upon every person or company exhibiting within the city or within one mile outside the corporate limits thereof any stage or theatrical plays, sleight-of-hand performance, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting, otherwise to be doubled.
- Curiosities, &c.** 7th. Upon every exhibition for reward of artificial curiosities, models of useful inventions, exhibited within the city or within one mile of the corporate limits thereof, a tax not exceeding twenty-five dollars, to be paid before exhibition, or the same to be doubled.
- Shows, &c.** 8th. Upon each show or exhibition of any other kind, and on each concert for reward, upon every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same to be doubled.
- Auctioneers, jewelers, dentists, &c.** 9th. Upon each and every of the following subjects and occupations, the aldermen may, at their discretion, impose the following taxes, to-wit: On auctioneers, not exceeding fifty dollars; on jewelers or silversmiths, itinerants offering for sale, not exceeding fifty dollars; on dentists, local or itinerant, not exceeding ten dollars; on drug stores, where liquors, spirituous or malt, are sold other than for medicinal purposes, not exceeding five hundred dollars; on hucksters' stands, not exceeding twenty dollars; on itinerant dealers in light-

ning rods, not exceeding twenty-five dollars; on agents for sale of any patented article, not exceeding twenty dollars; on bank or bank agent, not exceeding one hundred dollars; upon note shaver or broker, not exceeding fifty dollars; upon tobacco manufacturer, not exceeding thirty dollars; upon tobacco warehouse, not exceeding thirty dollars; upon retail dealers in fresh meat, not exceeding thirty dollars; upon each boarding-house, not exceeding ten dollars; upon each ice-cream saloon, not exceeding ten dollars; upon dealers or agents for fertilizer, not exceeding one hundred dollars; upon dealers in lumber, each yard, not exceeding thirty dollars; upon lawyers, not exceeding ten dollars; upon brewers manufacturing and wholesaling their own products, not exceeding twenty dollars; upon dogs, not exceeding two dollars; upon every dealer in or agent for carriages, buggies, wagons, sewing machines, gins, tobacco, tinware, cotton yarn (not the manufacture of Brunswick county), not exceeding twenty dollars; upon every person, or firm, or company selling pistols, bowie knives, dirks, sling shots, brass knuckles or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars. That whenever, in the opinion of the aldermen, it is advisable to obtain land or the right of way in the city for the purpose of opening new streets, or widening or straightening streets already established, or for making of culverts or waterways for carrying water out of the streets, and the aldermen and the owners of the property affected by such proposed improvement cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owners thereof, or to the owners of property in the close vicinity of such proposed improvement by reason of the proposed opening, widening or straightening of said street, or the building or otherwise establishing of such culvert or waterway, the mayor, upon order of the aldermen, shall issue his writ, under the seal of his office, commanding the marshal to summons a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said proposed improvement, and in said writ the proposed improvement shall be fully described, and the persons mentioned who are supposed to be affected thereby. In obedience to said writ, the marshal shall summon the jury of six freeholders as aforesaid, and appoint a day for them to assemble at the mayor's office; the day so appointed shall not be less than twenty nor more than thirty days from the date of the writ. That the marshal shall also serve notice of the time of the meeting of the jury upon all the persons who are named in the writ as supposed to be affected by said proposed improvement, which notice shall be at least ten days before the date appointed for meeting of the jury: *Provided*, that for the purpose of such notice a verbal notice by the marshal to each person, or to his tenant or agent, shall be sufficient. And in case any of such persons, their tenants or agents, are not to be found

Streets, how
opened, &c.

within the city, then a poster at the court-house door, stating in as few words as possible the proposed improvement and the date appointed for meeting of the jury, shall be sufficient notice on the day appointed for meeting of the jury.

Streets, how
opened, &c.

SEC. 39. The marshal, if he has not already summoned them, shall proceed to do so, or to fill any vacancy which may have occurred from any cause in the number which he may have previously summoned; and shall cause them to assemble at the mayor's office, where each of them shall take an oath, to be administered by the mayor, or other competent person, that he will faithfully, truly and impartially assess the damages, if any, which may in his judgment be done to the property of each person named in the writ, or to any other person whose property may in his judgment be damaged by the proposed improvement, and that he will also assess any special benefit or advantage or enhanced value which may be caused to the property of any person named in the writ, or to any other property in the immediate vicinity of proposed improvement. Immediately after the jury shall have taken the oath as above described, they shall proceed, accompanied by the marshal, to view the land of each person mentioned in the writ, and the land of any other person in the immediate vicinity of the proposed improvement which they may consider to be directly affected thereby, and they shall assess the damage, if any, specifying the amount to which each and every one of the premises which they shall have viewed shall be entitled. And the jury shall at the same time take into consideration any special benefit, advantage or enhanced value which in their judgment may accrue to any premises which they may have viewed, by reason of said proposed improvement, and shall state the amount of such special benefit, advantage or enhanced value of each and every one of the owners of said premises. The jury shall forthwith return to the mayor, in writing, a statement, to be signed by each of them, or of a majority of them in case they cannot agree, setting forth distinctly a full report of their proceedings, and stating the amount of damage or advantage which they shall have assessed to each person: *Provided*, that in case the jury shall be evenly divided, and therefore unable to agree on the whole or on any part of said report, they shall state that fact, setting [out] such parts as a majority of them have agreed on, and also the names of the persons as to the damage or advantage of whom they are evenly divided; and therefore [thereupon] the mayor shall order the marshal to summon at once a new jury of six freeholders to take into consideration that part of the report of the first jury on which they were not able to agree, and shall continue this course until an agreement is arrived at, and if necessary the mayor is authorized to extend the time of meeting of the jury from day to day. To accomplish the objects of this section, as soon as practicable after receiving the report of the jury, the mayor shall call a meeting of the board of alder-

men and submit the report to them; and if the aldermen shall conclude that the damage assessed by the jury is excessive, they may decline to pay the same, and discontinue the proposed improvement. If the aldermen shall determine that the amount of damages assessed is not excessive, they shall order the report and finding of the jury approved, and the land so valued by said jury shall vest in the city so long as it may be used for the purpose of said improvement. So soon as the amount of damage so assessed shall have been paid or tendered to the owner or owners thereof, or in case that an appeal, as hereinafter provided for, has been lodged in the hands of the clerk of superior court of Brunswick county, if the jury shall find that the proposed improvements, the amount of such valuation shall vest in the city, and become a lien on the premises mentioned of the jury, and shall be due to the city on the completion of the proposed work, and payable in three equal annual installments; and if not paid at maturity the lot so assessed, or as much thereof as may be necessary to pay said installments and the costs, shall be sold by the tax-collector to pay the same, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of lands for unpaid taxes: *Provided, nevertheless,* Right of appeal. that if any person who is reported in the jury's report to be affected by the proposed improvement be dissatisfied with the amount of damage or of enhanced value with which he has been assessed, or if the aldermen be dissatisfied with any item in the report, then and in that case either party may appeal on the item with which they are dissatisfied to the next term of the superior court of Brunswick county, by giving the adverse party or parties ten days notice in writing. The appellate court in either case shall have power to increase or diminish the amount of damages or enhanced valuation which has been assessed, that shall in no wise adjudicate the necessity of the improvement: *Provided, however,* Proviso. that such appeal shall in no wise hinder or delay the aldermen in making the proposed improvements; but it shall be lawful for them or their agent to enter upon and use the property so condemned as soon as the amount of damages assessed by the jury shall have been paid or tendered to the parties to whom it is due, or in case of an appeal by either party, when the amount to which the appeal refers shall have been paid into the hands of the clerk of the superior court of Brunswick county, to be by him held subject to order of said court. That when any Condemnation of land, water, &c., for reservoirs, &c. land, water or water-courses, or right of way, either within or without the corporate limits of the city of Southport, that in the opinion of the aldermen be required for the purpose of erecting or establishing reservoirs, conducts, main or supply pipes, or for obtaining a supply of water for the use of said city, or the citizens thereof, or for any other purpose connected with the successful operation of water-works in said city, and the owners of such property cannot agree

- with the aldermen as to the price to be paid therefor, the proceedings for condemnation shall be the same as is prescribed in foregoing sections for condemnation of land for streets or other improvements; and for the purpose of successfully operating the water-works contemplated by this section, the aldermen of the city of Southport are fully authorized to extend the lines of water-works beyond the city limits, in any direction thought most advisable, with all the rights and privileges belonging to said aldermen within the city limits in addition to the authority herein granted: *Provided, however,* that in case of discontinuance of the use of the land, either for the purposes mentioned in this or the preceding sections, and on its reverting to the owners, the city shall have the right to remove any property or improvement under its authority erected thereon: *Provided further,* that the owner or owners of land, rights of way, water or water-courses, required for the purpose mentioned, shall have at least twenty days written notice, under the seal of the mayor's office, of the time and place of meeting, and of the purpose of the jury. If a resident of the city of Southport, said notice shall be served by the marshal, if in the city, if not, for the purposes of this it will be sufficient if the notice be left at his known place of residence; if a non-resident, and his post-office address is known, a registered letter, with postage prepaid, addressed to him and deposited in the post-office at Southport, and a return receipt for said letter, shall be deemed and taken as sufficient notice; if his address is not known, publication for two weeks shall be made in some newspaper published in Southport, of the time and place of the meeting of the jury and the purposes thereof.
- Streets to be kept clean, &c.** SEC. 39. That the aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and ascertain the location of those already established and lay out and open others, as in section thirty-eight provided for, and may reduce the width of streets now established. They may establish parks for pleasure grounds for the citizens of the city, and pass ordinances for protection of shade trees.
- Parks.**
- Side-walks.** SEC. 40. That when there is no sidewalk, and has never been any in existence in convenient walking order along any lot in said city, the owner shall be required to pay such portion of the expense of making a sidewalk along such lot as three disinterested assessors of said city, who shall be freeholders, to be appointed by the aldermen, may estimate that the property is enhanced in value by such improvement: *Provided,* that the owner shall have the privilege of building said sidewalk along his lot immediately, and in the manner prescribed by the aldermen, instead of paying the amount with which he has been assessed; and if the owner of such lot shall neglect or refuse to put down said sidewalk when directed to do so by the aldermen, and shall refuse or neglect to pay the amount so assessed against him to
- Proviso.**
- Proviso.**
- Proviso.**

the treasurer of the city, said sidewalk shall be made by the city and the amount assessed against the owner of such lot shall be a lien on the same, and if not paid on demand so much of such lot shall be sold as may be sufficient to pay said assessment and the costs, under the same rules and regulations, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes. Before making such assessment the assessors shall appoint a time and place of meeting, and shall give at least three days notice thereof to all parties interested, stating the purposes of such meeting, and after being duly sworn by the mayor or other competent person, they shall proceed to make the assignment [assessment] and report the same to the mayor in writing: *Provided*, that either party may appeal to the superior court of Brunswick county; but the aldermen, notwithstanding the appeal, may proceed with the work.

SEC. 41. That any owner of a lot, or person having as great an interest therein as a lease for three years, which shall front on a street on which a sidewalk has been established, shall repair or improve said sidewalk in such manner as the aldermen may direct, as far as it extends along such lot; and upon failure to do so immediately upon notice by the aldermen to such owner, or, if he be a non-resident, to his agent, or, if he has no agent, then, after advertisement at the court-house door and upon the said lot for five days, the aldermen may cause the same to be repaired in such manner and with such material as to them may seem right and proper, and the expenses shall be paid by the person in default, and said expenses shall be a lien upon said lot, and if not paid upon demand, such lot, or so much thereof as is necessary, shall be sold by the collector of taxes to pay said expenses and costs of sales, under the same rules, regulations, restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes.

SEC. 42. That no mayor or alderman or other officer of the city government shall directly or indirectly become a contractor for work to be done by the city; and any person herein offending shall be guilty of a misdemeanor.

SEC. 43. That the aldermen may require and compel the abatement of all nuisances within the city limits at the expense of the person causing the same or the owner or tenants of the ground whereon the same shall be. They may also prevent the establishment within the city, and may regulate the same if allowed to be established, any slaughter-house, or the exercise within the city of any dangerous or unhealthful trade, business or employment.

SEC. 44. That the aldermen shall have power to prevent dogs, horses, cattle and other brutes from running at large in the city either in day or night time.

SEC. 45. That the aldermen may prohibit and prevent by penalties the riding or driving of horses or other animals on the streets of

Right of appeal.

Land-owners to repair sidewalks, &c.

On failure, city to repair.

Lien for expenses

City officer not to become contractor for city work. Misdemeanor.

Nuisances.

Dogs, &c., running at large.

Fast driving, firing guns, &c.

the city at a furious or dangerous speed; and also the firing of guns, pistols, pop-crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere; and may, by ordinance, prevent the carrying concealed deadly weapons in the city. The aldermen may establish all public buildings necessary and proper for the interest of the city; that the aldermen may provide one or more grave-yards in or near the city, and regulate the same; may appoint and pay a keeper and returning bills of mortality; and they may prohibit interment in the city. Every person owning, occupying or having charge of houses or structures of any kind shall obey all lawful requirements of the aldermen in regard to precaution against fire or the spread thereof, and any person who shall wilfully refuse so to do shall be guilty of a misdemeanor, and the aldermen shall have power to remove or cause to be removed any building or structure that may become dangerous on account of fire; that the aldermen may provide for the establishment, organization, equipment and government of one or more fire companies; the aldermen may take such measures as they deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose any person coming into the city from places believed to be infected with such disease; may establish and regulate hospitals within the city limits or within three miles thereof; may cause any prison [person] or persons in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city and may destroy any furniture or other article which shall be suspected of being tainted or infected with contagious or infectious disease, or cause the fumigation of any house or room in the city with such disinfectants as may be necessary to destroy the germ of any infectious or contagious disease suspected to remain in said house by reason of any such disease having been found therein, and of which there may be reasonable cause to apprehend that the house may cause the spread of the disease. That in case any person shall be removed to hospital, the corporation may recover, before the mayor or any justice of the peace, of such person the expense of his removal, support, nursing and medical attendance, and burial expenses in case of death. That if any person shall attempt, by force or by threats of violence, to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay the city one hundred dollars, and, moreover, be deemed guilty of a misdemeanor. That in order to guard against the introduction and spread of small-pox in the city, the aldermen may require all persons not sufficiently vaccinated to be forthwith vaccinated; and for the purpose of carrying out the provisions of this section the board of aldermen may appoint a health officer for the city, who shall be a physician skilled in the science of medicine.

Public buildings.
Grave-yards.

Misdemeanor.

Fire companies.

Contagious diseases, &c.

Expenses of person removed to hospital.

Penalty for attempting to prevent removal to hospital.

Prevention of small-pox.

The aldermen may prescribe his duties and fix his compensation, and make such suitable provisions and pass such ordinances, not inconsistent with the constitution and laws of North Carolina, as may be best calculated to carry into effect the spirit and meaning of this act. That all penalties imposed by law or by this act shall be recovered in the name of the city of Southport before the mayor or any other tribunal having jurisdiction thereof.

Penalties, how recovered.

SEC. 46. That all penalties incurred by any minor for the breach of any provisions of this act, or of any ordinance passed in pursuance thereof, shall be recovered from the parents, guardian, or master if the minor be an apprentice. That from any judgment of the mayor for any fine or penalty which is imposed, or allowed to be imposed by this act, or for the violation of any ordinance or by-law of the city, the party dissatisfied may appeal to the next inferior or superior court of the county of Brunswick in like manner and under the same rules and regulations as are prescribed for appeals from judgments of justices of the peace. 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 recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State under which he may be arrested and recognized to appear before a court of record, or for the violation of any ordinance or by-laws by the aldermen of said city, one dollar, to be taxed, on submission or conviction of the offender, among the other costs; for every warrant to arrest an individual who may have fled from other States or counties, to be paid on removal of offender by such as may convey him away, two dollars; for the use of the city seal for other than for city purposes, for each impression, one dollar; for every certificate for other than city purposes, fifty cents.

Penalties incurred by minor, how recovered.

Right of appeal.

Mayor's fees.

SEC. 47. That arrests may be made by the marshal or any policeman of the city in the following cases: First, whenever he shall have in his hands a warrant duly issued by the mayor of the city of Southport or a justice of the peace of the county of Brunswick: whenever any misdemeanor or violation of any ordinance shall be committed in his presence; whenever a misdemeanor or violation of any ordinance has been committed and he has reasonable cause to believe that the suspected party may make his escape before a warrant can be obtained.

Arrests by marshal, &c.

SEC. 48. That in making arrests the marshal or policeman shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State statute. When arrests have been made the prisoners shall be immediately carried before the mayor or some other competent officer for trial, except in the following cases: 1. When the arrest is made between sunset on Saturday

Duty of marshal, &c., in making arrests.

and eight o'clock Monday morning following. 2. When the arrest is made in the night. 3. When the person arrested is found to be in a state of inebriation. 4. When, for the safe keeping of the party arrested, imprisonment is necessary; in all of which cases the prisoner may be committed, without *mittimus*, to the city or county jail. The marshal or chief of police shall, at the opening of the mayor's court every morning, report all commitments or arrests made since his last report, specifying name of prisoner, cause and time of commitment or arrest, and the prisoner shall be brought before the mayor for trial as early as practicable. Whenever any arrest is made by any city officer, it shall be lawful for him to summons any of the by-standers as witnesses, and such summons shall be as binding as though made by subpoena issued from competent authority. If any person resist or obstruct an officer of the city in the discharge of his duties, by force or threats, such person shall be subject to a fine of not less than five nor more than fifty dollars.

Penalty for resisting officer.

Conflicting laws repealed.

SEC. 49. That this act shall be in force from and after its ratification: *Provided*, that all laws heretofore constituting the charter of the city of Southport, and affecting the government thereof, in the grants heretofore made of its corporate franchise and powers, so far only as they may be inconsistent or come in conflict with the provisions of this act, and all laws of a public or general nature inconsistent with this act are hereby repealed so far only as they may affect the city of Southport: *Provided, however*, that such repeal shall not annul any ordinance, by-laws or rule of the corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done, or any right accruing or accrued, or established, or any suit had, or commenced in any case before the time when such repeal shall take effect; neither shall any right, estate, duty or obligation possessed by or due the corporation by its present name from any corporation or person whatever be lost or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the city of Southport; nor shall any right, duty, obligation nor liability whatever accrued or owing to the State, or to any corporation or person, by such repeal be lost, affected or impaired, but the same shall remain in full force, and may be possessed, enforced and enjoyed by the State and such corporation or person against the corporation by this act styled the city of Southport.

Proviso.

Offences heretofore committed not affected, &c.

SEC. 50. That no offence committed, and no penalties, fines or forfeitures incurred, under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or fine shall have been mitigated by the provisions of this act, such provision may be extended and applied to any judge[ment] to be pronounced after the repeal: *Provided*, that no suit or prosecution pending

Proviso.

at time of the repeal for any offence committed, or for any penalty, fine, or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further*, **Proviso.** that no law heretofore repealed shall be revived by the repeal of any act repealing such law: *Provided*, that all persons who, at the time **Proviso.** when said repeal shall take effect, shall hold any office under any of the acts hereby enacted, shall continue to hold the same with all the rights and privileges now attending said office according to the tenure thereof until their successors shall be elected and qualified under the provisions of this act.

SEC. 51. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 79.

An act to amend the charter of the town of Plymouth.

The General Assembly of North Carolina do enact :

SECTION 1. The town of Plymouth shall be divided into four wards, **Divided into four wards.** as follows: That portion of the said town embraced within the following boundaries, to-wit, beginning at the northeast corner of lot one hundred and thirty-two, on Water street, and running westwardly **First ward.** along Water street to Monroe street; thence southwardly along Monroe street to Second or Main street; thence eastwardly along Second or Main street to the southeast corner of lot one hundred and eight; thence in a straight line to the beginning, shall be the first ward. That part of the said town embraced within the following boundaries, **Second ward.** to-wit, beginning at the northeast corner of lot eighty-five, on Second or Main street, and running westwardly along Second or Main street to Monroe street; thence southwardly along Monroe street to Third street; thence eastwardly along Third street to the southeast corner of lot sixty-one; thence in a straight line to the beginning, shall be the second ward. That part of the said town embraced within the **Third ward.** following boundaries, to-wit, beginning at the northeast corner of lot thirty-seven, on Third street, and running westwardly along Third street to Monroe street; thence southwardly along Monroe street to Fourth street; thence eastwardly along Fourth street to southeast corner of lot thirteen; thence in a straight line to the beginning, shall be the third ward. All that part of said town not embraced within **Fourth ward.** the foregoing boundaries of said first, second and third wards shall be the fourth ward.

SEC. 2. The corporate powers of the town of Plymouth shall be vested in and exercised by eight councilmen, two from each ward, who shall be known as the "board of councilmen of the town of **Board of councilmen.**"

- Election.** Plymouth." Each ward shall elect on the first Monday in May, eighteen hundred and eighty-nine, and annually on the same date thereafter, two councilmen, who shall hold their office for one year and until their successors are elected and qualified. In case of
- Vacancies.** vacancy in said board at any time, the said board shall elect a suitable person to fill the same from the ward in whose representation the
- Mayor.** vacancy exists. Said board of councilmen shall, at their first meeting, elect one of their number mayor, who shall hold office for one year, and shall preside at all meetings of said board, and shall have the vote of a councilman and also the casting vote in case of a tie.
- Mayor pro tem.** In case of the absence or death of said mayor, the said board shall elect from their number a mayor *pro tempore*, who shall have during the interval the full power of a mayor.
- Electors.** SEC. 3. That at the municipal elections herein provided for, the qualifications of an elector shall be as prescribed in the general election law of the State, with this additional qualification: that he shall have resided ninety days in the ward in which he offers to vote immediately preceding the day of election. The qualifications of a
- Qualification of councilman.** councilman shall be the same as an elector, as stated herein. The
- County commissioners to appoint registrars and inspectors for first election.** board of county commissioners of Washington county shall, at their March or April meeting in eighteen hundred and eighty-nine, appoint registrars and inspectors of election as in the general election law, and one polling place in each ward for the election to be held on the first Monday in May, eighteen hundred and eighty-nine; and the
- Registration.** registrars so appointed shall keep open their registration books on Thursday, Friday and Saturday, immediately preceding the day of election, in some convenient place in each ward between the hours of eight A. M. and five P. M., when all persons legally entitled to register may do so. At all future registrations the board of councilmen shall appoint polling places, registrars, and inspectors as above
- Future elections councilmen to appoint registrars, &c.** prescribed, who shall be governed as laid down above, and shall have all the duties and powers of registrars and inspectors in the general election law not inconsistent herewith. If, among the persons voted for as councilmen in any ward, there shall be two or more having an equal number of votes, the registrars and inspectors in such ward shall decide the election between such persons.
- Tie vote.**
- Constable.** SEC. 5. That the constable of the town of Plymouth shall be elected by the board of councilmen of said town at the first meeting held by them after their election, or if, for any cause, the constable cannot then be elected, then as soon thereafter as practicable.
- Term of office.** SEC. 6. That said constable shall hold his office for one year and until his successor be elected and qualified.
- Taxation.** SEC. 7. The said board of councilmen shall levy the taxes for the corporation on all subjects of taxation as allowed by law, but the rate of taxation on real and personal property shall not exceed forty cents on the one hundred dollars valuation, except with the approval of

the General Assembly. The valuation of property on which said corporation tax is levied shall be taken from and be the same as the general valuation for State and county taxation.

SEC. 8. That the said constable of the town of Plymouth shall collect the taxes levied by the board of councilmen, and shall, before he qualifies, give bond with sufficient surety payable to the State of North Carolina, in such sum as the board of councilmen may prescribe, which sum shall be at least double the amount of tax levied the previous year, to account faithfully for and pay over the same according to the direction of said board and to faithfully execute said office, and obey in all respects all lawful orders of said board, upon which bond suit may be brought by said board. This bond, when proved before the mayor and approved by the board of councilmen, shall be recorded in the office of the register of deeds.

Collection of taxes.

SEC. 9. That the tax-list, when placed in the hands of the said constable, shall have the force and effect of an execution in his hands against the property of the persons assessed therein, and the said constable shall have the same powers, rights and remedies for the collection of said taxes as are possessed by sheriffs for the collection of the taxes on the lists in their hands.

Tax-list to have force of execution

Powers of constable in collecting taxes.

SEC. 10. That the said board of councilmen shall, at the same time as the election of constable, elect a treasurer for the town of Plymouth, who shall give bond in all respects as is prescribed for the constable, to faithfully execute the duties of his office, to pay out all moneys which may come into his hands as treasurer on the warrants of said board, and to render to said board a just and true account therefor whenever required by them.

Treasurer.

SEC. 11. The compensation of all officers of the town shall be fixed by said board of councilmen.

Compensation of officers.

SEC. 12. That the general town law as contained in chapter sixty-two of The Code shall apply to the town of Plymouth, except where it is inconsistent with this act.

General town law applicable to Plymouth.

SEC. 13. That this act shall be in force from and after its ratification, and all acts and parts of acts in conflict with this act, and all charters and amendments to charters of the town of Plymouth heretofore enacted, are hereby repealed.

Conflicting laws repealed.

Ratified the 5th day of March, A. D. 1889.

CHAPTER 80.

An act to amend chapter 25 of the laws of the year 1887 of the private laws of North Carolina.

The General Assembly of North Carolina do enact :

Chapter 25, private laws 1887, amended.

Corporate limits of Maxton, Robeson county.

SECTION 1. That section two, chapter twenty-five, private laws of the year one thousand eight hundred and eighty-seven, be amended by striking out all of said section after the word "railroad," in line three of said section, and inserting in lieu thereof as follows: "Twenty-eight (28) chains west of the center of the intersection of Patterson street with said railroad, and runs north twenty-three and one-half degrees east perpendicular to said railroad forty chains; thence south sixty-six and one-half degrees east parallel to said railroad seventy chains; thence south twenty-three and one-half degrees west perpendicular to and across said railroad eighty-two chains; thence north sixty-six and one-half degrees west parallel to said railroad seventy chains; thence north twenty-three and one-half degrees east perpendicular to said railroad to the beginning."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 81.

An act to amend chapter 2, laws of 1880, incorporating the town of Randleman, in Randolph county.

The General Assembly of North Carolina do enact :

Chapter 2, private laws special session 1880, amended.

Name of Randleman Mills changed to Randleman.

Corporate limits.

Corporate powers

Revised Code, chapter 111, amended.

Towns not required to keep bridges in town in repair.

SECTION 1. Amend section one by striking out the word "mills" in the first line.

SEC. 2. Amend section two by striking out the words "to the boundaries of Randleman township," in the second line, and inserting in lieu thereof "three-fourths of a mile north, south, east and west from the Baptist church."

SEC. 3. Amend section five by striking out all after the word "Code" in third line.

SEC. 4. Amend chapter one hundred and eleven, section sixteen, of the Revised Code, by striking out the word "bridge" in second line.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 82.

An act to extend the corporate limits of the town of Milton.*The General Assembly of North Carolina do enact :*

SECTION 1. That the corporate limits of the town of Milton, in the county of Caswell, be and the same are hereby extended as follows: Beginning at the northwest corner of the present limits along the Virginia line four hundred feet; thence in a southerly direction, parallel with the western boundary of said town to the Milton and Yanceyville wagon road; thence east four hundred feet to the present limits.

Corporate limits extended.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 83.

An act to amend the charter of the town of Hendersonville.*The General Assembly of North Carolina do enact :*

SECTION 1. That the private laws of 1887, chapter 67, section 1, shall be amended by striking out all [before] and inserting after the word "commissioners," in line 18, the following: "But when said petition shall be so filed, the commissioners shall pass upon the same, and if found sufficient, shall so adjudge the matter finally, and shall then call an election, to be held by a registrar and three judges, to be appointed by them from the freeholders and citizens of said town, at the court-house, which judges shall, at sunset on the day of said election, close the polls, count the votes, declare the result and make a true return of said result under their hands to the said commissioners on the day following, with a like return to the register of deeds for the county of Henderson, who shall record the same in the registry of deeds. The said commissioners shall examine the returns, and if found regular, shall so determine, and their determination, when entered upon the record of the minutes of the town, shall be conclusive as to the said election against all persons, unless appealed from to the superior court in ten days thereafter. That when a majority of the voters of said town shall approve a proposition to borrow money to supply the town with water, lights and such other things as are allowed by law, in the manner aforesaid, the said commissioners of said town shall have power to issue interest-bearing bonds, with interest and principal payable at times and places fixed by them, to be signed by the mayor and attested by the corporate seal; and they

Chapter 67, private laws 1887, amended.

Election on question of borrowing money, &c.

Commissioners to issue bonds on affirmative vote.

- Special tax.** shall have power, for the sole purpose of paying said bonds, their interest and the expenses incidental thereto, to levy and collect, by taxation on the subjects of taxation in said town, in addition to the taxes now allowed by the said town charter, an amount not exceeding twenty-five cents on the one hundred dollars worth of real and personal property and one dollar and fifty cents on every taxable poll.
- Chapter 35, private laws 1883, amended.** SEC. 2. That section 5 in chapter 35 of the private laws of 1883 shall be amended by striking out the word "*licensed*," in subsection (1), and by adding after subsection (21) the following subsection (22): "On all trades, professions, callings or avocations, not otherwise mentioned in chapter 35, private laws of 1883, a tax not to exceed fifty dollars, with power in the commissioners to grade or classify."
- License tax.** "On all trades, professions, callings or avocations, not otherwise mentioned in chapter 35, private laws of 1883, a tax not to exceed fifty dollars, with power in the commissioners to grade or classify."
- Section 7 stricken out.** SEC. 3. That section 7 of chapter 35 of said private laws of 1883 shall be stricken out, and the following substituted in its place, viz.:
- Condemnation of land for streets, water works, &c.** "The board of commissioners of said town, for the purpose of opening, widening, changing or establishing streets and alleys, and for the purpose of constructing water and gas works and sewerage pipes, and laying down and removing water, gas and sewerage pipes in said town, shall have power to enter upon the land of private persons and condemn such land as shall be necessary in their judgment for the good of the town and to promote the general interest of the public, and for the purpose of a good system of water-works for the said town. The said commissioners may have the right to enter upon and condemn land, for the said purposes mentioned in this section, outside and within two miles of said corporation of the town of Hendersonville; and the said board of town commissioners shall pay the owner or owners of such land as shall be condemned under this section such damages as they may sustain, and if the commissioners and the owners of the land cannot agree upon the damages, the same shall be settled by three citizens qualified to act as jurors, one to be chosen by the commissioners, one by the owners of the land, and the third by the two others chosen. And if either the commissioners or the owners of the land are not satisfied with the award of the said arbitration, they may appeal to the next superior court of Henderson county, upon written notice to the adverse party, and the whole matter may then be tried *de novo* by the court and a jury, and the damages assessed or agreed upon shall be paid as other town liabilities by taxation: *Provided*, that the litigation about damages shall in no way interfere with or stay the commissioners of the town from taking possession of the land as condemned as aforesaid for the use of laying down and removing water, gas and sewerage pipes; but in no case shall said commissioners be empowered to take possession of, open and use, for street purposes, until said litigation shall have been adjusted."
- Right of appeal.** And if either the commissioners or the owners of the land are not satisfied with the award of the said arbitration, they may appeal to the next superior court of Henderson county, upon written notice to the adverse party, and the whole matter may then be tried *de novo* by the court and a jury, and the damages assessed or agreed upon shall be paid as other town liabilities by taxation: *Provided*, that the litigation about damages shall in no way interfere with or stay the commissioners of the town from taking possession of the land as condemned as aforesaid for the use of laying down and removing water, gas and sewerage pipes; but in no case shall said commissioners be empowered to take possession of, open and use, for street purposes, until said litigation shall have been adjusted."
- Proviso.** *Provided*, that the litigation about damages shall in no way interfere with or stay the commissioners of the town from taking possession of the land as condemned as aforesaid for the use of laying down and removing water, gas and sewerage pipes; but in no case shall said commissioners be empowered to take possession of, open and use, for street purposes, until said litigation shall have been adjusted."
- Section 17 amended.** SEC. 4. That section 17 of chapter 35 of said private laws of 1883
Corporate limits. be amended by striking out the word "*half*," after the word "*one*,"

in line second, and by striking out all after the word "court-house," in said section.

SEC. 5. That the said board of commissioners shall have power to make laws punishing by fine or imprisonment any person who may use language or make demonstrations calculated to provoke an assault, or bring about a breach of the peace, and may punish the same whether a breach of the peace shall follow or not: *Provided*, that a conviction by the town shall not protect an offender against a charge of violating the State laws.

Commissioners empowered to make laws to punish persons using violent language, &c.

Proviso.

SEC. 6. That for the purpose of enforcing the payment of such special or privilege taxes as the said board of commissioners may lawfully levy, they shall have the power to make and enforce ordinances making it a misdemeanor to fail to comply with the regulations of the town with regard to the manner and time of paying such special or privilege taxes.

Commissioners authorized to pass ordinances making it a misdemeanor to fail to pay license taxes, &c.

SEC. 7. That all laws conflicting with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 84.

An act to extend the corporate limits of the town of Madison, in Rockingham county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Madison, in Rockingham county, North Carolina, be as follows: Beginning at the north pier of the county bridge, thence running north with Water street to the northeast corner of the town of Madison; thence northerly along the east side of the right of way of the R. and S. Railroad to the Mayo road; thence northwest to the public road leading from Madison to Ayersville, to what is known as the "old brick-yard"; thence southwest to a white oak, at what is known as the "old free school house"; thence southwest to Vaughn, Price and McGehee's corner, at a rock known as "the double poplar"; thence south with Vaughn and McGehee's line to the Germanton road; thence south on Vaughn and Martin's line two hundred feet; thence east parallel with said road to a pine opposite and south of Wall's corner (west corner); thence south to a rock at edge of Vaughn's bottoms on south side of R. and S. Railroad; thence on south side of said road east to the north end of the trestle of C. F. and Y. V. Railroad; thence east to the beginning.

Corporate limits extended.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 85.

An act to incorporate the Morganton Land and Improvement Company.

Preamble.

WHEREAS, The Morganton Land and Improvement Company has heretofore been incorporated before the clerk of the superior court of Burke county under chapter sixteen of The Code, and the organization perfected by the election of officers and the adoption of by-laws, and business conducted under said organization; and whereas, it is desired to enlarge the franchise and privileges of the said company: therefore,

The General Assembly of North Carolina do enact:

Incorporation before clerk validated.

That said incorporation before the clerk of the superior court of Burke county, on the 1st day of August, 1887, and the organization of the company, election of officers, adoption of by-laws, subscription for and transfers of stock, and all conveyances heretofore made by or to said company or any person for it, and all contracts made by or with said company, are hereby ratified and declared valid.

Body politic.

SECTION 1. And that Edward W. Lyon, of Raleigh, Walter Brem, of Charlotte, Samuel T. Pearson and N. B. Dillworth, of Morganton, North Carolina, and Marvin F. Scaife, of Pittsburg, Pennsylvania, and W. F. Walworth, of Cleveland, Ohio, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and title of the "Morganton Land and Improvement Company," and under that name and style may sue and be sued, plead and be impleaded in any court of the State, contract and be contracted with, and adopt and use a common seal which they may alter at their pleasure; shall have perpetual succession and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of the State.

Corporate name.**Corporate powers**

SEC. 2. That the capital stock of said company shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, with the right to increase the same to an amount not exceeding five hundred thousand dollars.

Capital stock.**Organization under charter from clerk validated.**

SEC. 3. That the organization of the company having been perfected under the original letters of incorporation issued by the clerk of the superior court of Burke county, no notice of the first meeting under this act shall be required or given, and said organization is declared valid and is hereby ratified; and the directors of said company shall make rules and regulations or by-laws as may seem proper to them for the government of said company, elect such other officers as may be necessary, prescribe the terms and duties of all officers, and may

Powers of directors.

require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation.

SEC. 4. That the principal place of business of said corporation shall be Morganton, North Carolina. Place of business.

SEC. 5. That said company shall have full powers— Corporate powers

(1). To buy, lease, exchange, hold, own, sell and convey real and personal property in any amount, with all rights and privileges in connection therewith: *Provided*, this corporation shall not have power to take, hold or own the fee simple or less interest in more than three hundred acres of land, to an amount at any one time greater than one hundred thousand acres, nor for a longer period than thirty years.

(2). To improve, 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, mining companies or building companies, and do any and all things expedient for utilizing and disposing of the property of the company or of aiding or inducing immigration.

(3). To subscribe for stock or enter into partnership or arrangements for sharing profits with any person or company projected in this State.

(4). To build or construct houses, hotels, mills, work-shops, factories, or other business premises, or to equip and maintain them; to establish, build, and equip with rolling and other stock, and operate rail, tram, turnpike or other roads, connecting the property of the company with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams not navigable, under the rules and regulations required by law.

(5). To establish and maintain telegraph or telephone lines, canals, aqueducts, reservoirs, streets, gas or electric light works, and other works that may be deemed necessary or convenient for the company; and shall have the right, power, charter and franchise to charge such toll, fees or compensation as is reasonable for the use or service of its property, or travel over its roads or bridges, or telegraph or telephone lines; and to further each and all of these ends, this corporation has hereby conferred upon it all the rights, powers, privileges and immunities conferred upon railroad companies and telegraph companies by chapter 49 of The Code of North Carolina, entitled "railroad and telegraph companies," and when any lands or rights of way shall be required by said company for constructing any road, canal or bridge, or other way, over the lands of other persons, and the parties are unable to agree on the compensation, the mode of procedure for the condemnation of said land shall be as prescribed by law in case of railroad companies.

(6). To lend money, either with or without security, or to invest moneys of the company upon such securities or in such manner as

may be expedient; to receive money on deposit or interest or otherwise, and to lend the same; to make, accept, endorse and issue promissory notes, bills of exchange or other negotiable instruments.

Proviso. (7). To issue bonds of the company and to secure the same by executing a mortgage or mortgages on the property of the corporation or any part thereof; to sell, mortgage, lease or otherwise dispose of any of the property or effects of the company, for such consideration or on such terms as the directors may think fit, particularly for shares or securities of any other company: *Provided*, that no bonds of the corporation shall be issued except upon an affirmative vote of three-fifths of the stockholders, voting three-fifths of the stock.

Liability of stockholders. (8). To take subscriptions for shares of capital stock, either in money, real estate or other valuable property.

SEC. 6. That the corporators and stockholders of said company, their associates, successors and assigns, shall not be individually or personally responsible for the debts, contracts, obligations or engagements or torts of said corporation in excess of the amount of stock owned and paid for by him.

Conflicting laws inoperative, &c. **SEC. 7.** That all sections or parts of sections of chapters sixteen (16) and forty-nine (49) of volume 1 of The Code of North Carolina, or other law in conflict with this act, are hereby declared inoperative as far as they may effect the privileges, rights and powers herein conferred: *Provided*, that nothing in this act shall be so construed as to allow said company the right to charge or demand more than the existing legal rate of interest.

Proviso. **SEC. 8.** That this act shall be in force from and after the date of its ratification.

Ratified the 5th day of March, A. D. 1889.

CHAPTER 86.

An act to incorporate the town of Elkin, in the county of Surry.

The General Assembly of North Carolina do enact:

Incorporated. **SECTION 1.** That the town of Elkin, in the county of Surry, be and the same is hereby incorporated by the name and style of the town of Elkin, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits. **SEC. 2.** That the corporate limits of said town be as follows: Beginning at a point on the Yadkin river where A. Chatham's and W. K. Bryan's lands join, running with their original line a little west of north to W. K. Bryan's northwest corner; thence in a westerly direction, passing north of T. L. Gwyn's residence, crossing the Elkin creek near the bridge above E. D. Harris' to the Elk Spar road,

so as to include William Gilliam; thence in a southerly direction, passing on the west side of W. W. Harris' residence, to the Yadkin river; then down said river to the beginning, being about one mile square.

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 clerk and treasurer. **Officers.**

SEC. 4. That there shall be an election for officers on the first Monday in May, one thousand eight hundred and ninety, and every year thereafter, under the same restrictions that county and State elections are held. All male citizens over twenty-one years of age who have resided in the State twelve months, and ninety days in said corporation previous to the day of election, shall be entitled to vote in said election. **Election.**
Electors.

SEC. 5. That said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under chapter sixty-two, volume two of The Code; and, in addition thereto, they shall have power to pass by-laws, rules and regulations for the 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 payable into town treasury.**

SEC. 7. That until an election is held on the first Monday in May, one thousand eight hundred and ninety, the following named persons shall fill the offices above named, viz.: mayor, A. Chatham; commissioners, R. R. Gwyn, A. G. Click, G. T. Roth, T. L. Gwyn and Dr. J. W. Ring; constable, Frank Sharp. **Temporary officers.**

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 87.

An act to incorporate the town of Ingold, in the county of Sampson.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Ingold, in the county of Sampson, be and the same is hereby incorporated under the name and style of the town of Ingold, and as such shall be subject to the provisions of chapter sixty-two (62), 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 at the point where the public road leading from the Eddie bridge comes into the public road leading from Lisbon to Clinton, **Corporate limits.**

and extending from said point where the roads aforesaid intersect one-half mile in every direction, that is, north, east, south and west.

Temporary officers.

SEC. 3. That until their successors are elected and qualified, as by law directed, the officers of said town shall be as follows: J. D. Johnson, mayor; Dr. Henry Sloan, J. W. Green, Thomas Sloan and T. B. Owen, commissioners of said town; and D. M. Peterson, constable; and such other officials as they may elect under chapter sixty-two of The Code.

Misdemeanor to sell liquor within corporate limits.

SEC. 4. That it shall be unlawful for any person to sell any intoxicating liquors, wine or cider, within the incorporate limits of said town, and any person found guilty of violating the provisions of this section shall be guilty of a misdemeanor, and punished in the discretion of the court.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 88.

An act to amend the charter of the town of Marshall, in Madison county.

The General Assembly of North Carolina do enact:

Chapter 48, laws 1862-'63, amended.

SECTION 1. That an act of the General Assembly of North Carolina, entitled "an act to incorporate the town of Marshall, in the county of Madison," ratified the 12th day of -----, one thousand eight hundred and sixty-three, 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 Marshall be continued as such until the next regular election, as provided in section three thousand seven hundred and ninety-seven, chapter sixty-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 Marshall, 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.

Mayor and commissioners continued in office until next election.

Body politic.

Corporate powers

Officers.

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 The Code of North Carolina; and the said mayor and board of commissioners, 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 in said chapter sixty-two of The Code of North Carolina, and to be subject to all the provisions thereof not in conflict with the provisions of this act.

Powers of mayor and commissioners.

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.

Taxation.

SEC. 4. That the secretary of the board of commissioners shall be a tax-lister, and shall give ten (10) days notice at three public places in said town, within the month of June of each and every year, of the time and place of listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall, to said 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 such year, make and return to said board a list of the tax-payers of said town, together with said property, for revision; and after the board shall revise said list and affix the amount of taxes due from each tax-payer, and shall equalize said tax-list so that all the property may be valued as near equally, according to value, as near as possible, they shall cause the same to be copied into a book, 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 1st day of February in each and every year thereafter; and said tax-list shall have the force of a judgment and execution for the taxes therein mentioned: *Provided*, that the tax-collector shall give a good and justified bond in double the amount of the tax-list for the faithful performance of his duty, to be approved by the board: *Provided further*, that any person failing to list his property or poll, after notice, shall be liable to double tax, and said party shall be guilty of a misdemeanor and fined twenty-five dollars: *Provided further*, that any and all property or polls not listed as aforesaid shall be placed on the discovery list, subject to the above provisions, and the tax shall be collected as other taxes are collected.

Listing of property for taxation.

Collection of taxes.

Tax list to have force of execution.

Bond of tax-collector.

Double tax.

Misdemeanor.

Discovery list.

SEC. 5. That in addition to the *ad valorem* tax on property and polls, the board of commissioners shall have power to levy and col-

License tax.

lect special taxes for the privilege of carrying on the business or doing the acts hereinafter named at a reasonable rate, to be fixed and published by said board of commissioners, as follows: on all liquor dealers, bowling alleys, billiard and bagatelle tables, hotels, boarding-houses, banks, drays used for hire, peddlers, insurance companies, lecturers, photographic artists, auctioneers, commission merchants, express or telegraphic offices, theatrical companies, concerts, circus or menagerie, gift enterprise, dealers in lightning rods and patent pumps, livery stables, and such other things as in their judgment should be specially taxed.

Sale of property
for taxes.

SEC. 6. That 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 courthouse and two other public places in said town, shall sell at the courthouse door in Marshall, at public outcry, so much of said property as will pay the tax and cost; and of real property, the tax-collector shall pass to the purchaser a receipt for the purchase money and file with the secretary of said board a true return of his proceedings. If the delinquent tax-payer, or his agent, within twelve months from the date of said sale, shall redeem the said real estate by paying to the secretary the amount of said bid and twenty-five per cent. on the same, then the delinquent tax-payer shall be restored to his or her original rights; but on failure thus to redeem, the collector or his successor 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 or his successor shall, by survey or otherwise, definitely designate that part of said real estate is to be sold when less than the whole will be sufficient.

Streets, how
opened, &c.

SEC. 7. That 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 at the court-house door by notice for thirty days. 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, 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 Madison county by filing justified 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 interference with property so condemned, or the opening or changing of such streets, shall not 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 Madison county to abide the results of the appeal there pending.

Right of appeal.

Provido.

SEC. 8. That when any house or building in said town, from any cause, shall become a public nuisance by the 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 same, the said board shall have power to stop the erection of such buildings, or to remove or destroy such, if necessary, to the complete abatement of such nuisance. And for the violation of any ordinance of said town, committed openly or secretly in such houses, the occupants 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.

Nuisances.

SEC. 9. That the board of commissioners shall have power to cause alleys, 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.

Alleys, &c., to be kept clean.

SEC. 10. That the town marshal or arresting officer shall have the right to make arrests in any part of the county of Madison, under a warrant issued by the mayor, for violations of the town laws.

Arrests by marshal.

SEC. 11. That the mayor shall have the power to depute any citizen to execute his warrant in the absence of an officer, and shall also have power to issue his warrant 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.

Powers of mayor in issuing warrants, &c.

SEC. 12. 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

Penalties for violation of ordinances.

- each offence, the fine to be recovered by warrant before the mayor. And when any person shall be convicted for a violation of any ordinance or by-law of said town, the party convicted may, unless the penalty and cost be paid, be immediately committed to the calaboose or jail for the space of thirty days or until payment thereof be made, and the commissioners have the power to work such parties as may be committed to prison upon the streets, under such regulations as they may prescribe.
- Persons convicted liable to imprisonment or to work on streets.** SEC. 13. That where 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 ordinances in the presence of each 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 of such authority by 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-stander to assist in any legal arrest, and any one so summoned or called who refuses or fails to assist shall, upon conviction before the mayor, be punished as the ordinance of said town shall prescribe.
- Powers of marshal as to arrests, &c.** SEC. 14. 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.
- Powers of commissioners.** SEC. 15. That the said board, when they deem it necessary, shall have the power to employ a legal counselor or town attorney.
- Attorney for town.** SEC. 16. That the corporate limits of said town shall extend one-half mile in every direction from the court-house.
- Corporate limits.** SEC. 17. That the board of commissioners shall have power at any time, after giving sixty days notice at three public places in said town, to submit to the qualified voters of said town the question of "tax" or "no tax"; and if a majority of the qualified voters shall vote "tax," then said board of commissioners shall have full power to levy a special tax, not to exceed sixty-six and two-thirds cents on the one hundred dollars worth of property and [on] every poll two dollars subject to taxation in said town, for the purposes of supplying the town with water-works, and for the purpose of purchasing engines, &c., for the protection of said town against fire, &c. Said tax to be levied and expended under the direction of said board.
- Election upon question of special tax to provide water-works.** SEC. 18. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.
- Conflicting laws repealed.** SEC. 19. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 89.

An act to recognize and incorporate the "Beaufort County Lumber Company of North Carolina," heretofore incorporated under the general laws, and to amend the same and grant certain additional powers thereto.

WHEREAS, The Beaufort County Lumber Company of North Carolina was duly incorporated under the general law of the State of North Carolina before the clerk of the superior court of Beaufort county in said State on the twenty ninth day of November, eighteen hundred and eighty-six, which charter has been duly filed and recorded in the clerk's office of said county, and in all other respects was incorporated according to law; and said body corporate was duly organized according to law, and in accordance with the powers and direction contained in and granted to it by the terms of its charter, hath heretofore proceeded to perform and execute the purposes for which it was incorporated, to-wit: the buying and selling of standing timber and timber land, and lumber and woods of all kinds, cutting and manufacturing the said timber and wood into lumber of all kinds, dressed and undressed, selling such manufactured stuff, and such other business as was necessary to the accomplishment of the said objects; and whereas, the said body corporate is desirous of enlarging and increasing its corporate powers, franchises and privileges, as hereinafter mentioned; now, therefore, .

The General Assembly of North Carolina do enact :

SECTION 1. That Samuel P. Ryland, Jr., Chauncey Brooks, A. B. Covington, John H. Sizer, Lewis Dill and John H. Small, and their associates and successors, be and they are hereby created a body politic and corporate under the name of the "Beaufort County Lumber Company of North Carolina," for the purposes hereinafter named, and by that name and style the said company shall have perpetual succession, contract and be contracted with, sue and be sued, plead and be impleaded, in any courts and places, and have a common seal which it may change and alter at pleasure, and shall have power to acquire, hold and dispose of property, real, personal and mixed, and shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise.

SEC. 2. That the capital stock of said company shall not be less than six thousand dollars, divided into shares of one hundred dollars each, and the said capital stock may be increased at any time to an amount not to exceed three hundred and fifty thousand dollars by the stockholders at any meeting called for that purpose; the said 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 the corporation; and the said corporation is hereby authorized and empowered to subscribe to and hold stock in any other incorporated company.

- Corporate powers** SEC. 3. That said company is hereby authorized and empowered, during its term of corporate existence, and its object shall be, to acquire and own timber lands and standing timber in the State of North Carolina, and to conduct a general lumber business in all its departments and branches, including cutting, sawing and preparing for market and manufacturing in any manner pine, cypress, juniper, poplar, gum and other timber; to buy, manufacture and sell all kinds of goods, merchandise and chattels required by the company or which would aid in the prosecution of its business: and further, to carry on, undertake, and, if necessary, to purchase or otherwise acquire all or any of the business usually carried on by companies having objects similar to this in all their several branches. The said company may sell, grant, improve, manage, develop, lease, mortgage or otherwise deal with all or any part of the property of the company. It may construct mills, work-shops and other business premises, and maintain them; it may lend money, with or without security, and specially to customers of [or] any persons having dealings with the company; it may make, accept, endorse and execute promissory notes and bills of exchange and other negotiable instruments, and to enter into any contracts or obligations in furtherance of the objects of the company.
- Authorized to acquire land, &c.** SEC. 4. The said company may acquire and hold real estate to such an extent as it may deem necessary and requisite for the convenient prosecution of its business, and to convey the same as fully as citizens of this State can or may do: *Provided*, it shall not hold at any one time more than ten thousand acres, and not more than one hundred thousand acres of standing timber.
- Proviso.**
- By-laws, officers, &c.** SEC. 5. That the said company shall have authority to make from time to time such by-laws and regulations as it may deem proper for its government and the management of its affairs, fix the number of its directors and to elect a president and other necessary officers, and to require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation.* There shall be annual meetings of the stockholders held in the town of Washington, North Carolina, or at such other places, in or outside of this State, as may be agreed upon by a majority of the directors. The president and directors shall be elected by the stockholders, and the president shall be ex-officio a member and chairman of the board of directors. A treasurer and secretary shall be elected by the directors, and one person may be president and treasurer or treasurer and secretary, but no 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. All vacancies shall be filled as provided in the by-laws. The president shall be entitled to a vote at
- Stockholders' meetings.**
- President and directors.**
- Treasurer and secretary.**
- Vacancies.**

all meetings, and each stockholder present in person or by proxy shall be entitled to one vote for each share of stock held, and a majority of said company so represented at any meeting shall constitute a quorum for the transaction of business.

Stock vote.

SEC. 6. That the said company may contract for and purchase rights of way, lay off, construct and operate such roadways, tramways, railways and canals as may be necessary for the prosecution of its business, and to that end may build bridges and culverts across streams or depressions, establish and maintain fences, telegraph or telephone lines, piers, wharves, depots and other works necessary; 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 railroads and telegraph companies by chapter forty-nine of The Code and amendments thereto; and whenever it may become necessary for the purpose of constructing these roads, canals, wharves or other works, to enter upon any lands to which it does not have title or the right of possession, and is unable to agree with the owner thereof for the compensation therefor, the mode of proceeding to secure the condemnation of such lands shall be as prescribed in chapter forty-nine of The Code and amendments thereto.

Corporate powers

Condemnation of land.

SEC. 7. That the certificates of stock shall be issued to the subscribers under the direction of the board of directors, and shall be signed by the president and secretary of said company and authenticated by its seal, and shall be recorded in a book to be kept for the purpose, and all sales or transfers of stock in said company shall be recorded in said book.

Certificates of stock.

SEC. 8. That the subscriptions to the capital stock of said company may be made in lands, timber, money or other property, as may be stipulated.

Subscriptions, how made.

SEC. 9. That the 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 secure the payment thereof by deed in trust or other lien upon its corporate property and franchises: *Provided*, its indebtedness shall not at any time exceed the paid-up capital of the company.

Authorized to borrow money on mortgage.

SEC. 10. That the said Samuel P. Ryland, Jr., Chauncey Brooks, A. B. Covington and others, and their successors, and any person who shall hereafter subscribe to the capital stock of the said company, or any person to whom the same shall be transferred in any manner, shall not be personally or individually liable for the debts, contracts, obligations, agreements or torts of the said company.

Non-liability of stockholders.

SEC. 11. That this act is not intended as an independent and separate charter, or to repeal the charter heretofore granted to the company before the clerk of the superior court of Beaufort county aforesaid, but it shall be construed as amendatory of the same and an enlargement of its corporate powers, franchises and privileges here-

Construction of act.

tofore enjoyed and possessed by the said company; and it shall not be necessary to change or renew its organization otherwise than shall be requisite by the additional provisions of this act.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 90.

An act to incorporate the Gillis Improvement Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That C. F. Kingsbury, T. B. Venable, A. H. A. Williams, J. J. Davis, A. B. Andrews, P. M. Wilson, C. M. Hawkins, R. E. Young and John W. Betts, all of North Carolina, and such other persons, companies or corporations as hereafter may be associated with them, and their successors and assigns, are hereby created a body politic and corporate by the name of "Gillis Improvement Company,"
- Corporate name. Corporate powers by which name said corporation 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.
- Capital stock. SEC. 2. That the capital stock of said corporation shall not be less than one hundred thousand dollars, and may be increased from time to time to any amount not exceeding five hundred thousand dollars by a vote of the stockholders. The shares shall be of the par value of one hundred dollars each; real and personal estate of any kind may be received in payment of the capital stock at such valuation as may be agreed upon between the subscribers and the corporation or its representative. The stockholders shall not be individually liable for the debts, contracts, or obligations of any kind whatsoever, of the corporation.
- Non-liability of stockholders.
- Principal office. SEC. 3. That the principal office of the corporation, for the present, shall be at Oxford, N. C., but may be removed to any other point if the stockholders so determine.
- Corporate powers SEC. 4. That the said corporation shall be empowered to search for and develop mineral properties, to mine, smelt, to erect works of any kind for mining purposes, to manufacture metal, earthenware, or brick of any kind, and to do all things that may be necessary for the proper conduct of the business of mining, manufacturing, smelting, and dealing in metals, earthenware or brick.
- Corporate powers SEC. 5. That the said corporation shall have power to purchase, mortgage and sell real or personal estate; may hold the same; may lay out land in small tracts or parcels and dispose of the same at pleasure. It shall have power to lend money on real or personal

security, and may take mortgages or other security for the same only so far as may be necessary for the proper conduct of the business contemplated by the corporation.

SEC. 6. That the corporation shall have the power to issue bonds and to secure the same by mortgage upon its real and personal estate and franchises or any 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 things as may be necessary to carry into effect the powers herein granted. Corporate powers

SEC. 7. That for the purpose of connecting any mine, water-power, mill or factory situated on the property of the said "Gillis Improvement Company," in Granville county, State of North Carolina, with any existing line of railroad in or out of North Carolina, the corporation shall be empowered to construct, maintain and operate a 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 first, chapter forty-nine, entitled "railroad and telegraph companies." Authorized to build railroad, &c.

SEC. 8. That within six months 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, North Carolina, and proceed to organize in accordance with this act. Organization.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 5th day March, A. D. 1889.

CHAPTER 91.

An act to repeal chapter 126 of the private laws of 1887.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty-six of the private laws of one thousand eight hundred and eighty-seven be and the same is hereby repealed. Chapter 126, private laws 1887, repealed. Charter of Hickstown, Durham county.

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

Ratified the 5th day of March, A. D. 1889.

CHAPTER 92.

An act to amend chapter thirty-four, private laws of North Carolina, eighteen hundred and eighty-seven, entitled "an act to incorporate the North Carolina Steel and Iron Company."

The General Assembly of North Carolina do enact:

Chapter 34, private laws 1887, amended.

SECTION 1. That chapter thirty-four of the private laws of North Carolina, passed at the session of eighteen hundred and eighty-seven, entitled "an act to incorporate the North Carolina Steel and Iron Company," be amended as hereinafter enacted.

Authority to issue mortgage bonds.

SEC. 2. That by striking out the words "three hundred thousand dollars," in line nineteen, section seven, of said act, and inserting in lieu thereof the words "five hundred thousand dollars."

Organization.

SEC. 3. That by striking out of section nine of said act all of said section after the word "subscribed," in line three of said section, and inserting in lieu thereof: "This company shall be organized by 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 two years from the passage of this act, and a majority of the corporators shall constitute a quorum for the transaction of business."

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1889.

CHAPTER 93.

An act to incorporate "The Bank of Madison," in the county of Rockingham.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That John M. Galloway, J. M. Vaughn, P. D. Price, Leonard W. Anderson, John H. Price, James B. Mirror, R. J. Lewellyn, R. C. Nelson and William N. Mebane, their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Bank of Madison," and by such name may acquire, hold and convey real and personal estate; may sue and be sued, plead and be impleaded in any of the courts of this State, and have all the powers, rights and privileges granted to any bank or banking institution incident to or belonging to corporations.

Corporate name.
Corporate powers

Place of business.

SEC. 2. That the office and place of business of said bank shall be in the town of Madison, in the county of Rockingham, North Carolina,

and the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, in shares of one hundred dollars each; and the incorporators in the first section named, or any five of them, are hereby empowered to cause books to be opened at such time or times, at such place and for such periods as they may determine, and by such persons as they may name as commissioners, for the purpose of receiving subscriptions to said stock.

Capital stock.

Books of subscription.

SEC. 3. That whenever two hundred shares of stock shall have been subscribed, and the sum of ten thousand dollars on said subscription paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, when such stockholders (a majority of the stock subscribed being represented) shall elect five directors. Said directors shall take charge of the books and money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank; shall hold office for one year and until their successors are duly-elected and assume office, and shall elect one of their number to be president of said bank during their continuance in office.

Organization.

SEC. 4. That the president and directors of said bank may adopt and use a common seal, and alter the same at pleasure; may make and adopt such by-laws for their government as by them are deemed proper and necessary; may make and appoint all necessary officers and agents, fix their compensations and take bond and security for the faithful discharge of their duties; may prescribe the manner of paying for stock and transfer thereof; may do a general banking business, on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State; and, in general, have the privileges conferred on corporations by the general law of the State relating to corporations.

Powers of president and directors

SEC. 5. That said bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed on banks in the revenue laws of the State.

Lien on stock.

SEC. 6. That said bank may receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, bullion, uncurrent paper, and public and other securities; may purchase and hold a lot of ground for a place of business, and at pleasure sell or exchange the same; may purchase and hold such real and personal property and estate as may be conveyed to secure debts due the bank, and may sell and convey the same; may discount notes and other evidences of debt; may lend money on such terms as may be agreed on, not inconsistent with the laws of the State, and may receive on deposit money on terms to be agreed on between its officers and depositors not exceeding the rate allowed by law, and issue certificates of the same, which certificates may be assignable and

Corporate powers

transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the cashier or assistant cashier shall be as binding as under seal of the bank; and when married women or minors deposit money in the bank to their own credit they may withdraw the same on their individual check alone and be bound thereby.

Liability of stockholders. SEC. 7. Each stockholder of the bank shall be liable to depositors and creditors to the extent of the amount of his stock at the time of the deposit: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders *pro rata*.

Corporate powers SEC. 8. Said bank shall have power, under such limitations as may be fixed by its own by-laws, to make loans upon mortgages of real estate and personal property, with the power of sale inserted upon default of payment; and also to receive, in storage or warehouse, any cotton, wheat, corn, tobacco, lumber or other produce, or any manufactured article whatsoever, as a pledge or pledges for the repayment of moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded as in the case of mortgages or deeds of trust; and 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 shall not bid for and purchase any and all such property.

Dividends, &c. SEC. 9. That the president and directors of said bank shall direct when, to whom and in what manner dividends of profits may be made, and shall be allowed to open the subscription books from time to time, at their discretion, until the whole of the stock is taken;

Meetings of stockholders. they may call meetings, extraordinary, of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws; and a number of stockholders, not less than five, holding together not less than one-fifth of the capital stock subscribed, may call a meeting on giving thirty days notice thereof printed in some newspaper published at Madison, N. C. At all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote.

Stock vote.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 94.

An act to amend the charter of the French Broad Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty-five of private laws of 1885 be and the same is hereby amended as follows: Strike out section three and insert in lieu thereof the following: "The said bank shall have power to purchase or otherwise acquire, hold, sell and convey real estate, and mortgage the same, or convey the same in trust to secure its creditors, and to improve and enhance the value of the same by erecting houses of any description thereon, or in any other manner that will make such real estate more marketable; and shall have power to take mortgages or other liens upon real estate for its security or indemnity, and it shall be lawful to insert in any and every mortgage or deed of trust conveying real or personal property to secure money lent by or a debt due the said bank, a power of sale to the said bank, whereby the said bank, upon default of payment of such loan or debt, may sell the property sold [mortgaged] to secure the payment thereof, after giving notice of the time and place of sale for the time specified in such mortgage or deed of trust. And the said bank shall have power to make insurances upon goods, wares or merchandise, or other personal property, or on dwelling-houses, warehouses or stores, or other buildings, against risk arising from fire; or upon the life or lives of any person or persons; and shall have power to insure owners of real estate, mortgages and others interested in real estate from loss by reason of defective titles, liens and encumbrances; and shall have power to make insurances of every kind pertaining to or connected with titles to real estate; and to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor."

Chapter 125, private laws 1885, amended.
Corporate powers

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 95.

An act to incorporate the town of Tillery, Halifax county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Tillery, Halifax county, be and the same is hereby incorporated by the name and style of the "town of Tillery," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town be as follows: One thousand feet east, west, north and south from the crossing of the

Corporate limits.

streets in the center of said town of Tillery, and shall run with the four cardinal points of the compass.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a marshal, and the commissioners shall have power to appoint a secretary and treasurer.

Temporary officers.

SEC. 4. That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-nine, the following named persons shall fill said offices, viz.: Mayor, W. H. Randolph; for commissioners, C. P. Tillery, R. H. Daniel and J. Lee; for constable, P. C. Gregory.

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-nine, 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.

Electors.**Powers of commissioners.**

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 to impose fines and penalties for the violation of town ordinances, and collect the same.

Fines payable into town treasury.

SEC. 7. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

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

Ratified the 6th day of March, A. D. 1889.

 CHAPTER 96.

An act to incorporate Leaksville Water-power Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. Turner Morehead, John L. Morehead, William R. Walker and Smith M. Evans, their associates, successors and assigns, be and they are hereby created a body corporate and politic

Corporate name.

by the name, style and title of Leaksville Water-power Company,

Corporate powers

and by that name and title shall be known and have perpetual succession, and may exercise and enjoy all the privileges, franchises and immunities incident to a corporation; may sue and be sued, plead and be impleaded, complain and defend in all courts of law and equity of record and otherwise; may purchase, receive by gift or otherwise hold and enjoy property, real, personal and mixed, of what kind and quality soever; may construct, build and erect such buildings, structures, works and improvements, public or private,

thereon, as may be deemed proper, and may use, manage and maintain the same; may sell, convey, mortgage, transfer, grant, lease, sublease and dispose of any portion or the whole of their property at such prices and on such terms as may be deemed proper; may exercise and enjoy the privileges granted and defined in the further sections of this act; and also make and have a common seal, and the same to alter and renew at pleasure; and adopt such by-laws as may be necessary for the government of said company, the same not being contrary to the constitution and laws of this State, and generally may do all things appertaining to a company designed to aid in the development and improvement of the country: *Provided*, that nothing herein contained shall be so construed as to give to the said company any banking privileges of issuing their obligations as a currency.

SEC. 2. That the said company shall have power to contract with companies, corporations and other parties in the construction, building and equipment of works and improvements, public or private, of whatever kind, at such prices and on such terms as may be agreed upon by the parties respectively, and may purchase, lease, use, maintain and sublease the same, and may also co-operate and unite with any other company in so doing.

SEC. 3. The said company shall have power to make purchases and sales or investments in the securities of other companies, and to make advances of money and of credit to other parties, and to aid, in like manner, contractors, miners, manufacturers and others, and to receive and hold in trust or otherwise, or as collateral, any estate or property, real, personal and mixed, including the notes, obligations and accounts of individuals, companies and corporations, and the same to purchase, adjust, collect and settle, and also to pledge, sell, and dispose thereof on such terms as may be agreed on between them and parties contracting with them; and also to endorse and guarantee the payment of the bonds and the performance of the obligations of other companies, corporations and parties, and to assume, become responsible for, execute and carry out any contracts, leases or subleases, made by any company to or with any other company or companies, individuals or firms whatever.

SEC. 4. That said company shall have power to purchase, use and maintain any works or improvements connecting, or intended to be connected with the works and improvements of the said company, and to merge or consolidate or unite with the said company, or the improvements, property and franchises of any other company or companies on such terms and conditions as the said company may agree upon; and to fix and regulate all charges in maintaining and carrying on the business of their works and improvements of whatever kind, and of those under their control. Corporate powers

Certificates of stock.

SEC. 5. The said company shall have power to issue certificates of stock from time to time, the par value of the shares of which to be not less than ten dollars each, representing the property and business of the company, which stock may be sold at the par value of the shares thereof, or at such price and on such terms as the directors may deem best, and be declared fully paid and not liable to further calls. The incorporators named in the first section of the act may, after due notice has been given, open books of subscription, and whenever twenty-five thousand dollars of the stock has been subscribed and five per centum thereon actually paid in, organize the said company by the election of not less than three directors, and may choose out of the list of directors a president, one or more vice-presidents, a secretary, and treasurer, and may also elect or appoint such other officers and agents as the business of the company may require; the directors and officers to hold their positions until their successors shall have been chosen in accordance with the by-laws of the company; but in no event shall the existence of the company be in any wise affected or be dissolved by reason of a failure to elect officers.

Books of subscription.

Organization.

Authorized to borrow money on mortgage.

SEC. 6. The said company may borrow money from time to time upon a pledge of their property, or without such pledge, and may create, execute and deliver mortgages, and also bonds, with or without coupons, at the legal rate of interest of the State, and may sell the same at such prices and on such terms as may be deemed proper by the board of directors, and may also hypothecate the same in transactions between the company and individuals and corporations.

Offices.

SEC. 7. The said company shall have an office at their works near Leaksville, and may have a general office or offices elsewhere.

Liability of stockholders.

SEC. 8. The stockholders and directors shall be individually liable only to the amount remaining unpaid on the stock held by them respectively.

Preferred stock.

SEC. 9. The said company is hereby authorized to create and convert such portion of their capital stock, from time to time, as they may desire, into a preferred stock, and to issue and appropriate the same to such special purposes as may be deemed proper, which preferred stock, as well as the common stock heretofore authorized to be created, shall be subject to such rules, regulations and conditions as may be prescribed by the board of directors, and may be sold as authorized in section five of this act.

Change of name.

SEC. 10. The said company may change its name whenever the holders of two-thirds of the stock of the company shall so determine by a vote, certificates of which changes to be filed in the auditor's department, with the signatures of the president and secretary and the seal of the company thereto affixed.

Ratified the 6th day of March, A. D. 1889.

CHAPTER 97.

An act to incorporate the Confederate Veterans' Association of North Carolina.

The General Assembly of North Carolina do enact :

- SECTION 1. That Julian S. Carr, W. F. Beasley, C. B. Watson, J. S. Tuttle, T. C. Fuller, T. L. Emry, W. H. S. Burgwyn, and all other Confederate soldiers and sailors in North Carolina, and their associates, be and they are hereby created a body politic and corporate under the name and style of Confederate Veterans' Association of North Carolina; that said corporation be and is hereby made the successor of the Confederate Veterans' Association organized at Raleigh, North Carolina, January 23, A. D. 1889, and that the officers of said association for the ensuing year and until their successors are appointed and qualify be the officers of the corporation hereby created. Body politic.
Corporate name.
To succeed the "Confederate Veterans' Association," &c.
Officers.
- SEC. 2. That said association may have a corporate seal, may sue and be sued, plead and be impleaded, and make all necessary by-laws for its government not inconsistent with law. Corporate powers
- SEC. 3. That said association may receive title to and hold land for the purpose of founding and maintaining a home or homes for indigent, infirm and invalid Confederate soldiers and sailors, or their widows and orphans. Authorized to acquire land for soldiers' home, &c.
- SEC. 4. That said association is authorized and empowered to receive donations from counties, towns, societies, corporations, individuals or any other source. Donations.
- SEC. 5. That said association may confer upon other similar organizations the right to operate under this charter. Conferring of rights under charter to similar organizations.
- SEC. 6. That the commissioners of counties be and they are hereby authorized and empowered to send any indigent Confederate soldier or sailor to any home which may be established by the Confederate Veterans' Association in North Carolina, and to pay to said home each year during the life of the person maintained by said home an amount equal to the sum it would cost the county from which the person is sent to maintain said person in the poor-house of said county. County commissioners empowered to send indigent Confederate soldiers, &c., to home and pay amount equal to cost of maintaining in poor house.
- SEC. 7. That the executive committee of each county Confederate Veteran Association be and is hereby authorized and empowered to sit with the pension board of its county as an advisory board for the purpose of aiding the said pension board in ascertaining who of the applicants for pensions are justly entitled to the same. Executive committees authorized to sit with county pension boards as advisory boards.
- SEC. 8. That the said Confederate Veterans' Association is authorized and empowered to do each, any and every thing which may be necessary for carrying out its aims and purposes. Corporate powers
- SEC. 9. This act shall be in force from and after its ratification.
- Ratified the 6th day of March, A. D. 1889.

CHAPTER 98.

An act to amend chapter 57, private laws of the acts of 1883, entitled "an act for the promotion of female education."

The General Assembly of North Carolina do enact:

Chapter 57, private laws 1883, amended.

Powers of "Greensboro Female College Association."

Misdemeanor.

Authorized to appoint policemen.

Powers.

Jurisdiction of mayor of Greensboro and justices of the peace.

SECTION 1. That chapter 57 of the private laws of North Carolina, enacted at the session of 1883, entitled "an act for the promotion of female education," be amended by adding the following sections:

SEC. 8. That the board of directors, or a majority of them, of the "Greensboro Female College Association," shall be invested with municipal powers to the extent that they may pass ordinances, not inconsistent with the constitution and laws of the State, for the protection of the real and personal property of the association; to prevent drunkenness and disorderly conduct on the grounds of the association: to prevent disturbance; to prevent loud, boisterous, profane, vulgar or obscene language, written or spoken, riots, affrays, trespasses, indecent exposure of the person, any and all interference with the school and students attending the same, during or out of school, or any way disturbing or interfering with the quiet and peace of said students or any one of them while in or out of school; to prevent the disturbance of any audience there assembled for any lawful purpose, under the rules of said association, or the entry on said ground by any person after being forbidden, and to maintain and to preserve peace and good order, and the like ordinances; and that any violation of any ordinance so passed shall be a misdemeanor, punishable by fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

SEC. 9. That the board of directors, or a majority of them, may appoint policemen, who, with the police of the city of Greensboro or other lawful officers in or for Guilford county, shall have authority to preserve the peace on the grounds of the association, to execute all criminal process issued to them by the mayor of the city of Greensboro or any justice of the peace in and for the county of Guilford, either of whom shall have jurisdiction to hear and try any and all persons charged with the violation of any of said ordinances; to quell riots, to arrest persons who are disorderly, and to have all the powers of a constable to make arrests, either on or off the grounds of said association, for the violation of any of the ordinances or infringements of the rules or regulations adopted or prescribed by said board of directors, or a majority of them.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 99.

An act to amend the charter of the town of Graham, in Alamance county.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Graham, and the act amendatory thereof, be amended by adding thereto the following: And the board of commissioners of said town shall be and they are hereby invested with full power and authority to lay out and open new streets, and to alter, widen and straighten 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 shall assess the damage, 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 fail to select a man within three days as aforesaid, then the commissioners shall select two men, and the two 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 Graham.

SEC. 2. That the corporate limits of said town shall be enlarged and extended as follows: Commencing at the northeast corner of the present corporate limits of said town and running a line thence due north to the North Carolina Railroad track: thence westward with the said railroad track to a point one hundred feet west of the depot; thence in a direct line to the northwest corner of the present corporate limits of said town.

Charter amended

Streets.

Condemnation of land.

Corporate limits extended.

- Salary of mayor. SEC. 3. That the board of commissioners of said town shall be and they are hereby empowered, if they think proper so to do, to pay the mayor of said town such a salary as they may deem his services worth, and he, the mayor, shall pay over all costs that he may collect to the town treasurer.
- Mayor, how elected. SEC. 4. That the mayor shall be elected at the same time with the board of commissioners of said town, by the voters of said town.
- When act to take effect. SEC. 5. That this act shall be in force from and after the first day of May, eighteen hundred and eighty-nine.
- Ratified the 6th day of March, A. D. 1889.

CHAPTER 100.

An act to amend chapter three hundred and ten of the laws of one thousand eight hundred and fifty-four and fifty-five, entitled "an act to incorporate the Charlotte Gas Light Company."

The General Assembly of North Carolina do enact :

- Chapter 310, private laws 1854-'55 amended. SEC. 1. That chapter three hundred and ten of the laws of one thousand eight hundred and fifty-four and fifty-five be and the same is hereby amended by striking out the word "fifty," in the eighth line of the first section thereof, and inserting in lieu thereof the words "one hundred," so as to make the same read, "one hundred thousand dollars."
- Increase of capital stock. SEC. 2. That section one of said act be and the same is hereby amended by inserting after the word "gas," in the eleventh line, the words "and electricity."
- Sale of electricity for lighting purposes. SEC. 3. That section six of said act be and the same is hereby amended by inserting after the word "whatsoever," in the fourth line thereof, the words "and also to manufacture, make and sell electricity"; and the said section six of the said act be and the same is further amended by inserting after the word "gas," in the eleventh line thereof, the words "and electricity"; and that the said section six of the said act is hereby further amended by inserting after the word "gas," in the sixteenth line thereof, the words "and electricity."
- Manufacture of electricity. SEC. 4. That section nine (9) of the said act be and the same is hereby amended by striking out the word "superior," in the eleventh line thereof, and inserting in lieu thereof the word "criminal."
- Indictments for injuring property of company. SEC. 5. This act shall be in force from and after its ratification.
- Ratified the 6th day of March, A. D. 1889.

CHAPTER 101.

An act to amend the charter of the city of Charlotte.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled "an act to amend the charter of the city of Charlotte," ratified the first day of March, one thousand eight hundred and eighty-one, chapter forty (40), private laws of one thousand eight hundred and eighty-one, be amended as follows: Add to section forty-two of said act the following, "that no wooden building or structure within the fire limits shall be covered, altered or repaired without the consent of the board of aldermen."

Chapter 40, private laws 1881, amended.

Repairing, &c., of wooden buildings within fire limits.

SEC. 2. Add to section forty-four of said act the following: "Any person who, after five days notice from the sanitary policeman, the mayor or the board of aldermen to abate any nuisance within the city limits, or within one mile thereof, shall continue or maintain the same, shall be guilty of a misdemeanor, the punishment of which, for each day's continuance of the nuisance, shall be fine or imprisonment, to be fixed by an ordinance of the city. The board may also by ordinance impose a penalty not to exceed fifty dollars."

Failure to abate nuisance after notice a misdemeanor.

SEC. 3. That the ordinances now in force in the city of Charlotte, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city. The mayor shall have criminal jurisdiction over all offences and violation of ordinances committed within one mile outside of said limits to the same extent and in like manner as he now has over offences and violations of ordinances within the corporate limits. That the policemen of said city shall have power and authority to execute all civil and criminal process within one mile outside of said limits to the same extent and in like manner as they now have within the corporate limits.

Ordinances operative one mile beyond corporate limits.

Jurisdiction of mayor.

Authority of policemen.

SEC. 4. That this act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1889.

CHAPTER 102.

An act to amend the charter of the town of Salem.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporate limits of said town be extended as follows: Beginning at the northwest corner of the present corporate limits of Salem, thence running westwardly with the Winston corporation line five hundred (500) feet; thence southwardly and parallel with the present western boundary of Salem to the north side of the

Corporate limits extended.

old Paper Mill road at the south boundary of Lineback's orchard; thence along the north side of the old Paper Mill road in an eastwardly direction to the present boundary.

Portion of South Fork township transferred to Winston township. Streets.

SEC. 2. That that portion of South Fork township embraced in the above boundary is hereby transferred to Winston township.

Condemnation of land.

SEC. 3. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. 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 citizen, a freeholder of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall, in his stead, select one for him; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damage sustained and the benefit accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to our superior court, as now provided by law.

Right of appeal.

Persons failing to pay fine liable to work on streets.

SEC. 4. Whenever, by the provisions of any ordinance, a fine is imposed for violation thereof, the mayor shall have the right, if such fine is not paid, to require the offender to work on the public streets or do other work for the town to the value of any tax, fine, penalty or forfeiture imposed and adjudged to be paid, and shall be committed to the custody of the police, who shall execute the sentence, under the direction of the street commissioners or mayor, by putting the party to work under guard or with ball and chain or other safeguard, if necessary: *Provided*, that nothing in this section shall prevent the commissioners from hiring any such offenders to the commissioners of Forsyth county under existing laws.

Proviso.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1889.

CHAPTER 103.

An act to amend the charter of Archdale, Randolph county.

The General Assembly of North Carolina do enact :

SECTION 1. The boundaries of said town of Archdale are as follows: Corporate limits.
Beginning at a white oak near Trinity College incorporation on turnpike road, to hickory tree, W. M. Wilson and Thomas English's corner; thence south 67 degrees east to Eli Mendenhall's west corner; thence north to Guilford line; thence west along Guilford line to branch in Wray's field; thence by a degree line to the beginning.

SEC. 2. That all the provisions of the charter of the town of Archdale are hereby re-enacted, and in addition thereto the said town of Archdale shall have the benefit of and be subject to all the provisions of chapter 62 of The Code. Corporate powers

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

Ratified the 6th day of March, A. D. 1889.

CHAPTER 104.

An act to incorporate the Charlotte Savings Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That D. A. Tomkins, R. M. Miller, Fred. Oliver, W. M. Wilson, R. H. Jordan. J. L. Chambers, James C. Long, and their associates and successors, are hereby created a body politic and corporate under the name and style of "The Charlotte Savings Bank," and by such name may sue and be sued, plead and be impleaded in and by the courts of this State. and shall have a common seal and continued succession for the period of thirty years. Body politic. Corporate name. Corporate powers

SEC. 2. This company is especially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings, or at fixed rates, according as may be agreed between the company and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank features of this corporation. Corporate powers

SEC. 3. The capital stock of said company shall not be less than ten thousand dollars, but may be increased from time to time to five hundred thousand dollars, in shares of one hundred dollars each, to be paid in as follows: Ten per centum of each share subscribed shall be paid in cash before the commencement of the business of banking, Capital; stock.

and two dollars per share per month thereafter till the par value of each share subscribed is paid.

Place of business. SEC. 4. The office and place of business of said banking company shall be in the city of Charlotte, State of North Carolina; and its **Officers.** officers shall consist of a president, vice-president, cashier and teller, and a board of not less than five nor more than thirteen directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid, and shall require the cashier and teller each to give bond, with approved security, for the faithful performance of their respective duties.

Duties of directors. SEC. 5. It shall be the duty of the board of directors, and they are hereby fully empowered, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also to fix the salaries of its officers and to fill vacancies on the board of directors. Said board of directors shall be chosen by a majority of the corporators named herein at the first meeting to be called by them, which said board of directors shall hold office for one year and until their successors are duly elected, a majority of said board to constitute a quorum for the transaction of business.

Term of office.

Taxation. SEC. 6. The capital stock of this bank shall be taxed as other property in this State; the tax to be paid by the bank upon the stock of non-resident as well as resident shareholders to the full amount paid in, less the value of any taxable property owned by the bank.

Corporate powers SEC. 7. That said company shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments, or personal property or interest therein of any description, situate anywhere, to lend money upon, or purchase, or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in any wise dispose of, and to charge any rate of interest on all such loans not exceeding the rate now allowed by law.

Corporate powers SEC. 8. That said company may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debenture or other securities of any government, State, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place, in behalf of any corporation, company, partnership or person, shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by this company; and may sell or subscribe any of the property, real or personal, or any interests acquired therein by it, to any other corporation for any portion of

its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of said purchase or subscription.

SEC. 9. *Be it further enacted*, that said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums, and at such times and on such terms as the board of directors may agree upon; and if money be deposited by any minor, either as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of full age.

Deposits.

Deposit by minor.

SEC. 10. That said company shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed on, in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any State, county, town, municipality, corporation, company or person, bonds, certificates of stock or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and, generally, for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

Corporate powers

SEC. 11. That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons; and it shall have power to accept any grant, assignment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the law of this State, and then to execute the same on such terms as may be established and agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustees or assignees, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver-plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid; and, generally, to do and carry on the business of a safety deposit and trust company.

Corporate powers

SEC. 12. *Be it further enacted*, that said company is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness of any person, partnership or corporation, for any price and on any consideration agreed on.

Authorized to guarantee payment of bonds, &c.

Transfer of stock. SEC. 13. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged; and for all such indebtedness said corporation shall have a lien, superior to all other liens, upon the stock of said stockholder.

SEC. 14. This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1889.

CHAPTER 105.

An act to incorporate the Farmers' State Alliance of North Carolina, and sub-alliances.

The General Assembly of North Carolina do enact:

Body politic. SECTION 1. That S. B. Alexander, L. L. Polk, J. D. Allen, Elias Carr, T. Ivey, John S. Johnston, D. Reid Parker, and such others as may be associated with them, be and they are hereby incorporated

Corporate name. under the name and style of the "Farmers' State Alliance of North Carolina," and by that name they and their successors shall and may

Corporate powers have continual succession and a common seal, which they may alter or change at will, and shall be capable of suing and being sued, pleading and being impleaded, and contracting and being contracted with, and of acquiring, holding and conveying real and personal property; and shall also have power to elect such officers as may be necessary for the conduct of its business, and to adopt such rules and regulations and by-laws as may be proper for the government of the corporation. That the said corporation shall have and possess all corporate powers, rights and privileges conferred upon corporations by the general laws of this State as may be necessary, appropriate or convenient to the exercise of the powers and enjoyment of the rights and privileges given by this act, and to the conduct and management of its business affairs.

Corporate powers SEC. 2. That the said corporation is authorized and empowered to conduct and carry on, by itself or by and through its duly appointed agents, managers and servants, a mercantile or manufacturing business in all branches, to erect, manage and operate warehouses, stockyards, grain elevators and packing establishments, to manufacture guano and other fertilizers, and generally to conduct and carry on such enterprises and transact such business as may be necessary or advisable for its profit or advancement, or that may contribute to the accomplishment of the general design and purpose for which it is

created, and for which an association, now existing in this State and known as the Farmers' State Alliance of North Carolina, was organized.

SEC. 3. That the corporation hereby created may adopt the constitution and by-laws, rules and regulations of the said association known as the Farmers' State Alliance of North Carolina, and by consent of the said association may become its successor, acquire its rights and privileges, assume its liabilities and continue to develop and execute its general plan and purposes, with the right to change, modify, enlarge and extend the same so as to promote the interests of the members of the corporation and the welfare and prosperity of the farmers and laborers of the State and all persons engaged in agriculture or mechanical pursuits.

May adopt constitution, &c., of Farmers' State Alliance and with its consent become its successor

SEC. 4. That the said corporation may use and adopt such means and measures as may be necessary to raise funds for its purposes and to conduct its financial operations, and especially may impose fines and penalties and dues and collect the same, levy assessments and provide for stock subscriptions if deemed advisable.

May raise funds, &c.

SEC. 5. That the said corporation shall, by its proper officers, agents, managers and servants, exercise general control and supervision over the subordinate alliances of the State hereinafter created and incorporated, and may prescribe how the said subordinate alliances shall be represented in the membership, conventions and meetings of the said corporation.

Control over subordinate alliances.

SEC. 6. That each county alliance which has been or may hereafter be organized, is declared to be a body politic and corporate under the name and style of the Farmers' Alliance of the particular county in which said alliance is located, and under the said name and style it shall have and possess all the rights, powers and privileges herein granted to the Farmers' State Alliance of North Carolina which may be necessary to develop and execute its plan and purposes, and which shall not be inconsistent or in conflict with those granted to said Farmers' State Alliance of North Carolina, but shall, in all respects, be subordinate and subservient thereto.

County alliances incorporated.

Corporate name.
Corporate powers

SEC. 7. That each county alliance may establish, conduct and prosecute such mercantile and manufacturing business and such other enterprises as will promote the interests and welfare of the said alliance and its members in the county in which it is located, and it may adopt such a constitution, by-laws, rules and regulations and provide for such a form of organization as may be suited to its wants and necessities: *Provided*, that the plans of organization in the several counties shall be as nearly uniform as possible, and for this purpose the Farmers' State Alliance, if it is deemed necessary, may prescribe a general and uniform plan for the organization of the county alliances.

Corporate powers of county alliances.

Proviso.

Subordinate alliances incorporated.

Corporate name.

Corporate powers

Proviso.

County and subordinate alliances may succeed organizations now existing under such title.

Three or more members of alliance uniting with three or more other persons for mercantile, &c., purposes, declared incorporated.

Proviso.

Adoption of act.

SEC. 8. That the subordinate alliances which are now or may hereafter be organized in the several counties of the State are hereby created bodies politic and corporate under such name and style as is now or may hereafter be prescribed by the Farmers' State Alliance, and under such name and style they shall severally have and enjoy the powers, rights and privileges conferred by this act upon the Farmers' State Alliance and the county alliances, and which may be necessary and appropriate to develop and execute the plan and purpose of their organization; and they may conduct and carry on within their respective localities such business and enterprises as are of the same nature as those authorized by this act to be conducted and carried on by the other alliances, and may adopt such plans of organization and such constitution and by-laws as may be suited to such purpose: *Provided*, that the Farmers' State Alliance hereby incorporated may prescribe a uniform plan for the organization of said alliances, under and by which they may be formed and governed.

SEC. 9. That the county alliances and subordinate alliances, the incorporation of which is provided for in this act, may succeed to the rights and privileges, adopt the present organization, assume the liabilities and continue to develop and execute the general plan and purposes of the associations respectively known as the county alliances and subordinate alliances as now existing and organized under their constitution, by-laws, rules and regulations; shall be corporate bodies and invested with the corporate powers, rights and privileges herein granted to county and subordinate alliances, subject to the supervision and control of the Farmers' State Alliance.

SEC. 10. That any three or more members of any one of the alliances hereby incorporated may unite and associate with them any three or more persons for the purpose of establishing and conducting any mercantile or manufacturing business or enterprise, or for the purpose of establishing and conducting any business of the nature or character authorized to be established and conducted by the corporation created by this act, and the persons so united and associated for the purpose aforesaid shall be a body politic and corporate, with such corporate powers, rights and privileges as are by this act granted to the corporations created thereby, and which may be necessary or adapted to the prosecution of such business or enterprise: *Provided*, that the said persons so united and associated shall first file in the office of the clerk of the superior court of the county in which the corporation is to have its principal place of business articles of agreement, as provided for in chapter 19 of the acts of 1885. That upon the filing of such articles, the same proceeding shall be had as are provided for in sections 678, 679 and 680 of The Code.

SEC. 11. That the president, secretary, and treasurer, or other chief officers of the said several alliances now existing in this State, with

the executive committee of each, may immediately accept and adopt this act of incorporation, and thereupon they shall severally be invested with the corporate powers, rights and privileges conferred by this act, under their present plan and organization: *Provided*, **Proviso.** that the failure or refusal of any one or more of the said alliances to accept this charter or act shall not affect or prejudice those which do accept, nor prevent them from becoming incorporated under this act and enjoying the rights and privileges therein conferred.

SEC. 12. This act shall take effect from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 106.

An act to incorporate Rockville Lodge, number four hundred and eleven, of Stanhope, in Nash county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. H. Strickland, W. M., J. L. Strickland, S. W., **Body politic.** Ira E. Norman, J. W., K. H. Bailey, W. P. Whitley, K. W. Ballentine and others, officers and members of Rockville Lodge, number four hundred and eleven, Free and Accepted Masons, located in Stanhope, in the county of Nash, be and they are hereby incorporated into a body corporate under the name and title of "Rockville **Corporate name.** Lodge, number four hundred and eleven, Free and Accepted Masons."

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded before any court of record or a justice of the peace in the said State; contract and be contracted with, acquire, hold and dispose of real estate and personal property, not exceeding ten thousand dollars, for the benefit of said lodge or its members, and the widows and orphans of its members, and may have such and other rights and privileges as are incident to such corporations. **Corporate powers**

SEC. 3. That the said corporation shall have power to pass necessary **By-laws.** by-laws and regulations for its own government which may be consistent with the constitution and laws of North Carolina and the United States of America.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 107.

An act to incorporate the "Charlotte Land, Loan and Improvement Company."

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That E. K. P. Osborne, Walter Brem, C. S. Brem, J. T. Anthony, J. H. Vanlandingham, of Charlotte, N. C., together with such other persons as shall be associated with them, their successors and assigns, be and they are created a body politic and corporate by the name and title of the Charlotte Land, Loan and Improvement Company, and under that name and style may sue and be sued, plead and be impleaded in any court of the State, contract and be contracted with, and adopt and use a common seal, which they may alter at their pleasure; shall have perpetual succession, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.
- Corporate name.**
- Corporate powers**
- Capital stock.** SEC. 2. That the capital stock of the company shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, with the right to increase the same to any amount not exceeding five hundred thousand dollars.
- Duties of directors.** SEC. 3. That the directors of said company shall make rules and regulations or by-laws as may seem proper to them for the government of said company, elect such other officers as may be necessary, prescribe the terms and duties of all officers, and may require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation.
- Place of business.** SEC. 4. That the principal place of business of said corporation shall be in Charlotte, North Carolina.
- Corporate powers** SEC. 5. That said company shall have full powers: 1. To buy, lease, exchange, hold, own, sell and convey real and personal property in any amount not exceeding five thousand acres of land, with all rights and privileges therewith. 2. To improve, 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, mining companies or building companies, and to do any and all things expedient for utilizing and disposing of the property of the company, or of aiding or inducing immigration; to subscribe for stock, or enter into partnership or arrangements for sharing profits with any person or company projected in this State, except railroad, telegraph, banking and insurance companies; to build or construct hotels, houses, mills, work-shops, factories or other business premises, or to equip and maintain them; to establish, build, and equip with rolling and other stock, and operate upon its own premises only, rail, tram, turnpike or other roads connecting the property of the company with any

roads of any and all kinds; and to that end may build bridges, dams and culverts across streams not navigable, under the rules and regulations required by law; to establish and maintain upon its own premises only telegraph or telephone lines, canals, aqueducts, reservoirs, streets, gas or electric light works, and any other works that may be deemed necessary or convenient for the company; and shall have the right, power, charter and franchise to charge toll, fees or such compensation as is reasonable for the use or service of its property, or travel over its roads or bridges or telegraph or telephone lines; to issue bonds of the company, and to secure the same by executing a mortgage or mortgages on the property of the corporation or any part thereof; to sell, mortgage, lease or otherwise dispose of any of the property of the company for such consideration or on such terms as the directors may think fit, particularly for shares or securities of any other company: *Provided*, that no bonds of the corporation shall be issued except upon an affirmation vote of three-fifths of the stockholders, voting three-fifths of the stock; to take subscriptions for shares of the capital stock, either in money, real estate or other valuable property.

SEC. 6. That the corporators and stockholders of said company, their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or engagements, or both, of said corporation in excess of the amount of stock owned and paid for by him.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 108.

An act to incorporate the Neuse Club, at Goldsboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. W. Edmonds, H. M. Strouse, Swift Galloway, Gen. W. G. Lewis and W. T. Dortch, Jr., of the city of Goldsboro, in this State, their associates and successors, be and they are hereby constituted and created a body corporate and declared an incorporated association by the name and style of "The Neuse Club," the same to be and remain located in the said city of Goldsboro.

SEC. 2. That under its said corporate name and style the said association shall have perpetual succession and be capable and liable to sue and be sued, plead and be impleaded, and to purchase, hold, lease, convey and receive property, real and personal, and may make such lawful regulations, rules and by-laws as it may deem right and proper.

Officers.

SEC. 3. That the said club shall provide for the election of such officers as the members of the same shall deem necessary to the due transaction of the business of the corporation, who shall hold office until their successors are duly elected and qualified.

Corporate purposes and powers.

SEC. 4. That the rational entertainment of its members in social and literary recreation and enjoyment being one of the objects of the said association, the books, furniture, articles of food and drink, and all other personal property belonging to said association, shall be [held] in common by the members thereof. And the corporation by its by-laws may fix the price of the food and beverages dispensed by it to its members; and no other persons than the members of said association shall be permitted to purchase such articles of food and drink from said association, or from any officer, agent or servant of the same in its behalf; but the members of the association shall not in any manner be prevented from or restricted in making of such purchases, nor the said association be debarred or prevented in any manner or by any means from the privileges of selling such food and beverage to its said members, except that the said corporation may be required, before selling spirituous, vinous or malt liquors as aforesaid, to obtain license and pay the tax for making such sales, as is now required by law in other cases of like sales, which license it shall be the duty of the board of commissioners of Wayne county to grant, on application to said board by the said corporation.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 7th day of March. A. D. 1889.

 CHAPTER 109.

An act to incorporate "The Pender and Onslow Land and Improvement Company."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That George A. Ramsey, John P. Dash, John M. Webster, James B. O'Beirne, H. M. Conover, Thos. P. Ward, Bernard Biglin, Geo. H. Stokes, Elisha Porter, S. B. Taylor, T. H. Sutton, and their associates, are hereby declared a body politic and corporate under the name and style of "The Pender and Onslow 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.

Corporate name.**Corporate powers****Capital stock.**

SEC. 2. That the capital stock of said company shall be five hundred thousand dollars (\$500,000), with the privilege of increasing said stock to an amount not to exceed one million of dollars, to be divided into shares of one hundred dollars each.

SEC. 3. That whenever the sum of ten 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 seven 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. Organization.

SEC. 4. That 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. Treasurer.

SEC. 5. That 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. Annual report.

SEC. 6. That the principal place of business of said corporation shall be in such place in the State of North Carolina as shall be determined upon by a majority of the directors of the company. Place of business.

SEC. 7. That the said corporation shall make rules and regulations or by-laws as may seem proper to them for the government of the corporation, and to require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation. Rules, &c.

SEC. 8. That said corporation shall have the power to hold by purchase, lease or other operation of law, any lands, tenements and hereditaments in this State, such as shall [be] necessary to the proper conduct of the business of the corporation, and to hold and convey the same through their president, treasurer or other proper officers. 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 valuable the timbers found on said property; to subscribe to the capital stock of any or all enterprises which may be projected in this State; to buy and sell goods or other personal property; to construct mills, workshops, hotels or other business premises on the lands or property of the company; to own and operate steamboats and sailing vessels; to own, build and operate such rail and tram and turnpike roads necessary to the proper conduct of the business of the corporation, and connecting the same with the other roads of other companies, and to that end may build bridges, dams or culverts across streams or other depressions, provided the same does not interfere with public or private rights; to establish and maintain telegraph lines, canals, aqueducts, reservoirs, streets, gas-works, necessary and convenient to the business of the corporation. They shall have power to purchase, lease or otherwise acquire real or personal property, and take title thereto in the name of the company, and to sell, grant and convey the same, and improve, mortgage or dispose of the same, or otherwise deal with all or any parts of the property of the Corporate powers

company, through the proper officers; to make, accept and execute promissory notes and other negotiable instruments; to issue mortgage bonds upon any or all of the company's property; to raise money in any manner the company may see fit, and secure the same by mortgage or otherwise; to deal in mineral products, crude or manufactured; to erect, maintain and operate cotton factories, woolen mills and other business enterprises which the company shall deem fit and convenient to their business.

Corporate existence.

SEC. 9. That this corporation shall exist and be in force and effect for a period of ninety-nine years from the date of the ratification of this act.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 110.

An act to incorporate the town of Brevard, and for other purposes.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That the inhabitants of the town of Brevard shall be and continue, as they have heretofore been, a body politic and corporate,

Corporate name.

and in the name of the board of commissioners of Brevard, shall have a right to contract and be contracted with, sue and be sued, plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate limits.

SEC. 2. That the corporate limits of said town shall extend half a mile in every direction from the court-house.

Election for mayor and commissioners.

SEC. 3. That there shall be held on the first Monday in May, one thousand eight hundred and eighty-nine, and every year thereafter, an election for a mayor and five commissioners, who shall hold their offices until their successors are qualified; said mayor and commissioners to be elected by the qualified voters of said town.

Who eligible for mayor or commissioner. Proviso.

SEC. 4. That any qualified elector in the State shall be eligible as mayor or commissioner: *Provided*, he shall have resided within the corporate limits of said town for the twelve months next preceding the day of election.

Electors.

SEC. 5. That all persons entitled to vote in the county of Transylvania for members of the General Assembly, and who shall have been *bona fide* residents of the town of Brevard ninety days next preceding the day of election, and shall be registered on the registration book of said town as hereinafter prescribed, shall be entitled to vote for mayor and commissioners, and at any election held therein for any municipal purposes.

SEC. 6. That the mayor, immediately after the election and before entering on the duties of his office, shall, before a justice of the peace of the county of Transylvania, take the following oath: I, -----, do solemnly swear (or affirm), that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Brevard 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 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 of Transylvania county, an oath that he will truly and impartially perform the duties of a commissioner for the town according to the best of his skill, ability and judgment.

Oath of commissioners.

SEC. 8. The board of commissioners shall have power to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their duties and terms of office. The board of commissioners shall be further authorized to appoint one of their members as mayor *pro tempore* to act as mayor in case of absence of the mayor or his inability to perform the duties of his office, and the person so appointed shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties.

Vacancies.

Officers.

Mayor *pro tem.*

SEC. 9. It shall be the duty of the mayor to communicate quarterly in writing to the board of commissioners (or oftener, if he shall deem it expedient)—first, a general statement of the situation and condition of the town in relation to its government and improvement: second, to recommend for the adoption of the board of commissioners all such measures connected with the police, security, health and cleanliness of the town as he shall deem expedient; third, to keep a faithful minute of all precepts issued by him, and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of commissioners the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violations of the city ordinances during the previous month; and he shall be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced.

Mayor to make reports.

SEC. 10. That the mayor shall have power to commit any person convicted of a violation of any town ordinances to the county or town prison until the fine and costs imposed by him, and the jail fees, are paid, and such persons can only be released as is provided in like cases in other courts.

Imprisonment of persons convicted of violating town ordinance.

- Mayor an inferior court.
Powers, &c.
- Special court.
- Misdemeanor to violate town ordinance.
- Precepts of mayor how executed.
- Persons arrested committed to prison, &c.
- Persons convicted and failing to pay fine, &c., liable to work on streets.
- Streets.
- SEC. 11. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance or ordinances so violated, or imprisoned at the discretion of the court or mayor, not exceeding the length of time specified in the ordinance or ordinances so violated: *Provided*, the fine shall in no case exceed the sum of fifty dollars, nor imprisonment thirty days.
- SEC. 12. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment at labor on the streets for thirty days.
- SEC. 13. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Transylvania county, or to such other officer to whom a justice of the peace may direct his precepts. An endorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.
- SEC. 14. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the town or county prison for as early trial as practicable.
- SEC. 15. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority, by their ordinances and by-laws to confine, control and manage such persons until the said fees and penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.
- SEC. 16. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change, extend or discontinue any street

or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof, but in case the owner of the land sought to be condemned or appropriated for public use by the commissioners and the commissioners cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall, in his stead, choose one for him (and in case the two chosen as aforesaid cannot agree they shall select an umpire), whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes for which it is condemned, and all damages agreed upon between the owner of the land and the commissioners, or awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Condemnation of land.

Right of appeal.

SEC. 17. That the board of commissioners of the town of Brevard 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. 18. That in addition to subjects liable to taxation for State purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell, privately or at public auction, within the town limits, whether by ascending or descending bids: each express company, each telegraph office, and each railroad company having a depot within the corporate limits of the town; each itinerant photograph artist or person taking likenesses of the human face; each broker or banker's office, each dealer in patent rights, each sewing machine company or agent, each life or fire insurance agent, all commission merchants and commercial brokers, each livery stable, each distiller of fruits or grain, every huckster or trader who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray, each omnibus and each butcher.

License taxes.

Tax on dogs.

SEC. 19. That the board of commissioners shall have power to impose, annually, such tax per capita on all dogs running at large or kept within said town as they may deem proper, and may require all dogs to wear such tax badges as they may designate.

Power of commissioners over stock running at large.

SEC. 20. That the board of commissioners shall have power to declare all horses, cattle, sheep, hogs, jacks, jennets, goats and dogs running at large within the corporate limits of the town a nuisance, and the commissioners may, at their option, impose a fine upon the owners of said animals running at large, or may treat the same as a nuisance and have it abated: *Provided*, that this section shall not apply to dogs whose owners have paid such tax as may be imposed on them and otherwise complied with the ordinances in regard thereto.

Proviso.**Impounding and sale of stock running at large.**

SEC. 21. That the board of commissioners are empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in section twenty of this act found roaming at large in the streets contrary to the ordinances of the town: *Provided*, no animal shall be sold without first being advertised for five days at the court-house door and two other public places in said town. All strays so taken and duly advertised to be sold at public auction at the court-house door, the proceeds to be applied, first, to the payment of the fine and of keeping, advertising and selling of said animals; the balance, if any, to be paid to the owner of said animal, if known; if the owner be not known and no claim to the same be set up and established to the satisfaction of the mayor within thirty days after said sale, the money to be covered into the treasury for the benefit of the town; and the mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

Proviso.**Tax on circuses, &c.**

SEC. 22. That the board of commissioners shall have power and authority to levy and collect a special tax not exceeding fifty dollars upon every circus company for each separate exhibition within the town; upon every person or company exhibiting within the town limits dogs or theatrical plays, sleight-of-hand performance, rope or wire dancing and tumbling, and menageries, and the exhibition for reward of artificial models or curiosities (models of useful inventions excepted), a tax not to exceed twenty dollars for each separate exhibition, said tax to be paid before the exhibition, or the tax may be doubled: upon any other exhibition for reward not enumerated above, five dollars for each exhibition: *Provided*, that this act shall not apply to exhibitions by amateur companies, when said exhibition is for a religious or charitable object: *And provided further*, that the board of commissioners are authorized and empowered to remit a part or the whole of any of the taxes allowed in this section upon good and satisfactory cause being shown to them by the exhibition [exhibitor]:

Proviso.**Proviso.****Proviso.**

And provided further, that the tax-collector, in case of a failure on

the part of any of the exhibition [exhibitors] above specified to pay said tax before exhibiting, shall, immediately after the exhibition closes, demand from said exhibitions [exhibitors], the manager or treasurer, if he or she be known, if not, any member of the company, double the amount of the tax, and if it be not paid, he shall immediately levy on any of the goods or property belonging to said company, or any of them, or which was used in the exhibition or exhibitions given by them.

SEC. 23. That the board of commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing the same. They may also prevent the establishment of and may regulate, if allowed to be established, any slaughter-house or place for the slaughtering of animals within the town, or may prevent the establishment, or regulate if allowed to be established, any offensive or unhealthy business, trade or employment. Nuisances.

SEC. 24. That the board of commissioners, as soon as they deem it expedient, for the convenience and interest of the town, may provide for the erection of a market-house and for the regulation of the same. Market-house.

SEC. 25. That the board of commissioners shall have power and authority to levy and collect a special license tax on every person who sells, either on the streets from wagons or in houses, as a business, any fresh meats for consumption in the town: *Provided*, that this shall not apply to any merchant who pays his regular tax, and who purchases said meat in the course of his regular business. Special license tax on butchers.

SEC. 26. That the board of commissioners shall have the power to require the owner or owners of lots, or a person having as great an interest therein as a lease for three years, no part of which has expired, on such streets as they may direct, to construct and keep in proper repair the sidewalks in front, and all sidewalks adjoining said lot or lots, in such manner as may be prescribed by said commissioners, and in case of failure of said lot-owner or lessees so to do, after thirty days notice in writing, then the said commissioners shall have the authority to do it at the expense of said lot-owner or lessees, which shall be a lien and charge upon said lot or lease: *Provided*, the commissioners shall require the same to be done with earth, gravel or sand; but in case the commissioners shall require the sidewalks to be paved with brick, stone, or costly material, then the town shall defray not exceeding one-half of the expenses, in the discretion of the commissioners, and the balance by said lot-owner or lessee, which shall also be a lien and charge upon said lots or lease, and the foregoing liens may be enforced by the commissioners in such manner as they may direct in their ordinances. Proviso.

SEC. 27. That the town of Brevard is hereby vested with all the powers, rights, privileges, immunities, enumerated in chapter sixty- Sidewalks. Corporate powers

two, volume II, The Code of North Carolina, entitled "towns and cities," not inconsistent with the provisions of this act.

Mayor's judgments.

SEC. 28. That judgments rendered by the mayor shall have all the force, virtue and validity of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the county of Transylvania 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 Transylvania.

Mayor's office.
Duties.

SEC. 29. That the mayor shall keep his office in some convenient part of the town designated by the commissioners. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed. When present he shall preside at all the meetings of the board of commissioners, and when there is an equal division on any question, or in the election of officers by the board, he shall determine the matter by his vote, and shall vote in no other case. He shall receive such compensation and fees as may be allowed by the board of commissioners.

Compensation.

Board of commissioners.

SEC. 30. That the commissioners shall form one board, and three of them shall constitute a quorum, and a majority of those present shall be competent to perform all duties prescribed for the commissioners, unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix stated days for meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the commissioners may also be held on the call of the mayor or two of the commissioners, and when called by the mayor all the commissioners shall be notified in writing; when called by the commissioners the mayor and such of the commissioners as shall not join in the call shall be notified in writing.

Penalty for failure to attend meeting of commissioners.

SEC. 31. That if the mayor or any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice as prescribed in this charter, unless prevented by sickness of himself or family, or absence from the town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar.

Ordinances, &c.

SEC. 32. That the commissioners, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be consistent with this act, with the laws of the land.

Proviso

Record of ordinances.

SEC. 33. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that distinct purpose, and which shall set forth the date of their passage.

Taxes, how appropriated.

SEC. 34. All moneys arising from taxation, donation or other sources, shall be paid to the treasurer of the town, and no appropria-

tion thereof shall be made except for the necessary expenses of the town, and by a concurring vote of four fifths ($\frac{4}{5}$) of all the commissioners; and no account shall be valid against said town unless the same has been contracted by the board of commissioners by a majority vote at a regular meeting; and no account shall be paid by the treasurer until the same has been presented to the board at a regular meeting and is ordered to be paid by a majority vote, and is entered on a book to be kept for that purpose, and to be known as "the record of accounts."

Accounts against town.

SEC. 35. That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of the citizens, and cause the same to be posted at the court-house door ten days before the first Monday in May, and the commissioners failing to comply with the duties imposed in this section shall forfeit and pay for the use of the town fifty dollars.

Annual statement.

SEC. 36. That any person elected mayor or commissioner who shall refuse to qualify and act as such, shall forfeit and pay to the use of the town twenty-five dollars; said sum to be recoverable as other fines for breaches of town ordinance.

Penalty for failure of mayor or commissioners to qualify.

SEC. 37. That the board of 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 diseases; may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such disease; may cause any person in the town believed to be infected with such contagious disease, and whose stay may endanger the public health, to be removed to some place within or without the town limits; may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with any contagious or infectious disease, or of which there shall be reasonable cause to apprehend will generate or propagate diseases; and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury.

Contagious diseases.

SEC. 38. That it shall be the duty of the policemen elected by the commissioners to see that the laws, ordinances and the orders of the mayor and commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders; and for that purpose he shall have all the power and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriffs or constables of the county have; and he shall have the same fees on all process and precepts executed and retained by him which may be allowed to the sheriff on like process and precept, and also such other com-

Duties and powers of policemen.

Fees.

- Proviso.** pensation and [as] the commissioners may allow: *Provided*, no person under twenty-one years of age shall be elected or appointed a policeman.
- Official bonds.** **SEC. 39.** That the board of commissioners shall have power and authority to designate such of the officers elected by them as shall give bonds, which bonds shall be with security to be approved by the commissioners, in a penal sum to be fixed by the board of commissioners, payable to the town of Brevard, with conditions for the faithful discharge of the duties of the office held by said officer.
- Billiard tables, &c.** **SEC. 40.** That no person shall erect, put up, keep, use or maintain any billiard or pool table, ten-pin alley or any gaming table or place by whatsoever name known or called at which games of chance or hazard or skill shall be played within the limits of the town of Brevard, without first having paid the tax and obtained from the board of commissioners a license therefor as hereinafter provided: *Provided*, that this act shall not apply to persons erecting billiard tables in their own houses and for the use of themselves and families.
- Proviso.** **SEC. 41.** That the board of commissioners shall have power and authority to levy and collect a corporation tax of not less than ten dollars per annum on each billiard or pool table, not less than ten dollars per annum on each ten-pin alley, and not less than ten dollars per annum on any other gaming table or place mentioned in section forty of this act.
- Tax on billiard tables, &c.** **SEC. 42.** That any tax-collector elected by the commissioners of the town of Brevard shall have the same powers and be subject to the same penalties in collecting the taxes levied in said town as the sheriffs of the State in the collection of taxes by them.
- Tax-collector.** **SEC. 43.** That no ordinance adopted by the commissioners shall be of any effect until public notice shall have been given of the same by posting the same at the court-house door and two other public places in said town after ten days.
- Notice of ordinances.** **SEC. 44.** That the board of commissioners of Transylvania county, at their meeting in April, one thousand eight hundred and eighty-nine, shall select a registrar of voters in the town of Brevard, and shall cause publication thereof to be made at the court-house door, and notice to be served on such registrar by the sheriff, and shall give ten days public notice of a registration of voters in and for said town, specifying time and place and name of registrar. Said registrar shall be furnished by said county commissioners with a registration book, and it shall be the duty of said registrar, appointed as aforesaid, to open his books of registration at such time and place in the town of Brevard as may be designated by the said county commissioners.
- County commissioners to appoint registrar for first election.** **SEC. 45.** That all persons entitled to vote in the county of Transylvania for members of the General Assembly, and who shall have
- Electors.**

been *bona fide* residents of the town of Brevard ninety days immediately preceding the election, shall be entitled to register hereunder.

SEC. 46. Any person applying to be registered under the provisions of this act shall take the following oath, to be administered by the registrar: I,....., do solemnly swear that I have been a citizen and resident of the State of North Carolina for the last twelve months and a *bona fide* resident of the town of Brevard for the last ninety days: so help me God.

Oath of elector.

SEC. 47. The commissioners of the county of Transylvania at their meeting in April, one thousand eight hundred and eighty-nine, shall appoint two persons as judges for the election to be held on the first Monday in May, one thousand eight hundred and eighty-nine, for mayor and commissioners of the town of Brevard, and shall cause said persons to be notified of their appointment at least ten days before first Monday in May, one thousand eight hundred and eighty-nine: and the judges so appointed, together with the registrar mentioned in section forty-four of this act, shall hold and conduct the election, and the said judges, before opening the polls for said election, shall take the oath prescribed and in the manner prescribed in section two thousand six hundred and seventy-eight, chapter sixteen, volume two of The Code of North Carolina, and shall conduct said election in the manner prescribed in said chapter for the conduct of elections held for State and county officers.

County commissioners to appoint judges of election for election on first Monday in May.

Oath.

SEC. 48. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received. The mayor and commissioners shall be voted for on one ballot.

Election, how conducted.

SEC. 49. After the ballots are counted by the judges of election, they shall declare the result to the sheriff of the county of Transylvania, and shall deliver to him the poll-list, signed by them, and the registrar shall deliver to him the registration book, and the sheriff, on the day after said election, shall proclaim at the court-house door the result as declared to him by the judges, and he shall notify the persons elected mayor and commissioners of their election.

Canvass of vote, &c.

SEC. 50. After the persons elected mayor and commissioners on the first Monday in May, one thousand eight hundred and eighty-nine, shall have taken the oath of office as required by sections six and seven of this act, and have entered upon the discharge of their duties, the sheriff shall deliver to them the registration book and the poll-list mentioned in section forty-nine of this act.

Registration book, &c., to be delivered to mayor and commissioners elected.

SEC. 51. The commissioners of the town of Brevard shall preserve the said registration book, and at their meeting in April, one thousand eight hundred and ninety, and every year thereafter, appoint a

Town commissioners to appoint registrar for future elections, &c.

- registrar with like duties as those imposed on the registrar appointed by the commissioners of Transylvania county under this act: *Provided*, that in any future election held in said town the registration made for the election held in said town on the first Monday in May, one thousand eight hundred and eighty-nine, shall be held sufficient until such time as the board of commissioners of said town of Brevard shall order a new registration, and the registrar appointed by the board of commissioners of said town shall register such persons as apply for registration and who are entitled to register under the provisions of this act: *Provided*, that nothing herein contained shall be construed to mean that the commissioners of said town shall not substitute a new registration whenever they may deem it proper, and they may cause the names of such persons as are entitled to register and vote to be transferred to said new book, and the name of any person on said new book shall be *prima facie* evidence of his right to vote in any election held in said town.
- Proviso.**
- Proviso.**
- Town commissioners to appoint judges of election for future elections.**
- SEC. 52. The commissioners of said town, at their meeting in April, one thousand eight hundred and ninety, and every year thereafter, shall appoint two judges of election, who shall be citizens of the town, whose duty it shall be to open and hold an election for mayor and commissioners as provided by section six of this act, which said election shall be held by them as other elections are held for State and county officers: *Provided*, that said judges shall declare the result of said election at the court-house door in the town of Brevard after the polls are closed on the day of election, and shall deliver the poll-list, signed by them, and the registration book, to the board of commissioners of the town in office on the day of said election; and in case of a contest over the election of mayor or any of said commissioners, the declaration of said result by the judges and the poll-list shall be *prima facie* evidence of the election of the person declared to be elected.
- Proviso**
- Who to be declared elected.**
- SEC. 53. That in all elections for mayor and commissioners held under the provisions of this act, the persons receiving the highest number of votes for either of said offices shall be declared elected; and in case of a tie vote, the judges of election and the registrar shall decide who shall be mayor or commissioner, as the case may be.
- Tie vote.**
- Present officers to hold until election of successors.**
- SEC. 54. That the present mayor and commissioners and other officers of the town of Brevard be and they are hereby declared to be like officers, with like powers and duties, of the town of Brevard until their successors are elected and qualified as hereinbefore prescribed.
- Repeal of prohibitory laws.**
- SEC. 55. That all acts or parts of acts, laws or parts of laws, prohibiting the sale of liquor within one, two or three miles, or any other distance, of the Baptist church or any other church in Brevard, be and the same is hereby repealed in so far as the same shall or may apply to the territory embraced within the corporate limits of the town of Brevard, and the sale of liquor within the corporate limits

aforesaid shall be and remain under the sole and exclusive control of the mayor and commissioners elected under the provisions of this act.

SEC. 56. That chapter 94, laws of 1874 and 1875, be and the same is hereby repealed; and chapter 137, laws of 1873 and 1874, be and the same is hereby amended by striking out the words "Enon Baptist church or the court-house in Brevard, Transylvania county," in section 1 thereof.

SEC. 57. That the local option adopted in Davidson River township, Transylvania county, be and the same is hereby repealed, and the same shall not apply to Brevard township.

SEC. 58. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

Sale of liquor to be under control of mayor and commissioners. Chapter 94, laws 1874-'75, repealed. Chapter 137, laws 1873-'74, amended.

Local option in Davidson River township repealed.

CHAPTER 111.

An act to amend the charter of Bryson City, Swain county.

The General Assembly of North Carolina do enact:

SECTION 1. That in section seven, chapter eleven, private laws of one thousand eight hundred and eighty-seven, be amended by striking out the word "sixty," in line two, and inserting in lieu thereof the words "one dollar and twenty"; strike out "twenty," in same line, and insert "forty."

SEC. 2. That section eleven be repealed.

SEC. 3. That section twelve be amended by adding after the word "necessary," in line five, the following, "except the bridge across the Tuckaseege river, which is to be kept up by the county."

SEC. 4. That chapter one hundred and twelve, supplemental to an act to incorporate the town of Charleston, be and is hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

Chapter 11, private laws 1887, amended. Increase of taxing power.

Sale of liquor.

Taxes not to be applied to improvement of bridge across Tuckaseege river.

Chapter 112, private laws 1887, repealed.

CHAPTER 112.

An act to amend the charter of the Alleghany Mining and Improvement Company, limited.

The General Assembly of North Carolina do enact:

SECTION 1. That private acts 1887, chapter one hundred and sixty, being an act entitled "an act to incorporate the Alleghany Mining and Improvement Company, limited," be amended by inserting after line one, in section one, the name of G. W. Hinshaw as one of the

Chapter 160, private laws 1887, amended.

Additional corporator.

Corporate name changed.	corporators; and that line four of section one be amended by striking out the words "mining and improvement," and the word "limited," so that the corporate name shall be "The Alleghany Company."
Corporate powers	SEC. 2. That section three be amended by adding thereto as follows: "The said company shall be empowered to work, cut and deal in timber and growing trees, and to manufacture and deal in timber of all kinds: to manufacture and deal in all articles of wood, all cotton and woolen fabrics and clothes of all kinds."
	SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day March, A. D. 1889.

CHAPTER 113.

An act to amend the charter of the town of Newton.

The General Assembly of North Carolina do enact :

Body politic.	SECTION 1. That the inhabitants of the town of Newton living within the territory prescribed by the fourteenth section of chapter two hundred and forty-seven, private acts of the General Assembly of eighteen hundred and fifty-four and eighteen hundred and fifty-five, and the acts amendatory thereof, to-wit, one mile north and south of the court-house, and one thousand yards east and west thereof, shall be and continue as they have heretofore been, a body politic and corporate, and shall bear the name and style of the town of Newton, and under such name and style may sue and be sued, and is hereby invested with all the property and rights of property which may now belong to the corporation under any other name 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; 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 of the government of said town shall be vested in one principal officer, to be styled the mayor, a board of four commissioners and such other officers as are hereinafter provided for. The mayor shall be superintendent of the streets and sidewalks of the town; but the board of town commissioners shall appoint an overseer who shall work under the directions and supervision of the mayor as superintendent and commissioner.
Mayor and commissioners.	SEC. 3. The board of commissioners of Catawba county shall appoint, at or before their meeting in April, one thousand eight hundred and eighty-nine, and every two years thereafter, a registrar of the voters of the town, and shall cause publications thereof to be
Mayor to be superintendent of streets. Overseer.	
Registrar.	

made at the court-house door and notice to be served on such person by the sheriff.

SEC. 4. Such registrars shall be furnished by the said board of county commissioners with registration books, and it shall be the duty of said registrar appointed for one thousand eight hundred and eighty-nine, and thereafter, to open books at some convenient place at least twenty days before the day fixed herein for the election of officers, and to register therein the names of all persons qualified to vote who may apply for registration. 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 town ninety days; 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 be imprisoned in the county jail thirty days: *Provided*, that those whose names are already on the registration books shall not be required to register, but the registrar shall transcribe their names in the registration book herein referred to: *Provided further*, that the board of town commissioners may order a new registration biennially, giving sixty days notice thereof, before the day fixed for the election of officers. The registration books shall be closed at eight o'clock A. M. the day before the election.

SEC. 5. The board of commissioners of Catawba county, at or before their meeting in April, one thousand eight hundred and eighty-nine, and biennially thereafter, shall appoint three judges or inspectors of election for the town to open the polls, to receive and deposit the ballots in the box 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 in the court-house in Newton by seven o'clock in the morning and shall be closed at sunset. Such election shall be held as near as may be agreeable with the general laws of the State in relation to the election of State officers. The judges and registrars shall have authority to administer oaths.

SEC. 6. All electors who have resided in the State for twelve months and in the town of Newton for ninety days shall be entitled to register and vote in municipal elections. All elections held under and by virtue of this act shall be held under the supervision of the sheriff of Catawba county, who shall attend the polls and preserve order. No person whose name does not appear on the registration books shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the challenge shall be sustained such person's vote shall not be received. The ballots shall be on white paper and without device. The mayor and four commissioners shall be voted for on one ballot.

SEC. 7. After the polls are closed the ballots shall be counted, and the person receiving the highest number of votes for mayor shall be

Registration.

Proviso.

Proviso.

Judges of election

Election, how held.

Electors.

Sheriff to supervise election.

Challenges.

Ballots.

Canvass of votes.

Tie vote. declared elected, and those receiving the highest number of votes for commissioners shall be declared elected. The mayor and commissioners shall be elected for the term of two years. In case two or more persons shall receive an equal number of votes for mayor or commissioners, the sheriff of Catawba county shall determine the matter by his vote.

Mayor and commissioners to qualify.

SEC. 8. That on or before the fourth day after the election, the mayor and commissioners declared elected shall meet at the mayor's office, or such other place as they may select, 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 commissioners, which oath shall be administered by any one having authority to administer oaths.

Powers and jurisdiction of mayor.

SEC. 9. The mayor of said town of Newton, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers in criminal offences occurring within the limits of the town, which now or may be hereafter given by law to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors, consisting of a violation of the ordinances of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for the court of justices of the peace, and in all cases there shall be a right of appeal. And in all cases where a defendant may be adjudged to be imprisoned by the said mayor, it shall be competent for him to adjudge, also, that the said defendant work during the period of his confinement on the public streets or other public works of said town. The common jail of Catawba county shall be used as a town prison until a fit and proper place for the imprisonment of offenders can be provided by the commissioners of the town. That section nine hundred and seven of The Code shall not be construed to apply to trials before the mayor.

Code, sec. 907, not applicable to trials before mayor. Precepts of mayor.

SEC. 10. That the mayor shall issue his precepts to the constable of the town and to such other officers to whom a justice of the peace may direct his precepts. In the absence of the constable his precepts may be executed by a policeman. Such constable or policeman may execute the precepts of the mayor in any portion of Catawba county.

Mayor to keep record. Force of mayor's judgments.

SEC. 11. That the mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace: and shall have power to fine or imprison for contempt—fine not to exceed fifty dollars or imprisonment thirty days.

Mayor to preside, &c.

SEC. 12. 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 to execute his duties. The mayor, upon leaving the town for a greater period than one day, shall designate one of the commissioners mayor *pro tempore*, who shall exercise all of the functions of mayor until his return and receive the fees and emoluments thereof. Mayor *pro tem.*

SEC. 13. 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 State. Ordinances, &c.

SEC. 14. That among the powers hereby conferred on the board of commissioners they may borrow money or create a public debt, not to exceed ten thousand dollars, only after they have passed an ordinance 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 of such election shall be given in some newspaper published in the town, or in such other manner as the commissioners may direct. But they may borrow money for temporary purposes, not in excess of eight hundred dollars, without submitting the matter to the qualified voters of the town. They shall provide for macadamizing, repairing and cleaning the streets; regulate the markets; and take all proper means to prevent and extinguish fires; provide lights; 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; to preserve the health of the town from contagious and infectious diseases; to widen the streets and sidewalks, to remove obstructions in the sidewalks, to lay out and condemn new streets; and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. They shall also have power to regulate the use of property on the streets and to prevent the sidewalks from being flooded or sobbed with water dripping from the roof. They may require the owner to gutter or otherwise to prevent the same, and if he fails to do so, after ten days notice, the work shall be done by the town, and the costs thereof, with twenty-five per cent. added, shall constitute a lien upon the property and be recovered by action before a justice of the peace, in which shall be stated amount demanded, with a description of the property. Power of commissioners to borrow money, &c. Duties of commissioners.

SEC. 15. That at the first meeting of the board of town commissioners, or as soon thereafter as practicable, they shall elect a secretary and treasurer and a constable, who shall hold their offices at the pleasure of the board and until their successors are elected and quali- Secretary and treasurer and constable.

Bonds.

fied. The constable may be tax-collector. Before entering upon the discharge of their duties they shall give a bond in the penal sum of two thousand dollars each, payable to the State of North Carolina, conditioned to perform such duties as may be required of them; and shall also take an oath before the mayor to faithfully discharge their duties. They may raise the amount of said bonds at pleasure, as well as require their renewal.

Oath.

Duties of secretary and treasurer.

SEC. 16. That the secretary and treasurer shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor; and he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said town, and disburse the same according to an order given in obedience to the direction of said board appearing on their minutes or by other authority conferred by them. He shall keep a fair and correct account of all moneys so recorded [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. He shall pay to his successor all moneys in his hands belonging to said town, and faithfully perform all duties imposed on him as secretary and treasurer by the laws and ordinances of said board.

Constable to be tax-collector; duties and powers.

SEC. 17. The constable shall be tax-collector, and as such shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax-list as due for town taxes. He shall be credited in such manner as sheriffs are credited. He shall at no time retain in his hands over twenty-five dollars for a longer time than three days, under a penalty of twenty-five per centum per month for all sums so unlawfully retained. The board of town 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 the secretary and treasurer. The account so audited shall be reported to the board of town commissioners, and, when approved by them, shall be recorded in the minute-book of said board. 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 shall not be eligible to re-election to said office or to election to any other office herein provided for.

Duty of commissioners.

Removal of tax-collector.

Compensation of constable.

SEC. 18. The constable 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 for like service. But the board may provide for a monthly salary and require the fees paid into the town treasury or may augment the compensation of

the constable. In times of exigency, of which he shall be the sole judge, the mayor may appoint temporary policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen. The mayor shall suspend the constable or any policeman if found drunk, and as soon thereafter as possible convene the board of town commissioners in session, to whom he shall report his action, and if the charge shall be found true, they shall make the suspension absolute; and such constable or policeman shall forfeit all such sums as may be due him from the town for his services, and shall not be eligible to hold office in the town for twelve months. The constable and policemen shall have all the powers that sheriffs have for the preservation of the peace and good order of the town. The board of town commissioners shall require the police force to wear badges and be so armed and uniformed as to be readily recognized by the public as peace officers.

Policemen.

Suspension of constable.

Police to wear badges.

SEC. 19. That the secretary and treasurer shall, on the third Monday in May in each and every year, make advertisement in some newspaper published in the town, and at the court house and six other public places in the town, notifying all persons residing in the town, and who own or have control of taxable property in the town on the first day of June, to return to him on or before the last Saturday in June a list of their taxable property in said town; said list shall state the number of lots or parts of lots, the number of acres of land and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the secretary and treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, -----, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned or controlled by me in said town, and number of acres of land, and a full and accurate list of all personal property, including money and solvent credits and other property subject to taxation by the laws of the State and ordinances of the town, according to my best knowledge and information: so help me, God." The list shall contain the value of the property so rendered, and whenever a portion of a tract of land shall be within the incorporate limits of the town, the owner or person having control thereof shall state the number of acres and value thereof, having regard to the assessment of the whole by the township board of trustees or assessors. If, in the opinion of the board of town commissioners, the value so given or made by the owner or person having control thereof is too small in proportion to the whole and the location of the property, they may, on or before the last Saturday in July thereafter, raise assessment. The owner or person having control thereof shall have ten days notice of said action. And from the returns so made and cor-

Listing of property for taxation.

Oath.

rected, the secretary and treasurer shall, within five weeks after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax-lists are made out by law for tax-collectors of State taxes, and the said secretary and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the town limits, which assessment may be revised, corrected or amended by the board of town commissioners within the time above specified.

Tax-list.

SEC. 20. That the secretary and treasurer shall, within forty days from the return of the tax-list, make out to the best of his knowledge and belief, by comparing his book with the returns made by 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 persons so listed shall forfeit and pay a sum to be fixed by the board, not to exceed fifty per centum of the taxes levied for that year, to be charged with his or her taxes.

Taxation.

SEC. 21. That in order to raise a fund for the expenses incident to the proper government of the town, commissioners may annually levy and collect the following taxes, viz.: first, on all real estate and personal property situated in the town, including money, bonds and solvent credits, a tax not exceeding sixty cents on every one hundred dollars value: second, on all taxable polls, a tax not exceeding one dollar, who may be residents of the town on the first day of June of each year; third, on every four-horse omnibus, a tax not exceeding twenty-five dollars: fourth, on every two-horse omnibus, a tax not exceeding fifteen dollars; fifth, on every dray or express wagon, a tax not to exceed fifteen dollars; sixth, on all carriages or other vehicles used for hire, a tax not exceeding ten dollars; seventh, on every dog, a tax not exceeding two dollars and a half, including bitches; eighth, on every hundred dollars value of goods, wares and merchandise purchased for re-sale by every merchant trading in the town, within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding fifty cents.

Commissioners
to levy taxes.

SEC. 22. That as soon as the secretary and treasurer shall have finished the assessment roll as provided, and the same shall have been revised by the board, the board of town 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 January next ensuing, and shall pay the moneys as they are collected to the treasurer, giving to the treasurer, at the same time, in writing, the names of the persons from whom the money was collected, with amounts.

Collection of
taxes.

SEC. 23. All town lots or other real property within the town upon which the taxes have not been paid by the first day of January, in each year, shall be offered for sale at the court-house door on the first Monday in February, the constable or tax-collector having first advertised the same in some newspaper, designated by the mayor, for four successive weeks. The sale may be continued from month to month not exceeding three months. The highest bidder shall be the purchaser. The owner of the property may redeem the same, within four months, by paying the taxes and twenty-five per cent. to the purchaser, and the costs of advertising. The delinquent shall pay the costs of advertising, which shall not exceed one dollar. If the land or town lot or lots shall not be redeemed within the time specified, the constable, or person having the collection of the taxes, shall convey the same to the purchaser by deed under seal.

Sale of land for taxes.

Redemption.

To be conveyed if not redeemed.

SEC. 24. 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 constable immediately, and if the same be not paid on demand the articles upon which the said tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, and if there is not enough realized to pay the tax and costs of sale the residue may be recovered by suit in the name of the town, viz.:

License taxes.

First. Upon all itinerant merchants selling or offering to sell or soliciting orders in the town, a tax not exceeding twenty-five dollars per year.

Second. On every bowling alley, and every billiard table, and every bagatelle table, and every pool table, and every other table or gaming contrivance, the objects of which is gain, and for the use of which a charge is made, a tax not exceeding fifty dollars, reserving the right to remove it or them at any time as a nuisance.

Third. On all keepers of eating-houses or stands or restaurants, fish or meat, vegetable or bread stands, or fruiterers, a tax not exceeding twenty-five dollars per year.

Fourth. Upon every company of circus riders, who shall exhibit within the town or within a half mile thereof, a tax not exceeding fifty dollars for each day, the tax to be paid before the exhibition, and if not, to be doubled.

Fifth. Upon every person or company exhibiting, within the town or within a half mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menagerie, a tax not exceeding fifty dollars for every day they exhibit.

Sixth. Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted), in the town or within a half mile thereof, a tax not exceeding fifteen dollars, to be paid in advance.

Seventh. Upon every show or exhibition of any other kind, and upon each concert for reward, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting.

Eighth. Upon every goat, hog, cow, horse or mule or bull running at large in the town, a tax not exceeding two dollars; and every such animal shall be seized or impounded, and if the owner, on being notified, shall not pay the tax, the animal shall be sold therefor, after three days notice at the court-house. This shall not apply to animals accidentally escaping, where the owner uses due diligence in reclaiming and finding his property.

Ninth. On all other subjects and persons that the Legislature may hereafter specially tax, a tax not exceeding that levied by the State.

Taxation.

SEC. 25. That taxes for town purposes shall be levied on all real and personal property, trades, license and other subjects of taxation, as provided in section three, article five, of the State constitution.

Streets.

SEC. 26. That the board of town commissioners shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out and open new streets and widen those already open, and make such improvements thereon as the public convenience may require. That when any land or right of way shall be required for the purpose of opening new streets or for widening those already opened, or for other objects allowed by this charter or the general law, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen by the town commissioners; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered; also any benefit or advantage such owner may receive from the opening or widening such 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 of town commissioners and spread upon their minutes, shall have the effect of a judgment against the town, and shall pass the title to the town of the land so taken: *Provided*, that if any person over whose land the said street shall pass or improvement be erected, or the commissioners, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners opening or widening such street or erecting such improvement.

Condemnation of land.

Fire companies.

SEC. 27. That the board of town commissioners may provide for the establishment, organization and equipment, government and pay

of such number of fire companies as they may deem necessary and proper.

SEC. 28. 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 additions to any building, or cover any building with any material other than metal or slate; they may prohibit the removal of any wooden building from without to within such fire limits under such penalties as they may establish.

Fire limits.

SEC. 29. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the town; the pace and speed at which horses or other animals may be ridden or driven through the streets; the speed at which railroad engines may be run within the town limits; to prohibit said railroads from stopping their engines or cars on said streets, and to require said railroads to keep the street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept; to cause all alleys, lots, cellars, privies, stables, sties, and other places of like character to be examined, a sanitary committee or policeman to be appointed for that purpose. It shall be the [their] duty, on complaint, to cause by their order to have said place cleaned and the nuisance abated; and shall have authority to enter the premises described to be in bad order and inspect and have the same cleaned, and the expense of abating such nuisance shall be recovered from the occupant or owner of such premises by action of debt in any court having competent jurisdiction, and the expense shall be a lien upon said lot.

Powers of commissioners concerning firing of guns, fast driving, &c.

SEC. 30. That they 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 commissioners for the abatement and removal of nuisances shall extend a quarter of a mile beyond the town limits. They shall have power and it shall be their duty to notify the owners of lots upon which water stands or stagnates to cause to be drained, cleared and filled up, and if they fail to do so in five days after the service of such notice, they shall be guilty of a misdemeanor, and upon conviction be fined not to exceed fifty dollars and imprisoned not more than thirty days; and the said work of draining, clearing and filling up of such places shall be done at the expense of the town, and the expense shall constitute a lien upon the lot or lots, and be recovered by action before a court having competent jurisdiction.

Powers of commissioners concerning nuisances, &c.

Misdemeanor.

SEC. 31. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinances of the town or the criminal

Fines, &c., how applied.

laws of the State, when tried and recovered before the mayor of said town, shall be paid to the town treasurer for the use of the town.

Violation of ordinance a misdemeanor.

SEC. 32. Any person violating any ordinance of the town of Newton shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalties, how recovered.

SEC. 33. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the town, shall be recoverable in the name of the town of Newton before the mayor or other tribunal having jurisdiction thereof. No penalty imposed by any of the ordinances shall exceed fifty dollars.

Work upon streets.

SEC. 34. The board of town commissioners may require all able-bodied male persons residing within the incorporate limits, between the ages of eighteen and forty-five years, to work on the streets not exceeding six days in any one year, and may make regulations by which, upon the payment of a sum of money not to exceed four dollars in lieu of such labor, the said persons may be relieved.

Vacancies.

SEC. 35. That all vacancies caused by death, resignation or otherwise, shall be filled by the board of town commissioners; and if said commissioners fail for sixty days to fill a vacancy, then and in that event the vacancy shall be filled by the board of commissioners of Catawba county.

Labor on streets by convicts in county jail.

SEC. 36. That the commissioners shall have power to contract for the labor of convicts imprisoned in the common jail of Catawba county or elsewhere, to labor upon the streets or other public works of the town, and prescribe rules and regulations for working them.

Mayor's fees.

SEC. 37. 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, fifty cents; for trial and judgment, seventy-five cents, to be taxed among the costs; for every warrant issued by him for a violation of any of the ordinances of the town, fifty cents; for every subpoena, twenty cents; for trial and judgment including plea of guilty, seventy-five cents; for warrant issued for a violation of the criminal laws of the State, sixty cents; for trial and judgment including plea of guilty, seventy-five cents; and for each subpoena, twenty cents; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offenders, by such as may carry him away; for the use of the town seal other than for town purposes, one dollar; for every certificate other than for town purposes, fifty cents. The board of town commissioners shall supplement the compensation of the mayor, said supplement not to exceed one hundred and twenty-five dollars per annum.

Additional compensation.

Present officers to hold until successors elected.

SEC. 38. That the persons now holding office as mayor and commissioners of the town of Newton shall continue in office until their successors are elected and qualified.

SEC. 39. The ordinances and by-laws of the town of Newton now in force, and not in conflict with this act, shall remain and continue in force until amended or repealed by the board of town commissioners. Ordinances to continue in force.

SEC. 40. The board of commissioners shall provide a town seal, which shall be kept by the mayor, but until the seal is provided he shall issue process as now authorized. Town seal.

SEC. 41. This act shall not be construed to alter, amend or repeal any portion of the act of the General Assembly authorizing a subscription to the capital stock of the Chester [and] Lenoir Narrow Gauge Railroad. No person shall be eligible to the office of town constable who holds any other public office or appointment the nature and duties of which may require his absence from the corporation at any time; and the acceptance of such office or appointment by the constable while in office shall have the effect of a resignation, and the board of town commissioners shall proceed at once to fill the vacancy. Construction of act.

SEC. 42. All laws or clauses of laws relating to the charter of the town of Newton heretofore in force are hereby repealed. Former laws repealed.

SEC. 43. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 114.

An act to incorporate the Highlands Park Association.

The General Assembly of North Carolina do enact:

SECTION 1. That Henry Stewart, Margaret Stewart and Henry Stewart, Jr., of Highlands township, Macon county, North Carolina, and their associates and successors, be and are hereby constituted a body politic and corporate by the name and style of "The Highlands Park Association," and by this name may sue and be sued, plead and be impleaded within any courts of the State, contract and be contracted with, and have perpetual succession and a common seal. Body politic.
Corporate name.

SEC. 2. That the said corporation shall have power to purchase, lease, hold, sell and dispose of lands for the purpose of laying out a private park in the township of Highlands aforesaid, not exceeding one thousand acres, and may divide such lands into building plats, erect dwelling houses, make wards and streets, erect dams and mills, construct reservoirs and water-works, lay pipes to convey water to the buildings erected upon the lands in the said park, and also to the adjoining town of Highlands, charging a reasonable compensation for the service; also to set posts and attach wires thereto for the pur- Corporate powers

pose of supplying the members of the association and the residents of the town of Highlands with electric lights, and to do all other such lawful acts as may conduce to the welfare of the members of the said association.

Capital stock.

SEC. 3. That the capital stock of the said corporation shall consist of two hundred (200) shares of twenty-five (25) dollars each, but may be increased to fifty thousand (\$50,000) by vote of the shareholders of the said association.

Town of Highlands not to include certain lands of incorporators.

SEC. 4. That as a portion of the lands of the parties above named, upon which the said park is intended to be laid out, was, by mistake and inadvertently, included within the boundaries of the corporate limits of the town of Highlands, incorporated by act of the General Assembly in 1883, and such included lands are covered with timber and unimproved and under fence, and included within the inclosure of the said proposed park, and do not in fact form any part of the town of Highlands, the act of incorporation of the said town of Highlands be and hereby is amended so as to exclude all the lands of the parties above named that lie west of the east boundary line of State grant 1085, from the corporate boundaries of the said town of Highlands.

Business office.

SEC. 5. That the business office of the said association shall be in the township of Highlands aforesaid.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 115.

An act to incorporate Our Home Manufacturing Company, in the county of Richmond.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Robert L. Steele, Walter F. Steele, Henry L. Ledbetter and Walter L. Scales, their associates, successors and assigns, are hereby created a body politic and corporate under the name of

Corporate name.

Our Home Manufacturing Company, 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.

Capital stock.

SEC. 2. The capital stock of said corporation shall be fifty 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 and fifty thousand dollars.

Corporate powers

SEC. 3. Said corporation shall have power and authority to carry on in all its branches the manufacture and sale of yarns, thread, cot-

ton and woolen goods, and clothing of all descriptions whatever, and all like fabrics out of cotton, wool, or any other material; and may, in connection with said business, buy, sell and deal in goods, wares and merchandise of every kind and description, grind grain and gin cotton, at its will and pleasure.

SEC. 4. Said corporation shall have power to lease, purchase, hold and convey real estate and 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 indebtedness for the same. Corporate powers

SEC. 5. The stockholders of said corporation shall have power to elect such officers as they deem necessary, prescribe their duties, compensation and terms of office, and make all rules and regulations for the government and conduct of said corporation and its business as they may consider best calculated to serve their interest: *Provided*, the same do not conflict with the laws of this State or of the United States. Officers.
Rules, &c.
Proviso.

SEC. 6. That said corporation may have a common corporate seal, which they may make, break or alter at pleasure. Common seal.

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. Non-liability of
stockholders.

SEC. 8. 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. Taxation.

SEC. 9. That the principal place of business of said corporation shall be on Hitchcock's creek, near the town of Rockingham, in Richmond county. Place of business.

SEC. 10. Said corporation shall have power to construct dams, buildings, walls and other works necessary for the purposes for which they are established, and may use any motive power which may be deemed conducive to the interest of the company. Corporate powers

SEC. 11. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the corporators and stockholders waive such notice or publication in writing, and fix a time for the first meeting of said corporation. Organization.

SEC. 12. That to aid said corporation in the protection of their property, the peace and quiet of their community, and the advancement of their interest, the town of "Our Home," in the county of Richmond, is hereby incorporated by the name and style of "Our Home." Town of "Our
Home" incor-
porated.

SEC. 13. That the corporate limits of said town shall be as follows, Corporate limits.
viz.: Beginning on Hitchcock's creek, at Mrs. Harvey Gerry's north-west corner, and runs with her line in a southerly direction five

chains to a stake; thence south 70 degrees east 8.6 chains to a small persimmon tree, the southwest corner of land now owned by R. L. Steele and H. L. Ledbetter; thence with their various southern lines to two willow trees in Rockingham spring branch; thence with said branch to said creek; thence up the various courses of said creek to the line of the W. T. Leak old mill tract; thence with the lines of said tract adjoining the lands of W. I. Everett, R. L. Steele and estate lands of J. W. Dowkins, deceased, to the northeast corner of said land now owned by R. L. Steele and H. L. Ledbetter; thence with their lines in a westerly direction to their corner; thence with their lines in a southerly direction to said creek; thence with said creek to the beginning.

Officers.

SEC. 14. That the officers of said town shall consist of a mayor, two commissioners, a clerk and treasurer and constable, and the first election for the same shall be held on the first Monday in May, Anno Domini eighteen hundred and ninety, and each succeeding year thereafter, in accordance with the law now existing in reference to incorporated towns; and until the officers under said first election qualify, the following shall be the officers of said town: Mayor, Robert L. Steele; commissioners, W. F. Steele and H. L. Ledbetter; clerk, treasurer, constable, W. L. Scales.

Election.

Temporary officers.

Powers of town commissioners.

SEC. 15. 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 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 violations of town ordinances and collect the same.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 116.

An act to incorporate the Piedmont Wagon Company. DEWA

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. G. Hall, P. C. Hall, A. A. Shuford, D. M. Shuler, A. C. Dixon, T. I. Lines, J. F. Murrill, H. C. Latta and J. B. Beard, their associates and successors, be and they are hereby created a body politic and corporate, under the name of the Piedmont Wagon Company, whose principal place of business shall be at or near Hickory, North Carolina, to have succession for ninety-nine years, and by that name to sue and to be sued, plead and be impleaded, prosecute and defend in any court of record or in any other places whatever, and may have and use a common seal and the same break

Corporate name.

Corporate powers

and renew at pleasure, and may purchase and hold such real estate and personal property 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 regulations, not being contrary to the laws of this State or of the United States, as may be necessary and 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.

SEC. 2. That the capital stock of the said company shall be two hundred thousand dollars, with full power and authority to increase the sum from time to time, as may be deemed expedient by the stockholders, to the maximum sum of five hundred thousand dollars, said stock to be divided into shares of twenty-five 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. 3. That the affairs of the corporation shall be governed and managed by a president, vice-president and directors; besides the president and vice-president, who shall be ex-officio directors, there shall also be a secretary and treasurer, or by a vote of a majority of the stockholders and of the stock the same officers may act as secretary and treasurer. Said officers shall be elected at the regular annual meeting of the stockholders, by a majority of the stock represented and voted, and shall hold office for two years and until others shall be chosen to fill their places. The board of directors shall have power to fill vacancies caused by death, resignation or otherwise. Officers.
Vacancies.

SEC. 4. That said corporation shall have power to manufacture all kinds of wagons of wood, with or without springs, carts, trucks, buggies, carriages, wheel-barrows; plows, and in general all kinds and grades of vehicles, implements and fabrics of wood, or wood and metal, or of metal. Corporate powers

SEC. 5. That the regular annual meeting of the corporation shall be fixed and located by its by-laws; but the president shall have power, at any time, to call a special meeting of the stockholders or directors on such notice as said by-laws shall prescribe. And on the written request of the holders of not less than one-fifth of the capital stock a meeting of the stockholders shall be called by the president. Meetings of stockholders.

SEC. 6. The president, or until one is chosen, J. G. Hall shall from time to time call a meeting of the corporators, and those desiring to subscribe to the stock of said corporation, at such time and place in town of Hickory as may be chosen, for the purpose of opening books and receiving subscriptions to the capital stock of said corporation, and as soon as the sum of fifty thousand dollars has been subscribed and paid up in full he shall declare the corporation organized, and the shareholders shall then proceed to elect officers and proceed with the business of said corporation. Books of subscription.
Organization.

Stock-book, &c.

SEC. 7. That thereupon the secretary shall provide a suitable stock-book, in which shall be recorded the names of all the stockholders, with the amount of stock held by each, and how much has been paid in on each share. said share to be transferable only upon the book aforesaid, in the presence and under the direction of said secretary, by the assigner in person and in writing or by his agent thereto, by said assigner duly authorized in writing, which authority shall be filed with the secretary.

Salaries of officers.
Proviso.

SEC. 8. That said officers shall be paid such salaries as the stockholders may from time to time prescribe: *Provided*, such salaries shall be fixed not later than three months from the date of the election of said officers. The employees of the corporation, whether clerical, mechanical or otherwise, shall be appointed or employed by the president, and their wages fixed by him, with the consent and advice of the directors in meeting assembled.

Employees.

Liability of stockholders.

SEC. 9. That the stockholders of said corporation shall not be liable in their person or property for any loss, damage or responsibility other than the property they own in the capital stock or funds of said corporation to the amount of the shares held by them, respectively, and any profit arising therefrom not divided.

Conflicting laws repealed.

SEC. 10. That all laws and parts of laws inconsistent herewith be hereby repealed, and that this shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 117.

An act to authorize the city of Raleigh to issue bonds for public improvements, and to levy a special tax.

The General Assembly of North Carolina do enact :

Board of aldermen authorized to issue bonds for paving streets not exceeding \$25,000.

SECTION 1. That for the purpose of paving and otherwise improving such of the public streets of the city of Raleigh as the board of aldermen of said city may determine to improve, the city of Raleigh is hereby authorized and empowered to issue its bonds to an amount not exceeding twenty-five thousand dollars, of such denominations and in such proportions as the board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached payable half yearly at such times and at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places, as the board of aldermen may determine.

SEC. 2. That for the purpose of providing a system of sewerage for the city of Raleigh, or of making other public improvement in the city of Raleigh, or for either or both of such purposes, as and when the board of aldermen may determine, the city of Raleigh is hereby authorized and empowered to issue its bonds, from time to time, to an amount not exceeding seventy-five thousand dollars in the aggregate, of such denominations and in such proportions as the board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly at such times and at such place or places as may be deemed advisable by said board; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding fifty years from the date thereof, and at such place or places, as the board of aldermen may determine.

Board of aldermen authorized to issue bonds for system of sewerage, &c., not exceeding \$75,000.

SEC. 3. That none of the bonds authorized by the first and second sections of this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their par value; nor shall said bonds or their proceeds be used for any other purposes than those declared in said sections respectively, and any officer of the said city of Raleigh violating, or aiding or abetting any person in the violation of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than six months, and shall, moreover, be liable to the said city in a sum double the amount lost to the city by such violation.

Bonds to be sold for not less than par.

Application of proceeds.

Misdemeanor.

Penalty.

SEC. 4. That the bonds authorized to be issued by sections one and two hereof, and their coupons, shall not be subject to taxation by the city until after they become due and tender of payment shall have been made by the city; and the coupons shall be receivable in payment of city taxes or other city dues for any fiscal year in which such coupons become due or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Bonds non-taxable by city.

Coupons receivable for city taxes, &c.

Interest to stop if bonds or coupons not presented for payment.

SEC. 5. That for the purpose of providing, first, for the payment of the interest accruing on and the principal at maturity of the bonds issued under authority of section one hereof, the board of aldermen of said city shall annually and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purposes whatsoever, said particular tax to be not less than three nor more than four cents on the one hundred dollars assessed valuation on property, and not less than nine nor more than twelve cents on each poll; and second, for

Special tax.

the payment of the interest accruing on and the principal at maturity of the bonds issued under authority of section two of this act, the said board of aldermen shall levy and lay a particular tax on all the persons and subjects of taxation on which said board now are or may hereafter be authorized to lay and levy taxes for any purposes whatsoever, said particular taxes to be not less than ten nor more than twelve cents on the one hundred dollars assessed valuation on property, and not less than thirty nor more than thirty-six cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from each other and from other city taxes, and shall be applied exclusively to the purposes for which they are respectively levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied in the purchase or discharge of the bonds for which said taxes are respectively levied and collected, shall be invested so as to secure the payment at maturity of the principal of the said bonds for which the said taxes are respectively levied and collected; and to insure the due investment of the amounts collected from year to year, in excess of that required to pay the said interest, the board of aldermen shall appoint some suitable person, to be styled "commissioner of the sinking fund of the city of Raleigh," whose duty it shall be, under such general rules and regulations as said board of aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds issued under section one or section two thereof, or both, and to do or perform all such other services in connection with said bonds as said board of aldermen may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of aldermen may determine: *Provided, however*, that if the said bonds authorized by section one hereof shall be issued and the special or particular tax as provided for in subsection one of this section shall be levied as provided, then by so much shall the special tax provided for in section twelve of chapter thirty-five, private acts of eighteen hundred and eighty-five, be reduced and lessened; and if the bonds authorized by section two of this act shall be issued and the particular tax provided for in subsection two of this section shall be levied, then by so much shall the special tax authorized by section twelve of said chapter thirty-five, private acts of eighteen hundred and eighty-five, be reduced and lessened; and if both classes of bonds as authorized by sections one and two of this act shall be issued, and the special taxes authorized by subsections one and two of this section are levied, then shall the special tax provided for by said section twelve of chapter thirty-five of private acts of eighteen hundred and eighty-five be reduced and lessened by the aggregate amount of the taxes levied.

How collected,
&c.

Sinking fund.

Commissioner of
sinking fund.

Proviso.

under authority of this section, it being the purpose and intent of this section to prevent the levy and collection of special taxes for all purposes to a greater extent than one-third of one per centum on property and one dollar on each poll.

SEC. 6. That the provisions of sections one, two and five of this act shall be submitted to a vote of the qualified voters of the city of Raleigh, at an election to be held in said city on a day to be designated by the board of aldermen at any time after ten days from and after the ratification of this act, and after a public notice of thirty days preceding the election, of the time and places when the election shall be held, which notice shall contain a copy of said sections one, two and five of this act, or a synopsis of the same, and shall be published in two or more newspapers published in the city of Raleigh. Said election shall be held and returns thereof made under the same rules and regulations as exist in case of elections for aldermen of the city. Those qualified voters approving the issue of the bonds provided for in sections one and two, and the levy and collection of the particular taxes provided for in section five of this act, shall deposit in a ballot-box a slip containing the printed or written word "approved": and those disapproving the same shall deposit a like ballot with the printed or written word "disapproved." If a majority of such voters shall vote "approved," it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving the board of aldermen authority to issue the bonds authorized by sections one and two of this act, and to levy the special tax so authorized in section five of this act, and the board of aldermen shall have such authority. If the board of aldermen deem it advisable, the vote upon the issuance of the bonds authorized by said sections one and two of this act may be had separately, and in that case there shall be two ballot-boxes, in one of which those qualified voters approving the issue of the bonds provided for in section one, and the levy of the special tax provided for by subsection one of section five of this act for that issue of bonds, shall deposit a ballot with the printed or written words "street improvement—approved," and those disapproving the same shall deposit a like ballot with the written or printed words "street improvement—not approved"; and if a majority of such voters shall vote "street improvement—approved," then it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving the board of aldermen authority to issue the bonds provided for in section one, and to levy the special tax provided for in subsection one of section five of this act, and the board of aldermen shall have such authority; but if a majority of them vote "street improvement—not approved," then the board of aldermen shall not have said authority. In the other of said ballot-boxes those qualified voters of the city of Raleigh approving the issue of the bonds provided for in section two of this act,

Election upon
question of issu-
ing bonds.

and the levy of the special tax provided for in subsection two of section five, shall deposit a ballot with the printed or written words "public improvement—approved," and those disapproving the same shall deposit a like ballot with the words "public improvement—not approved"; and if a majority of such voters shall vote "public improvement—approved," then it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving authority to the board of aldermen to issue the bonds provided for in section two of this act, and likewise to levy and collect the special tax provided for in subsection two of section five of this act, and thereupon the board of aldermen shall have such authority. But if a majority shall vote "public improvement—not approved," then the board of aldermen shall not have such authority: *Provided*, that if at any election held under this section a majority of the qualified voters shall vote "disapproved" on the proposition to issue bonds, either under section one or section two hereof, or both, it shall not prevent the board of aldermen of said city from ordering another election under this section at any time after the lapse of four months from the date of such election at which the qualified voters may have voted "disapproved." And if, at such other election, a majority of the qualified voters shall vote "approved," it shall have the same force and effect as if no election had been previously held.

Additional election.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 118.

An act to incorporate the Carolina Insurance Company, of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

Authorized to represent foreign insurance companies as agent.

SECTION 1. That the said Carolina Insurance Company shall have power to represent as agent any fire insurance company organized outside of the State of North Carolina, subject to the same laws which govern individuals in acting in the same capacity.

When to commence business.

SEC. 2. That the said company is authorized, as soon as the capital stock shall have been subscribed to the amount of twenty-five thousand dollars, and fifty per cent. be paid in, in cash, in the form prescribed, to commence business in the manner authorized in the charter.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 119

An act to incorporate the town of Waxhaw, in Union county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Waxhaw, in Union county, be and the same is hereby incorporated under the name and style of "the town of Waxhaw," and shall be subject to all of the provisions of chapter sixty-two (62) of the second volume of The Code.

SEC. 2. That the corporate limits of said town shall extend one-half mile each way from the depot of the Georgia, Carolina and Northern Railway along the line of said railway, and shall, within the distance of one-half mile from said depot, extend one-half mile from the said railway and be parallel thereto, so that the corporate limits of said town shall be one mile square, with the said depot as a center thereof.

SEC. 3. That the officers thereof shall consist of a mayor, three commissioners and a marshal, and the commissioners shall have the right to appoint a secretary and treasurer.

SEC. 4. That until their successors shall be elected on the first Monday in May, one thousand eight hundred and eighty-nine, the following named persons shall fill said offices, viz.: Mayor, Jas. C. Davis; commissioners, Jas. M. Morrow, B. F. Morrow and J. H. Starns; and in the event of the failure of the qualified voters of said town to elect a mayor and commissioners on the first Monday in May, one thousand eight hundred and eighty-nine, then the said commissioners and mayor shall hold their offices until their successors shall be elected and qualified.

SEC. 5. That the said commissioners shall have the right and authority to appoint a marshal for said town and elect or appoint such policemen as in their opinion shall be necessary for the protection of said town or its government.

SEC. 6. That the said commissioners shall have the right to elect a cotton-weigher for said town, who shall receive as compensation for his services a sum not to exceed ten cents on each and every bale of cotton purchased by the merchants or other persons buying cotton within the corporate limits of said town, and the said commissioners shall have the right to establish such rules and regulations concerning the weighing of cotton as shall be to the best interest of the residents of said town and shall not be inconsistent with the constitution and laws of the United States or the State of North Carolina: *Provided*, that the weigher shall [not] be appointed or have any authority under this section whenever a cotton-weigher has been appointed by the justices of the peace and county commissioners. One-half the fee shall be paid by the seller, the other by the buyer.

Fines, how applied.

SEC. 7. That all fines collected for violations of the ordinances of said town shall be paid into the treasury of said town for the use and benefit of the town.

Powers of commissioners.

SEC. 8. That the said commissioners shall have the right to pass by-laws, ordinances and rules for the good government of the town not inconsistent with the laws of the State or of the United States, and levy and collect taxes on all subjects of taxation not to exceed the amount levied by the State; and the mayor shall have the right and power to impose fines and penalties for the violation of town ordinances established by the commissioners of the town.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 120.

An act to amend the charter of the town of Rockingham, in Richmond county.

The General Assembly of North Carolina do enact:

Chapter 101, private laws 1887, amended.

SECTION 1. That the charter of the town of Rockingham, Richmond county, be and the same is hereby amended as follows: In line nine, section two, chapter 101 of private laws of 1887, after the word "to," add the words "the northwest corner of the lot belonging to the estate of Harvey Terry, deceased; then with the west line of said lot south 12 degrees east 5 chains to a stake; thence south 70 degrees east 8 chains and 61 links to the southwest corner of the lot now owned by R. L. Steele and H. A. Ledbetter; thence with their various lines on the south side of said lot to Rockingham spring branch; thence down the various courses of said branch to said Hitchcock creek; thence up the various courses of said creek to"; and in eleventh line of said section strike out the words "southern line," and insert in lieu thereof the words "various lines south of Hitchcock;" and after the last word in section thirty (30) of said chapter add the words, "the commissioners of said town may by purchase, donation or devise, hold, either within or without the corporation, real estate for cemeteries and other purposes not exceeding 200 acres."

Corporate limits.

Cemeteries.

Citizens liable to work streets.

SEC. 2. That section nineteen (19) of said act is hereby amended in line five by inserting after the word "town," and before the word "for," the following words, "may have all the streets and roads in said corporation worked by the citizens thereof subject to road duty in same way and manner prescribed by law for working public roads, and do all things."

SEC. 3. That section forty-six (46) of said act is hereby amended by striking out in line seven thereof the word "exceed," and insert in lieu thereof the words "be less than." License tax for sale of liquors to be not less than \$200.

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

SEC. 5. That this act shall be in force from and after its ratification, Ratified the 7th day of March, A. D. 1889.

CHAPTER 121.

An act to amend the charter of the Linville Land, Manufacturing and Mining Company.

WHEREAS, The stockholders and members of the Linville Land, Manufacturing and Mining Company, a corporation created and organized under the general laws of the State, chapter 16, volume 1, of The Code, are desirous of amending their charter so as to change the name of said company to that of the Linville Improvement Company, and to obtain greater privileges and powers than are now allowed by their charter and the general laws of the State; therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the Linville Land, Manufacturing and Mining Company be so amended as to change the name of said company to that of the "Linville Improvement Company," and as such shall continue and have succession for the term of ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend, in any court or place in the State of North Carolina, may have a common seal, and may make, establish and put in execution such by-laws as may be necessary for the regulation and management of its affairs, not inconsistent with the laws of this State or the United States, and do all such other acts and things as may be necessary to carry into effect the provisions of this act. Name changed.
Corporate name.
Corporate powers

SEC. 2. That the said company shall have the right to purchase, hold, sell, lease, mortgage or otherwise convey and dispose of any real or personal property or estate: to borrow money; to make and issue bonds and promissory notes or other evidences of indebtedness, and secure the same by mortgage or otherwise, as it may deem best; to make advances of money or other things on such terms or rates of interest, and on such securities, real or personal, as may be agreed upon: *Provided*, the rate of interest shall not exceed that allowed by law. Corporate powers

SEC. 3. That the said company is hereby authorized and empowered, in addition to the powers hereinbefore granted, to lay out, build Authorized to construct railroad.

and construct a railroad from Linville, its place of business, in the county of Mitchell, to Cranberry, in said county, or to some point to be settled upon by said company, in either of the counties of Mitchell, Watauga, Pender or McDowell, and establish such gauge for such road as the company may deem proper.

Authorized to enter upon lands to survey, &c.

SEC. 4. That it shall be lawful for the president and directors of said company, their agents, superintendents, engineers, or others in their employ, to enter, at all times, upon the lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad, and in locating the same; and to do and erect all necessary work or works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the clerk of the superior court in the counties through which the same shall be located, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, conductors, and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands, and to erect all the works necessary and suitable for the completion or repairing of said road: *Provided, always,* that the payment, or the tender of the payment, of all damages for the occupancy of all lands through which the said railroad may be laid out or located be made before the said company shall enter upon or break ground upon the premises, except for surveying or laying out or locating said road, unless the consent of the owners thereof be first had and obtained.

Proviso.

Condemnation of land.

SEC. 5. That when any land or right of way may be required by said company for the purpose of constructing their road as hereinbefore provided, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners thereof, the said land or right of way may be taken by the said company as is provided in chapter 49 of The Code of North Carolina, entitled "railroad companies"; and in building, constructing and operating the said railroad the said company shall have all the rights, powers and privileges that are granted to railroad companies by chapter 49 of The Code, and, with the exception of section 1980, the said railroad shall be subject to all the duties, liabilities and provisions of the said chapter 49 not inconsistent with the provisions of this act.

Authorized to issue mortgage bonds.

SEC. 6. That the said company is hereby authorized, if it be found necessary for the construction of said railroad, to issue coupon bonds of such denominations and value as it may determine upon, and, to secure the payment of such bonds, may execute and deliver mortgage deeds or deeds in trust, signed by the president of the company and countersigned by the secretary of the same, conveying the franchise of the said railroad, including its road-bed and superstructure; and the deeds so executed, when registered in the county of Mitchell,

Registration.

shall be a lien upon said railroad and have priority over all other liens upon the same, excepting mechanics' and laborers' liens.

SEC. 7. That the said company shall have the right to build and operate one or more factories, to be conducted by water, steam or other motive power, for the purpose of manufacturing and working such materials as may be sanctioned by its by-laws, not contrary to law. Factories.

SEC. 8. That the capital stock of said company shall not exceed the sum of two millions of dollars, and shall 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.

This act shall take effect from and after its ratification.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 122.

An act to incorporate "The Wilson Banking and Trust Company."

The General Assembly of North Carolina do enact :

SECTION 1. That A. Branch, T. J. Hadley, Joshua Barnes, J. F. Breston, R. L. Thompson, Walter Brodie, and their present and future associates and successors, be and are hereby constituted and declared to be a body politic and corporate under the name and style of "The Wilson Banking and Trust Company," and shall so continue for the period of thirty years, with capacity to sue and be sued, to maintain and defend actions in its corporate name, to take, hold, buy, sell and convey real and personal property, and to conduct, transact and carry on in its full scope and import a general banking business, with all the powers, rights, privileges and immunities hereby specially granted and those contained in chapter seven, volume two, of The Code of North Carolina, entitled "banks," as well as in the constitution and statutes of this State now existing. Body politic.
Corporate name.
Corporate powers

SEC. 2. The said bank shall be located in the town of Wilson, Wilson county, and State of North Carolina. Location.

SEC. 3. The capital stock of said bank shall be one hundred thousand dollars, in shares of one hundred dollars each. Capital stock.

SEC. 4. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said Wilson Banking and Trust Company at such time or times, at such places and for such periods as they shall determine; and the stockholders, at any general meeting called after the organization of said banking and trust company, may, at their dis-

cretion, from time to time, re-open books of subscription to said capital stock until the same be wholly taken.

Organization.

SEC. 5. Whenever fifty thousand dollars shall have been subscribed and paid in to the capital stock of the said banking and trust company, the beforenamed corporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place and on such notice as they may deem proper, 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 such directors shall choose a president to serve during their continuance in office.

Powers of president and directors

SEC. 6. The president and directors of said bank may adopt and use a common seal, and alter the same at pleasure; may make and appoint all necessary officers and agents, and, subject to the approval of the stockholders, fix their compensation and take sufficient security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest, not to exceed the legal rate prescribed by the laws of this State, as may be agreed on; and, in general, have the privileges conferred on corporations by the general laws of the State relating to corporations. The said banking and trust company shall have a lien on the stock subscribed for and unpaid by the stockholders before and in preference to other creditors of the same dignity.

Corporate powers

SEC. 7. The said banking and trust company may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts of said banking and trust company, or may be sold to satisfy any debt due to said banking and trust company, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt and lend money, on such terms as may be agreed on, at a rate not greater than the legal rate of interest of this State, which interest may be taken in advance at the time of loan in discount. It may receive on deposit on terms to be agreed on between the officers and depositors. The said banking and trust company may receive on deposit money 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 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 banking and trust company shall be as binding as under seal of the banking and trust company. Each stockholder of said banking and trust company shall be liable to the

extent of his ownership in stock in the said banking and trust company, and nothing more, for any debts contracted or engagements of said banking and trust company.

SEC. 8. When married women or minors deposit money or other property in said banking and trust company to their own credit, they may withdraw the same on their own order or check and be bound thereby, and such individual check or order of such minor or married woman shall be a valid and sufficient release and receipt to said banking and trust company against themselves and all other persons.

Deposits by married women and minors.

SEC. 9. That to aid planters, manufacturers, and others, the said banking and trust company shall and may have power to advance or loan to any planter, farmer, manufacturer, or other person, any sum or sums of money, and to secure the repayment of the same take a lien in writing, or liens in writing, on the crop or crops to be raised, even before the planting of the same, or upon any articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired; and any lien so taken shall be good and effectual in law:

Advances to planters, &c.

Lien.

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 banking and trust company shall have power to make loans on mortgages of real estate and personal property, and also to receive in storage or warehouse, or upon cotton yards, any cotton, and in storage or warehouse any other produce or manufactured articles whatever, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly registered and recorded as in the case of deeds of trust and mortgages, and any sales made thereunder, according to the terms therein recited, shall be good and valid in law.

Proviso.

Loans on mortgage, &c.

SEC. 10. The said banking and trust company is authorized to organize in connection with its general banking business a savings and trust department; and to do a savings and trust 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 banking and trust company to receive small deposits in said savings and trust department, not less than one dollar in any single case, and to give certificates or other evidences of deposit, and to pay such interest as may be agreed on, not exceeding the legal rate, and to regulate the time of payment and notice of demand. And to the depositors in the savings and trust department the banking and trust company itself shall be liable for their final payment as to its general depositors or creditors.

Savings and trust department

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 123.

An act to amend chapter 91 of the laws of 1883, amending the charter of the town of Franklin, in Macon county.

The General Assembly of North Carolina do enact :

Corporation continued.	SECTION 1. That the inhabitants of the town of Franklin, in the county of Macon, shall continue to be, as heretofore, a body corporate under the name and style "the town of Franklin," and under such name and style is hereby invested with all the privileges, immunities and franchises, together with all other rights heretofore belonging to the town of Franklin, 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, not to exceed in value two thousand dollars at the time of purchase.
Corporate name.	
Corporate powers	
Present officers continued until successors elected	SEC. 2. That the present mayor, commissioners and other officers of the town shall be and they are hereby declared to be like officers, with the powers and duties, of said town of Franklin, until their successors are elected and qualified as hereinafter provided.
Officers, when elected.	SEC. 3. That the officers of the said town 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. It shall be the duty of the commissioners, ten days before the election, to appoint two inspectors of election, and the mayor shall give notice of the election ten days previous thereto by written or printed posters 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, and they with the registrar shall hold said election.
Election.	
Corporate limits.	SEC. 4. That the corporate limits of said town shall embrace a radius of one-half mile from the court-house.
Who eligible to office.	SEC. 5. That any qualified voter of this State shall be eligible as mayor, commissioner or other officer of said town and entitled to vote in its municipal election: <i>Provided</i> , he shall have resided within the corporation for ninety days next previous the day of election, and shall be entered on the registration book of said town.
Proviso.	
Election, how conducted, &c.	SEC. 6. That on the day of election the inspectors and registrar 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 the person for

whom he votes as mayor, and the persons for whom he votes as commissioners, otherwise the vote shall not be counted.

SEC. 7. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the greatest number of votes shall be declared elected mayor, and the five persons voted for for commissioners who receive the greatest number of votes shall be declared elected commissioners; and the mayor and commissioners so elected shall be notified of their election by the inspectors, and the inspectors shall give a certificate of election under their hands and seals to the mayor and commissioners so elected.

Canvass of vote,
&c.

SEC. 8. That if of the persons voted for as mayor there shall be an equal number of votes between any two or more having the larger number, the commissioners then in office shall proceed to elect a mayor of such persons; and if of the persons voted for for commissioners there shall be a tie, the commissioners then in office shall select of such person or persons to be commissioners.

Tie vote.

SEC. 9. That the inspectors, before they proceed to hold the election, 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 or both of the inspectors, his or their place shall be filled by the mayor or a justice of the peace.

Inspectors to be
sworn, &c.

SEC. 10. That the inspectors shall certify and subscribe the polls and return them to the clerk of the board of commissioners, who shall keep them among the archives of the town.

Polls to be certi-
fied, &c.

SEC. 11. That the board of commissioners of said town, at their meeting not later than the first of April of each year, shall appoint a registrar of voters for said town. Said registrar shall be furnished by 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, and to register therein the names of all persons applying for registration who may be entitled to register. The registration book shall be closed at sunset on Saturday previous to the day of election. On closing the registration book the registrar shall immediately deposit said book with the commissioners.

Registration.

SEC. 12. That the mayor, within five days after election, and before entering upon the duties of his office, shall, before the clerk of the superior court or some justice of the peace, take the oath prescribed in section 3798 of The Code.

Oath of mayor.

SEC. 13. That each commissioner, before entering upon the duties of his office, shall take, before the mayor, clerk of the court or some justice of the peace, the oath of office prescribed in section 3799 of The Code.

Oath of commis-
sioners.

SEC. 14. 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

Powers of com-
missioners.

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 have authority to appoint one of their number mayor *pro tempore* to act as mayor in case of the absence of the mayor or his inability to perform the duties of his office, 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. 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 interest of the town and its citizens, and may enforce the observance of the same by punishing the violation thereof by proper fines, penalties and imprisonment: *Provided*, that no fine greater than fifty dollars or an imprisonment for longer than thirty days shall be imposed or inflicted.

Proviso.

Duties of mayor.

SEC. 15. That it shall be the duty of the mayor to keep a faithful minute of all the precepts issued by him and 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 violation of town ordinances during the previous month.

Mayor an inferior court, &c.

SEC. 16. That the mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the powers, jurisdiction and authority of a justice of the peace. He shall also have and exercise the same power and authority as is now provided by law for mayors under chapter sixty-two of The Code, volume two, unless otherwise provided herein.

Imprisonment of persons convicted.

SEC. 17. That the mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town jail, until the fine and costs imposed by him and the jail fees are paid; and in all cases where a defendant is 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 on the public streets or other public works of the town, under the direction of the constable.

Liable to work on streets.

Precepts of mayor.

SEC. 18. That the mayor may issue his precepts to any constable or sheriff to whom a justice of the peace may direct his precepts, and it shall be the duty of the sheriff or constable to whom any such precept is directed to execute the same, and if any sheriff or constable shall wilfully fail or refuse to execute such precept, he shall be guilty of a misdemeanor, and fined or imprisoned, or both, at the discretion of the court, and shall, moreover, forfeit and pay the sum of one hundred dollars to any person who may sue for the same.

Violation of ordinance a misdemeanor.

SEC. 19. 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 imprisoned not more than thirty days.

SEC. 20. That all fines under the provisions of this act for the violation of the town ordinances or under chapter sixty-two, volume two of The Code, shall go to the use of said town. Fines, how applied.

SEC. 21. 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 any officers by the board, he shall determine the matter by his vote. Mayor to preside, &c.

SEC. 22. That the mayor shall be entitled by law to the same fees as justices of the peace in like cases. Fees of mayor.

SEC. 23. That the board of commissioners shall have full power and authority to straighten or widen streets, or lay off and establish new streets, when in their opinion the same shall be required for the best interests of the town. Whenever it shall be necessary to straighten, widen or establish new streets, and the owner of the land which may be required for that purpose shall claim damages, the owner of the land shall file his claim with the clerk of the town, and it shall be the duty of the board of commissioners forthwith to appoint three freeholders, residents of said town, connected with the claimant neither by consanguinity or affinity, who shall forthwith go upon the premises and view the same and assess the damages which will accrue to such property for the improvement, and report the same to the board of commissioners, who shall pay the damages assessed, if any, and proceed to establish said street. If the owner of such property is dissatisfied with such assessment, he may appeal from the finding of the commissioners to the next term of the superior court, when the same shall be tried before a jury, but such appeal shall not have the effect to stay the improvement on the street. Streets.
Right of appeal.

SEC. 24. That the board of commissioners shall have full power and it shall be their duty to establish and make good and permanent sidewalks when the same may be needed, and they shall keep in good repair the public roads and streets in said town. Sidewalks.

SEC. 25. That the board of commissioners shall have full power and authority to declare any house or building in said town, which endangers the property or health of said town by reason of being unsafe or unwholesome or dangerous, to be a nuisance, and have power to require the same to be put in a safe or wholesome condition. as the case may be; and if the owner of such property shall fail to place said property in a safe or wholesome condition, the board of commissioners may order the constable or marshal to remove the same or make the needed repairs, as the public good may require, which shall be a charge upon the property and may be recovered by a suit in the name of the board of commissioners of Franklin against the owner of said property. Nuisances.

SEC. 26. That the marshal or constable shall have full power and authority to execute a warrant issued by the mayor in any part of Macon county, and the mayor, in the absence of the constable, shall Execution of mayor's warrants.

have power to depute any citizen of said town to execute his warrant for violation of any of the ordinances of the town.

Policemen.

SEC. 27. That the commissioners may appoint such police force as they may think advisable, and allow them such compensation as they think advisable, not to exceed two dollars per day each; and if any person shall be summoned by the constable to help make arrest or quell an affray, [and] shall refuse to serve, he shall be guilty of a misdemeanor.

Citizens liable to work on streets.

SEC. 28. That all citizens resident in said town over eighteen and under fifty years of age shall be liable to do six days work, each, upon the streets and sidewalks in each year: in lieu of such labor they may pay three dollars, which shall be expended in improving said streets and sidewalks: *Provided*, that the commissioners may excuse any person from road duty on account of poverty and infirmity.

Proviso.

Official bonds

SEC. 29. That the commissioners may require the town constable and treasurer, each, to file bond, payable to "the town of Franklin," in such sum as they may think advisable; the constable's bond not to exceed the sum of five hundred dollars, and the treasurer's bond to be double the estimated taxes for the year, which bonds shall be approved by the board, duly probated and recorded in the office of register of deeds of Macon county. The original shall be deposited with the mayor, and a duly certified copy may, at all times, be used in evidence.

Constable to be tax collector.

SEC. 30. That the constable shall be tax-collector in case he files bond in the sum of double the amount of taxes which shall come into his hands. If the constable fails to file such bond it shall then be competent and become the duty of the board of commissioners to elect a tax-collector, who shall file bond in double the amount of the taxes, to be approved by said board of commissioners and probated and registered as provided for bonds of constable and treasurer.

Stock running at large

SEC. 31. That the board of commissioners shall have full power to prevent cattle, horses, mules, hogs, dogs, and other animals, from roaming at large in the town, either in the day or night time.

Contagious diseases.

SEC. 32. That the commissioners may take such measures as they may deem necessary to prevent the introduction and spread of contagious or infectious diseases.

Taxation.

SEC. 33. That the board of commissioners of said town shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal property within the corporate limits of said town, and also upon all moneys 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 one hundred dollars worth of property, and one dollar on the poll.

SEC. 34. That in addition to subjects liable for taxation for State purposes, the commissioners shall have power to levy and collect a special 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, itinerant photographic artist, or persons taking likenesses of the human face, each dealer in patent rights, each sewing-machine agent, each life insurance agent, on all commission merchants and commercial brokers, on all hucksters who buy produce in 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, &c., each day or night in all exhibitions, shows and all other concerts of any kind, when money is received directly or indirectly, except in case of undoubted charity. or when the proceeds are to be applied to moral or religious institutions, on agents for stoves or lightning-rods, and on all other subjects taxed for State or county purposes.

License taxes.

SEC. 35. That when the tax is due on any real estate the tax shall be a lien on the same, and if it shall remain unpaid after the fixed time for collection of such tax the collector shall proceed to collect the same, together with all other taxes due, by distress of personal property, if sufficient amount can be found in the town belonging to the owner of such real estate, and if sufficient personal property cannot be found the collector shall report to the commissioners, and thereupon they shall order the sale of such real estate, or so much thereof as they may think necessary for the payment of taxes and costs due. All sales of real estate shall be made at the court-house door in the town of Franklin, and shall be advertised for thirty days at said court-house door and three other public places in said town, and for one week in some newspaper published in said town, if any. It shall be the duty of the tax-collector to notify the owner of such real estate, ten days before sale, of the amount of taxes, costs and expenses due thereon, and the day of sale, if the residence of such owner be known. The collector shall sell to the highest bidder for cash. If such real estate shall not sell for enough to pay the taxes due, costs and expenses of sale, he shall bid the amount of taxes and costs for the town. The collector shall give the purchaser a certificate of purchase, and the owner, his administrator, executor or heirs, may, at any time within twelve months after date of sale, redeem said real estate by paying to the purchaser the amount of his bid, with twenty-five per cent added; and if the purchaser cannot be found or will not accept the money, such party may pay the same over to the treasurer of the town and take his receipt for the same,

Sale of property
for taxes.

Redemption.

and notify the tax-collector or his successor in office, and such payment shall be deemed a discharge of the tax lien. After twelve months, if the land has not been redeemed, the collector, or his successor in office, shall execute a deed of conveyance to the purchaser, which deed shall vest the title in the purchaser.

Corporate powers
&c.

SEC. 36. That chapter sixty-two of the second volume of The Code, entitled "towns and cities," not hereby repealed, shall remain in full force and effect and be a part of the law of said town.

Present laws con-
sistent with this
act to remain in
force.

SEC. 37. That all the by-laws of said town not inconsistent with this act shall remain in full force and effect till repealed by the commissioners of said town.

SEC. 38. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1889.

CHAPTER 124.

An act to amend chapter one hundred and six, private laws of North Carolina, session eighteen hundred and fifty-eight and fifty-nine, to change the name and to increase the capital stock of the Salisbury Gas Light Company, and for other purposes.

The General Assembly of North Carolina do enact :

Chapter 106, pri-
vate laws 1858-'59
amended.

SECTION 1. That chapter one hundred and six, of the private laws of North Carolina, passed at the session of eighteen hundred and fifty-eight and fifty-nine, entitled "an act to incorporate the Salisbury Gas Light Company," be amended as hereinafter enacted. 1st. By inserting the words "and electric" between the words "gas light," wherever it appears in the title of said company in said act, so as to make the name of company read "The Salisbury Gas and Electric Light Company." 2d. By striking out the names of the corporators contained in first section of said act and inserting in lieu thereof the names of S. H. Wiley, O. D. Davis, J. J. Bruner, J. Allen Brown and T. Frank Young. 3d. By striking out the figures "26," in line four of second section of said act, and inserting in lieu thereof the figures "16." 4th. By striking out the word "fifty," in line two, section three, and inserting in lieu thereof the words "five hundred." 5th. By striking out the word "revised" wherever it appears in section two of said act.

Change of name
to "Salisbury
Gas Light and
Electric Light
Company."

Corporators.

Corporate powers

Capital stock.

Entitled to rights,
&c., contained in
Code, chapter 16.

Authorized to
erect, &c., electric
plant, &c.

Organization.

SEC. 2. That the said company may have the privilege of erecting and operating electric plants, wires, roads, and to generally utilize electricity for light, power and other purposes.

SEC. 3. That this company shall be organized by any one of the corporators giving twenty days notice in writing to the other corpo-

rators to meet in the town of Salisbury, North Carolina, in person or by proxy, within three years from the passage of this act, and a majority of the corporators shall constitute a quorum for the transaction of business.

SEC. 4. That this act shall be in force from and after its ratification, and shall continue in force for the period of ninety-nine years. Corporate existence.

Ratified the 7th day of March, A. D. 1889.

CHAPTER 125.

An act to amend section four, chapter 138, laws of 1874 and 1875.

The General Assembly of North Carolina do enact :

SECTION 1. That section four, chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-four and five, be amended as follows: by adding at the end of said section four the words "said board of commissioners." Chapter 138, sec. 4, private laws 1874-75, amended. Vacancies in board of commissioners Charlotte graded schools, how filled.

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

Ratified the 7th day of March, A. D. 1889.

CHAPTER 126.

An act to amend the charter of the town of Elizabeth City, North Carolina.

The General Assembly of North Carolina do enact :

That chapter fifteen of the laws of 1885, entitled "an act to amend the charter of the town of Elizabeth City," be amended as follows: By striking out section one and inserting instead thereof the following: Chapter 15, private laws 1885, amended.

SECTION 1. The corporate limits of Elizabeth City shall be bounded as follows: Beginning at a point on the Pasquotank river which would be intersected by the easterly continuation of the south side of Railroad avenue, a street as laid down on the map of the property of Conrow, Bush and Lippincott; thence a northwesterly course along the south side of Railroad avenue to the west side of Second street; thence southerly along the west side of Second street to a point directly opposite the northeast corner of the John S. Burgess estate property (now Etheridge); thence a northwesterly course along the north line of the John S. Burgess estate lands to Road street; thence in the same direction, crossing Road street, until the projection of said line reaches the centre of the north branch of Poindex. Corporate limits.

ter creek, branch or swamp; thence down the center of said creek or swamp southerly and easterly in various courses to the intersection of the center of Poplar street, as laid down on the map of the Conrow, Bush and Lippincott property; thence southerly along the center of Poplar street to the north side of Parsonage street; thence along the north side of Parsonage street to the Norfolk Southern Railroad; thence along the south side of the railroad westerly one thousand five hundred feet; thence due south across the lands of the Geo. W. Charles estate to and across Main street, a straight line to a point that will be intersected by the projection westerly of Church street: thence easterly to Doughty's lane opposite north side of Church street; thence along the east side of Doughty's lane and in the same direction a straight line to and across the lands of Samuel Cartwright, deceased, and the Geo. W. Brooks estate to a lane that divides the lands of said Brooks and B. F. Spence; thence easterly along the north side of said lane to a street that leads from Ehringhaus street to Body road; thence southerly along the east side of said street to the Body road; thence northerly along the north side of Body road to a lane that leads from the Body road to the Pool Town road; thence easterly along the north side of said lane to the Pool Town road; thence along the center of the Pool Town road to the road that leads to the poor-house; thence down the center of said road to the road that leads from Gaskin's bridge to the poor-house; thence northerly along the west side of said road to the center of Gaskin's bridge; thence due east a straight line to Butler's lane; thence northerly along the west side of said lane to the Pasquotank river; thence northerly and westerly along the said river to the place of beginning at the railroad wharves.

Divided into five wards.

SEC. 2. By striking out section 2 and inserting instead thereof the following: The town of Elizabeth City shall be divided into five (5) wards, known respectively as the first, second, third, fourth and fifth wards. The first ward shall be bounded as follows: Beginning on Pasquotank river at the center of the mouth of Poindexter creek; thence westerly up the north branch of said creek to Road street; thence southerly along Road street to Parsonage street; thence westerly along Parsonage street to Poplar street; thence northerly along Poplar street to center of Poindexter street [creek] swamp; thence along the town boundary up said creek swamp to angle in the boundary; thence easterly along the boundary to and across Road street to Second street; thence northerly along Second street to Railroad avenue; thence easterly along town boundary to Pasquotank river; thence southerly along the river to place of beginning. The second ward shall be bounded as follows: Beginning at the center of the mouth of Poindexter creek on Pasquotank river; thence westerly up the north branch of said creek to Martin street; thence along Martin street southerly to Church street; thence easterly along Church street

First ward.

Second ward.

a straight line to Pasquotank river, and along Pasquotank river northerly to Poindexter creek, place of beginning. The third ward shall be bounded as follows: Beginning on Martin street at the center of the north branch of Poindexter creek; thence westerly up the said north branch to Road street; thence southerly along Road street to Parsonage street; thence westerly along Parsonage street to the Norfolk Southern Railroad; thence along said railroad, following the town boundary to Main street; thence easterly along Main street to Doughty's lane; thence along said lane southerly to Church street; thence easterly along Church street to Dyer street; thence northerly along Dyer street to Main street; thence easterly along Main street to Road street; thence southerly along Road street to Fearing street; thence westerly along Fearing street to Cobb street; thence southerly along Cobb street and in the same direction with the east side of said street to Tiber creek swamp or branch; thence easterly along the center of said swamp or branch to and across Road street to Martin street; thence northerly along Martin street to the place of beginning.

Third ward.

The fourth ward shall be bounded as follows: Beginning on Martin street at the bridge over Tiber creek; thence westerly up the branch to and across Road street to a point in said Tiber creek swamp or branch that would be intersected by the southerly projection of the east side of Cobb street; thence northerly along said line to Church street, and thence along east side of Cobb street to Fearing street; thence easterly along Fearing street to Road street; thence northerly along Road street to Main street; thence westerly along Main street to Dyer street; thence southerly along Dyer street to Church street; thence westerly along Church street to town boundary, Doughty's lane; thence northerly along Doughty's lane to Main street; thence westerly along Main street to town boundary; thence binding the town boundary southerly and easterly to Doughty's lane; thence southerly along Doughty's lane and binding the town boundary to a lane on the south side of the G. W. Brooks estate farm; thence following the southern boundary of the town to Harrington's bridge over Charles creek; thence down the center of Charles creek to a point on the same that would be intersected by the southerly projection of Green street; thence northerly along said line and along Green street (or the first street west of Factory avenue) to Lawrence street; thence easterly along Lawrence street to Front street, to Tiber creek at Short bridge; thence westerly up said creek to Martin street bridge, place of beginning. The fifth ward shall be bounded as follows:

Fourth ward.

Beginning on Martin street at the bridge over Tiber creek; thence northerly along Martin street to Church street; thence easterly along Church street, a straight line to Pasquotank river; thence along Pasquotank river to opposite Butler's lane; thence southerly along Butler's lane to angle of town boundary; thence west to Gaskin's bridge; thence southerly, binding the town boundary to Harrington's bridge

Fifth ward.

over branch of Charles creek; thence down the same to a point that would be intersected by the southerly projection of Green street; thence along said line northerly, and along Green street to Lawrence street; thence easterly along Lawrence street to Front street; thence northerly along Front street to Short bridge; thence westerly up Tiber creek to Martin street, the place of beginning.

Biennial elections.

SEC. 3. By striking out the word "annually," in line two of section 3, and inserting instead thereof the word "biennially."

Election 1st Monday in April.

SEC. 4. By striking out the word "May," in line two of section 4, and inserting instead thereof the word "April."

When registrars, &c., to be appointed.

SEC. 5. By striking out the word "April," in line one of section 5, and inserting instead thereof the word "March."

When commissioners to qualify.

SEC. 6. By striking out the word "June," in lines two and nine of section 21, and inserting [in] the place thereof the word "May."

Amount payable in lieu of work on streets.

SEC. 7. By striking out the words "one dollar," in line five of section 52, and substituting therefor the words "seventy-five cents," and by adding, after the word "day," in line six, and before the word "and," in said line, the words "to the treasurer of said town."

Chief of police.

SEC. 8. By adding at the end of section 48 the following: "Said constable shall, ex-officio, be chief of police, and to wear a regular uniform, to be adopted by commissioners of said town."

Listing of property for taxation.

SEC. 9. By adding the following: "There shall be appointed annually by the board of commissioners, on the first Monday in June, a tax-assessor for each ward, who shall be a resident of the ward for which he is appointed, to list all the real and personal property, money on hand and solvent credits, or other property subject to tax in his ward, and make a return of the same on blank forms, to be furnished by the clerk, on the first Monday in July. They shall sit for ten days in their wards, from the 10th to the 20th day of June, and all persons failing to list their taxes shall be liable for double taxes, and the assessors shall return the same as delinquent. They shall receive two dollars per day for each day's service, and no more."

Equalization of taxation.

SEC. 10. The board of commissioners shall sit, on their first meeting in August, and hear all complaints from delinquents, and equalize the tax-list as returned, after giving thirty days notice.

Street commissioner.

SEC. 11. There shall be annually appointed by the board of commissioners, on the first Monday in May, a street commissioner, with the power of a policeman, whose duty it shall be to keep in repair all the streets, bridges, wells, pumps, drains, ditches, canals, sidewalks, crossings, &c., within the town boundary, and the board of commissioners shall direct all the labor due the town from all sources to be at his disposal; and the constable shall notify as many persons as the said commissioner may need, from time to time, from a list to be furnished him by said commissioner. The board of commissioners is to furnish such material and tools, horses and carts, &c., as they may deem necessary, on requisition made by the commissioner. But

said commissioner shall be liable to be removed from office at any time during his term, on charges preferred, by a majority vote of the board of commissioners; and shall have such compensation as the board may direct. but shall be paid only for time actually employed.

SEC. 12. By striking out the whole of section 22, chapter fifteen, laws 1885, and substituting in place: "After the said board has organized they shall proceed to the election of a mayor, treasurer and clerk, who shall hold their office during the term of the board of commissioners; a constable and two fire commissioners, port physician, city attorney, street commissioner and one policeman for each ward, who shall be a resident of the ward for which he is appointed, who shall hold their office one year and until their successors qualify."

Election of mayor
&c.

SEC. 13. That this act shall not prevent any one from voting in the town election of April, 1889, by reason of the change of the boundaries of the town and wards locating them in a different ward: *Provided*, said voter shall have resided within the boundaries of his ward, as set out in this act, ninety days before said election.

Right to vote in
election in 1889.

SEC. 14. All acts in conflict with these laws heretofore enacted are hereby repealed.

Conflicting laws
repealed.

SEC. 15. This act shall take effect from and after its ratification.

Ratified the 9th day of March, A. D. 1889.

CHAPTER 127.

An act to amend chapter seventy-two of the laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of Bell's Ferry, an incorporated town lying in the counties of Pitt and Lenoir, is hereby changed to Griffon.

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

Ratified the 9th day of March, A. D. 1889.

Chapter 72, private laws 1883, amended.
Name of Bell's Ferry changed to Griffon.

CHAPTER 128.

An act to change the name of Winton Academy.

The General Assembly of North Carolina do enact:

SECTION 1. That wherever the name "Winton Academy" occurs in chapter one hundred and thirty-eight of the private laws of one thousand eight hundred and eighty-seven, that the same be stricken out and "Chowan Academy" be inserted.

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

Ratified the 9th day of March, A. D. 1889.

Chapter 138, private laws 1887, amended.
Name of Winton Academy changed to Chowan Academy.

CHAPTER 129.

An act to incorporate the Mount Pisgah Turnpike Company, and to authorize the construction of a turnpike road to the top of Mount Pisgah, in Buncombe county.

The General Assembly of North Carolina do enact :

Route.

SECTION 1. That for the purpose of constructing and operating a turnpike road from the forks of Chestnut ridge, on the head-waters of Stony Fork creek, waters of South Hominy creek, in the county of Buncombe, this State, to the top of Mount Pisgah, in said county, W. G. Candler, E. G. Howell, E. C. Foster, T. J. Candler and V. S. Lusk, and such other persons and corporators as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Mount Pisgah Turnpike Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of this State; may make by-laws, appoint all necessary officers and agents and pre-cribe their duties, and may purchase, accept, hold and convey any property, real and personal, necessary for the purpose hereinbefore and hereinafter mentioned; to make contracts, to have and use a common seal, and to do all other lawful acts incident to and connected with said corporation and necessary for the control and transaction of its business: *Provided*, that their by-laws shall not be repugnant to the constitution and laws of this State or the United States.

Body politic.

Corporate name.
Corporate powers

Authorized to
build turnpike
road.

SEC. 2. That the said company be and is hereby authorized to construct, maintain and operate a turnpike road extending from the foot of the Chestnut ridge, on Stony Fork creek, waters of South Hominy creek, in Buncombe county, to the top of Mount Pisgah.

Capital stock.

SEC. 3. That the capital stock of said company shall be two thousand dollars, in shares of ten dollars each, with the privilege of increasing the capital stock to such an amount as may be deemed necessary to carry out the intention and purpose of this act, not to exceed five thousand dollars, and the shares shall be transferable in such manner as the company may direct: *Provided*, that when the sum of three hundred dollars shall have been subscribed to capital stock of said company, as hereinafter provided, the said corporators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for meeting of the said stockholders, of which thirty days notice shall be given in such newspaper of the county as they may deem necessary; at which time and place said stockholders may proceed to the organization of said company by the election of a president and three directors, who shall hold their offices for the term of one year and until their successors in office are elected and qualified, which board shall be the first board of directors, and

Transfer of stock.

Organization.

may, in their by-laws, prescribe the time and manner of holding their subsequent annual elections for president and directors, subject to the approval of the stockholders, at their ensuing annual meeting: *Provided further*, that a failure to hold the annual meeting and elect the officers provided for by this act shall not work a forfeiture of the chartered rights of said company.

SEC. 4. Said road shall be made sixteen feet in width, except where the same is made by blasting through rock-cliffs, and in such place at a width not less than twelve feet, and at a grade not to exceed one foot rise in every sixteen lineal feet.

SEC. 5. That when said road is completed as specified in section five of this act to the top of Little Pisgah, they, the said W. G. Candler and others, their associates, successors or assigns, shall have power to erect a gate on any part of said road between the foot of Chestnut ridge and the top of Little Pisgah, and collect such tolls as they may fix for passage over said road, not to exceed the following: for hogs, cattle, sheep and goats, five cents; loose horses, mules and asses, ten cents; single horsemen, fifty cents; one-horse wagon, seventy-five cents; two-horse wagon, one dollar; three-horse wagon, one dollar and fifty cents; and for a four-horse wagon, two dollars, and fifty cents for each additional horse above four; one-horse buggy or cart, one dollar; two-horse buggy, two dollars; for a two-horse carriage, carry-all, hack, stage or by whatever name known, two dollars, and fifty cents additional for each occupant or vacant seat for more than two passengers: *Provided*, that the said W. G. Candler and others, their associates, successors and assigns, shall at all times keep said road in good condition.

SEC. 6. That for the purpose of raising the capital stock of said company and to acquire the means of completing said road to the top of Mount Pisgah, as contemplated by this charter, it shall be lawful to open books of subscription at such times and places and under the directions of such persons as the said corporators may direct, and that said subscription to the capital stock may be made in money, bonds, notes, lands, material and work, at such rates as may be agreed upon by and with said company, and that the said company shall have power, as soon as said road is completed to the top of Little Pisgah, to sell, lease or mortgage its property, road and franchise, or issue bonds for such amount, not to exceed its capital stock, on such terms and conditions, and for such purposes and uses, for such time and at such a rate of interest, not to exceed eight per cent., as the said company may deem most advisable.

SEC. 7. That no person living on South Hominy creek shall be required to pay any toll for passing over said road when not using the same for profit.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 130.

An act to amend the charter of the town of Stoneville, in Rockingham county.*The General Assembly of North Carolina do enact :*Chapter 183, laws
1876-77, amended.

SECTION 1. That section two of private laws of eighteen hundred and seventy-six and seven, chapter one hundred and eighty-three, be and the same is hereby amended by striking out the words "one-half mile" and inserting in lieu thereof the words "one mile square."

Corporate limits.

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 9th day of March. A. D. 1889.

CHAPTER 131.

An act to incorporate the town of Union, in the county of Hertford.*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Union, in the county of Hertford, be and the same is hereby incorporated by the name and style of the town of Union, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town be as follows: Beginning at a stake in J. E. Matthews' field and running north twenty-one and one-half degrees west one thousand feet to Winton and St. John's road, at a corner for S. S. Harrell and Joseph Knight; thence same course one thousand feet, and thence north sixty-eight and one-half degrees east twenty-six hundred and ninety-three feet; thence south twenty-one and one-half degrees east two thousand feet; thence south sixty-eight and one-half degrees west twenty-six hundred and ninety-three feet to first station.

Officers.

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 one thousand eight hundred and eighty-nine, viz.: For mayor, G. W. Beverly; for commissioners, J. P. Treman, J. N. Holloman and J. E. Matthews; for constable, W. S. Dukes.

Temporary officers.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, Anno Domini one thousand eight hundred and eighty-nine, 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

Electors.

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 the said commissioners shall have power to pass all laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and the United States, and levy and collect a tax on all subjects of State taxation not to exceed one-half of the State tax, and to impose fines for the violation of town ordinances, and collect the same.

Powers of commissioners.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 132.

An act to incorporate Graham School, Alamance county.

The General Assembly of North Carolina do enact :

SECTION 1. That James S. Scott, Samuel Crawford, Robert L. Walker, William C. Hornaday, Robert A. Noel and John W. Harden, their associates, successors and assigns, are hereby created a body politic and corporate under the name of Graham School, with a capital stock of one thousand dollars, with liberty to increase the same from time to time to any sum not exceeding ten thousand dollars, to be divided into shares of twenty-five dollars each, and to have the privileges and rights hereby specially granted and also those conferred on corporations by law.

Body politic.

Corporate name.

Capital stock.

SEC. 2. That said corporation is hereby empowered to acquire by gift, purchase or otherwise, real property in or near the town of Graham, in Alamance county, North Carolina, and to hold the same in fee, and to erect buildings thereon, and furnish the same, and conduct and carry on a school for the education of such pupils as it may admit thereto, and to employ teachers, and to do all things necessary to organize and conduct a school in which the branches of learning taught in the schools and colleges of this State may be taught. And said corporation shall have power to sell and convey in fee any real property it may acquire when it shall be considered by it no longer useful for the purposes of the corporation, and shall have like power with respect to personal property; and it may also rent or lease its property for school purposes.

Corporate powers

SEC. 3. That said corporation may at once open books for the subscription to the capital stock of said corporation, and whenever forty shares are taken the subscribers thereof may organize said corporation and elect a president and secretary and treasurer, and such other officers and agents as they may deem necessary.

Books of subscription.

Organization.

- Directors.** SEC. 4. That the business of said corporation shall be managed by a board of directors of not less than three nor more than seven, of which the president of the corporation shall be ex-officio chairman.
- Election of officers, &c.** SEC. 5. That the officers and directors shall be elected by stock vote, and shall hold their places for such times, and have such powers, and perform such duties, as may be prescribed by the by-laws of said corporation.
- By-laws.** SEC. 6. That the stockholders of said corporation may adopt such by-laws and regulations for the government and proper conduct of the corporation and its business, not inconsistent with the laws of this State and of the United States, as they may consider best calculated to serve their interest.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 133.

An act to incorporate the town of Hasty, in Richmond county.

The General Assembly of North Carolina do enact:

- Incorporated.** SECTION 1. That the town of Hasty, in Richmond county, be and the same is hereby incorporated by the name and style of the town of
- Corporate name.** Hasty, and is hereby invested with all the powers, rights, privileges, immunities, enumerated in chapter sixty-two, volume two of The Code of North Carolina, entitled "cities and towns," and subject to the restrictions and liabilities specified in the same.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: one-half mile in every direction from the point where the public road from Laurinburg to Red Bluff and Clio, S. C., across [crosses] the Cape Fear and Yadkin Valley Railroad.
- Officers.** SEC. 3. That the officers of said incorporation shall consist of a mayor and three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, 1889, viz.: L. L. Ivey, mayor; T. T. Covington, S. A. McQueen and C. W. Creason, commissioners; A. L. Jones, marshal.
- Temporary officers.**
- Election.** SEC. 4. That there shall be an annual election held for officers provided for in this act on the first Monday in May of each and every year, under the same rules and regulations that the State and county elections are held, and all persons who are eligible to vote under the laws of this State, and who have resided in the corporate limits thirty days previous to the day of election, shall be entitled to vote at said election.
- Electors.**
- Unlawful to sell liquors within corporate limits.** SEC. 5. That it shall not be lawful to sell any intoxicating liquors within the limits of said incorporation. Any one violating the pro-

visions of this section shall be fined not less than fifty dollars nor imprisoned more than thirty days.

SEC. 6. That it shall not be lawful for the board of commissioners of Richmond county to grant license to establish spirituous liquors within the limits of the town of Hasty without the written permission of the commissioners of said town, presented by the applicant at [with] the application; 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.

Unlawful for county commissioners to grant license, &c.

SEC. 7. That all fines collected for violation of any of the town ordinances shall be paid into the treasury for the benefit of said town.

Fines, how applied.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 134.

An act to incorporate the Free Masons' Lodge at Amity Academy, in the county of Hyde.

The General Assembly of North Carolina do enact :

SECTION 1. That Henry S. Gibbs, Dr. Sanford A. Long, Dr. W. V. Bonner, Dr. O. H. Gibbs, James G. Weston, Thomas H. Jennet, John G. Williams, James A. Gibbs, William A. Rollins, and their associates and successors, be and they are hereby created a body corporate and politic under the name and style of the Free Masons' Lodge at Amity Academy, in the county of Hyde, for the purpose of transacting business as regards holding or purchasing property for the desired use of said lodge, and as such shall have all the corporate powers, rights and immunities of trustees of similar institutions. That the trustees may plead and be impleaded, sue and be sued.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That said trustees shall be entitled to all the rights and privileges conferred on corporations for the transaction of business.

Powers of trustees

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 135.

An act to incorporate the Concord Railway Company.

The General Assembly of North Carolina do enact :

- Purposes of act.** SECTION 1. That for the purpose of constructing, maintaining and operating street railways in and near Concord, for the transportation of freight and passengers, John P. Allison, A. B. Young, W. G. Means, A. Theis, Jas. O. Gibson and W. M. Smith, and such other persons as they may associate with them, are hereby constituted a
- Body politic.** body politic and corporate under the name and style of "Concord
- Corporate name.** Railway Company," and by that name shall be entitled to sue and be
- Corporate powers** 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.
- Authorized to build, &c., street railway in Concord.** SEC. 2. That said company is hereby authorized to make, construct, equip, maintain and operate lines of street railways, with one or more tracks, and all necessary branches, turnouts and switches, using such motive power as shall be determined by the board of directors, through and along the National road and the other streets within the corporate limits of the town of Concord, and to points within the vicinity thereof, and erect such plants, depots, stables, offices, shops and other buildings as are necessary and proper for conducting the business of said railway company, and to demand and receive such sum or sums of money for the carriage of passengers and freight as the directors may think proper: *Provided*, that the tracks laid by 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 or turnouts or switches may be laid, and shall, at its own expense, repair and put in as good condition as they were previous to the laying of the track through which the streets [the said railway] may have been constructed, but said company may agree or contract with the proper authorities for the right and power to grade any street or road.
- Proviso.**
- Capital stock.** SEC. 3. The capital stock of said company shall be twenty-five thousand dollars (\$25,000), in shares of fifty dollars each, and may be increased to a sum not exceeding one hundred and fifty thousand 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 payment.

SEC. 4. Whenever any lands may be required for such railway 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 thereof.

Condemnation of land.

SEC. 5. Said company shall be deemed fully organized upon the ratification of this act, and a majority of the corporators named in the first section may meet at any time thereafter and elect a president, vice-president, secretary and treasurer and not less than three nor more than 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 railway in the town of Concord: *Provided*, work shall be begun on some line thereof within one year, and the sum of two thousand dollars shall be expended by said company within five years after the granting of this charter.

Organization.

Corporate powers

Proviso.

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.

Misdemeanor to injure property, &c.

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.

Powers of conductors, &c.

SEC. 8. The individual property of stockholders of this corporation shall not be liable for any debts, contracts or obligations or other liabilities of this corporation, and the stock shall be non-assessable.

Non-liability of stockholders.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 136.

An act to authorize the board of commissioners of the town of Concord to levy and collect a tax for a special purpose.

The General Assembly of North Carolina do enact :

Authorized to levy special tax to purchase rock-crusher and engine.

SECTION 1. That the present board of commissioners of the town of Concord are hereby empowered and authorized to levy a tax not exceeding nineteen cents on the one hundred dollars of the assessed valuation of all real and personal property within the corporate limits of said town, and a like tax upon subjects of taxation specified in section four of chapter one hundred and nineteen, private laws of one thousand eight hundred and seventy-nine, and amendments thereto, and owned in said town, and a tax on all taxable polls within said limits, observing the constitutional equation between the tax on property and the tax on polls. The tax herein provided for to be levied at the time of levying other taxes of said town and collected as said other taxes, and to be applied to the exclusive purpose of purchasing a rock-crusher and steam engine with which to operate said crusher.

Misappropriation of tax a misdemeanor.

SEC. 2. That said tax shall be kept separate and distinct from all other taxes, and any mayor or commissioner who shall appropriate, or attempt to appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which it was levied, said tax or any part thereof, shall be guilty of a misdemeanor: *Provided*, that if there shall be a balance after purchasing said crusher and engine, said balance may be turned into the general fund of said town and used as said fund.

Proviso.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 137.

An act to incorporate the town of Roberdel, in the county of Richmond.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Roberdel, in the county of Richmond, be and the same is hereby incorporated by the name and style of the town of Roberdel, and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of a branch on south bank of Hitchcock

creek, about two hundred yards below the bridge, and runs with the outside lines of the lands of Roberdel Manufacturing Company, as follows: N. 9 W. $23 \frac{5}{100}$ chains; thence east 13 chains; thence S. 29 E. $13 \frac{7}{100}$ chains; thence N. 14 E. 10 chains, to the run of said creek; thence down said run to the corner of said company's land; thence with its line in a southerly direction 125 yards to its corner; thence with its west line in a westerly direction about 125 yards to R. L. Steele's N. E. corner; thence with his line to his S. E. corner; thence with his line to his S. W. corner; thence with his line to his N. W. corner, being a corner of said company's land; thence with its line N. 25 W. to the run of said creek, just below a spring; thence with said run to the beginning.

SEC. 3. That the officers of said corporation shall consist of a mayor, **Officers.** 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-nine, and until their successors are duly elected and qualified, viz.: mayor, Marion Jones; commissioners, W. **Temporary officers.** H. Norman, J. H. Robinson and R. Jenkinson; marshal, Jesse Reynolds.

SEC. 4. That the said commissioners shall have power to pass all **Powers of commissioners.** 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.

SEC. 5. The board of commissioners of said town shall have full **Sale of liquors.** 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; 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 be less than one thousand 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.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 138

An act to incorporate the town of Pilot Mountain, in the county of Surry.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Pilot Mountain, in the county of Surry, be and the same is hereby incorporated by the name and style of the town of Pilot Mountain, and it shall be subject to all provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be as follows: Beginning at a stake in fork of old and new Hollow road, then northeast to fork of Lynchburg and Worth's Forge road; then with Lynchburg road to Wolf creek; then easterly with left prong of said creek to Sam Hill's (col.) house; then southeast to a stake in the Hollow road at Wm. Whitt's blacksmith shop; then west, crossing railroad, and running with Heatherly's creek to A. S. Key's line; then with Key's and V. Boyd's line to railroad crossing Lynchburg road; then northwest to Dodson's Mill road at colored school-house, lot included; then northeast 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 ninety, viz.: mayor, J. A. Stone; commissioners, Daniel Marion, V. Boyles, Job Hiatt; marshal, J. F. Venable.

Temporary officers.

Election.

SEC. 4. That there shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said corporation who have resided in the State twelve months, and ninety days within the corporate limits, previous to the day of election shall be entitled to vote at said election.

Electors.

Powers of commissioners.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the hundred dollars valuation of property, both real and personal; to impose fines and penalties, and to collect the same.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 139.

An act to incorporate the town of Sylva, in the county of Jackson, and to provide a local government therefor.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Sylva, in the county of Jackson, be and the same is hereby incorporated by the name and style of the town of Sylva, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town be as follows: One-half mile east, west, north and south, from the southeast corner of the depot as now located, and shall run with the four cardinal points of the compass so as to form an exact square.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal, who shall also be chief of police, and such additional police officers as the commissioners may provide for by an ordinance for that purpose, and the commissioners shall also have power to elect or appoint a secretary and treasurer.

Officers.

SEC. 4. There shall be an election for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, under the same restrictions that county and State elections are held. All male citizens over twenty-one years of age, who have resided in the State twelve months, and ninety days in said corporation, previous to the day of election, shall be entitled to vote at said election.

Election.

Electors.

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, volume second, chapter sixty-two, entitled "towns and cities"; and in addition thereto they shall have power to pass ordinances, by-laws, rules and regulations for the government of the town not inconsistent with the laws of the State and of the United States, and to impose fines and penalties for the violation of town ordinances, and collect the same; 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, and may be expended as the commissioners of said town shall direct.

Fines, how applied.

SEC. 7. That the board of commissioners shall have authority to put to and keep at work upon the streets or public grounds of the town, any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the town; and the said commissioners shall have authority, by the ordinances and by-laws of the town, to provide a place to confine, and may control and manage such person or persons until the said fines, penalties or forfeitures, together with the cost

Persons failing to pay fines, &c., liable to work on streets.

thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may establish.

Fees of mayor. SEC. 8. That the mayor of said town shall be entitled to receive such fees as by law are allowed to justices of the peace for similar or like services, and that the marshal or any policeman shall be entitled to receive such fees as by law are allowed sheriffs for similar or like services.

Mayor to preside, &c. SEC. 9. That the mayor shall preside at all meetings of the commissioners of said town, when present, but shall not be entitled to vote on any proposition which may be considered by said commissioners, except in case of a tie, when he may be allowed the casting vote. In case the mayor be absent from any meeting of the commissioners, they shall choose from their number a temporary presiding officer, and in case of the absence or other inability of the mayor to execute the duties of his office, the commissioners shall appoint one of their number to act as mayor during the continuance of said absence or disability. Said appointment shall be recorded by the secretary in the minutes of the meetings of the commissioners, and such mayor *pro tem.*, before assuming the duties of such office, shall take the oath prescribed for the mayor of said town.

Oath of mayor. SEC. 10. That the mayor, on Thursday after his election, and before entering upon the duties of his office, shall take and subscribe, before some justice of the peace or other person authorized by law to administer oaths, 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 Sylva while I continue therein; that I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations enacted for the government of the town, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever: so help me, God." And a copy of said oath shall be placed on the minutes of the town commissioners by the secretary, which shall be signed by said mayor on said minute book and attested by the officer administering the same.

Commissioners to qualify, &c. SEC. 11. That on Thursday succeeding the day of election the commissioners elected thereat shall qualify by taking the oath of office, before a justice of the peace or some other officer authorized by law to administer oaths, as prescribed for commissioners of incorporated towns, according to section three thousand seven hundred and ninety-nine, chapter sixty-two, volume two, of The Code of North Carolina; and, when organized, shall constitute a body corporate under the name and style of the "board of commissioners of the town of Sylva," and shall succeed to and have all the rights, powers and duties of a corporate body as prescribed by law; may have a corporate seal, and sue and be sued in its corporate capacity.

**Body corporate.
Corporate powers**

SEC. 12. That in order to raise a fund for the expenses incident to the proper government of the said town, the board of commissioners of said town shall have power to levy and collect taxes on the following persons and subjects of taxation situated and being within the corporate limits of said town, payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law, viz.:

First. On each taxable poll or male residing within the corporate limits of said town between the ages of twenty-one and fifty years, except such poor and infirm persons whom the board of commissioners of said town in their judgment may exempt, there may be annually levied and collected a tax not exceeding one dollar and fifty cents, the collection of which may be enforced in the same manner by the tax-collector of said town as is provided for the collection of poll-tax for State and county purposes by existing laws.

Second. On all real and personal property, money on hand, solvent credits, investments in bonds, stocks, joint-stock companies or otherwise, situated and being within the corporate limits of said town, there may be levied and collected annually an *ad valorem* tax not to exceed thirty cents on every one hundred dollars valuation thereof.

Third. A special license or privilege tax on all professions and trades, on all persons who shall buy or sell spirituous, vinous or malt liquors, on merchants, jewelers, grocers, druggists or other dealers who shall buy and sell goods, wares and merchandise of whatever name or description not specially taxed elsewhere in this act, may be levied and collected by the board of commissioners in such manner as they may prescribe by ordinances and regulations for that purpose, not to conflict with any law of the State of North Carolina in relation to the same.

SEC. 13. That said board of commissioners shall have full power and authority to pass any and all ordinances, rules and regulations to establish and enforce a government for said town; that all local incorporation acts for any other purpose, so far as they will in anywise conflict with the right or authority of the said board of town commissioners to adopt by-laws, ordinances and regulations for the local government of the said town, be and the same are hereby repealed; and the said commissioners shall have all power and authority to grant or prohibit any privilege conferred by any general corporation laws of the State which are now or may hereafter be in force.

SEC. 14. That the mayor and commissioners of said town, at least thirty days before the first Monday in May of each and every year, shall appoint a registrar of the voters of said corporation, whose duty it shall be to open the registration book of said town twenty days before the election, first giving due notice of same by publication of time and place for opening said registration books. The said mayor

Taxation.

Poll-tax

Ad valorem tax.

License taxes.

Powers of commissioners.

Registration.

Judges of election and commissioners shall also appoint two judges of election before each and every election, who, with the registrar, shall open the polls and hold an election for any and all officers to be elected in said town, and to count out and declare the result. At all town elections the marshal of the town shall perform all the duties and be subject to the same penalties as are by law imposed on sheriffs in relation to holding general elections under the laws of the State of North Carolina.

Duties of marshal.

Temporary officers.

SEC. 15. For the purpose of carrying this act into immediate operation, and until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-nine, and qualified, the following named persons shall fill said offices of mayor, commissioners and marshal, viz: mayor, Q. B. Coward; commissioners, E. R. Hampton, A. M. Parker, W. M. Burns, A. W. Boyson and R. L. Madison; marshal, J. C. Fisher.

Construction of act.

SEC. 16. That nothing herein contained shall be construed to authorize the manufacture or sale of spirituous, vinous or malt liquors in the said town.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 140.

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

The General Assembly of North Carolina do enact:

Chapter 205, laws 1852, amended.

Mayor to be a special court.

SECTION 1. That section eleven of chapter two hundred and five of the laws of eighteen hundred and fifty-two, be amended by adding after the last word thereof the following words: "That the mayor shall be a special court, within the corporate limits of the town, to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty, he or she shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or imprisoned, at the discretion of the court or mayor, in the jail or town prison not exceeding the time specified in the ordinance or ordinances so violated, or both fine and imprisonment: *Provided*, the fine shall, in no case, exceed the sum of fifty dollars nor the imprisonment thirty days."

Proviso.

SEC. 2. That section nine hundred and seven of The Code shall not be construed to apply to trials for violations of town ordinances by the mayor thereof, but the defendant, in all such cases, shall have the right of appeal. Right of appeal.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 141.

An act to improve the Edenton Academy.

The General Assembly of North Carolina do enact :

SECTION 1. That the trustees of the Edenton Academy be and the same are hereby authorized to issue two hundred bonds for ten dollars each, bearing interest, which shall be sold at not less than par value, to erect a music hall on the grounds of said academy; and said trustees may contract with the purchasers of said bonds, binding from one-fourth to three-fourths of all rents or other receipts arising from said hall, or, so far as necessary, all insurance of said hall, in case of loss of same by fire, to pay *pro rata* the principal and interest due on said bonds. Trustees authorized to issue \$2,000 of bonds to build music hall.

SEC. 2. That a meeting of the patrons of said academy shall be held at said academy at noon on the seventh day from the ratification of this act, and on the last Tuesday in January, one thousand eight hundred and ninety-two, and every third January thereafter, at which meetings five men shall be elected by ballot from the body of patrons to act for three years next following their election, and until their successors are elected, as trustees of said academy. The patrons of said academy shall be those men whose children or wards have attended school at said academy at any time during the preceding three years or when last in operation; also those men who have paid ten dollars within twelve months to maintain the school at said academy. Every patron so constituted shall be a resident of Chowan county, and ten patrons shall be necessary to constitute a quorum for the election of trustees; but three or more patrons attending at time and place stated may adjourn said meeting of patrons from day to day until a quorum may be had, and the proceedings of such meeting shall be certified to by its chairman and secretary upon the record of said trustees. Trustees to be elected by patrons of school.

SEC. 3. That said academy and all real and personal property appertaining thereto are set apart forever for the exclusive purpose of educating the children of the white race and of assisting to support the school by literary and musical entertainments. Property set apart for education of white race.

SEC. 4. That all of said trustees assembled at any time as a board, or a majority of them called together by public notice, shall consti- Quorum.

Vacancies.

tute a quorum for the transaction of business; and the place of any trustee who shall remove from said county or wilfully and repeatedly neglect his duty or fail to attend the meetings of said trustees may be declared vacant, and the same may be supplied by a majority of said trustees at any meeting of which three days public notice shall have been given; and all rights and powers vested in the trustees of said academy by law shall continue in the trustees elected as herein provided.

Act amendatory of chapter 39, laws 1800.

SEC. 5. That this act shall be considered amendatory of chapter thirty-nine, laws of eighteen hundred, entitled "an act to erect an academy at the town of Edenton," ratified the twentieth day of December, eighteen hundred; and all acts conflicting with this amendatory act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 142.

An act to incorporate the Farmers' Alliance Tobacco Manufacturing Company of Roxboro, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Thomas H. Street, A. J. Hester, S. P. Satterfield, John E. Harris, Charles B. Brooks, all of Person county, N. C., their associates, successors and assigns, are hereby created a body politic and corporate under the name of the Farmers' Alliance Tobacco Manufacturing Company of Roxboro, North Carolina, with a capital stock of not less than five thousand dollars, and not to exceed fifty thousand dollars, which shall be divided into shares of five dollars each: *Provided*, that no one shall own more than sixty of said shares.

Corporate name.

Capital stock.

Proviso.

Corporate powers

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the business of manufacturing, 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 corporation

at such rate of interest and upon such terms as the said corporation may deem best, not inconsistent with the laws of North Carolina.

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.

Powers of stockholders.

SEC. 5. That as such corporation they may have a common seal, which they may break or alter at pleasure.

Common seal.

SEC. 6. 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 debts [torts] of the corporation.

Non-liability of stockholders.

SEC. 7. That this act shall be in force from and after its ratification, Ratified the 9th day of March, A. D. 1889.

CHAPTER 143.

An act to incorporate the Asheville Opera House Company.

The General Assembly of North Carolina do enact :

SECTION 1. That R. R. Rawls, C. D. Blanton, C. T. Rawls, Thomas W. Patton, J. E. Rankin, D. C. Waddell, T. S. Morrison, Wm. E. Breese, Elliot W. Hazzard, Geo. S. Powell, A. L. Carter, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the Asheville Opera House Company.

Body politic.

Corporate name.

SEC. 2. That the capital stock of said company shall be not less than twenty thousand dollars (\$20,000), with the right to increase the same to one hundred thousand dollars (\$100,000), and shall be divided up into shares of one hundred dollars (\$100) each, and its principal place of business shall be in the city of Asheville.

Capital stock.

SEC. 3. The said company shall have power to establish by-laws for its government, as other corporations, hold and enjoy real estate, and to use the same in erecting, establishing and maintaining of an opera house of any plan, size or dimensions that may to them seem best, and to establish and maintain in connection therewith any other houses or buildings or other structures, conveniences or business that to them may be deemed useful or necessary for the advancement of

Corporate powers

the interests of said company. And in furtherance thereof they shall be authorized and have the right to issue bonds of such denominations and for such length of time and at such rate of interest and payable at such place as they shall think advisable, and to secure their payment by a mortgage upon their said property for such purpose.

Corporate powers SEC. 4. That said company shall have all the rights and powers incident to corporations, such as suing and being sued, adopting and using a common seal, and shall continue in existence for the term of ninety-nine (99) years.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 144.

An act to amend the charter of the Chestnut Hill Cemetery Association, at Salisbury, N. C.

The General Assembly of North Carolina do enact :

Charter amended SECTION 1. That the charter of the Chestnut Hill Cemetery Association, heretofore incorporated under the general laws of this State by articles of association filed in the office of the clerk of the superior court of Rowan county on the tenth day of February, 1888, be and the same is hereby amended as follows:

Corporate powers SEC. 2. That the cemetery now owned by said association, and such lands as it may hereafter add thereto, not exceeding twenty-five acres in all, shall remain forever dedicated to the purpose of a cemetery; and in conveying lots therein to individual proprietors the corporation shall have the right to reserve the right to limit the number of interments to be made therein and to restrict interments therein to such persons or classes of persons as may be designated in the conveyance.

Exemption from taxation. SEC. 3. That the real estate of said corporation, not exceeding twenty-five acres, and the burial lots and plots conveyed by said corporation to individuals or others for purposes of interment, shall be exempt from assessment and taxation, and shall not be liable to be sold on execution nor to be applied to the payment of debts by voluntary assignment or by any forced assignment under the operation of any insolvent or bankrupt law.

Misdemeanor to destroy, &c., tomb, &c. SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, urn, monument, gravestone or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornamentation of said cemetery or of any burial lot therein, or who shall wilfully destroy, cut, break or injure

any tree, shrub, plant, flower or vine within the limits of said cemetery, shall be guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned, either or both, in the discretion of the court; and such offender shall also be liable for the trespass in an action to be brought by said corporation in any court of competent jurisdiction, and in such suit any member of said corporation shall be a competent witness.

Liabile to action
for trespass.

SEC. 5. The said corporation may prescribe the form of conveyance for the burial lots in said cemetery, and how and by whom they shall be executed, and may make all such by-laws, rules and regulations for the government of its affairs and the government of said cemetery as they may deem necessary, not inconsistent with the laws of this State or of the United States.

Form of convey-
ance of lots.

By-laws.

SEC. 6. This act shall take effect from and after the date of its ratification.

Ratified the 9th day of March, A. D. 1889.

CHAPTER 145.

An act to incorporate the Cosmopolitan Club.

The General Assembly of North Carolina do enact :

SECTION 1. That James G. Martin, Chas. A. Moore, E. I. Holmes, J. H. Barnard, E. H. Fulenwider, W. R. Penniman, C. F. Penniman, W. T. Penniman, W. R. Penniman, Jr., S. W. Battle, H. L. Price, J. W. Cortland, S. C. Cortland, J. G. Merrimon, T. B. Lyman, A. J. Lyman, W. W. Merrill, E. V. Jones, C. W. Beale, W. E. Breese, S. R. Kepler, R. B. Blake, Duff Merrick, Chas. W. Woolsey, W. D. Hilliard, Lewis Maddox, T. F. Davidson, T. A. Jones, D. C. Waddell, Jr., J. S. Churchill, F. R. Curtis, J. A. Clark, W. D. Williams, Jr., C. T. Rawls, R. R. Rawls, W. W. Avery, W. B. Williamson, W. E. Williamson, W. Vance Brown, C. M. McLoud, and such other persons as are now associated as the Cosmopolitan Club, or may hereafter become associated with them, be and they are hereby constituted a body politic and corporate by the name and style of "The Cosmopolitan Club," of the city of Asheville, for the purpose of promoting social intercourse and maintaining a reading-room; and by such name and style may sue and be sued, plead and be impleaded in any and all of the courts of this State, contract and be contracted with, and have perpetual succession and a common seal.

Body politic.

Corporate name.

Corporate powers

SEC. 2. The said corporation shall have power to acquire, by purchase in fee or lease, lands suitable for and adapted to the use of said club in the city of Asheville, and hold, use and dispose of the same as it may please; and may also acquire, hold and dispose of such per-

Corporate powers

sonal property as may be necessary or desirable for the purpose of said club.

Corporate powers SEC. 3. The said corporation shall have the power to make and adopt a constitution and by-laws, rules and regulations for the admission and expulsion of its members and their government, the election of its officers and to define their duties, and for the safe keeping and protection of its property and funds, and from time to time to alter or repeal such constitution, by-laws, rules and regulations; and to provide for and dispense to its members and the guests and visitors of the club, admitted under the rules and regulations prescribed by the proper officers of the club, all such supplies, lodgings, food and comforts, and other things, as may be permitted by the by-laws, rules and regulations of the said corporation, now or hereafter made, not in violation of any law of the State or the United States.

Place of business. SEC. 4. The principal office or place of business of said corporation shall be at the club-house, in the city of Asheville.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 146.

An act to change the name of and incorporate the town of Stovall, formerly known as Sassafras Fork, in Granville county.

The General Assembly of North Carolina do enact :

Name changed to Stovall.

SECTION 1. That the name of the town of Sassafras Fork, Granville county, be and is hereby changed to Stovall, and incorporated by the name and style of the town of Stovall, 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: Six hundred yards east, west, north and south from the crossing of the Oxford and Taylor's ferry and Oak Hill and Williamsboro roads, and shall run with the four cardinal points of the compass.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable, and the commissioners shall have power to appoint a secretary and treasurer.

Election.

SEC. 4. There shall be an election of officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-nine, and every year thereafter, under the same restrictions that

Electors.

county and State elections are held. All male citizens over twenty-one years of age who have resided in the State twelve months, and ninety days within said corporation, previous to the day of election, shall be entitled to vote at said election.

SEC. 5. That said commissioners shall have power to pass by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the State and the United States, and to impose fines and penalties for the violation of town ordinances, and collect the same. Powers of commissioners.

SEC. 6. That all fines collected for violation of town ordinances shall go into the town treasury for the benefit of the town. Fines, how applied.

SEC. 7. That until their successors are elected on the first Monday in May, one thousand eight hundred and eighty-nine, the following named persons shall fill said offices: Mayor, Dr. A. C. Harris; commissioners, John W. Rhodes, W. H. Gregory and R. Alston Taylor; and for town constable, W. A. Bishel. Temporary officers.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 147.

An act to amend the charter of the town of Rocky Mount.

The General Assembly of North Carolina do enact :

SECTION 1. That the southern boundary line of the town of Rocky Mount be changed, and that said town be enlarged; and that said boundary line read as follows: Beginning at a rock in the corporation line north of the Nashville Branch Railroad; thence south thirteen and three-fourths (13 $\frac{3}{4}$) degrees east fourteen (14) chains ninety-six (96) links to the run of a canal—formerly a branch; thence down said canal to the present line of incorporation. Corporate limits.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 148.

An act to incorporate the Original Free Will Baptist Conference of the State of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That Rufus K. Hearn, John W. Linton, Malin Linton, Frederick McGlenborne, Haskel Jones, Archibald A. Tyson, James M. Barfield, and their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate under the name, style and title of the Original Free Will Baptist Conference of the State of North Carolina, and that under such name, style and title Body politic.
Corporate name.

Corporate powers they shall have power to sue and be sued, shall have a corporate seal, and have all the other rights, privileges and powers incident to corporations as laid down in the laws of the State of North Carolina.

Organization. SEC. 2. That said corporation shall be in full force and effect immediately after the passage of this act, and that said corporators above named shall immediately proceed to organize by electing such officers as they may deem fit, prescribe their terms of office and duties, and establish such rules and by-laws for the regulation of said corporation as they may deem fit: *Provided*, the same shall not be inconsistent with the constitution and laws of the State of North Carolina and the United States.

By-laws.
Proviso.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 149.

An act to incorporate the North Carolina Christian Missionary Convention.

The General Assembly of North Carolina do enact:

Body politic. SECTION 1. That C. W. Howard, S. H. Rountree, E. A. Maye, D. W. Davis, J. R. Tingle, J. L. Winfield, N. S. Richardson, J. M. Mewborne, H. D. Harper and S. J. Wooten, and their associates, be and are hereby constituted and made a body corporate and politic, with

Corporate name. perpetual succession, under the name and style of the North Carolina Christian Missionary Convention, and by that name may sue and be

Corporate powers sued, plead and be impleaded in all the courts of law and equity, and may purchase and hold and sell and convey real estate, goods and chattels whatsoever necessary to the objects of this incorporation. They shall have power to make and use a common seal, and to alter the same at will. And they are hereby invested with all the powers and privileges necessary for conducting missionary and other religious work in advancement of the christian religion in this State.

Corporate powers SEC. 2. That said corporation shall have power to enact all necessary by-laws, and to do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the constitution and laws of the United States and of this State.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1889.

CHAPTER 150.

An act to amend chapter 33, laws 1841, relating to charter of
Floral College.

The General Assembly of North Carolina do enact :

SECTION 1. That section 3 of chapter 33 of the laws of North Carolina of 1841, the same being entitled "an act to incorporate a female literary institution in the county of Robeson," be and the same is hereby stricken out and the following inserted in lieu thereof: "That nine trustees shall be annually chosen by the stockholders of said institution, on the first Thursday in August, five of whom shall constitute a quorum for the transaction of any business; and Rev. H. G. Hill, D. D., Lucius McRae, James McBryde, J. C. McCorkill, E. F. McRae, McRay McKinnon, J. L. McLean, W. S. McNair and Alex. McKinnon are hereby appointed said board of trustees, who shall hold office until the first Thursday in August, 1889, and until their successors are elected."

Chapter 33, laws
1841, amended.

Trustees.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 151.

An act to authorize the mayor and board of aldermen of the town
of King's Mountain to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the mayor and board of aldermen of the town of King's Mountain, North Carolina, and their successors in office, are hereby authorized and empowered to levy a special tax, at the time other taxes are levied, upon the taxable property and polls of said town, for the year eighteen hundred and eighty-nine, for the purpose of paying off the debt contracted by said town authorities in completing what is known as the "King's Mountain High School building"; said tax shall not exceed in any one year twenty-five cents on the one hundred dollars worth of property, and may be less according to the discretion of the board of town council; said tax to be levied from year to year until the above debt is paid, and to be levied and collected as other taxes, observing the equation prescribed by the constitution.

Authorized to
levy special tax
to pay indebted-
ness contracted
in completing
King's Mountain
High School
building.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 152.

An act to amend chapter 85, laws of 1885, in relation to the charter of Greenville, in Pitt county.

The General Assembly of North Carolina do enact :

Chapter 85, private laws 1885, amended.

Stock running at large belonging to non-residents of town not liable to be impounded.

SECTION 1. That the charter of Greenville, Pitt county, as contained in private laws of one thousand eight hundred and eighty-five, chapter eighty-five, be amended as follows: Add to the same the following proviso: "That the councilmen of said town shall not have the power to make any ordinance, by-law, rule or regulation authorizing or directing the town officers to take up and impound any hogs or cattle running at large on the streets of said town whose owners have their place of residence outside of the corporate limits of said town."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 153.

An act to amend the charter of the town of Pittsboro.

The General Assembly of North Carolina do enact :

Former acts repealed.

Incorporated.

Corporate name.
Corporate boundaries.

SECTION 1. That all acts heretofore passed incorporating the town of Pittsboro, in the county of Chatham, and all acts amendatory of the same, be and the same are hereby repealed.

SEC. 2. That the inhabitants of the said town of Pittsboro shall continue, as heretofore, a body corporate under the name and style of the "town of Pittsboro," and the boundaries of said town shall be as follows: Beginning at the southeast corner of Moore's mill lot on Robertson's creek; thence north forty-seven and one-half degrees east four hundred and fifty feet to a stake; thence north thirteen and one-half degrees east two thousand five hundred and forty-five feet to S. W. Brewer's, on the Raleigh road; thence north with his line seven hundred and forty feet to his northeast corner; thence west with his line two hundred feet to Foushee and Brewer's corner; thence north seventy-nine degrees west sixteen hundred and fifty feet, Manning's line; thence with his line north eighty-seven degrees west to a stone on the Hillsboro road three hundred and fifty feet; thence north two hundred and twenty-five feet to a stone; thence north fifty degrees west two hundred feet to a white oak; thence north seventy-eight degrees west seven hundred and sixteen feet to a cedar; thence south thirty-six and one-half degrees west thirteen hundred and fifty feet to Little creek; thence south down said creek three hundred and

eighty-five feet to Hill's line; thence south eighty-seven degrees west three hundred and seventy-five feet; thence north eighty-seven degrees west with London's line to London's corner on the Gum Springs road five hundred and fifty feet; thence south thirty-one degrees west five hundred feet to a stone on the Asheboro road; thence south four and one-half degrees west with the public road fifteen hundred feet to a stone, Egypt road, the east side of said road; thence south thirty-three and one-half degrees east nine hundred and seventy-five feet to a white oak on Robertson's creek; thence with said creek as it meanders to the beginning.

SEC. 3. That said town shall be subject to all the provisions contained in chapter sixty-two of The Code, except so far as varied by this act. Corporate powers &c.

SEC. 4. That the commissioners of said town are hereby authorized and empowered to levy a special tax on every licensed liquor dealer in said town, not to exceed the sum of two hundred and fifty dollars per annum, and also to levy and collect taxes on all persons, property, privileges, trades, professions and all other subjects of taxation within the corporate limits upon which the General Assembly has power under the constitution to collect taxes for State and county purposes, and to enforce the collection of the same by appropriate ordinances: *Provided*, that the tax on property shall not exceed ten cents on the one hundred dollars valuation. Taxation. Proviso.

SEC. 5. That the town constable or other duly appointed peace officer of said town shall have power to arrest, without warrant, any and all persons violating any ordinance of said town in his presence, and if such violation occurs in the presence of the mayor he may order any by-stander to arrest the person. Arrests by constable.

SEC. 6. That the present mayor and commissioners of said town shall hold office until their successors are elected and qualified. Present officers continued in office.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 154.

An act to amend the charter of the town of Durham.

The General Assembly of North Carolina do enact:

SECTION 1. That section five (5) of the charter be stricken out and the following be substituted therefor: "That for the purpose of elections, the town of Durham shall be divided into two precincts, known respectively as North Durham precinct and South Durham precinct, and that the railroad line of the North Carolina Railroad Company shall be the line of division between said precincts." Chapter 110, private laws 1874-'75, amended. Two election precincts.

Registration for each precinct.

SEC. 2. That section six be amended by inserting after the word "town" the words "for each precinct."

Registration of persons coming of age

SEC. 3. That section seven be amended by changing the words "registrar is" to "registrars are."

Registrar for each precinct.

SEC. 4. That section eight be amended by inserting after the words "a suitable person" the words "for each precinct," and after the words "or registrar within" the words "his precinct of."

Three inspectors for each precinct.

SEC. 5. That section twelve be amended by inserting after the words "three inspectors" the words "for each precinct."

Canvass of votes.

SEC. 6. That section fifteen of the charter be stricken out and the following substituted therefor: "That at the close of the election the inspectors shall proceed to count the ballot, and shall meet at the mayor's office at ten o'clock A. M. of the next succeeding day to canvass the election and declare the result thereof; and such person voted for as mayor having received the highest number of votes shall be declared duly elected mayor for the ensuing year; and of those persons voted for as commissioners the seven receiving the highest number of votes shall be declared duly elected commissioners of the town for the ensuing year; and such mayor and commissioners shall be notified of their said election by the inspectors on the day succeeding such election."

SEC. 7. That section — of the charter be amended as follows: by inserting after the word "inspectors" the words "for each precinct."

Mayor a special court.

SEC. 8. That section twenty-six of the charter be stricken out and the following inserted therefor: "That the mayor of the town of Durham, while acting as such, is hereby constituted a special court, with all the authority, jurisdiction and powers in criminal offences occurring within the corporate limits of said town and within one-half a mile thereof that are now or hereafter may be given by law to justices of the peace; and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said 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 to the superior court of Durham county. And in all cases where a defendant shall be adjudged to be imprisoned by the said mayor, it shall be competent for said court to sentence the defendant to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that the defendant work during the period of his confinement on the public streets or other public works of said town. The said special court shall have the power, jurisdiction and authority of a justice of the peace to hear and determine all causes of action to recover fines and penalties for a violation of the ordinances of the town of Durham."

Powers and jurisdiction.

SEC. 9. That section thirty-two of the charter be stricken out and the following be inserted as a substitute therefor: "That the board of commissioners shall have power to vote each member of the board a sum not exceeding one hundred dollars per annum as compensation for their services; and if any member shall fail to attend a general meeting of the board of commissioners or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of five dollars."

Compensation of
commissioners.

Penalty for fail-
ure to attend
meeting.

SEC. 10. That sections forty-five and fifty-five of the charter be stricken out, and the following be a substitute therefor: "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, namely:

Taxation.

"I. *Schedule A.* An *ad valorem* tax of not exceeding fifty cents on every one hundred dollars value of real and personal property in the town of Durham, and on all money, credits, investments in lands, stock, joint-stock companies or otherwise, required to be listed by the State laws of North Carolina.

Ad valorem tax.

"II. On each taxable poll who may be resident in the town of Durham on the first Monday of May of each year, except such as the board of commissioners may exempt and so record, a tax not exceeding one dollar and fifty cents.

Poll-tax.

"*Schedule B.* The taxes in this schedule shall be imposed as a license tax for the privilege of carrying on the business or doing the act named; and nothing in this schedule contained shall be construed as to relieve any person from the payment of the *ad valorem* taxes required in the preceding schedule:

License taxes.

"I. Upon merchandise, a tax not exceeding ten dollars a year.

"II. Upon leaf tobacco dealers, a tax not exceeding five dollars a year.

"III. Upon commission merchants, auctioneers or brokers, a tax not exceeding ten dollars a year.

"IV. Upon every omnibus used for the carriage of persons, for hire, a tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle used for the transportation of freight, or other articles of hire, a tax not exceeding ten dollars a year; and a discrimination may be made between one and two horse vehicles in the tax.

"V. Upon all dogs kept in the town, and which are so kept on the first day of June, a tax not exceeding three dollars a year: *Provided*, a discrimination may be made in the sexes of dogs in the tax.

"VI. Upon all encroachments on the streets and sidewalks by porches or piazzas, allowed by the board of commissioners on the petition of the person intending to erect the same, a tax not exceeding one dollar a square foot covered by the encroachment.

“VII. Upon every transient merchant, trader, or street peddler, offering to vend in the city, a tax of twenty-five dollars a year, or five dollars a month, except only such as sell books, charts or maps, or wares of their own manufacture, but not excepting vendors of medicine by whomsoever manufactured. Not more than one person shall sell under the same license, and each person licensed shall wear a badge.

“VIII. Upon every public billiard-table, bowling-alley or alley of like kind, skating-rink, bagatelle-table or table-stand, or place for any other game or play, with or without a name, kept for hire, or kept in a place where liquor is sold or a house used or connected with such house, or used connected with a hotel or restaurant, a tax not exceeding fifty dollars a year nor less than fifteen dollars a year.

“IX. Upon every hotel, victualing-house or restaurant established, opened or kept in the town, a tax not exceeding fifty dollars a year.

“X. Upon every permission or license of the board to retail spirituous liquors, a tax not exceeding two hundred dollars a year, to be paid annually, semi-annually or quarterly, as the board shall determine.

“XI. On every exhibition of a circus or menagerie within the town or a mile thereof, twenty-five dollars for each separate exhibition, and on each side-show, seven dollars and fifty cents, to be paid before the exhibition, or if not paid then, the same to be doubled.

“XII. Upon each exhibition within the town of stage or theatrical plays, sleight-of-hand performances, rope dancing or walking, a tax not exceeding ten dollars, to be paid before exhibiting, or the same to be doubled.

“XIII. Upon each exhibition, for reward, of wax-works or curiosities of any kind, natural or artificial, a tax not exceeding ten dollars.

“XIV. Upon each exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax of five dollars, except when the exhibition or concert is given for charitable or benevolent purposes, or to aid in any public improvement of the town.

“XV. Upon every goat or hog, running at large in the town, a tax of two dollars, and every such goat or hog may be seized and impounded, and if the owner, on being notified, will not pay the tax, the animal shall be sold therefor, at such place as the commissioners may designate, after three days notice.

“XVI. Upon every auctioneer or crier of goods at public auction, allowed to be taxed by this charter, a tax not exceeding twenty-five dollars: *Provided*, that this section shall not conflict with the provisions of section two thousand two hundred and eighty-four of The Code of North Carolina.

“XVII. Upon every stock and bond broker, sewing-machine company, dealer in or manufacturers’ agent of musical instruments, keeper of livery or livery and sale stables, or stock yards, a tax not exceeding twenty dollars a year.

“XVIII. Upon any street huckster, photographer, merchandise or produce broker, or shooting-gallery, a tax not exceeding twenty-five dollars a year.

“XIX. Upon every itinerant dentist, itinerant medical practitioner, optician, portrait or miniature painter, daguerrean artist, photographer and every person taking or enlarging likenesses of the human face, a tax of five dollars a month.

“XX. Upon every itinerant person or company peddling lightning-rods, stoves or ranges, a tax of fifty dollars a year on each wagon (if wagons are used). If wagons are not used, the tax shall be paid on each agent.

“XXI. Upon every bill-poster, a license tax of not more than ten dollars per annum.”

SEC. 11. That section forty-five of the charter be amended by striking out the words “on the tenth day of May, or within five days thereafter, render to the mayor,” and inserting therefor, “during the time for listing their State and county taxes, render to such persons as may be designated by the commissioners of the town.”

Listing of property for taxation.

SEC. 12. That section forty-seven of the charter be stricken out and the following inserted therefor, namely: “That on or before the first day of August of each year the board of commissioners shall proceed to levy the taxes on such subjects of taxation as are allowed by law, and shall place the tax-list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys, as they are collected, to the treasurer; and the collector, for his compensation, shall receive such pay as the commissioners may allow.”

Levy of taxes,
Collection.
Compensation of collector.

SEC. 13. That the board of commissioners of the town of Durham shall be empowered to pass ordinances regulating the speed of all railroad engines and trains which shall pass upon any of the railroads in or through the limits of said town: *Provided*, a copy of such ordinance be served upon the agent of such railroad or railroads within the town. Also the said commissioners are empowered to regulate the time which any railway train or engine shall stand upon that portion of the railroad track across which any of the streets of the town may run.

Speed of railroad trains.
Proviso.
Trains standing on track crossing street.

SEC. 14. That the word “Durham” shall be substituted for the word “Orange” whenever the latter is used in the charter of the town of Durham.

Orange county stricken out and Durham inserted.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 155.

An act to incorporate the Isbell File and Calendar Company.

The General Assembly of North Carolina do enact:

- Body politic. SECTION 1. That D. F. Isbell, E. F. Fulenwider, E. V. Jones and C. E. Graham, citizens of the State of North Carolina, together with such other persons as now are or may hereafter be associated with them, and their successors, be and are hereby made and created a
- Corporate name. body politic and corporate under the name and style of the Isbell File and Calendar Company, and by said name they are hereby made
- Corporate powers capable in law to carry on and conduct the business of manufacturing, buying or selling all goods made of tin, brass or wood or other material used in the construction of the Isbell file and calendars, or other articles of a like nature and kind whatsoever which they may from time to time desire, and may erect such mills, buildings, machine-shops, stores, dwellings and houses and other works as may be requisite or necessary to carry on such kinds 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, or any other 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.
- Capital stock. SEC. 2. That the capital stock of said company shall not be less than five thousand dollars, or more than one hundred thousand dollars.
- Transfer of stock, dividends, &c. SEC. 3. That said stock shall be divided into shares of fifty dollars each, 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 fully paid, and no dividends shall be declared or paid except from the net earnings of the company.
- Corporate existence. SEC. 4. That this act shall be in force from and after its ratification, and remain in force for a term of thirty years.
- Ratified the 9th day of March, A. D. 1889.

CHAPTER 156.

An act to authorize the city of Raleigh to issue bonds to pay and fund its present bonded indebtedness at a lower rate of interest.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of paying off, taking up, retiring and cancelling or funding at a lower rate of interest the whole or any part of the outstanding bonds of the city of Raleigh, at or before the maturity thereof, the city of Raleigh is hereby authorized and empowered to issue from time to time its bonds to an amount not exceeding in the aggregate the sum of one hundred and twenty-five thousand dollars (\$125,000) of the denominations of one hundred, five hundred, and one thousand dollars, and in such proportions as may be deemed advisable by the board of aldermen of said city, bearing interest at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly at such times and places as may be deemed advisable; the bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such place or places, in such way and at such time or times, not exceeding fifty years from the first day of July, one thousand eight hundred and eighty-nine, as the board of aldermen may determine.

Authorized to issue bonds not exceeding \$125,000 to pay or fund indebtedness.

SEC. 2. That none of the bonds authorized in the first section hereof shall be issued or disposed of, either by sale, exchange, hypothecation or otherwise, for any purpose whatever other than the payment, taking up, retiring or cancellation of a corresponding and equivalent amount of bonds issued under the provisions of chapter forty-four of the laws of North Carolina, passed at the session of General Assembly of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and of chapter eighty of the laws of North Carolina, passed at the session of the General Assembly one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and of chapter thirty-five of the private acts of General Assembly, session of one thousand eight hundred and eighty-five; and any officer of the city of Raleigh violating this section, or aiding or abetting any person in the violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars and be imprisoned not less than six months, and shall, moreover, be liable to pay the city of Raleigh a sum equal to the par value of the bonds so misapplied: *Provided, however,* that the board of aldermen may, as an inducement to the holder of the outstanding six per cent. bonds to surrender the same in exchange for the bonds authorized by this act, pay a premium on said six per cent. bonds not exceeding one-fourth of one per cent. for every year elapsing between the time of such surrender

Purposes for which bonds may be issued.

Misdemeanor to violate this section.

Penalty.

Proviso

and the maturity of the bonds, if surrender and exchange be made as much as six years before such maturity.

Special tax.

SEC. 3. That the provisions of section twelve of chapter thirty-five, private acts of General Assembly of one thousand eight hundred and eighty-five, in relation to the levy and collection of a particular tax for the payment of the interest on and the principal at the maturity of the bonds therein mentioned, shall be applicable to the bonds authorized by section one hereof.

Exemptions from city taxation.

Coupons receivable for city taxes, &c.
When interest to stop.

SEC. 4. That the bonds authorized to be issued by this act, [and] their coupons, shall not be subject to taxation by the city until after they become due, and the coupons on said bonds shall be receivable in payment of city taxes, or other city dues, for any fiscal year in which they become due, or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment, at the times and places therein mentioned, he shall not be entitled to interest thereon for the time they have been outstanding after maturity.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 157.

An act to confirm the incorporation and organization of "The Greystone Granite and Construction Company."

Preamble.

WHEREAS, On the twenty-third day of January, eighteen hundred and eighty-nine, John H. Winder, J. E. Stagg and H. L. Smith filed in the office of the clerk of the superior court for Vance county, N. C., according to law and in due form, their articles of agreement and plan of incorporation under the name of "The Greystone Granite and Construction Company," upon the terms and with the powers in said articles and plan set out; and whereas, on the same day the said clerk issued, according to law, letters of incorporation, duly declaring said John H. Winder, J. E. Stagg and H. L. Smith, their associates, successors and assigns, duly incorporated according to the terms set forth in said articles and plan as "The Greystone Granite and Construction Company"; and whereas, the said Winder, Stagg and Smith have duly organized said corporation under said articles, plan and letters; now, therefore,

The General Assembly of North Carolina do enact:

Incorporation ratified.

SECTION 1. That said creation, incorporation and organization of said company under the name of "The Greystone Granite and Construction Company," for the purposes and upon the terms and conditions and with the rights, powers and privileges set out in, said

articles of agreement, plan of incorporation and letters of incorporation, is hereby ratified, approved and confirmed.

SEC. 2. That said company, its successors or assigns, shall have all Corporate powers the rights, powers, privileges and immunities set out in said articles of agreement, plan of incorporation and letters of incorporation.

SEC. 3. That said company, its successors or assigns, are hereby Corporate powers authorized and empowered to build and equip or to lease a railroad, or other road, a telegraph or telephone line, or any or all of them, from their works near Greystone, in Vance county, N. C., to any point in said county on any railroad passing through said county, and to operate the same and to charge for the use of the same.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 158.

An act to incorporate the Morehead Banking Company.

The General Assembly of North Carolina do enact:

SECTION 1. That G. S. Watts, W. M. Morgan, J. Turner Morehead, Body politic.
Julius A. Gray, W. Duke, A. M. Rigsbee, J. S. Carr, W. H. Willard,
S. F. Tomlinson and W. W. Fuller, and their present and future
associates, successors and assigns, be and they are hereby constituted,
created and declared to be a body politic and corporate under the
name and style of "The Morehead Banking Company," and shall so Corporate name.
continue for the period of thirty years, with capacity to sue and be Corporate powers
sued, maintain and defend actions and special proceedings in its cor-
porate name; to take, hold, buy, sell, lease and exchange and convey
real and personal estate, and to conduct, transact and carry on in its
full scope and import a general banking business, with all the powers,
rights, privileges and immunities hereby specially granted, and in
addition those contained in chapter 4, volume 2, of The Code, enti-
tled "banks."

SEC. 2. That the capital stock of said bank shall be fifty thousand Capital stock.
dollars, in shares of one hundred dollars each, with liberty to the
stockholders, or a majority of them, to increase said capital stock at
any time, or from time to time, to any sum not exceeding, finally,
five hundred thousand dollars; and said corporation may, at the
beginning of business or at any time thereafter, purchase the busi-
ness, good will and assets of any private banker or bankers or bank-
ing institution, and issue the whole or any part of its capital stock in
payment thereof.

- Books of subscrip- tion.** SEC. 3. That the corporators named in section one of this act, or any three of them, may open books of subscription to the capital stock of said corporation at such times and places as they may choose, and when fifty thousand dollars is subscribed in good faith the said corporators who have opened said subscription book may call a meeting of the subscribers in the city of Durham at such time and place and on such notice as they may choose, and a majority of such subscribers shall constitute a quorum qualified to do any act which the corporation is allowed to do: and they may adopt such by-laws and regulations for the government of the corporation and conduct of its business as they please, provided the same be consistent with the constitution and laws of the United States and of this State; and they may then, or at any adjourned meeting, elect such officers as they see fit to elect, and prescribe their duties, compensation and terms of service, and require bonds of such officers as they choose. But if said stockholders prefer they may elect a board of directors only, to consist of as many members as they desire, and clothe said board of directors with the power of electing the other officers and prescribing their duties and fixing their terms of office and salaries.
- Organization.**
- President.** SEC. 4. The directors shall, at their first meeting and annually thereafter, elect one of their own number president of the company, and he shall be ex-officio chairman of the board of directors. Any vacancy in the board of directors, or any other office, shall be filled by the remaining members of said board at any election held at any general or special meeting.
- Vacancies.**
- Powers of board of directors.** SEC. 5. The said board of directors may adopt, use, break and alter a seal; prescribe the manner and time of paying for stock and transferring the same; regulate the method of conducting the business of the company; lend money, and charge and retain and receive the interest in advance; at any other time or times discount, buy, sell and exchange notes, drafts, bills, drafts and any and all other evidences of debt, or securities for debt; deal in stocks, bonds and securities of any kind; loan money at not above the legal rate of interest on mortgages of real or personal estate, or both, or upon liens upon crops, planted or unplanted; may build, buy or lease a banking-house or houses. And no subscriber or stockholder or the assigns of either shall be individually or personally liable or responsible for any debts, obligations, contracts, engagements, or both, of said corporation, except to the amount of their subscription; and when any stockholder or subscriber shall be indebted to the corporation for unpaid subscription, or in anywise, no transfer of his stock shall be valid or effectual against said corporation while said indebtedness exists; and the corporation shall have and is hereby given a lien on all stock and interest in stock to the full amount of the indebtedness of every kind (whether as principal or surety, endorser or guarantor), of each such stockholder or subscriber to the bank, and
- Liability of stock-holders.**

after ten days notice to the owner of said stock, as shown by the stock-book of said corporation, or to the holder thereof, the same may be sold by any officer of the corporation, under its directions, at public auction, for cash, at the door of the office of the corporation, or at the court-house door in Durham, and the proceeds applied to the payment of such indebtedness and interest, and the surplus, if any, paid to the owner of the stock, as shown by the bank-books, or his assignee.

SEC. 6. The principal office and place of business of said corporation shall be at Durham. Principal office.

SEC. 7. When married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially, to their own credit, they or any of them may draw the same on their check or order and be bound thereby, and such individual check or order of such minor, married woman or apprentice shall be a valid and sufficient release and receipt to said corporation against said minors, married women and apprentices, and all other persons. Deposits by married women, minors and apprentices.

SEC. 8. When said bank shall sell the property of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, it may bid for, buy and hold any and all of such property free from lien or encumbrances, and its title thereto shall be absolute and unconditional, and shall be in all respects valid and binding against all persons. Authorized to purchase at sale under liens held by bank.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 159.

An act to incorporate the Carolina Mining, Manufacturing and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That D. D. Davies, W. A. Enloe, W. H. Higdon, G. L. Ferguson, W. M. Cocke, Jr., A. B. Fortune and H. M. Ramseur, 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 and corporate, under the name and style of the Carolina Mining, Manufacturing and Improvement Company; and by such name they are hereby made capable, in law, to carry on and conduct the business of mining from the ground any ores, minerals or metals; to manufacture the same into any shape or shapes, and prepare for home or foreign market; to erect such mills, buildings, machine-shops, stores, dwellings and houses, and other works, as may be requisite or neces- Body politic.
Corporate name.
Corporate powers

sary to carry on such branches of industry as this act may provide for; to acquire and own mines, mining lands not to exceed one hundred thousand acres at one time, and rights of entrance to and outlet from the same; to lay out and construct and operate such roads, tramroads or railroads as may be necessary or convenient in order to transport the product of any mine or mines that they may control or operate from the same to any point on the line of any railroad or water-course, and that they may operate such road, tramroad or railroad as public carriers, charging the regular rate of toll for the transportation of passengers or freight over the same as regulated by their by-laws, provided the said charges do not conflict with the laws of the land; and to hold, purchase, receive, work, sell, mortgage, lease, enjoy, and retain to them, their successors and assigns, lands not exceeding at one time the number of acres aforesaid, tenements, goods, chattels of whatsoever kind as may [be] deemed by them conducive to the objects and interest 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 by them proper, not repugnant to the constitution and law of the land. Shall carry on their work or works in any or all of its branches, in either or all of the counties of North Carolina lying and being west of the Blue Ridge mountains.

Capital stock.

SEC. 2. That the capital stock of the company shall be ten thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine, up to one million 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 the debts of the corporation. Said stock shall be deemed personal property and be transferable upon the books of

Non-liability of stockholders.

Books of subscription.

said corporation. Books of subscription may be opened by any two of the incorporators at such time and place as they may subscribe [prescribe]. That the said corporators, or a majority of them, acting in person or by proxy, after the sum of ten 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 three days notice in some newspaper published in the city of Asheville, North Carolina. 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.

Organization.

SEC. 3. That subscriptions to the capital stock of said company may be made in money, land, labor or material necessary for carrying on the work intended, in bonds, stocks, or other valuable credits

in such manner and on such terms as may be agreed upon by the president and a majority of the directors of said company.

SEC. 4. That said company is authorized to borrow such sums of money from time to time as may be necessary for its purposes, and for such loans to issue its bonds, bearing interest not exceeding seven per cent. per annum, to sell, exchange or 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, land, property and franchises in whole or in part, or to issue shares of preferred stock, which, in case of a dividend, shall be paid six per cent. out of the proceeds of the company in preference to any other stock of the company, but shall not be entitled to a per share vote in the stockholders' meetings.

SEC. 5. That meetings of stockholders shall be held annually, at such time and place, in this 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 may be called by the president or 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. Notice of annual meetings shall likewise be published.

SEC. 6. That the president and directors shall have the power to appoint a vice-president, secretary, treasurer and such other officers as may be necessary for conducting the work as 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 qualified. And in case of vacancies occurring, by death or resignation, in the office of director, the same may be filled by the president until the next meeting of the stockholders.

SEC. 7. That the president and directors, being authorized by the stockholders, shall have power to make such expenditures and contract such debts as may be necessary.

SEC. 8. That this company may enjoy the benefits and be subject to the provisions of section 1943 to 1951, inclusive, of chapter 49 of The Code of North Carolina, in respect to the acquisition of land by condemnation, for the purpose of locating, constructing and operating their roads, tramroads and railroads. And said company may enjoy the benefits and be subject to the provisions of section 1996 to 2000, inclusive, of said chapter of The Code, allowing counties to subscribe to the capital stock of railroads, in the manner and upon the terms and conditions therein expressed. This company shall have the right to subscribe to the capital stock of any other corporate company, and any other corporate company may have the right to subscribe to the capital stock of this company.

SEC. 9. That this act shall go into effect from and after its ratification, and remain in force for ninety-nine years.

Ratified the 9th day of March, A. D. 1889.

Corporate powers

Stockholders' meetings.

Officers.

Directors.

Vacancies.

President and directors authorized to contract debts, &c.

Condemnation of land.

Subscriptions by counties to capital stock.

CHAPTER 160.

An act to amend the charter of the Raleigh Street Railway Company.

The General Assembly of North Carolina do enact :

Chapter 83, private laws 1881, and chapter 46, private laws 1887, amended.

Authorized to construct, &c., system of electric lighting and traction.

Proviso.

SECTION 1. That the charter of the Raleigh Street Railway Company, as contained in private acts one thousand eight hundred and eighty-one, chapter eighty-three, and the act amendatory thereof, private acts of one thousand eight hundred and eighty-seven, chapter forty-six, be amended by the insertion of the following, to come as an additional section to section two of the act of one thousand eight hundred and eighty-one: "That in addition to the powers herein granted, the Raleigh Street Railway Company shall have power to construct, maintain and operate a system of electric lighting, either in connection with a system of electric traction for its cars, if such should be adopted, or otherwise; and shall have authority to contract for and to supply electric power or other force along the line of its route or elsewhere in the city; and, for these purposes, shall have all the powers of electric light and gas companies in accordance with the existing laws, and may make all contracts in this behalf which any similar corporation could: *Provided, nevertheless*, that these powers shall be exercised under the supervision of the board of aldermen of the city of Raleigh."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 161.

An act to amend an act to incorporate the town of Sandford, in Moore county.

The General Assembly of North Carolina do enact :

Chapter 76, private laws 1873-'74, amended.
Taxation.

Misdemeanor to sell liquor within two miles.

SECTION 1. That section six of chapter seventy-six, private laws of one thousand eight hundred and seventy-three and four, be amended by striking out the words "one half of."

SEC. 2. That it shall be unlawful for any person or persons to sell any spirituous, vinous, malt or other intoxicating liquors within the corporate limits of said town, or within two miles of the same; and if any person shall violate this provision of this act he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, the provisions of this section shall not apply to the

Not applicable to Jonesboro.

corporate limits of the town of Jonesboro: *And provided further*, Not applicable to persons licensed. that it shall not apply to persons licensed under section three of this act.

SEC. 3. That every person, company or firm wishing to sell spirituous, vinous, malt or intoxicating liquors in any quantity shall apply to the mayor and commissioners for a license, stating the place where it is proposed to conduct the business. The mayor and commissioners shall, upon satisfactory evidence of good moral character of the applicant, issue the license, to be signed by the mayor, upon the payment of a quarterly tax of sixty-two and $\frac{50}{100}$ dollars. How license to sell liquors issued

SEC. 4. That the commissioners shall have any power to make any ordinances respecting the sale of spirituous liquors, and to impose penalties for violation of the same. And if any person licensed to sell shall be convicted in the superior court of violating any such ordinances, the commissioners shall have power to declare his license void, and he shall forfeit to the town all moneys paid for the same. Ordinances regulating sale of liquors.

SEC. 5. That it shall be lawful for the commissioners to have work done on roads leading to the town and pay for the same with town money. Work on roads leading to town.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 162.

An act to amend the charter of the town of Clayton.

The General Assembly of North Carolina do enact :

SECTION 1. That an act of the General Assembly of North Carolina, entitled "an act to incorporate the town of Clayton, in the county of Johnston," and all the amendments to the same, be and are hereby amended as follows: In section one of chapter 133 of the private laws of North Carolina for the years 1868 and 1869, the words "chapter one hundred and eleven of the Revised Code" are stricken out, and the words "chapter sixty-two, volume 2, of The Code of North Carolina, entitled 'towns and cities,'" are substituted therefor; and the provisions of said chapter sixty-two of volume 2 of The Code of North Carolina not in conflict with this act, subject to such amendments as shall hereafter be made by the General Assembly of North Carolina, shall apply to and be a made a part of this act. Chapter 133, private laws 1868-'69, amended. Provisions of Code substituted for Revised Code.

SEC. 2. That the corporate limits of the said town of Clayton, in the county of Johnston, shall be as follows, viz.: Beginning at a stake in the old corporation line 210 feet southeast from O'Neil street, runs a line parallel with said street N. 45° E. 11 chains to a stake: thence Corporate limits.

N. 45° W. 476 feet to a stake; thence E. 45° W. 11 chains to a stake in the old corporation line; thence N. 45° W. 11 chains to a stake in said line; thence west $19\frac{3}{100}$ chains to a post-oak on the south side of Raleigh road; thence S. 45° W. $4\frac{3}{100}$ chains to N. C. R. R.; thence with said railroad S. 45° E. $6\frac{9}{100}$ chains to a stake in the old corporation line; thence 45° W. to a stake on the lands of J. F. Ellington; thence S. 45° E. 82 chains to a stake on the lands of Harry Durham; thence N. 45° E. 37 chains to a stake on the lands of J. D. Dodd; thence 45° W. to the beginning.

Taxation.

SEC. 3. That taxation in said town of Clayton for town purposes shall not exceed twenty cents on the hundred dollars valuation of all real and personal estates situate in the corporate limits of the same, and sixty cents on each poll.

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

Ratified the 9th day of March, A. D. 1889.

 CHAPTER 163.

An act to incorporate Clinton Cemetery Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That L. C. Hubbard, Warren Johnson, A. F. Johnson, W. A. Johnson, J. R. Beaman, W. H. Stetson, R. H. Hubbard, J. E. Royal, W. L. Faison, James H. Stevens and M. C. Richardson, and such other persons as they may associate with themselves for the purpose hereinafter mentioned, be and they are hereby made a body politic and corporate, under the name and style of the "Clinton Cemetery Company," and by that name may sue and be sued, plead and be impleaded in all the courts of this State; contract and be contracted with, and have a common seal.

Corporate name.**Corporate powers****Authorized to purchase land for cemetery.**

SEC. 2. That said corporation may purchase and hold as much land as may be necessary for the purpose of establishing a cemetery in or near the town of Clinton, in the county of Sampson, and may sell, or otherwise dispose of, said land in suitable burial lots to be used exclusively as a place for the burial of the dead, and all the money received for or on the account of the sale of burial lots in said cemetery shall be used for keeping the grounds and fence in good repair, and for such other purposes as the directors may deem best.

Conveyance of lots, &c.

SEC. 3. The said corporation may prescribe the form of conveyance for the burial lots in said cemetery and how and by whom the same shall be executed, and may make all such by-laws, rules and regulations for their own government and for the proper conduct of their affairs and the management of their property and the said cemetery as they may deem best, necessary or expedient.

SEC. 4. That the corporation may have the power to assess each lot owner not exceeding three dollars per year, for the purpose of keeping the grounds in good order, and such other purposes as the lot owners may deem best, and that any lot owner failing to pay the amount assessed, after notice from the treasurer, shall forfeit his claim to use said lot for burial purposes, and the treasurer shall advertise in the county paper and at the court-house door for three days and sell said lot for burial purposes to the highest bidder, and give the purchaser a permit to use said lot for burial purposes.

Assessment on
lots, &c.

SEC. 5. That the corporation shall have the power to elect or appoint five directors, who shall choose one of their number as president and shall choose one of their number as secretary and treasurer, who shall attend all meetings called by the president and record the proceedings of each meeting, and to keep all papers and books belonging to said corporation.

Directors and
officers.

SEC. 6. That the lot owners shall meet annually and elect the five directors and such other officers as they may deem best to attend to the affairs of the company.

Annual meeting

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 164.

An act to incorporate the Tennessee River Land and Improvement Company, limited.

The General Assembly of North Carolina do enact:

SECTION 1. That William Batty, of London, England, and George Rickard, of Truro, Cornwall, England, and John T. Perkins, of Morganton, North Carolina, and all such other persons who shall or may be associated with them, and their successors and assigns, are hereby created a body corporate and politic, in fact and in law, by the name, title and style of the "Tennessee River Land and Timber Company, limited," for the purpose of acquiring and owning lands in North Carolina, of conducting a general lumber business in all its departments and branches, and to purchase, lease and work mines and minerals; and especially for developing certain lands now owned by the incorporators in the South mountains of Burke county, adding other lands thereto, and cutting and preparing therefrom, and marketing oak, pine and other timbers, and prospecting, developing, smelting, and marketing the ores of said lands; and by said name and title the said company shall contract and be contracted with, sue and be sued, plead and be impleaded in all the courts of this State; may have a common seal, which it may alter or change at pleasure,

Body politic.

Corporate name.
Purposes of corporation.

Corporate powers

and shall, at all times, be entitled to all the rights, privileges and immunities of a domestic corporation.

Organization.
Proviso.

SEC. 2. That no notice or publication of the first meeting of said corporation shall be given or required: *Provided*, all the corporators shall waive, in writing, such notice, and fix a time and place of meeting.

Directors.

SEC. 3. That the persons named in the first section of this act shall constitute the first board of directors of the company hereby created for the purpose of organization; and that at such first meeting, to be held at such time and place as the said incorporators may determine, the said incorporators may elect such officers and agents as may be deemed meet and advisable to hold office for such times, and until others are duly elected or appointed, as hereinafter provided.

Officers.

Capital stock.

SEC. 4. That the capital stock of this corporation shall be such an amount as shall be fixed by the corporators herein named, not less than fifty thousand dollars, nor exceeding five hundred thousand dollars, and the said capital stock 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. Said capital stock shall be divided into such shares as may be provided by the by-laws of the corporation, and shall be evidenced by certificates to be issued in accordance with said by-laws, and shall be transferred in such manner and form as shall be provided and regulated by said by-laws; and each share shall entitle the holder thereof to one vote in all meetings of the stockholders and all elections by them held.

Certificates of stock, &c.

Stockholders' meetings.

SEC. 5. That 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 for any cause held on such 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 one-fourth part of the capital stock of the corporation: *Provided*, other meetings of the corporation may be called in the same manner, at any time, whenever it may be deemed the interests and necessities of the corporation require such meetings.

Proviso.

Place of business

SEC. 6. That the principal place of business of the said corporation shall be at such place in the State of North Carolina as shall be determined upon by a majority of the corporators, and in such place it shall have an office and agent upon whom service may at all times be made of all process, and until such place be determined otherwise, Morganton, North Carolina, shall be its place of office, and John T. Perkins, of Morganton, North Carolina, shall be its agent for the service of process or notice; and nothing in this act contained shall constitute said company a foreign corporation, but for all intents and purposes said company shall be a domestic corporation.

Service of process.

Domestic corporation.

Issuance of stock.

SEC. 7. That said corporation may issue its capital stock for money paid into its treasury, or in payment for property purchased by the

corporation, or services rendered to 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-up stock, and the holders thereof shall not in any event be liable personally for any debts or obligations contracted by the corporation. Non-liability of stockholders.

SEC. 8. That the said corporation shall have full powers: Corporate powers (a) To issue bonds of the company and to secure said bonds; shall have power to mortgage its property, real, personal and mixed, or any portion thereof, and the franchises of said company, and any bonds and mortgages so made and registered in the county where said property is situated shall constitute a lien on said property. (b) To acquire lands and freehold property in North Carolina 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 by the price paid by said corporation for said lands; nor to hold more than said amount for a longer period than thirty years: *Provided*, the number of acres shall not exceed fifty thousand at any one time. (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 and mongers, ship-builders, ship-brokers, general mining companies, and to do all things and have all rights expedient for utilizing, developing and disposing of the property of the corporation. (d) To search for and develop mineral properties; to mine, smelt and work all minerals, ores, metals and earth to reduce the same; to erect any kind of suitable works for mining purposes, to manufacture metal, earthenware or brick of any kind, and have and enjoy all privileges and powers necessary to a full and free use of such rights. (e) To enter into partnership or other arrangement for sharing profits, joint adventures 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 engage in or carry on, or any business or transaction capable of being conducted so as directly to aid and benefit this company in carrying out its main objects; and to take, acquire and hold shares, stock and securities of any such company, and to sell or otherwise deal with the same. (f) To invest and deal with the surplus moneys of the company not immediately required upon such securities and in such manner as may be found expedient. (g) To purchase or lease factories, houses, water-courses, mineral rights, roads, tramways, railways, timbers or any other kind of property whatsoever, and to erect on such lands the company may own or acquire any such factories, hotels, houses, machinery, canals, tramways or railways as may be necessary, proper or desired for the operation of the property of the said company.

SEC. 9. That said company shall have the privilege, rights and Corporate powers authority to lay out, build and contract such roads, whether plank,

turnpike, tram or railroads, and also such canals, floats, water-courses or other ways for the transportation of its property or trade in lumbers and ores, and to construct such dams and reservoirs as shall be needful to the supply of water for its mills, manufacture, furnaces, mines or other machinery; to erect bridges over streams wherever necessary: *Provided*, such rights shall not be construed to extend beyond the company's own lands.

Taxation. SEC. 10. That all property of the said company, real or personal, shall be listed for taxation in the county where the same is located, situated or being held and used, and shall not be liable to taxation elsewhere.

Bonds of officers. SEC. 11. That said company may require of any such officer as the shareholders may think proper and advisable such bonds conditioned for the faithful discharge of their duties, and payable to the company, as said shareholders may determine upon.

Annual reports. SEC. 12. That it shall be the duty of the president and directors, at least once a year, and oftener if thereto required, to make a report to the shareholders on the true state of the company, its operations and finances; and the books and accounts of the company shall at all times be open to the inspection of any shareholder.

Rules binding on corporation. SEC. 13. That the following rules and regulations shall be binding on the corporation unless and until the same shall be changed or repealed by a two-thirds majority of the vote of the shareholders of the corporation, to-wit: (1). At all general meetings of the company each shareholder shall be allowed to vote by proxy, and all voting shall be by ballot, each shareholder being entitled to one vote for each share held by him. (2). Vacancies occurring in the board of directors may be filled, for the unexpired remainder of the time, by the board from among the qualified shareholders of the company.

Stock vote. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Vacancies. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Officers. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Transfer of stock. and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Dividends. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Proviso. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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.

Evidence of by-laws. (3). The directors, from time to time, shall elect from among the shareholders a president, a vice-president, a treasurer, and secretary, and all other officers thereof. (4). No share shall be transferable upon the books of the company until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse to allow the entry in any such book of transfer of stock whereon any call has been made which has not been paid in. (5). The directors of [the] company shall not declare any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent or greatly diminishes the capital stock thereof: *Provided*, any director, at the time absent and taking no part in declaring such dividend, shall be rendered personally liable thereby. (6). A copy of any by-law of the company, under its seal or otherwise, 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. 14. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 165.

An act to incorporate the Yadkin Academy.

WHEREAS, Magager G. Hoskins and his wife Alice O. Hoskins, of Preamble. Alamance county, North Carolina, did, on the day of January, 1889, convey to the board of missions for freedmen of the Presbyterian church of the United States, for the purpose of education, one tract of land containing five acres, lying one mile west of Mebane, North Carolina, on which is the Yadkin Academy; and whereas, it is desirable that a charter should be granted for said academy: therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That Billingsby, M. G. Hoskins, D. J. Sanders, Body politic. N. H. Payne, George Carson, H. D. Woods, D. Brown, W. H. Bryant, L. D. Swine, R. H. Allen. L. P. Berry and D. A. Murray and their successors in office, duly elected and appointed as hereinafter provided, be and they are hereby [created] a body politic and corporate in law and in fact, to have perpetual succession by the name and style of Yadkin Academy, and shall forever be capable in law to take, Corporate name. receive and hold all manner of lands, tenements, rents, annuities Corporate powers and other hereditaments, which at any time or times which have heretofore 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 said corporation, at all times hereafter, shall be able and capable to purchase, have, receive, take, hold and enjoy, in fee simple or lesser estates, any lands, tenements, rents, annuities or other hereditaments by the gift, grant, bargain, sale, alienations, 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 [which] have been given or shall hereafter be given, sold, released or bequeathed by any person or persons for the use of said academy, and to apply the same according to the will of the donor; and all such lands, rents, tenements, heriditaments, moneys, goods and chattels of what[ever] kind or nature the same may be, the said corporation shall have, hold, possess and use all such lands, rents, tenements, hereditaments, moneys, goods, chattels of what[ever] kind the same may be, in special trust and confidence for the use and benefit of the Presbyterian church of the United States of America, for the purpose of establishing and endowing said academy at the site hereinbefore selected therefor for the education of the colored race for any vocation, profession or occupation of life.

- 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 conditions of the grant to them or the will of the devisor does not forbid it, and the proceeds arising therefrom shall be held in trust for the use and benefit of said academy for the education of the colored race; and further, that the said corporation may sue and be sued, plead and be impleaded, answer and be answered in all courts of [this] State.
- By-laws, &c.** SEC. 3. That the said corporation shall have power to make, ordain and establish such by-laws, ordinances and regulations for the government of said institution and the preservation of order and good morals therein as are usually made in such institutions, as to them may seem necessary: *Provided,* the same may not be 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.**
- Common seal.** SEC. 4. 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 proper, and may alter or renew the same at their pleasure.
- Trustees** SEC. 5. That a board of trustees of said academy, consisting of fifteen members, shall be elected by the corporators in this act mentioned, or by a majority of them, or their successors, upon nomination and approval of the board of missions for freedmen of the Presbyterian church of the United States of America; that said board of trustees, at their first meeting after the ratification of this act, which meeting shall be at the said academy after due notice thereof shall have been given, shall divide themselves into three classes, each consisting of five members, of which classes one class shall hold office one year, one for a term of two years and one for a term of three years, and the successors of each of these classes shall hold office for a term of three years, or until their successors are elected. The board of trustees of said academy shall, upon 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 term of office for which any of said trustees have been elected, and vacancies due from any other cause shall be filled in like manner.
- To be divided into classes.**
- President and teachers.** SEC. 6. That the said board of trustees shall have the power to elect a president and teachers for the said academy, upon the nomination of the board of missions for freedmen of the Presbyterian church of the United States of America, and no president or teacher shall be retained in said academy who is not acceptable to both the board of trustees and the said board of missions for freedmen.

SEC. 7. That the board of trustees may, as often as they see proper, according to rules to be prescribed, elect one of their number a president, whose office it shall be to preside over the meetings of the board, and said board shall have authority to appoint a treasurer, secretary and such other officers as may by them [be] deemed necessary, and to continue in office for such time and be succeeded by others in such manner as the board shall direct; and not less than five trustees shall constitute a quorum for the transaction of business. The treasurer shall give to said corporation such bond as may be approved by said board of missions for freedmen.

Officers of board of trustees.

Bond of treasurer.

SEC. 8. 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 within one mile of said academy, and any person so offending shall be deemed guilty of a misdemeanor.

Misdemeanor to set up gaming table, &c., or to sell liquors within one mile.

SEC. 9. That the whole amount of real and personal estate belonging to said corporation shall not at one time exceed in value the sum of one hundred thousand dollars, the same to be free of taxation if used exclusively for school and educational purposes.

Limitation of right to hold property. Exemption from taxation.

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

Ratified the 9th day of March, A. D. 1889.

CHAPTER 166.

An act to incorporate the town of Lowell, in Gaston county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Lowell, in the county of Gaston, be and the same is hereby incorporated under the name and style of Lowell, and shall be subject to all the provisions of chapter sixty-two of The Code in reference to incorporated towns, and not inconsistent with the provisions of this act.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be one mile square, to be determined by closing in lines running one-half mile north, south, east and west from the present passenger and freight depot of the Atlantic and Charlotte Air-Line Railway, known as Lowell.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners. The mayor, when present, shall preside at the meetings of said board of commissioners, but shall not be entitled to vote except in case of a tie. In the absence of the mayor the board may appoint one of their number to act as mayor *pro tem.*; and the following named persons shall fill said offices until the first Monday

Mayor and commissioners.

Mayor *pro tem.*

- in May, one thousand eight hundred and eighty-nine, and until their successors are elected and qualified, to-wit: Mayor, J. D. Ragan; commissioners, A. P. Earney, J. L. Ragan and C. C. Cornwell. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the constitution of the United States and the constitution and laws of the State of North Carolina, and shall have power to appoint a marshal, secretary, and treasurer, who shall hold their respective offices for one year, and until their successors are appointed and qualified.
- Temporary officers.**
- Oath.**
- Other Officers.**
- Election.** SEC. 4. That it shall be the duty of the commissioners [of] said town to provide for an election on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.
- Electors.** SEC. 5. All qualified electors of the State, who have been residents of the town for ninety days prior to any election in said town, shall be entitled to vote.
- Powers of commissioners.** SEC. 6. That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town not inconsistent with the laws of this State. They shall have power to levy and collect a tax not exceeding sixty cents on the poll and not to exceed twenty cents on the one hundred dollars valuation of all property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax; and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them.
- Violation of ordinances a misdemeanor.** SEC. 7. That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof, upon conviction, shall not exceed a fine of fifty dollars or imprisonment for thirty days.
- Misdemeanor to sell liquors within one and one-half miles.** SEC. 8. That it shall be unlawful for any person to sell any spirituous liquors within one and one-half miles of the outer limits of said town, and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days, in the discretion of the court.
- SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1889.

CHAPTER 167.

An act to amend the charter of the town of Wilson, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. The corporate limits of the town of Wilson shall be embraced within the following bounds: Beginning on the Wilmington and Weldon Railroad twenty-five yards south of the present corner on said railroad; then nearly north parallel with the present corporation line to a point one hundred yards from the western extension of Tarboro street; then westward along a line parallel with said Tarboro street three hundred and fifty yards to a post; then northward at right angles with and across said Tarboro street to the extension of Centre street; then eastward with said Centre street to the present town line; then with said town line north to a post at right angles with Nash street at a point where the Finch road leaves Nash street; then nearly east at right angles with and across Nash street to the present eastern corporation line; then southward along the present corporation line to the beginning. The corporate limits of the town of Wilson shall embrace all public lands for cemetery and park purposes which now or may hereafter belong to said town.

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 comprise all that part of the town west of Lane street, Barnes street and extension of same to Pine street, and the projected street running from Pine street behind the lots of James T. Wiggins, John T. Barnes, A. Branch and others. The second ward shall comprise all that part of the town west of Nash street not included in the first ward. The third ward shall comprise all that part of the town east of Nash street and west of Green street to Bragg street, and west of a line beginning at a point in the east side of Green street at its termination in Bragg street, and running north parallel with Nash street to the northern limits of the town. The fourth ward shall comprise all that part of the town within the corporate limits between the eastern boundary of the third ward and Vance street, extended to the northern limits of the town. The fifth ward shall comprise all that part of the town within the corporate limits east of Vance street and extension of same.

SEC. 3. That among the powers heretofore conferred upon the board of commissioners of the town of Wilson under the general laws as well as the special laws of North Carolina, they may, for the improvement and full protection of the town, borrow money or create a public debt by issuing bonds or otherwise, only after they have passed an ordinance by a three-fourths vote of the entire board at two separate regular meetings, and submitting the question of creating a debt to a vote of the people; and if a majority of the qualified registered

- voters of the town have voted in favor thereof, thirty days notice shall be given of such election in some newspaper published in Wilson, at which election those who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved."
- New registration.** The board may order a new registration of voters at any and all elections held by and under their direction, if they deem it proper to do so.
- Conflicting laws repealed.** SEC. 4. 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.
- Ratified the 11th day of March, A. D. 1889.

CHAPTER 168.

An act to incorporate the town of "Buford," Haywood county.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of Buford, in Haywood county, be and
- Corporate name.** and shall be subject to all the provisions contained in chapter sixty-two 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 Pigeon river, corner to Mrs. P. Hottsclaw and W. A. Pharr and runs east with their line to Dr. J. M. Mease's line; thence with his and W. A. Pharr's line to their corner in the cemetery; thence with James Smathers' line, crossing the railroad to J. M. Guyus' corner; thence with his line to the Camp ground branch; thence with said branch to Pigeon river; thence up Pigeon river to the Mingus branch on the west side of said river; thence up said Mingus branch to the railroad; thence with the railroad to Wm. Halliburton's line; thence with his and C. T. Wells' line to the top of a small mountain; then east with said mountain to W. B. Smathers' line to W. H. Moore's line; thence to the beginning.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a marshal.
- Temporary officers.** SEC. 4. That until the election hereinafter provided for, the mayor and commissioners shall consist of the following persons, viz.: mayor, J. N. Mease; commissioners, W. J. Hampton, J. H. Anderson and Wm. Halliburton, who shall hold their respective offices until their successors are elected and duly qualified.
- Election.** SEC. 5. That there shall be held on the first Monday in May, in the year 1890, an election for mayor and three commissioners, and every year thereafter, in some convenient place in said town; notice of which shall be [given] in three public places in said town.

SEC. 6. That any qualified elector of this State shall be eligible for mayor and commissioners: *Provided*, he shall have resided within the corporate limits of said town for twelve months next preceding the election.

Who eligible for mayor and commissioners. Proviso.

SEC. 7. That all persons entitled to vote in the county of Haywood for members of the General Assembly, and who have been *bona fide* residents of said town for 90 days next preceding the election, and shall be otherwise entitled to vote, [shall be entitled to vote at the said election].

Electors.

SEC. 8. That in addition to the powers conferred on the commissioners of incorporated towns enumerated in chapter 62 of The Code of North Carolina, the said commissioners shall have power to lay out and open any new street or streets within corporate limits of said town, whenever they deem necessary (and of the necessity thereof the commissioners shall be the sole judges), within 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 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 to choose one and the owners of the land another 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 choose in his stead such an arbitrator for him, and in case the two chosen as aforesaid cannot agree, then they shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned and ascertain the damage that will be sustained by and the benefits accruing to the owner in consequence of the taking and using and appropriating said land, and award to the owner, if any, that [which] 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 to the use of said land, and shall vest in the commissioners the rights to use said land for the purposes for which it was condemned, and the damages, as agreed upon between the owners of the land and the commissioners, or awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the superior court of Haywood county.

Streets.

Condemnation of land.

Right of appeal.

SEC. 9. 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

Stock running at large.

the impounding and sale of the animals mentioned in this section as well as other stock not mentioned, found running at large in the corporate limits of said town contrary to the ordinances of said town.

Misdemeanor to manufacture, sell, &c., liquors within corporate limits.

SEC. 10. That it shall be unlawful for any [person] or persons to manufacture, sell or give away, or dispose of in any way, directly or indirectly, of any spirituous liquors or intoxicating drinks of any kind, for reward or hope of reward, within the corporate limits of said town: and if any person shall violate the provisions of this act he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, for each and every offence.

Taxation.

SEC. 11. That said commissioners shall have power to levy and collect taxes on all subjects of taxation in said incorporate limits.

Taxes, how applied.

SEC. 12. That said commissioners shall have power to apply the taxes collected under this act, together with fines, forfeitures and penalties for violation of the town ordinances, to the improvement of the public streets in said town as they may find necessary.

Persons subject to road duty liable to work on streets.

SEC. 13. That all parties subject to road duty be required to work on the streets in said town and not on public roads outside the corporate limits of said town.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 169.

An act to incorporate the Goldsboro Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. J. Street, T. B. Hyman and Z. T. Brown, of Goldsboro, North Carolina, and such other persons as they may associate with them, and their successors and assigns, be and they are hereby created a body politic and corporate, for the term of thirty years, under the name, style and title of the "Goldsboro Lumber Company," and by that name may have succession and a common seal; may sue and be sued, plead and be impleaded, and shall have all the rights and privileges conferred upon corporations by sections 663 and 664 of chapter 16 of The Code, entitled "corporations."

Corporate name.

Corporate powers

Corporate powers

SEC. 2. That said corporation may buy and hold such land as may be necessary for the purposes of its business, not exceeding 5,000 acres; may purchase standing timber or lumber and may sell and convey the same; may construct, own and operate saw-mills, planing-mills and all kinds of wood-working machinery and appliances:

may construct, own and operate roads of any kind, including tramways and railways, and the necessary machinery therefor, from any of their lands to the nearest shipping points on any railroad now constructed or hereafter constructed, or to navigable water, and from one place on their lands to another.

SEC. 3. That the capital stock of said corporation shall not be less than fifty thousand dollars, and may be increased from time to time, by vote of the stockholders, to a sum not to exceed one hundred thousand dollars. The shares shall be of the par value of one hundred dollars, and real and personal property may be received in payment of capital stock at such valuation as may be agreed on between the subscriber and said corporation. The stockholders shall not be individually liable for the debts or liabilities of the corporation.

Capital stock.

Non-liability of stockholders.

SEC. 4. That the persons named in section one, or a majority of them, shall have power to open books of subscription to the capital stock, and when the same shall be subscribed and paid, in money or property, to an amount not less than thirty thousand dollars, may call a meeting of the stockholders and organize the company. Until the election of directors, the persons named in section one shall be the directors of the company. All vacancies shall be filled by the board of directors. The principal office of the company and the place of holding the annual meeting of stockholders shall be determined by the stockholders, and until so determined it shall be in the city of Goldsboro.

Books of subscription.

Organization.

Stockholders' meetings.

SEC. 5. That all 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.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 170.

An act to incorporate the Franklinton Military and Classical Institute.

The General Assembly of North Carolina do enact:

SECTION 1. That S. C. Vann, J. S. Joyner, W. L. McGhee, H. C. Kearney, I. G. Staunton and N. Y. Gulley, their associates and successors, are hereby created a body corporate and politic by the name and style of the Franklinton Military and Classical Institute, for the purpose of maintaining [a school] in the town of Franklinton, Franklin county, North Carolina, for the military and classical training of white males; 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; may contract and be contracted with; may adopt a constitution and by-laws, and may alter or amend the same as they may deem necessary and proper from time to time, for

Body politic.

Corporate name.

Corporate powers

the government of the affairs of the corporation; and enjoy any and every right and privilege incident and belonging to corporations according to the laws of this State.

Governor to commission principal and other officers.

SEC. 2. That the governor shall be empowered to grant a commission to the principal of the aforesaid military and classical school: *Provided*, the rank so conferred shall be no higher than colonel; and that the governor be empowered to grant commissions to such other officers of the said school as may be recommended by the principal: *Provided*, the rank so conferred shall be no higher than major; and only such officers shall be recommended by the principal as are essential to the efficiency of said school.

Rank of officers.

SEC. 3. That officers commissioned as herein provided shall take rank, according to the date of the commission, with officers in the line of the North Carolina State Guard.

Capital stock.

SEC. 4. That the capital stock of said corporation shall be seventeen hundred and fifty dollars, with the privilege of increasing the same to ten thousand dollars, divided into shares of fifty dollars each.

Exemption from taxation.

SEC. 5. That all property belonging to said corporation shall be exempt from taxation for State, county, town or any other purpose.

Liability of stockholders.

SEC. 6. That the stockholders of this corporation shall not be individually liable for the debts thereof beyond the amount of stock owned by each.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 171.

An act to incorporate the Hiawassee Land and Improvement Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That James W. Cooper and Henry E. Cotton, of the county of Cherokee, State of North Carolina, C. L. Hardwick, John H. Parker and Joe H. Hardwick, Cleveland, Tenn., John A. Hart and M. H. Clift, of Chattanooga, Tenn., Jno. H. Moore, Edgar Jones, A. W. Harris and W. W. Berry, of Nashville, Tenn., and such others as they may associate with them, their successors and assigns, are hereby created a body politic and corporate under the name of the "Hiawassee Land and Improvement Company," the purposes and objects of which company shall be the purchase for sale or use of any real estate of any kind whatever, and of mineral or timbered lands in North Carolina or any other State, the erection of houses for dwelling, business or manufacturing purposes, of laying off towns and building houses for sale or lease, and of improving any real estate

Corporate name.

Purposes of corporation.

they may purchase or lease so that it inures to the development of the resources of this or any other State, and of operating mines and quarries, and of erecting and operating saw or other mills.

SEC. 2. That the capital stock of said company shall be one million dollars, in shares of one hundred dollars each, and may be created by subscription on the part of individuals or corporations: and in payment of said stock subscriptions there may be received bonds, franchises, services, labor, notes, bonds of individuals, of corporations, or notes, bonds or stocks of other corporations or companies, and such other equivalents as the said corporations [corporators], or a majority of them, may elect and determine. Capital stock.

SEC. 3. That said corporation shall have an existence for a term of ninety-nine years, and by its name may sue or 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 of buildings for dwellings or business purposes, public institutions, laying off streets or roads, construction of flumes, dams or booms, sinking shafts or tunnels, erecting machinery, or such other structures as may be of public or private use or benefit, 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 any property to which it may hold title. Corporate exist-
ence.
Corporate powers

SEC. 4. That on call of any three of the above named corporators, after twenty days notice, personal or by advertisement, the said corporators, or a majority of them, represented in person or by power of attorney, shall meet and open books of subscription to the capital stock of said company, notice having been given of such opening in aforesaid call or notice, it being the power and right of any corporator who cannot attend to delegate his authority and give the written power of attorney for his vote or name to any other corporator, and the same shall be as if he were present in person; and when the sum of one hundred and twenty-five thousand dollars shall have been subscribed they shall close said books of subscription, to be re opened on the order of the board of directors to be elected by the stockholders of record as herein below stated. Books of sub-
scription.

When books to
be closed.

- Assessment. SEC. 5. The said corporators shall then order an assessment of not less than one per cent. on the said stock so subscribed, and after ten days notice, personal or by advertisement, shall call said subscribing stockholders together in meeting, and all paying said assessment are declared a company, ready for the transaction of business, by the name and style of the "Hiawasee Land and Improvement Company," and said corporators shall then cease their existence as such and adjourn *sine die*.
- Organization. SEC. 6. 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 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 president of the company and to fill all vacancies in the board.
- Stockholders' meetings. SEC. 7. That the chief office of said company shall be in the county of Cherokee, State of North Carolina, but it may have branch offices or agencies in any towns or cities where the directors shall so order.
- Directors. That said company may purchase [land] and lay off towns or cities, and improve the same by the erection of dwellings, hotels, factories, water-works, gas or electric light works, tram or street railways and such other public structures or operations as tend to attract settlers or accommodate and furnish conveniences for manufacturing, business, pleasure-seeking or other class of population. Said company may also purchase or lease mines and quarries and operate the same, and smelt or ship ores of any kind, prepare marble, talc, granite, slate or other minerals or stones for commercial markets, and may erect iron furnaces and operate the same, or may hold stock in any or all such companies, the general and direct object of this company being the development of resources and wealth now lying idle, and of inducing immigration of industrious citizens.
- Proviso. SEC. 8. That the president of said company, with the approval of the executive committee, shall have power to make special contracts for the purchase or sale of lands in fee, or of mineral rights, which, when recorded in the books of said company, shall be binding upon it, with or without the seal of said company.
- President. SEC. 9. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.
- Chief office.
- Branch offices.
- Corporate powers
- President and executive committee authorized to purchase land, &c.

CHAPTER 172.

An act to incorporate the Louisburg Male Academy.

The General Assembly of North Carolina do enact :

SECTION 1. That Jos. J. Davis, C. M. Cooke, E. W. Timberlake, B. B. Massenburg, J. B. Clifton, J. E. Malone, J. S. Barrow, T. H. Edgerton, P. B. Hawkins, W. H. Pleasants, Thomas White, E. C. Jones, G. S. Baker, W. F. Green, W. B. Uzzell, N. H. Macon, B. T. Ballard, W. B. Coppedge, O. L. Ellis, Jere. Perry and J. C. Fowler, of Franklin county, their associates and successors, are hereby constituted and declared a body politic and corporate, for educational purposes, under [the] name and style of Louisburg Male Academy, and by that name may have perpetual succession: may sue and be sued, plead and be impleaded, contract and be contracted with; to have and to hold the academy property, the buildings, grounds and all appurtenances thereto, situated in the town of Louisburg, Franklin county, N. C.: to acquire by purchase, donation or otherwise, real, personal and mixed property, for the purpose of maintaining and carrying on a school of high grade for white males in the town of Louisburg, Franklin county, N. C.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the officers of said corporation shall be a president, vice-president, secretary and treasurer, whose duties shall be such as devolve upon such officers in similar bodies, or such as shall be hereafter defined by the trustees of said corporation.

Officers.

SEC. 3. That said board of trustees shall have power to choose the principal or principals of said academy.

Principal.

SEC. 4. That said board of trustees shall have perpetual succession, and they are hereby invested with power to fill all vacancies in their body caused by death, removal or otherwise: *Provided*, that a majority vote of all the trustees present at any meeting shall be necessary to a choice.

Powers of trustees.

Proviso.

SEC. 5. That said board of trustees shall have power to make their own by-laws, rules and regulations for their own government: *Provided*, that said by-laws, rules and regulations shall not be incompatible with the constitution and laws of the State.

By-laws.

Proviso.

SEC. 6. That all property belonging to the said corporation or hereafter acquired, shall, as long as it is used for educational purposes, be exempt from all taxes, State, county or municipal.

Exemption from taxation.

SEC. 7. That said trustees shall meet upon their own adjournment, or at the call of the president, vice-president, or three members of the board.

Meetings of trustees.

SEC. 8. That seven members of said board shall constitute a quorum.

Quorum.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 173.

An act to incorporate the Fayetteville Street Railway Company.*The General Assembly of North Carolina do enact :*

- Purposes of act. SECTION 1. That for the purpose of constructing, maintaining and operating street railways in the town of Fayetteville for the transportation of freight and passengers, A. A. McKethan, Jr., H. R. Horne, F. W. Thornton, Z. W. Whitehead, R. M. Nimmoeks, J. W. McNeill, A. B. Williams, R. H. Smith, N. W. Ray, Jas. D. McNeill, John P. Thomson, Chas. M. Stedman, John D. Bellamy, Jr., R. R. Bellamy, F. H. Stedman, I. Bates, A. D. Brown, C. H. Robinson, T. H. Wright, D. M. Williams, R. H. McCoy, T. W. Strange, Rufus Hicks, W. L. Smith, Jr., G. H. Smith, Luther Toon and Thomas H. Sutton, 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 Fayetteville 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.
- Body politic.
- Corporate name.
- Corporate powers
- Authorized to construct, &c., street railway in Fayetteville and vicinity.
- 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 town of Fayetteville 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 town, nor more than twenty-five (25) cents to points beyond the town limits; and, if the directors shall determine to carry freight or parcels, such compensation for these services as may be reasonable.
- Capital stock.
- Corporate powers
- SEC. 3. The capital stock of said company shall be twenty-five thousand dollars (\$25,000), in shares of one hundred dollars (\$100) each, and may be increased to a sum not exceeding one hundred and fifty thousand dollars (\$150,000) 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 payment.

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.

Condemnation of land.

To keep bridges, &c., in repair.

SEC. 5. Said company shall be deemed fully organized upon the ratification of this act, and a majority of the corporators named in the first section may meet at any time thereafter and elect a president, vice-president, secretary and treasurer, and not less than three nor more than 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 thirty (30) years, to construct and operate lines of street railways in the town of Fayetteville: *Provided*, work shall be begun on some one line thereof in five years after the granting of this charter.

Organization.

Corporate powers

Work to commence in five years

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.

Misdemeanor to injure property, &c.

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.

Powers of conductors.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 174.

An act for the relief of Thomas White, treasurer of the town of Louisburg.

The General Assembly of North Carolina do enact:

THAT WHEREAS, Thomas White, treasurer of the town of Louisburg, deposited seven hundred dollars of the money belonging to said town in the State National Bank, and a portion thereof has been lost by the failure of said bank and without any negligence or want of good faith on the part of said Thomas White: therefore, it is ordered,

Preamble.

Commissioners to submit to popular vote question of relieving Thos. White, town treasurer, from liability for money lost in State National Bank. Ballots.

SECTION 1. That the commissioners of the town of Louisburg shall submit to the qualified voters of said town the question of relieving said treasurer from liability on account of said loss, which election shall be held under the same rules and regulations as are prescribed by law for elections in cities and towns in this State. Those in favor of relieving the said White from such liability shall vote a ballot on which shall be written or printed "for relieving," and those opposed thereto shall vote a ballot on which shall be written or printed the words "against relieving."

To be relieved upon majority vote.

SEC. 2. That if a majority of the votes cast at said election shall be for relieving, then the said commissioners shall, in making settlement with said Thomas White, treasurer, allow to him the loss sustained by him on account of said deposit in the State National Bank, and he shall be acquitted of any liability for and on account of said loss.

Election, when held.

SEC. 3. That the election shall be held any time during the present year that the said commissioners may determine upon.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 175.

An act to incorporate the Winston and Salem Street Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. A. Whitaker, S. E. Allen, Eugene E. Gray, C. H. Fogle, F. H. Fries, E. P. Alter, J. C. Bessent, J. A. Bitting, John Boyer, H. D. Brown, J. M. Rogers, T. J. Brown, W. T. Carter, Taylor Bynum, Rod Cotton, W. W. Farrish, J. E. Gilmer, John W. Hanes, G. W. Hinshaw, N. H. Medaris, George D. Hodgkin, R. B. Kerner, W. J. Liepfeit, E. L. Lockett, L. A. Vaughan, D. P. Mast, Alex. C. Nading, C. J. Ogburn, Sr., C. J. Ogburn, Jr., W. P. Hill, S. A. Ogburn, J. L. Patterson, L. W. Pegram, T. H. Pegram, Jr., D. S. Reid, Sigman Rosenbacher, Joseph Rosenbacher, A. Ryttenberg, D. D. Schooler, B. J. Shephard, Henry A. Shore, Henry R. Starbuck, M. D. Stockton, V. O. Thompson, Cicero Tise, Jacob Tise, T. L. Vaughan, J. A. White, Thomas J. Wilson, M. W. Norfleet, James S. Scales, T. A. Wilson, M. N. Williamson, C. A. Hege, and the board of commissioners of the town of Winston, North Carolina, to-wit, Charles Buford, P. N. Bailey, J. W. Alspaugh, Joseph Jacobs, R. E. Dalton, James A. Gray, John A. Bycely and E. H. Wilson, and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of the Winston and Salem Street Railway Company, and by that name may sue and be

Corporate name.

sued, plead and be impleaded, and be capable of purchasing, holding, buying, selling, leasing and conveying real and personal property with all the rights and powers granted to corporations in chapter four of The Code of North Carolina, and chapter forty-nine of The Code of North Carolina, or as are granted to any and all street railway companies in this State, and in particular that of condemning, using and appropriating lands for railway purposes; and as such corporation they shall have a common seal, which they may break or alter at pleasure.

Corporate powers

SEC. 2. That the capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time, or from time to time, to any sum not exceeding three hundred thousand dollars, as a majority of said stockholders may determine, the said capital stock to be divided into shares of one hundred dollars each; and the said company shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, franchises and effects to secure their payment.

Capital stock.

Corporate powers

SEC. 3. That the said company is hereby authorized to make, construct and equip, maintain, conduct and operate lines of street railways, with one or more tracks and all necessary side-tracks and switches, turn-outs and branches, using such motive power on said lines as the board of directors may select, with liberty to change the same in whole or in part at any time, through, along and over and under the streets of the towns of Winston, North Carolina, and Salem, North Carolina, and to points within the vicinity of said towns, and to erect such depots, stables, offices, engine-houses, sheds, shops and other necessary buildings as the board of directors may desire, and to demand and receive such sums of money for the carriage of passengers as the board of directors may think proper, and such compensation for the transportation of freight and parcels, if the directors shall see fit to carry the same, as they may fix, and to alter said rates at pleasure; and shall have the power and authority to eject from any of the cars, carriages or coaches of said railway any person or persons who do not pay their fare upon the demand of the conductor, or other person in charge of said carriage or coach, or who do not pay according to the rules and regulations of said company.

Authorized to construct, &c., street railway in Winston and Salem.

SEC. 4. That the board of directors of said company may make any and all by-laws, rules and regulations for the government of said company as they may think proper, and elect such officers and employees as they may think necessary, and fix their terms and salaries: *Provided*, the same be not inconsistent with the constitution and laws of this State and the United States.

By-laws.

Officers and employees.

Proviso.

SEC. 5. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property

Misdemeanor to injure property.

or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the superior court.

Misdemeanor to throw, &c., stone, &c., against car, &c.

SEC. 6. That any person or persons who shall cast, throw, shoot, propel or project, or in any wise put in motion any stone, rock, shot, pellet or other missile of any kind or nature, at, against, into any car, carriage, coach or train upon said railroad, whether the same be in motion or at rest, with intent to injure such car, carriage, coach or train, or any person or persons therein or thereon, or any horse or other animal attached thereto, or connected therewith, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the superior court.

Powers of conductors, &c.

SEC. 7. That the conductors, drivers and other agents and servants of said company, while in the active service of said company or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privilege which belong to similar officers and agents of railroad companies in the State, and in addition to the general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, profane or disorderly person has been paid or not, and the said company shall not be liable or responsible in damages or otherwise therefor, and such agent or officer shall not be liable civilly or criminally therefor, unless he use greater force than is necessary to eject such person.

Organization.

Officers.

Directors.

Powers.

SEC. 8. That said company shall be deemed fully organized immediately upon the ratification of this act, and a majority of the corporators named herein may meet at any time thereafter and elect such officers as they deem necessary: *Provided*, that there shall be a board of directors to consist of not less than three stockholders of the company. They may issue stock, bonds and other securities through such officers or agents as they may designate; obtain subscriptions, enter into contracts for the construction and furnishing of their line or lines, and for the building or leasing of houses, stables, offices and shops, and all such other property, real or personal, as may be necessary. And said company shall have power to do any and all other things not especially prohibited by the laws of this State, and the stockholders therein shall not be personally liable for any of the debts, obligations, engagements or contracts of said company; and the said company shall have the right for ninety years, which right shall be exclusive for thirty years from the granting of this charter, to construct and operate lines of street railway through, in, over and under and along the streets and thoroughfares of the town of Winston, North Carolina, and the town of Salem, North Carolina, and to points in the vicinity of said two towns: *Provided*, work shall com-

Proviso.

mence on some one of said lines within five years from the passage of this act.

SEC. 9. That all laws or clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 176.

An act to incorporate the Murphy Iron Company.

The General Assembly of North Carolina do enact :

SECTION 1. That M. Fair, Henry E. Cotton, John E. Fair, Robt. L. Cooper and J. W. Cooper, of Cherokee county, North Carolina, C. L. Hardwick, Jno. H. Parker and J. H. Hardwick, of Cleveland, Tenn., and J. H. Moore, Edgar Jones, A. W. Harris and W. W. Berry, of Nashville, Tenn., Jno. A. Hart and M. H. Clift, of Chattanooga, Tenn., and such others as they may associate with them, their associates or assigns, be and the same are hereby created a body politic and corporate under the name and style of the Murphy Iron Company, for the purpose of mining iron ore, and manufacturing pig-iron therefrom, and of manufacturing iron of all styles and shapes; and for this purpose may erect blast-furnaces and rolling-mills or forges. Body politic.
Corporate name.

SEC. 2. That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to one million dollars, divided into shares of one hundred dollars each. Capital stock.

SEC. 3. That said capital stock may be created by subscriptions on the part of individuals, firms or corporations of any kind, and may be made payable in land, material for construction, ores, or other such equivalent, as the majority of the incorporators may direct or determine, or as may be determined by a majority of the directors who shall succeed them. Capital stock,
how created.

SEC. 4. That said corporation shall have an existence for a term of ninety-nine years, and by its name may sue or 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 per- Corporate exist-
ence.
Corporate powers

son or association for the construction and equipment of any furnaces, tram or railways they may need for operating of any mines, any 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 such property as may be owned by the company.

Books of subscrip-
tion.

SEC. 5. That within a convenient time after the ratification of this act any three of the corporators may call a meeting of the same, in which meeting five or more may constitute a quorum, and the same shall open books of subscription, the same having been so stated in said call, and when the sum of one hundred and twenty-five thousand dollars has been subscribed, the said books shall be closed, to be opened by the directors hereinafter provided for when they shall so determine. Said corporators shall also fix the equivalent to be received for stock, whether cash, lands, or machinery, coke, supplies or materials of construction or other equivalent needed to be used or purchasable for money. At said meeting the said majority of the corporators may be represented in person or by written proxy or by power of attorney.

Payment for
stock.

Assessment.

SEC. 6. That the said corporators shall call said subscribing stockholders together in meeting, giving twenty days notice thereof, and also assess said subscribers the sum of one per cent. on the stock subscribed for by them, and all stockholders paying said one per cent. in cash shall be and are constituted a company ready for the transaction of business, and said corporators shall then adjourn *sine die* and cease their existence.

Stockholders'
meetings.

Directors.

SEC. 7. 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 [at] 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 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 president of the company, and to fill all vacancies in the board.

Stock vote.

President.

Corporate powers

SEC. 8. That said company may own and operate two or more furnaces at different localities, and may also mine iron ore for sale, and manganese ore for sale or use in their furnaces: may own and operate quarries and timber tracts; may build tram or railways to or from iron or manganese mines or rock-quarries or forests.

Principal office.

SEC. 9. That the principal office of said company shall be in the county of Cherokee, State of North Carolina, but there may be a

branch office or agency in the city of New York, Boston, Cincinnati or Philadelphia, and agencies in Chattanooga and such other cities as the directors may determine. Branch offices.

SEC. 10. That said company as a corporate body may, by a vote of a majority of the shares of its stockholders, take stock in any railroad or other company, or may own cars for the transportation of its material of consumption or products in any way to facilitate or cheapen its operations. Authorized to take stock in railroad, &c.

SEC. 11. That said company may own or operate or hold stock in coal mines in any other State, and transport or cause to be transported, the product of the same into the State of North Carolina, either for its own use or for sale. Authorized to take stock in coal mines, &c.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 177.

An act to incorporate the town of Dillsboro, in Jackson county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Dillsboro, in Jackson county, be and the same is hereby incorporated under the name and style of the town of Dillsboro, 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 corporations. Incorporated.
Corporate name,;

SEC. 2. That the corporate limits of said town shall be as follows, viz.: Beginning on [at] a maple tree on the north bank of Tuckaseege river, near W. A. Dills' mill, and running to and with the line of H. R. Sniders' to the east line of the Dick Walker reservation; thence north with that line to the corner of said reservation; thence west with the line of said reservation to the corner of Thomas Franklin's land; thence with his south boundary line, so as to leave out said Franklin's land, to a stake in the west boundary line of the said Dick Walker reservation; thence south with said line to a stake on the north bank of Tuckaseege river; thence up said river to the beginning. Corporate limits.

SEC. 3. That the officers shall consist of a mayor, three aldermen and a marshal. Officers.

SEC. 4. That the first regular election for municipal officers shall be on the first Monday in May, one thousand eight hundred and eighty-nine, and every year thereafter. And it shall be the duty of the sheriff, or some justice of the peace, after giving ten days notice by advertising at three public places in said corporation prior to said first Monday in May, one thousand eight hundred and eighty-nine, to open the polls and conduct the election herein provided for, under Election.

- the same rules and regulations that other county and State elections are held: *Provided*, that the elections held thereafter under the provisions of this charter shall be subject to the control of the municipal officers of said corporation: *Provided further*, that the following officers named and appointed under this act shall only exercise the duty of said officers from the ratification of this act till said election shall have been held, to-wit: J. H. Bryson, mayor; S. T. Early, Erwin Allen and J. E. Watkins, aldermen; and J. J. Mason, marshal.
- Proviso.**
- Proviso.**
- Temporary officers.**
- Electors.** SEC. 5. That all the qualified voters within said corporation that have resided therein for ninety days previous to the day of election, shall be entitled to vote at said election.
- Duty of officers elect to qualify.** SEC. 6. That it shall be the duty of the officers elect to meet, organize and take the oath of office.
- Taxation.** SEC. 7. That the mayor and aldermen shall be styled commissioners and shall have power to levy and collect a tax not to exceed fifty cents on the poll; on all property in said town an amount not to exceed sixteen and two-thirds cents on the one hundred dollars worth of property.
- Arrests by marshal.** SEC. 8. That 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-stander to assist in making any legal arrest, and any one so summoned or called who refuses or fails to arrest shall, upon conviction before the mayor, be punished as the ordinances of said town shall prescribe.
- Nuisances.** 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 stock more than one day without giving notice to the party [to] whom it belongs, and if said party shall come up and pay to the mayor twenty-five cents for impounding and actual cost of feeding said stock, then the mayor shall deliver it to the owner; but if said owner refuse to pay said cost, then the mayor shall advertise said property for sale, after giving ten days notice by advertising at three public places in said corporation, and at the expiration of said ten days he shall proceed to sell said property to the highest bidder, and after paying actual cost of such sale, shall pay the remaining funds arising from said sale to the owner of said property; and if upon the tender of said money the owner refuses to
- Impounding of stock**

accept, then in that case the mayor may apply it to any expense that may be incurred by said corporation.

SEC. 10. That it shall be the duty of the commissioners, when organized, to appoint one of their number as secretary, whose duty it shall be to keep a record of all proceedings of said 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 Dillsboro, conditioned for the faithful performance of his duties, approved by the commissioners.

Secretary.

Treasurer.
Bond.

Bond of marshal.

SEC. 11. That the commissioners shall have the power to apply the taxes collected under this act, together with all fines and forfeitures and all funds arising from impounded stock, to the public streets of said town, as they may find necessary. The commissioners shall also prepare a place to which horses may be hitched, and persons hitching horses to individual fences shall be, under the supervision of the town authorities, imprisoned or fined not exceeding thirty days in jail or fined fifty dollars.

Taxes, &c., how
applied.Horses, how
hitched, &c.

SEC. 12. That 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.

Sale of liquors.

SEC. 13. That the officers of said town shall receive such compensation for their services as the mayor and aldermen of said town, in their discretion, shall authorize.

Compensation of
officers.

SEC. 14. That if any officers appointed under this act shall, for any reason, fail to serve, the mayor shall have power to fill such vacancy.

Vacancies.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 178.

An act to incorporate Mount Pleasant Baptist Chapel Church, in Ashe county.

The General Assembly of North Carolina do enact:

SECTION 1. That Walter Abster, Robert Blevins, W. B. Wyatt, Riley Brown, Eli Brown, and their successors, shall be and they are hereby declared a body politic and corporate, in deed and in law, by the name and style of the Trustees of Mount Pleasant Baptist Chapel Church, in the county of Ashe; and said corporation shall have power to purchase and hold real and personal estate, so much as may be necessary for the purpose of carrying out the provisions of this act, and acquire the same by gift or otherwise, and shall have perpetual succession, and sue and be sued, plead and be impleaded in any court

Body politic.

Corporate name.

Corporate powers

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.

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 manufacture, sell, &c, liquor within two miles.

SEC. 3. That it shall be unlawful for any person to manufacture, sell, give away, or otherwise dispose of, any intoxicating liquors, except for medical purposes, at or within two miles of said church, and that any 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 or profane or indecent language, or engage in a quarrel, fire off a gun or pistol in hearing distance of those assembled for or occupied in divine worship at said church.

Misdemeanor.

Misdemeanor.

Penalty.

SEC. 4. That any person violating the provisions of section three of this act shall be fined not more than fifty dollars nor imprisoned more than thirty days, or both.

Policemen.

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 execute all process to them directed by the intendant of police within the limits of the corporation and during the time the people are assembled for or occupied in divine worship.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 179.

An act to incorporate the town of Hallsboro, in Columbus county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Hallsboro, in Columbus county, be incorporated, and the same is hereby incorporated under the name and style of the town of Hallsboro. Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town shall include the territory embraced in a square extending six hundred yards north, south, east and west from the center of the railroad track where the Elbow public road crosses the railroad, excepting thirty-six acres of land owned by Short and Burs within said limits. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and ninety, to-wit: W. T. Hall, mayor; J. C. Henry, marshal; and H. L. Struthers, W. P. Hawkins, D. M. Flynn, S. B. Hall and J. C. Henry, commissioners. Officers.
Temporary officers.

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 ninety, and every year thereafter, under the same rules and regulations that govern State and county elections; and the mayor and commissioners shall appoint a registrar and two judges to conduct such elections, and provide for a registration of the voters in the corporate limits of the town. All persons qualified to vote for members of the General Assembly who have resided ninety days within the corporate limits of the town shall be allowed to register and vote in the town election. Election.

SEC. 5. That said commissioners shall have power to pass all by-laws and regulations for the good government of the town not inconsistent with the constitution and laws of the State; to levy and collect a tax on all subjects of State taxation not exceeding sixteen and two-third cents on each hundred dollars worth of property, and to impose fines for the violation of town ordinances and collect the same. Powers of commissioners.

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. Fines, how applied.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 180.

An act to incorporate the town of China Grove, in the county of Rowan.*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of China Grove, in the county of Rowan, be and the same is hereby incorporated by the name and style of the
- Corporate name.** town of China Grove, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of the Revised Code, not inconsistent with the laws of this State or of the United States.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: One-half mile north and south running parallel with the railroad from center of railroad depot, and one-quarter of mile east and west from the railroad at all points along the line running north and south.
- Officers.** SEC. 3. The officers of said incorporation shall consist of a mayor, five commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, or until their successors in office are elected and qualified, to-wit: for mayor, G. A. J. Sechler; for commissioners, I. F. Patterson, J. M. Eddleman, M. P. Cline, J. C. Corriher and G. A. Ramseur; and for constable, H. J. Carpenter.
- Temporary officers.**
- Election.** SEC. 4. There shall be an election held for the officers mentioned in section three of this act on the first Monday of May, one thousand eight hundred and eighty-nine, and each succeeding year thereafter, under the same rules and regulations and restrictions that State and county elections are held, and all citizens within said corporation who have resided twelve months in the State and ninety days in the corporate limits of the said town previous to the day of election, shall be entitled to vote at said election.
- Oath of commissioners.** SEC. 5. It shall be the duty of the commissioners to meet and organize within twenty days after their election or appointment, and take the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will faithfully act and discharge the duties of commissioner to the best of my knowledge and ability for the ensuing year: so help me, God."
- Powers of commissioners.** SEC. 6. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of this State or of the United States; and to levy and collect taxes on all subjects of State taxation, not to exceed one-half of the State tax; and to abate all nuisances, and for that purpose may impose such fines as may be necessary to abate them. And it shall be the duty of said commissioners to expend the taxes and fines in repairing the streets and for the necessary expenses of said town.
- Taxes, how expended.**

SEC. 7. That the mayor, before entering upon the duties of his office, shall go before some person authorized to administer oaths and take and subscribe to oath of a justice of the peace of this State. Oath of mayor.

SEC. 8. That the constable provided for by this act, before entering upon the duties of his office, shall go before the mayor, or some other person authorized to administer an oath, and take the oath usually taken by constables. Oath of constable.

SEC. 9. That the commissioners shall have power to take bonds of the constable or other officers of the corporation. Official bond.

SEC. 10. That the commissioners, for the purpose of the election of the officers mentioned in this act, shall have power to appoint a registrar and inspectors of election to hold the election as provided by law for election of county officers and members of the General Assembly in this State. Registrar and inspectors of election.

SEC. 11. That no person or persons shall sell any spirituous liquors within the limits of said town without first having a license for the purpose from the commissioners of said corporation, the amount to be fixed by said commissioners in their by-laws. Sale of liquors.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 181.

An act to amend the charter of the town of Washington.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Washington shall be divided into four wards, as follows, viz.: All that part of said town which lies east of Market street and south of Third street shall constitute the first ward; all that part which lies east of Market street and north of Third street shall constitute the fourth ward: and all that part which lies west of Market street and south of a line midway between Second and Third streets shall constitute the second ward; and all that part which lies west of Market street and north of a line midway between Second and Third street shall constitute the third ward. The first, second and third wards shall elect two commissioners, and the fourth ward shall elect one commissioner, on the first Monday of May in each and every year, as provided by law, and the said commissioners, immediately after their election, shall elect one of their number to be mayor of said town. That section three, chapter one hundred and ninety-nine (199), of the laws of one thousand eight hundred and forty-six and forty-seven (1846-'47), be amended by striking out the words "intendant of police," in line two thereof, and substituting in lieu thereof the word "mayor," and this substitution shall be made

Divided into four wards.
First ward.

Fourth ward.

Second ward.

Third ward.

Commissioners, how elected.

Mayor.

Chapter 199, laws 1846-'47, amended.

Powers of mayor and commissioners.

wherever the words "intendant of police" occur in said act or any acts amendatory thereto. That the said mayor and board of commissioners herein provided for shall have the same powers as heretofore conferred upon the intendant of police and said board under the laws of one thousand eight hundred and forty-six and forty-seven (1846-'47), chapter one hundred and ninety-nine (199), and acts amendatory thereto. That the boundaries of said town shall remain as provided in section three, chapter one hundred and nine (109), laws of one thousand eight hundred and eighty-five (1885).

Boundaries.

Commissioners empowered to prevent erection of boilers, furnaces, &c.

SEC. 2. That section thirty-one (31), chapter one hundred and ninety-nine (199) of the laws of one thousand eight hundred and forty-six and forty-seven (1846-'47), shall be amended by adding thereto the following, viz.: "That the board of commissioners of said town shall have the power to forbid the erection or location within said town of any boiler, steam-power or furnace or factory wherein fire is used, if the place where the same is to be located shall be dangerous and liable to set fire to any building or buildings adjacent or near thereto, or shall be a nuisance to any citizen or citizens thereof, and before any such boiler or steam-power shall be erected a permit shall first be obtained from said board. That if any such boiler, steam-power or furnace wherein fire is used shall have already been erected in said town prior to the ratification of this act, and the same shall be dangerous and liable to set fire to any building or buildings adjacent or near thereto, or shall be a nuisance to any citizen or citizens thereof, or if any steam-power, etc., heretofore erected by permission of said board shall become dangerous or a nuisance in manner aforesaid, then, in such event, the said board of commissioners shall have power to have the same removed and the nuisance abated in the following manner, viz.: Upon written complaint, made to said board by any citizen or citizens of said town, they shall investigate the allegations of said complaint, and if they shall find, as a fact, that the said boiler, steam-power or furnace or factory is dangerous and liable to set fire to the buildings adjacent or near thereto, or constitutes a nuisance as aforesaid, then they shall order the same removed or remodeled or reformed, in any manner indicated by them, so that the danger or nuisance aforesaid shall be avoided: *Provided*, the owner or occupant of said property shall have had at least ten days notice to appear before said board and show cause, if any, why said order should not be made. That if the owner of said property shall not obey the order of the board, or begin to do so within twenty days, then the said board may direct its town sergeant or police officer to execute the same, and the owner of said property shall pay the expense thereof. That the board of commissioners may adopt any ordinances necessary to carry into effect this section."

Removal of boilers, furnaces, &c., heretofore erected.

Proviso.

SEC. 3. That the precepts of the mayor of the said town of Washington may be executed by any constable or other lawful officer of Beaufort county within that county. Precepts of mayor.

SEC. 4. That section two of chapter one of the private laws of one thousand eight hundred and seventy and seventy-one (1870-'71) is hereby repealed. Chapter 1, sec. 2, private laws 1870-'71, repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 182.

An act to incorporate "The Asheville Loan, Construction and Improvement Company."

The General Assembly of North Carolina do enact :

SECTION 1. That C. T. Rawls, C. O. Blanton, T. H. Cobb, J. B. Bostic, J. G. Merrimon, R. M. Furman, D. C. Waddell and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, for the purposes hereinafter mentioned, under the corporate name of "The Asheville Loan, Construction and Improvement Company," and by that name they 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 rights, privileges, powers, immunities, liberties and franchises pertaining to corporations. Body politic.
Corporate name.
Corporate powers

SEC. 2. That said corporation may acquire, hold and convey real and personal property. Authorized to acquire, &c., property.

SEC. 3. That said corporation shall have 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 lend money to, or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *feme covert*s 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 cent. 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 State, or of any other State, or of the United States, or of any corporation under the laws thereof, and to take such real and personal property conveyed to it as security for the payment of the principal and interest of the money loaned or advanced, conditioned in such form as may be deemed most safe, expedient and beneficial. Corporate powers

Corporate powers SEC. 4. That said corporation shall have power to hold land in trust for any person, party or parties, corporation or corporations who may want to invest in real or personal property in the State through the said company, or for any person, party or parties, corporation or corporations who may want to lend money upon real or personal property in the State through the said company, and the said company may take such real and personal property, conditioned in such form for the payment of the principal and interest of the money thus loaned or advanced, as may be deemed most safe, expedient and beneficial, and the said company may receive such compensation therefor as they may deem right and the parties may agree upon.

Corporate powers SEC. 5. That the said corporation shall have power and authority to guarantee the payment of the principal or interest, or both, of notes, bonds, bills of exchange or other securities and evidences of debt, including the obligations of such corporations and individuals as may have secured the payment of the same 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.

Corporate powers SEC. 6. That the said corporation shall have power to purchase, lease or otherwise acquire any real or personal property to such an extent as to them may seem proper, and take title thereto in the name of the company, and to convey the same through their president, treasurer or other officers, as their by-laws may direct and provide for, or [as] freely as citizens of this State can or may do; *Provided*, they shall not, at any one time, hold more than five thousand acres of real estate.

Corporate powers SEC. 7. 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 manufactures and render salable the timber found on said property; to subscribe to the capital stock of any and all enterprises which may be projected in this State: to construct mills, work-shops, hotels, dwellings or other lawful buildings; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to seek mines for the purpose of mining minerals and coal; to build and equip with rolling or 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 and depressions: to establish and maintain telegraph lines, canals, aqueducts, reservoirs, streets, gas works, electric light power works, sewers and any other works that may be deemed necessary and convenient for the corporation: and to further each and all of these ends this corporation has conferred upon it the powers, rights, privileges and immunities conferred upon railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "railroad 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 land to which they may not have the right of possession, and if unable to agree with the owners thereof for the compensation therefor, the mode of procedure to secure the condemnation of such land [as] shall be prescribed by law. Condemnation of land.

SEC. 8. They shall have power to manufacture, produce, lease and sell light, heat and power made from or by the use of gas, electricity, coal, oil, steam, water or any other product or material, or a combination of any product or material for any or all of said purposes; and said company shall have power to erect, maintain and operate such plant or plants and appliances as may be necessary to manufacture and distribute for sale or use, light, heat and power from the sources above named, and to do any and all things that may be necessary for the proper conduct of said business; and also to lease, purchase, hold, sell and convey patents relating to or in any way identified with said business. Corporate powers

SEC. 9. That they shall have power to sell, grant, convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with any or all parts of the property of the company through their proper officers; to issue mortgage bonds upon any or all of the company's property, to execute promissory notes and other negotiable instruments, and to raise money in such manner as the company may see fit, and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects. Corporate powers

SEC. 10. That 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. Non-liability of stockholders.

SEC. 11. That the capital stock of the 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. Capital stock.

SEC. 12. That whenever the sum of twenty thousand dollars shall have been subscribed to the capital stock of the company and five per centum of said subscription shall have been 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 the directors, whose term of office shall be one year, and they shall hold their office until their successors are chosen. Organization.

SEC. 13. That 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. Treasurer.

SEC. 14. That it shall be the duty of the directors and the treasurer to make a report at least once a year to the stockholders of the state of the company. Annual report.

- Place of business. SEC. 15. That the principal place of business of the said corporation shall be in the city of Asheville, North Carolina.
- By-laws, &c. SEC. 16. That said corporation shall make rules and regulations or by-laws as may seem to them proper for the government of the corporation, and require bonds from such officers as they may choose for the faithful performance of their duties, payable to the corporation.
- Officers' bonds.
- Corporate existence. SEC. 17. That this corporation shall exist and be in force and effect, and shall have perpetual succession, from and after the ratification of this act.
- Ratified the 11th day of March, A. D. 1889.

CHAPTER 183.

An act to amend an act entitled an act to incorporate the town of
Marion, county of McDowell.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That the inhabitants of the town of Marion shall be and continue as they heretofore have been a body politic and incorporate, and in the name of the corporation of Marion shall have the right to contract and be contracted with, sue and be sued, implead and be impleaded, to purchase, to receive by donation, devise or otherwise, to hold and convey property, real and personal.
- Corporate name.
- Corporate powers
- Corporate limits. SEC. 2. That the corporate limits of Marion shall be as follows: Beginning at the southwest corner of Henry Yancey's lot, on the Burnsville road, thence a direct course to the west boundary of Wm. Wallace's lot; thence to the northwest corner of the old Solomon track; thence to a stake on the Crooked creek at a point three-fourths of a mile from the court-house; thence eastwardly to a point twenty poles south of Wm. Mitchell's dwelling on the bank of the south prong of Young's fork of Muddy creek, eastwardly to a point due south of J. L. Morgan's southeast corner of his Sledge tract; thence with Morgan's line northwardly to the southeast of Blanton block in the New South Mining and Improvement Company property; thence with the line of said New South Mining and Improvement property via its eastern boundary to the Western North Carolina Railroad; thence with the said railroad westwardly to the whistle-post at the Chapman cut; thence north to a stake in the Morganton road at Mrs. Martin's; thence westwardly to the northeast corner of the George Elliott lot, now owned by P. J. Sinclair; thence a direct course to the beginning.
- Officers. SEC. 3. The officers of the said town shall consist of a mayor and five aldermen, who shall, annually on the first Monday in May, be elected by the qualified voters of said town.

SEC. 4. Any qualified voter of this State shall be eligible to the office of mayor or alderman. Who eligible to office.

SEC. 5. Every person entitled to vote in the county of McDowell for members of the General Assembly, and who shall have been a *bona fide* resident of the town of Marion next preceding the day of election, and registered as hereinafter provided for, shall be entitled to vote for mayor and aldermen, or at any election held therein for any municipal purpose. Electors.

SEC. 6. The mayor, immediately after his election, before entering upon the duties of his office, shall take, before a justice of the peace or clerk of the court, the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and impartially, according to my best skill and ability, all the duties of the office of mayor of Marion while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations for the government of Marion, and in discharge of my duties do equal justice in all cases whatsoever: so help me, God." Oath of mayor.

SEC. 7. Each alderman, before entering on the duties of his office, shall take, before the mayor or some justice of the peace, an oath that he will duly and impartially perform the duties of an alderman of Marion according to his best skill, ability and judgment. Oath of aldermen.

SEC. 8. That the board of aldermen shall have power to appoint a marshal or constable to execute the laws and ordinances for the government of Marion; to fill any vacancies occurring in the board of aldermen 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 Marion. They may also appoint a clerk and treasurer for the board; they shall require of the tax-collector and treasurer to give such bond as may be necessary for the faithful performance of their duties. In case of vacancy in the office of mayor, during his temporary absence or inability to perform the duties of his office, the board shall have the power to fill the same *pro tempore*. Marshal.
Vacancies.
Clerk and treasurer.
Bonds.
Mayor *pro tem*.

SEC. 9. That the present mayor and commissioners are hereby declared like officers, with power and duties of aldermen of Marion, until their successors are elected and qualified. Present officers to continue.

SEC. 10. It shall be the duty of the aldermen, at their regular meeting in April of each year, to give twenty days notice by advertisement of any municipal election, by publishing it in a newspaper published in Marion, and if no paper is published in Marion, then by advertising at the court-house door and four other public places in the corporate limits. If the said aldermen shall fail to give notice of an election and hold and declare the same in the manner herein described, such 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 the sum of fifty dollars. It shall be the duty of the aldermen to appoint Aldermen to give notice of election.
Penalty for default.
Registration.

a registrar and inspectors of election, and the registrar so appointed shall open the registration books ten days preceding the election and keep them open till Saturday evening at sunset preceding the day of election, at some convenient place within the town. Any elector shall have the right to challenge any one registering illegally at any time within the ten days.

Election, how held.

SEC. 11. That the election for mayor and aldermen for said Marion shall be held and proceeded in as provided in sections 3788, 3789, 3790 and 3794 of The Code.

Penalty for refusal of mayor or aldermen elect to qualify.

SEC. 12. Any person who shall, for twenty days after having been notified of his election as mayor or alderman aforesaid, wilfully and intentionally refuse to qualify shall be fined not exceeding twenty-five dollars, to be collected and enforced as fines for violation of town ordinances.

Duties of mayor.

SEC. 13. It shall be the duty of the mayor to communicate quarterly in writing to the board of aldermen (or oftener if he shall deem it expedient): First, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend for the adoption of the board of aldermen all such measures connected with 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 judicial proceedings, and to report in writing at every regular monthly meeting of the board of aldermen the total amount of costs and fines that have been imposed by him in all judicial proceedings for violation of municipal ordinances during the previous month, and he shall be vigilant and active in causing the laws and ordinances for the government of Marion to be executed and enforced.

Violation of ordinances a misdemeanor.

SEC. 14. That any person violating any ordinance of Marion shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars, or imprisonment at labor on the streets for thirty days.

Precepts of mayor.

SEC. 15. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in McDowell county, or to such other officer to whom a justice of the peace may direct his precepts. An indorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

Imprisonment of persons convicted.

SEC. 16. That the mayor shall have power to commit any person convicted of a violation of any town ordinance to the county or town prison until the fine and costs imposed by him and the jail fees are paid, and such persons can only be released as is provided in like cases in other courts.

Mayor an inferior court.

SEC. 17. 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 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 execution upon any adjudged violation thereof; and to execute the by-laws, rules and regulations made by the aldermen. The mayor shall further be a special court within the corporate limits of the town to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance so violated, or imprisoned at the discretion of the court or mayor not exceeding the length of time specified in the ordinance or ordinances so violated.

Special court.

SEC. 18. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town, shall have the right to commit such person or persons to the county or town prison for as early trial as practicable.

Persons arrested to be committed for trial.

SEC. 19. That the board of aldermen shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture, which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town: and the said aldermen shall have authority by their ordinance, to confine, control and manage such person until the said fees and penalties and forfeitures, together with the cost thereof, shall be fully paid and satisfied under such rate for labor and board as the aldermen may adopt.

Persons falling to pay fine, &c., liable to work on streets.

SEC. 20. That the board of aldermen shall have power to lay out and open any new street or streets within the corporate limits whenever by them deemed necessary; and they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town; and to secure any spring, stream or shoal of water for the purpose of furnishing the town with water for the use of its citizens or for the use of the fire department of the said town, at any point convenient or practicable; and for the purpose of conducting the same to the town they shall have full power and authority to condemn, appropriate or use any land or lands necessary for any purpose named in this section, upon making reasonable compensation to the owner or owners thereof; but in case the owner of the land sought to be condemned or appropriated for public use by the aldermen cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and citizen of Marion; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor in his stead shall choose one for him; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land sought to be

Streets, water-works, &c.

Condemnation of land.

condemned and ascertain the damage that will be sustained by and the benefit accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the aldermen the right to use the land for the purpose for which it was condemned; and all damages agreed upon between the owner of the land and the aldermen, or awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court.

Right of appeal.
Sidewalks.

SEC. 21a. That the said board of aldermen shall have power to require the owner or owners of lots on such streets as they may desire, to construct sidewalk or sidewalks in front, and all sidewalks adjoining said lot or lots, in such manner as may be prescribed by said aldermen; and on failure to do so within ten days after notice to the said owner, or, if he be a non-resident of the county of McDowell, to his agent, or, if such non-resident have [has] no agent in said county, then, after advertisement for ten days on such lot or lots and at three other public places within said town, calling on the owner to construct said sidewalk or sidewalks in the manner prescribed in the said notice, the board of aldermen 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 construction of said sidewalk or sidewalks as three commissioners shall estimate the construction of the said sidewalk or sidewalks to be worth, one commissioner to be chosen by the property holder, one by the board of aldermen, 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 board of aldermen shall select one for him. The said commissioners shall be citizens of the town unconnected with the property holder or holders, or with any of said aldermen, 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 so assessed by the said commissioners shall be a lien upon said lot or lots, and if not paid in six months after completion of 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 and rights of redemption 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 board of aldermen may proceed at once 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.

SEC. 21b. That the arbitrators or commissioners referred to in sections 20 and 21a shall take an oath before the mayor or some justice of the peace to value and assess the said property or costs, &c., faithfully and impartially and without fear or favor.

Oath of arbitrators.

SEC. 22. That the board of aldermen may provide for the establishment, organization and equipment, government and pay of such members 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, one of the aldermen who may be present, may order the blowing up or pulling down or destroying any house or houses deemed necessary to stop the progress of the fire, and no person shall be liable, civilly or criminally, for acting in such cases 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 being removed from one place to another within the same, under such penalties as the board of aldermen may establish, and the said penalty may be sued for and recovered from the owner by action in any court having jurisdiction; or the erection or removal to such district of any wooden building or structure may be declared a nuisance and abated by the order of the aldermen.

Fire companies.

Fires.

Fire limits.

SEC. 23. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, 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 driven or ridden through the streets; at which railroad engines and trains shall run within the town limits; to prohibit said railroads from stopping their engines or cars on said streets, and to require the said railroads to keep the street crossings in good repair; the manner in which powder and other inflammable substances may be kept and sold; the manner in which commercial fertilizers may be stored; the manner in which dogs and hogs, horses, goats and cows and other cattle may be kept, and to prevent them from running at large in said town, and to declare and make the same a nuisance: to cause alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their duty, on complaint, by their order, the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board and charged with that duty, shall have authority to enter the premises described to be in bad order and inspect and have the same cleansed, and the expenses of abating such nuisance shall be recovered from the occupant in any court having competent jurisdiction.

Aldermen empowered to make certain ordinances.

Nuisances, &c.

SEC. 24. They shall have power and it shall be their duty to prohibit all trades and occupations which are a nuisance from being carried on in said town; and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the town limits. They shall have power and it shall be their duty to cause all sunken lots and other places in which water stands and stagnates to be drained and filled up when the same shall be deleterious to the health of the neighborhood, and to recover from the owner or occupant the cost of such draining, cleansing, &c., and the expenses shall be a lien on the lot: *Provided*, the owner or occupant, after ten days notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from anything within and for one mile without the town limits to be removed, and for the removing or abating any such nuisance the person creating the same shall pay the above expenses as required.

Sale of provisions, &c.

SEC. 25. 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 the said town may be used and kept.

No officer to become a contractor for town work

SEC. 26. That no mayor or alderman or other officer of said town shall, directly or indirectly, become a contractor for work to be done for the town. Any person herein offending shall be guilty of a misdemeanor.

Taxation.

SEC. 27. That the board of aldermen of said town shall have power annually to levy taxes for town purposes on real and personal property, on taxable polls, on trades, license, 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 purposes of said town shall be the same as may be assessed thereon for taxation for State and county purposes.

Auctioneers.

1. On every auctioneer, a tax not exceeding five dollars.

Banks, &c.

2. On every bank, broker, or exchange office, a tax not exceeding fifty dollars.

Butchers.

3. On every butcher, a tax not exceeding five dollars.

Bakers.

4. On every baker, a tax not exceeding five dollars.

Prize goods dealer

5. On every dealer in prize goods, a tax not exceeding fifty dollars.

Baker shops.

6. On every baker-shop, a tax not exceeding five dollars.

Harness-shops.

7. On every harness or saddle shop, a tax not exceeding five dollars.

Carriages, &c.

8. On every carriage, buggy, sulky, or vehicle of pleasure, a tax not exceeding one-fourth of one per centum of their value.

Bar-rooms.

9. On every bar-room, a tax of not less than three hundred dollars and not more than five hundred dollars.

Cabinet-shops.

10. On every cabinet-shop, a tax not exceeding ten dollars.

11. 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 tables, &c.
12. On every confectioner, a tax not exceeding ten dollars. Confectioners.
13. On every commission or forwarding merchant, a tax not exceeding ten dollars. Commission merchants.
14. On every itinerant dentist, a tax not exceeding ten dollars. Itinerant dentists.
15. On every public dray, cart or wagon, a tax not exceeding five on two-horse and three dollars on one-horse. Public drays, &c.
16. On every peddler or itinerant merchant vending or offering to vend, a tax not exceeding twenty-five dollars. Peddlers, &c.
17. On every dealer in patent rights, a tax not exceeding twenty-five dollars. Patent right dealers.
18. On every dog, a tax not exceeding five dollars. Dogs.
19. On every distillery of fruit or grain, a tax not exceeding one hundred dollars. Distilleries.
20. 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. Daguerrean artists, &c.
21. On every dealer in ale and beer, lager or porter, a tax not exceeding one hundred dollars. Dealers in ale, &c.
22. On every express company having an office or doing business in the town, a tax not exceeding one hundred dollars. Express companies.
23. On every flying-jenny or merry-go-round, or machine of like nature, or within one mile of the corporate limits, a tax not exceeding one hundred dollars. Flying jennies, &c.
24. On every hotel or boarding-house. a tax not exceeding ten dollars. Hotels, &c.
25. On every insurance agent, a tax not exceeding twenty-five dollars. Insurance agents.
26. 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. Insurance companies.
27. On every corn or cancer doctor, or other person professing to effect cures of any nature, either upon the human or animal creation, by whatever name or title known, optician, phrenologist, dancing schools, traveling agents or salesmen disposing of any goods or wares, merchandise or privileges of whatever name or description, not hereinbefore enumerated and taxed, by whatever means, fraud or subterfuge the sale may be endeavored to be concealed, sewing-machine agents, and agents of fertilizing companies, a tax not exceeding fifty dollars, to be paid before offering to do business. Corn doctors, &c.
28. On every land agent doing business in Marion, a tax not exceeding ten dollars. Land agents.
29. On every livery stable, a tax not exceeding ten dollars. Livery stables.

- Lumber dealers. 30. On every lumber dealer, a tax not exceeding ten dollars.
- Lumber yards. 31. On every lumber yard, a tax not exceeding ten dollars.
- Plug tobacco manufacturers. 32. On every manufacturer of plug, twist or other shapes of chewing tobacco, a license tax not exceeding ten dollars.
- Tin manufacturers, &c. 33. On every manufacturer of tin, iron or copper ware, a tax not exceeding ten dollars.
- Cigar manufacturers, &c. 34. On every manufacturer of cigars, cigarettes or smoking tobacco in whatever shape, a license tax not exceeding ten dollars.
- Other trades. 35. 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 subjects of taxation by legislature from time to time, a tax not exceeding twenty-five dollars.
- Tan-yards. 36. On every tan-yard, a tax not exceeding ten dollars.
- Mills, &c. 37. On every mill, machine-shop, foundry, or any manufactory not herein specifically taxed, a tax not exceeding ten dollars.
- Job-printing offices. 38. On every job-printing office, a tax not exceeding five dollars.
- Eating-houses, &c. 39. On every public eating-house or restaurant, or ice-cream saloon, a tax not exceeding ten dollars.
- Pistols, &c. 40. On every pistol, bowie-knife, dirk, sword-cane or other deadly weapon, except carried by officers in discharge of their duties, a tax not exceeding twenty-five dollars.
- Railroad companies. 41. On every railroad company, a tax not exceeding one hundred dollars.
- Liquor dealers. 42. On every person dealing in spirituous, malt or vinous liquors in quantities less than five gallons, including druggists, a license tax not less than one hundred dollars and not exceeding five hundred dollars. This tax to be paid quarterly or not, as the aldermen may direct.
- Soda-water venders, &c. 43. On every soda-water, lemonade manufacturer or vender, a tax not exceeding five dollars.
- Leaf tobacco traders. 44. On every trader in leaf tobacco, a license tax not exceeding five dollars.
- Telegraph offices, &c. 45. On every telegraph and telephone office, a tax not exceeding fifty dollars.
- Ten-pin alleys, &c. 46. On every ten-pin or bowling alley, gift or lottery enterprise, a tax not exceeding one hundred dollars.
- Theatrical performers, &c. 47. 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 dealers. 48. On every wholesale dealer in spirituous, malt or vinous liquors, a tax not exceeding one hundred and fifty dollars.

49. On every company, whether incorporated, having an office, Companies,
resident agent or officer, doing business within the corporate limits,
a tax not exceeding ten dollars.
50. On every dentist, a tax not exceeding ten dollars. Dentists.
51. On every druggist or apothecary, a tax not exceeding ten Druggists,
dollars.
52. On every plumber or gas-fitter, a tax not exceeding ten dollars. Plumbers, &c.
53. On every practicing lawyer having an office in or residing in Lawyers.
Marion, a tax not exceeding ten dollars.
54. On every merchant, grocer, or vender of goods, wares of any Merchants, &c.
description, a tax not exceeding ten dollars.
55. On every trade, occupation or calling, not herein specifically Other trades,
named and taxed, a tax not exceeding ten dollars.
56. On every practicing physician or surgeon having an office or Physicians, &c.
residing within Marion, a license tax not exceeding ten dollars.
57. On every vender of watches, clocks, jewelry, or repairer of the Venders of
same, a tax not exceeding ten dollars. watches, &c.
58. On every warehouse for sale of leaf tobacco, a tax not exceed- Leaf tobacco
ing ten dollars. warehouses.

That all persons liable to taxation of any kind in said town shall Listing of proper-
annually make return of their respective lists of taxable property to ty for taxation.
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 date of such notice they shall make such return of their
tax-list. Lists of the taxable property of testators, intestates, minors,
lunatics and of property held in trust shall be given in by 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 payment of 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 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 the purpose an
alphabetical list of the persons and owners of the property included
in said list, and the taxes assessed thereon, in the same manner as
tax-lists are made or required to be made for collection of State taxes.
The said clerk and treasurer shall also, within the time aforesaid, Unlisted proper-
make out in manner aforesaid, to the best of his knowledge, informa- ty.

- tion 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 paid to be fixed by the board of aldermen, not exceeding twice the sum due for taxes by such delinquent, and such sum, when so fixed, shall be collected as is provided for collection of other taxes due said town: *Provided*, said tax shall not exceed one dollar on the poll and $33\frac{1}{3}$ cents on the one hundred dollars valuation of real and personal 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 lists, enter all such property and taxes 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 list in the hands of the tax-collector or constable, shall have the force and effect of a judgment and execution for the taxes so assessed and appearing in such lists respectively, and the same may be collected by levy and sale of property of the party owing any such taxes, on giving such notice as is required by law for 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 the sheriffs or tax-collectors for collection of taxes due the State.
- Penalty.**
- Collection.**
- Proviso.**
- Tax-list to have force of execution**
- Collection by levy and sale.**
- Property, when and how listed.**
- Sale of land for taxes.**
- Taxes, when due.**
- SEC. 28. For purpose of taking the list of taxable property as aforesaid, the town clerk and treasurer shall attend at the mayor's 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-payer on the first day of June.
- SEC. 29. That no sale of real estate in said town for payment of taxes assessed against such real estate, as appearing on the tax-list 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 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 such sale were paid at the time of the sale of the same.
- SEC. 30. That all taxes levied by said aldermen, except license or privilege taxes, shall be due and payable on the first Monday of August of each year to the constable or tax-collector of said town, and after the first Monday 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.

SEC. 31. All persons owning any property within said town liable to taxation for town purposes, shall return the same to the town clerk and treasurer as hereinbefore 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 in the State.

Property to be listed, &c.

Property of minors, &c.

SEC. 32. 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 or tax-collector for satisfaction of taxes due on all property returned by them; and the constable or tax collector 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.

Distrain.

SEC. 33. Whenever the taxes due said town shall be due and unpaid the constable or tax-collector of the said town shall immediately proceed to collect them as follows:

Taxes unpaid, how collected.

First. If the party charged, or his agent, have [has] personal property in said town equal in value to the taxes charged against him, the constable or tax-collector 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 the town of sufficient value to satisfy his taxes, the constable or tax-collector 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 or tax-collector 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 or tax-collector 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 the 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 five public places in said town at least thirty days before the sale of said land, and this last mentioned notice shall be posted as in all cases of sales of land for taxes in said town.

Fourth. The sale shall be made at the court-house door 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 reside out of said town and his address be known to the constable or tax-collector, he shall, within one month after the sale, mail to him notice of sale and date thereof, the name and address of the purchaser, of the sum bid, and of the amount of taxes and costs to be paid by such delinquent as a condition of its redemption.

Sale of land for taxes.

SEC. 34. The whole lot or tract 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 taxes with all 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 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.

Payment by delinquent.

SEC. 35. 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 right under the purchase shall cease.

Receipt to be given purchaser.

SEC. 36. At the time of such purchase of real estate for taxes the town constable or tax-collector, on 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, name of the owner of said land and the amount of taxes due.

When deed to be executed to purchaser, &c.

SEC. 37. If the delinquent, his agent or attorney, shall fail to redeem, as hereinbefore provided, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section 36 hereof, and the town constable or tax-collector 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 he shall be allowed one dollar, to be paid by the purchaser. The deed from the constable or tax-collector to the purchaser shall be registered in the register's office of McDowell 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.

Redemption of land purchased by town.

SEC. 38. All real estate bid in by the mayor of the said town for the use of the said town at sales made by constable or tax-collector for taxes due may be redeemed, as hereinbefore provided, by the pay-

ment on the part of the delinquent, his agent or attorney, of the amount of tax and cost, and twenty-five per centum additional, to the town clerk and treasurer within twelve months. That for the purpose of improving the streets of the town or opening up new ones, for furnishing water supplies, erecting tanks or constructing reservoirs for holding a supply of water in aid of the fire department herein provided for, or for the purpose of better lighting the streets, the corporate authorities of said town, upon a petition of one-fourth of the property-holders in said town, may submit a proposition to the voters of said town to issue coupon bonds of the said town to an amount not exceeding ten thousand dollars at any one time: *Provided*, the said corporate authorities may submit such propositions, upon petition as aforesaid, as often as they may deem it necessary or for the good of the said town. That when such petition is presented it shall be the duty of the board of aldermen to call an election, notice of the said election to be published at least sixty days in five public places in said town. The said notice shall contain the amount proposed to be borrowed, the rate of interest, the time at which the bonds are to be due, and the object to which the same is to be applied. The said election shall be held and conducted as other municipal elections and as the same is herein provided for. That the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting in favor of the appropriation shall have written or printed on their ballots "for subscription," and those voting against the proposition shall vote ballots having printed or written thereon the words "against subscription." That if the proposition is adopted by a majority of the qualified voters of said town, the board of aldermen shall cause bonds to be issued in the name of the town of Marion, in such denominations as they may deem best, bearing six per cent. interest, and payable at such time as shall be designated in the proposition submitted. The bonds shall be signed by the mayor and countersigned by the clerk of the board, and shall have the town seal affixed thereto. It shall be the duty of the board of aldermen, when said bonds are issued, to provide by taxation on all the subjects of taxation within the corporate limits of said town to meet the interest on said bonds, and the principal as the same may become due.

Election upon question of issuing bonds for town improvements.

Proviso.

Ballots.

Bonds to be issued on majority vote of qualified voters

Bonds, how signed, &c.

Special tax.

All laws and parts of laws inconsistent with the provisions of this charter within the corporate limits herein provided for are hereby repealed, and this act shall be in force from and after its ratification.

Conflicting laws repealed.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 184.

An act to change the name of Big Falls Manufacturing Company.

The General Assembly of North Carolina do enact :

Chapter 23, private laws 1881, amended.
Change of name.

SECTION 1. That chapter twenty-three of the private laws of A. D. eighteen hundred and eighty-one be amended as follows: Strike out of line five, in section first of said act, the words "manufacturing company," and insert in lieu thereof "cotton mills."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 185.

An act to incorporate the town of Four Oaks, Johnston county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town in Johnston county now known as Four Oaks be and the same is hereby incorporated under the name and style of Four Oaks, and it shall have the benefit of and be subject to all the provisions of the law now existing in reference to incorporated towns, not inconsistent with this act.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in the line of a tract of land belonging to and owned by the W. and W. R. R. Co., K. L. Barber's corner, and runs with said line S. 24½ E. 48¾ poles to a stake; thence N. 65½ E. 3¾ poles to a stake; thence S. 24½ E. 6 poles to a stake; thence S. 46 E. 38 poles to a stake; thence N. 65½ E. 96 poles to a stake in R. J. P. Baker's field; thence N. 24½ W. 86 poles to a stake in K. L. Barber's field; thence S. 65½ W. 113½ poles to the beginning.

Officers.

SEC. 3. That the officers of said corporation shall be a mayor, three commissioners and a town constable, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and eighty-nine, viz.: mayor, A. D. Ford; commissioners, C. R. Adams, J. E. Denson and K. L. Barber; constable, W. F. Ford.

Temporary officers.

Election.

SEC. 4. That there shall be an election held in said town on the first Monday in May, eighteen hundred and eighty-nine, 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 of members of the General Assembly, and all persons residing in said corporation who shall have lived in said corporation for sixty days, and in the State one year, 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 liabilities

Electors.

which are mentioned in chapter sixty-two of The Code, volume two.

SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of this State or the United States, and to levy and collect a tax on all subjects of State taxation, not to exceed one-third of one per cent. on real estate, and one dollar on the poll, and to impose fines for the violation of the town ordinances and collect the same; also to levy and collect all such license taxes and privilege taxes as are mentioned in chapter sixty-two, volume two, of The Code.

Powers of commissioners.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 186.

An act to incorporate the Bank of Carthage.

The General Assembly of North Carolina do enact :

SECTION 1. That James D. McIver, N. T. Jones, L. P. Tyson, J. C. Black and W. J. Adams, and their associates and successors, be and they are hereby constituted and declared to be a body politic and corporate under the name and style of "The Bank of Carthage," and shall so continue for a period of thirty years, and under 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 or elsewhere; may make by-laws and regulations for its own government and the due and orderly conducting of its affairs and the management of its property: *Provided*, the same be not inconsistent with the laws of this State or of the United States; and may conduct, transact and carry on in its full scope and import a general banking business, with all the powers, rights and privileges and immunities hereby specially granted and those contained in chapter four, volume two, of The Code of North Carolina, entitled "banks," as well as in the constitution and laws of this State as now existing.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the capital stock of said corporation shall be not less than twenty thousand dollars, in shares of twenty-five dollars each, and said capital stock may be increased at any time or from time to time, as said corporation may elect, to any sum not exceeding one hundred thousand dollars.

Capital stock.

SEC. 3. That the corporators in the first section named or a majority of them, are hereby authorized and empowered to open or cause to be opened books of subscription to the capital stock of said corporation, at such time or times, at such place or places, and for such periods as they may deem proper: and the stockholders, at any general

Books of subscription.

meeting called after the due organization of said corporation, may, in their discretion, from time to time, re-open books of subscription to the capital stock of said corporation until the same as herein limited shall be taken.

Organization.

SEC. 4. That when ten thousand dollars shall be subscribed to the capital stock of said corporation, and fifty per cent. of that amount shall be paid to two commissioners, who shall be appointed by the above named incorporators or a majority of them to open books of subscription, said incorporators or a majority of them shall call a meeting of the subscribers to said capital stock at such time and place and upon such notice as they may deem sufficient; and said stock[holders] shall elect such directors as they may see proper to elect, not exceeding seven, who shall hold office for one year and until their successors shall be elected and qualified; and said directors shall elect at their first meeting, and annually thereafter, one of their number president of the bank, and fix his compensation and prescribe his duties, and he shall be ex-officio chairman of the board of directors: whereupon said bank may commence the transaction of its business.

Powers of president and directors

SEC. 5. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure: may appoint all necessary officers, fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof: may do general banking business on such terms and rates of discount and interest as may be agreed on not inconsistent with the laws of this State or of the United States. The bank shall have a lien on stock for debts due it by the stockholders in preference to the claims of all other creditors of equal dignity.

Corporate powers

SEC. 6. That said bank may pay out and receive the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper and public and other securities: may purchase and hold such personal and real estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due the bank, and may sell and convey the same at pleasure; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as may be agreed on not inconsistent with the laws of this State or of the United States. It may receive on deposit moneys on terms such as may be agreed on by the officers and depositors, and issue certificates of said deposits, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; all such certificates signed by the proper officers of the bank shall be as binding as if under the seal of said bank.

SEC. 7. That said bank shall have power to make loans upon mortgages of real estate and personal property with power of sale inserted upon default in payment, to advance or loan any farmer, planter, miner, manufacturer, or other person or persons, any sum or sums of money, and to secure the payment of the same by taking, in writing, a lien or liens upon the prospective products of any mining operations or upon any articles then existing or thereafter to be made, purchased, manufactured or acquired, and lien so taken shall be good and effectual in law, provided the same shall be duly recorded under the existing laws of registration. And said bank shall have power to receive in storage or warehouse any cotton, spirits of turpentine or rosin, wheat, corn, or other produce, or any manufactured articles whatsoever, as a pledge or pledges for the repayment of money loaned upon the faith of the same, and said liens, pledges or mortgages, being duly recorded as in the case of mortgages and deeds of trust under the general law, and any sales made thereunder according to the terms therein recited, shall be good and valid in law: *Provided*, that nothing contained in this act shall be construed to authorize the taking or receiving a greater rate of interest than the legal rate.

Corporate powers

Proviso.

SEC. 8. That if any subscriber shall fail to pay his stock or any part thereof, as the same may be 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 the superior court of the county wherein the delinquent resides, upon giving him ten days notice of the motion, or by civil action in said court, or the entire stock may be sold by order of the board of directors, for cash, at the banking-house in Carthage, after advertising said sale for twenty days in a newspaper published in Moore county or in North Carolina; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

Remedy against subscriber failing to pay stock.

SEC. 9. That if [a] subscriber shall assign his stock before paying the same in full, he and his assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid or by civil action. And in every case of a delinquency in a subscriber or other person, 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.

Remedy against assignee of stock.

SEC. 10. That the stockholders of said bank shall not be in any wise individually liable or responsible for any debts, obligations, contracts or engagements of said bank to an amount exceeding the amount of the respective stock owned by them.

Liability of stockholders.

SEC. 11. That when married women or minors deposit money or other property in said bank to their own credit they may withdraw the same on their own order or check, and be bound thereby, and

Deposits by married women and minors.

such individual check or order of such minor or married woman shall be a valid and sufficient release and receipt to said bank against themselves and all other persons.

Powers of president and directors.

SEC. 12. That the president and directors shall be capable of exercising all such powers and authority as may be necessary for the better government of the affairs of said bank; shall have power to prescribe rules for the conduct of said bank, the same being consistent with the by-laws, rules and regulations established by the stockholders; may regulate the terms and rates on which discounts and loans may be made and deposits received by said bank, and shall direct when dividends of profits shall be declared. They may call a meeting of the stockholders whenever they may think proper, and any number of stockholders owning and holding one-fifth of the stock may call a special meeting by serving by personal notice and twenty days notice in some newspaper circulated in said county on a majority of the other stockholders for twenty days. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Authorized to organize savings bank department

SEC. 13. That said bank is authorized to organize in connection with its general banking business a department for savings, and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of this State or of the United States, as will enable said bank to receive small deposits in savings department, not less than twenty-five cents nor more than one 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. But the said limit of deposits shall apply only to the savings department and not to the general business of the bank.

Location.

SEC. 14. That said bank shall be located at Carthage, North Carolina.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 187.

An act to amend chapter 100, private laws of 1883.

The General Assembly of North Carolina do enact :

Chapter 100, laws 1883, amended. Trustees of Central Institute for young ladies, Littleton, N. C.

SECTION 1. That chapter 100, laws of 1883, be amended by striking out in section 3 the words "nine directors," and insert in lieu thereof the word "trustees."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 188.

An act to incorporate the Trustees of McElrath Chapel African M. E. Church and Camp-ground, in the county of Burke.

The General Assembly of North Carolina do enact :

SECTION 1. That the trustees, E. G. Jones, William Hill and Joseph Hill, and their successors, shall be and they are hereby declared a body politic and corporate in deed and in law by the name and style of the "Trustees of McElrath Chapel A. M. E. Church and Camp-ground," in the county of Burke; and the said corporation shall have power to purchase and hold real estate, and acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court of this State having competent jurisdiction, and may have and use a common seal, and have power to elect such officers as they shall deem necessary.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That in case of death or refusal to act, or removal, or from any other cause there becomes a vacancy, the chairman of the board shall fill the vacancy: *Provided*, that the said corporation shall be elected annually by the members of the church of twenty-one years of age and upward, and the number shall not be less than three nor more than nine.

Vacancies.

Proviso.

SEC. 3. That it shall not be lawful for any person to sell or give away or dispose of spirituous liquors, except for medical purposes, at or within two miles of McElrath chapel and camp-ground. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offence, be fined not more than fifty dollars, or imprisoned not exceeding thirty days.

Unlawful to sell, &c, liquors within two miles

Misdemeanor.

SEC. 4. That the Trustees of McElrath Chapel and Camp-ground, and their successors in office, shall have full and ample power to appoint special police, and to prescribe rules and regulations for their government and remuneration, and may also elect an intendant of police, who shall hold his office one year or until his successor is appointed.

Special police.

Intendant of police.

SEC. 5. That the special police shall have power to keep the peace, and to execute all process to them directed by the intendant of police in the limits of the incorporation while occupied for divine worship, and the church and camp-ground shall be considered as occupied for worship from the arrival of first vehicle to the departure of the last of any encampment.

Powers of police.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 189.

An act to incorporate the town of Clyde, in Haywood county.

The General Assembly of North Carolina do enact :

- Incorporated.** **SECTION 1.** That the town of Clyde, in the county of Haywood, be and is hereby incorporated under the name and style of Clyde, and shall be subject to all the provisions of chapter sixty-two of The Code in reference to incorporated towns and not inconsistent with the provisions of this act.
- Corporate name**
- Corporate limits.** **SEC. 2.** That the corporate limits of said town shall be one-half mile from the railroad depot, east, west, north, south, southeast, southwest, northeast, northwest, to each point of the compass as here named.
- Officers.** **SEC. 3.** That the officers of said town shall consist of a mayor and three aldermen or commissioners. The mayor, when present, shall preside at the meeting of said board of aldermen or commissioners, but shall not be entitled to vote except in case of a tie. In the absence of the mayor the board may elect one of their number as mayor *pro tem.*; but the mayor shall not be entitled to vote except in case of a tie. The following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, and until their successors are elected and qualified, to-wit: H. N. Wells, mayor; B. B. Jones, J. Wiley Shook and J. L. Morgan, commissioners. Said officers, before entering upon the discharge of their duties, shall take and subscribe to an oath to support the constitution of the United States and constitution and laws of the State of North Carolina, and shall have power to appoint a marshal, secretary, and treasurer, who shall hold their respective offices for one year and until their successors are appointed and qualified.
- Mayor to preside, &c.**
- Mayor pro tem.**
- Temporary officers.**
- Oath.**
- Other officers.**
- Election.** **SEC. 4.** That it shall be the duty of the commissioners of said town to provide for an election on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.
- Electors.** **SEC. 5.** All qualified electors of the State who have been residents of the town for ninety days prior to any election in said town shall be entitled to vote.
- By-laws.** **SEC. 6.** That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town not inconsistent with the laws of this State; and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them.
- Nuisances.**
- Violation of ordinance a misdemeanor.** **SEC. 7.** That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof,

upon conviction, shall not exceed a fine of fifty dollars or imprisonment more than thirty days.

SEC. 8. That it shall be unlawful for any person to sell any spirituous, vinous or malt liquors within the corporate limits of said town, except by druggists strictly for medical purposes, and then only on *bona fide* prescription by some legal practicing physician; and any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor imprisoned not over thirty days.

Sale of liquors within corporate limits.

Misdemeanor.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 190.

An act to incorporate Broad Street Baptist church, in the town of Winston.

The General Assembly of North Carolina do enact:

SECTION 1. That H. T. Watkins, A. J. Gales, J. M. Martin, and their successors, be and they are hereby declared to be a body politic and corporate under the name and style of the Trustees of Broad Street Baptist Church, in the town of Winston, and the said trustees shall have succession, and may have and use a common seal, and be capable in law to sue and be sued, plead and be impleaded in all the courts of this State; and may take, demand, receive, hold and possess all lands and tenements, moneys and other property or things whatever which may be given to them by will or otherwise, for the use of the said church or any school that may be connected therewith, and generally to have all the other rights and powers usually pertaining to corporations created for similar purpose.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the said trustees shall have power to elect their officers and call them by whatever name they may think proper; and in case of the death, refusal or removal from the State of any of the persons named as trustees in this act, then the remaining trustees, or a majority of them, shall have power to act until such vacancy shall be filled by said church: *Provided*, that not less than three nor more than five persons shall be trustees under this act.

Officers.

Vacancies.

Proviso.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 191.

An act to re-enact, consolidate and amend an act to incorporate the town of Dunn, and the act amendatory thereof.

The General Assembly of North Carolina do enact :

- Chapters 23 and 105, private laws 1887, consolidated and amended. SECTION 1. That chapters twenty-three and one hundred and five of the private acts of eighteen hundred and eighty-seven of the General Assembly of North Carolina, are hereby re-enacted, consolidated and amended as follows:
- Incorporated. SEC. 2. That the town of Dunn, in the county of Harnett, 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 of volume second of The Code, entitled "towns and cities," and not inconsistent with the laws of this State and the United States; may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a public seal; may acquire and hold property, real and personal, for the use of the town.
- Corporate powers
- Corporate limits. SEC. 3. That the corporate limits of said town shall extend one-half mile in each direction north, south, east and west from the center, that is, from the depot of the Wilson and Fayetteville Railroad as is now located, near by the track of said road, and no further.
- Officers. SEC. 4. That 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.
- Electors. SEC. 5. That any person who is a duly qualified elector of the State of North Carolina, and shall have resided thirty 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 to office. SEC. 6. That no person except a duly qualified elector of said town shall be eligible as mayor or commissioners of said town.
- Registrars and inspectors of election. SEC. 7. That the commissioners of the town of Dunn 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-nine, 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 elections shall have all the powers of such officers appointed under chapter sixteen, volume second of The Code, entitled "elections regulated." The election shall be
- Registration.
- Election.

Assembly, and under like rules, regulations and penalties; and the result thereof shall be proclaimed at the mayor's office.

SEC. 8. That if any person elected mayor shall refuse to be qualified, Mayor *pro tem*. or there is any vacancy in the office after election and qualification, or if the mayor be absent from 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 occasions and in like manner the commissioners shall choose another commissioner to supply the place of such as shall refuse to act or are absent or unable, and 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 said commissioners shall be temporary. Vacancies. *Provido*

SEC. 9. That the commissioners shall appoint a clerk, constable and treasurer. The constable and treasurer shall give bonds in such amounts as may be suggested and approved by the commissioners. Other officers. Bonds.

SEC. 10. That the commissioners may provide grave-yards near the town and regulate the same; may appoint and pay a keeper, have it kept in good order and repair and compel the keeping and returning bills of mortality, and they may prohibit interments within the town limits. Grave-yards, &c.

SEC. 11. That the said commissioners shall have power to pass by-laws, rules and regulations for their own government and for the good government of the town, not inconsistent with the laws of this State and of the United States, and to impose fines and penalties for the violation of town ordinances and collect the same. By-laws. Fines, &c.

SEC. 12. That the said commissioners shall, not oftener than annually, levy 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 license tax for the privilege of carrying on business or 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, exhibitions for reward, all gift enterprises, each billiard table, bowling alley or alley of the like kind, bagatelle table or any other table, stand or place for any other game or play, with or without 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 liquors are sold; every merchant, peddler, grocer, druggist and other trader who, as principal or agent, carries on the business of laying [buying] and selling goods, wares or merchandise of whatsoever name or Taxation. License taxes.

description; hotels, boarding-houses, restaurants and eating-houses; auctioneers, commission merchants or agents, life or fire 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 peddler, except those selling goods of their own 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 owner or driver of a dray or cart who hauls for pay; on all dogs and other subjects, persons and franchises within the town of Dunn that may be taxed by the General Assembly. The commissioners shall use the proceeds of this taxation to defray the necessary expenses of the corporation and for the improvement of the town.

Taxes, how applied.

Sale of real-estate for taxes.

SEC. 13. That no sale of real estate in said town for the payment of taxes assessed against such real estate appearing on the tax-lists 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, 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 found [paid] at the time of the sale of the same.

Trial removable from mayor to justice.

SEC. 14. That where any person is arraigned before the mayor on a charge that is a violation of a statute as well as of an ordinance of the town, and, on affidavit, has the trial of the same removed from the mayor's court to that of a justice of the peace, and is found guilty as charged, that such fine as the justice shall impose shall be collected and turned over to the town treasurer for the use of the town of Dunn by said justice.

Fines payable to treasurer.

Fines imposed in superior court on appeal payable to treasurer.

SEC. 15. That [if] any person or persons who have been tried before the mayor, found guilty and fine imposed, shall appeal to the superior court and is found guilty there, then it shall be the duty of the clerk of the said court to remit to the treasurer of the town of Dunn the amount of the fine imposed by the mayor of said town, together with the costs incurred in the mayor's court.

Conflicting laws repealed.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 192.

An act to amend the charter of the town of Windsor.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporate limits of the town of Windsor, in Bertie county, be and the same are hereby extended, marked and designated as follows: Beginning at the junction of St. Elmo street and the Coleraine road, on the south of Emanuel Taylor's, thence west along the said St. Elmo street to the Halifax road; thence down said road to Granville street; thence down Granville street to the ditch, which is now the present limits of the town, in the bottom by the blacksmith-shop; thence with said ditch south to the Cashie river, it being the present western boundary of the town; thence the various courses of said river to the ditch at Lake Bailey; thence up said ditch its various courses to where it crosses the Coleraine road; thence up said road to the beginning. The new territory added to the town limits is that portion embraced between St. Elmo street and the street back of Wm. P. Gurby's late residence, and includes the residence of Mrs. Wm. P. Gurby. Corporate limits.

SEC. 2. That all laws and parts of laws contrary to this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 193.

An act to authorize the commissioners of the town of Mount Airy to issue bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of the town of Mount Airy be and the same are hereby authorized to issue coupon bonds, not to exceed ten thousand dollars and in denominations of twenty-five dollars and up to five hundred dollars, for the purposes of paying off the debt of the town outstanding; to light the town; to work its streets and sidewalks; to pay damages in opening new streets and widening streets; to purchase lot for cemetery, if thought advisable by the commissioners; and to complete the male academy building and premises. Commissioners authorized to issue bonds not exceeding \$10,000 to pay outstanding indebtedness.

SEC. 2. That the bonds shall mature and be payable in not less than ten nor more than thirty years from date of issue, and shall bear interest not to exceed eight per cent. per annum, and payable annually on the first day of May of each year until said bonds are paid; that the bonds shall not be sold for less than ninety cents in Description of bonds.
Not to be sold for less than par.

Coupons receivable for taxes. the dollar, and that the coupons shall be receivable in the payment of town taxes.

Bonds, how issued, &c. SEC. 3. That the said bonds and coupons shall be signed by the mayor and countersigned by the treasurer, and the clerk of the board of commissioners shall keep a book suitable for the purpose in which shall be kept by him an account of the number of each bond issued, the amount and to whom issued, when paid and cancelled, to whom paid, and all transactions connected therewith.

Special tax. SEC. 4. That to pay the interest on said bonds and to create a sinking fund to pay the bonds at maturity, or sooner if deemed advisable, the commissioners of the town of Mount Airy shall annually levy a special tax, not to exceed the constitutional limit and equation of taxation, on all the real and personal property and polls in the town: *Provided*, that the sum thus levied shall not prevent their levying a sufficient sum to defray the necessary expenses of the town. And it shall be the duty of the said commissioners to make any and all necessary arrangements for the collection, safe-keeping and proper application of all money raised by virtue of this act.

Act to be submitted to popular vote. SEC. 5. That this act shall be submitted to the qualified voters of the said town at an election to be held on the first Monday in May, one thousand eight hundred and eighty-nine, for ratification or rejection; that the election shall be advertised for thirty days next preceding the day of election. Those favoring the issuing bonds shall vote a written or printed ticket with the words "for bonds"; those opposed shall vote a written or printed ticket with the words "against bonds." If a majority of the votes cast be "for bonds," the commissioners shall proceed to issue and sell the bonds as provided in this act; if a majority of the votes cast be "against bonds," that this act shall be submitted to the qualified voters of the said town at an election to be held on the first Monday in May, one thousand eight hundred and ninety, under the same rules and regulations governing the election for May, one thousand eight hundred and eighty-nine. The inspectors shall be appointed and the election held as all other elections are held in said town.

Election. SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 194.

An act to amend the laws of Fayetteville.

The General Assembly of North Carolina do enact :

SECTION 1. That section nine of chapter one hundred and twelve, as published among the private laws of eighteen hundred and eighty-three, be amended by adding thereto the following, viz.: "*Provided*, that in cases where it shall be necessary to sell property to enforce collection of taxes, the collector shall make such sales at the market-house in Fayetteville on the first Monday of May and November, but he shall give at least thirty days notice of any such sale by publishing the same in a newspaper of general circulation published in Fayetteville, and if the delinquent be a resident he shall also give to him or her personal notice, and if the delinquent be non-resident, a copy of the notice shall be mailed to him at his nearest post-office: *And it is further provided*, that B. R. Taylor, who was tax-collector for Fayetteville for the years one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, shall be allowed to collect arrearages or unpaid taxes for these years under the provisions of this act until December thirty-first, one thousand eight hundred and ninety, subject, however, to the restrictions in regard to administrators and purchasers without notice, and persons who will swear that the said taxes have been paid, as prescribed for sheriffs and collectors in chapter forty of the laws of one thousand eight hundred and eighty-seven."

Chapter 112, private laws 1888, amended.
Sale of property for taxes.

B. R. Taylor, tax-collector, empowered to collect arrears of taxes.

Certain persons exempted.

SEC. 2. That section two of chapter eighty-six of the laws of one thousand eight hundred and eighty-five, amending section nine of said chapter one hundred and twelve, published among the private laws of one thousand eight hundred and eighty-three, be amended by adding to subdivision three of said section two, chapter eighty-six, laws of one thousand eight hundred and eighty-five, as follows, viz.: "On every itinerant or strolling person who, for reward or private gain, shall pretend to tell fortunes or teach as spiritual mediums, five dollars for each day; and on every organ-grinder or strolling musician of any sort performing on the streets or going from house to house soliciting pay from the citizens, five dollars for each day; and on all persons who carry about bears, monkeys or other curious performing animals with the intent to in any way solicit money or contributions of any sort from the citizens lookers-on, five dollars for each day; and on every flying-jenny or merry-go-round or machine of like kind, five dollars per week." And subdivision ten of said section two of chapter eighty-six of the laws of one thousand eight hundred and eighty-five shall be amended by adding thereto as follows, viz.: "*Provided*, that all itinerant venders or strolling persons

Chapter 86, private laws 1885, amended.

License tax on itinerant fortune tellers, &c.

Who considered peddlers.

who go about the streets or from place to place to advertise or make sale of goods, wares or articles of any kind shall be considered peddlers, but nothing in this section shall be held to tax persons commonly claimed as drummers.”

Commissioners authorized to fund indebtedness, &c.

SEC. 3. That section fourteen of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: “The commissioners may, if in their opinion it be practicable and advisable so to do, fund all debts and claims of every sort that may be brought within the provisions of this section, and to that end may provide six per cent. bonds of the denominations of five hundred dollars and one hundred dollars, with semi-annual coupons for interest, payable in June and December of each year, and to run not more than ten years, redeemable at the option of the commissioners after three years, and cause the same to be signed by their chairman and countersigned by their clerk. And they shall have power to issue said bonds for a like amount of the debts and claims above referred to, or may sell said bonds at par, and with proceeds of any bond so sold they shall pay off a like amount of said claims, and they shall not issue or sell more of said bonds than is necessary to take up or exchange for the scaled value of the debts and claims above referred to. Said bonds, when so issued as above contemplated, shall be valid and binding upon the taxable property of Fayetteville. The amount of bonds to be issued shall in no event exceed seventy thousand dollars; and if said bonds be issued to the amount of as much as fifty thousand dollars, then, in that case, one-half of the one per cent. tax levied on the real and personal property as provided in section six of said chapter one hundred and twelve of one thousand eight hundred and eighty-three, as amended by chapter eighty-six of the laws of one thousand eight hundred and eighty-five, is hereby appropriated as an annual tax and fund with which to pay the coupons of said bonds as they become due and to create a sinking fund to pay said bonds. and the commissioners shall faithfully apply the same accordingly. And upon their failure so to do the superior court of Cumberland may, at the suit of the bondholders, cause same to be done accordingly to the true intent and meaning of this act. The commissioners shall cause a true record to be made and faithfully kept, showing the number, date and amount of said bonds, and to whom issued, and what money or claims were received in exchange therefor and thereafter, until said bonds shall be fully redeemed. They shall cause the treasurer to keep an account with each bond, showing what coupons and parts of the bond are paid.”

Appropriation to pay interest, &c.

Action by bondholders.

Record to be kept

Time allowed creditors.

SEC. 4. That section nineteen of said chapter one hundred and twelve be amended so as to allow creditors until the first of July, one thousand eight hundred and eighty-nine, to bring their claims within the provisions of section fourteen of said chapter one hundred and twelve.

SEC. 5. That section twenty-one of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: "And shall have power to prevent the erection of any structure in Fayetteville that will cause extra hazard on account of fire, or be a nuisance on account of health; and upon complaint of neighboring property-owners the commissioners may prescribe and enforce such regulations as they may deem advisable and expedient as to the location, plans and dimensions of any such proposed building or structure."

Commissioners empowered to prevent erection of certain structures.

SEC. 6. That section twenty-four of said chapter one hundred and twelve be amended so as to allow the commissioners to suspend said section on the fourth (4) of July and Christmas day in certain portions of Fayetteville to be prescribed by them; and that said section be further amended so as to include and make it unlawful for any person to use sling juvembers or other contrivance by which to throw or project rocks, pebbles, shot or other missiles of any kind that are destructive, dangerous or injurious to persons or property.

Suspension of law prohibiting firing of guns, &c., on certain days.

Unlawful to use sling juvembers, &c.

SEC. 7. That section twenty-five of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: "Provided, that for each and every day that any person or corporation may refuse or neglect to comply with such requirements shall and may be treated as a separate offence and misdemeanor within the meaning of this section."

Each day of failure to clean premises a separate offence.

SEC. 8. That section thirty-one of said chapter one hundred and twelve be amended by including cows in the list of prohibited animals, and providing that the marshal and his deputies may collect and receive for impounding horses and cows or turning [them] over to their owners one dollar, and for all other animals fifty cents, subject to the proviso as to the young of impounded animals as in said section; and that said section be further amended by a proviso, "that the commissioners may, by a majority vote, suspend the operations of said section thirty-one so as to allow cows to run at large at any time between the first of April and first of November in each year."

Unlawful for cows to run at large.

Fees of marshal.

Commissioners authorized cows to run at large between certain dates.

SEC. 9. That section thirty-three of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: "Every sexton or person who digs graves shall, before interring or permitting to be interred any body of a deceased person, obtain a permit therefor from the board of health, which permit shall give the name, residence, sex, color, and, if practicable, the age of such deceased, and also the manner and cause of death, if known; and such sexton and any person who may dig a grave or bury the body of a deceased person shall make a report to the commissioners of every body buried in Fayetteville, as above contemplated, and such reports shall, by the secretary or clerk of the commissioners, be recorded in the records of Fayetteville. It shall be the duty of the commissioners and of the board of health to carry out the above provisions, and any sexton or person

Burial permits.

Reports of burial.

Duty of commissioners and board of health.

- Misdemeanor.** who buries deceased bodies in violation of the provisions of this section shall be guilty of a misdemeanor.”
- Rules to protect health, &c.** SEC. 10. That section forty-one of said chapter one hundred and twelve be amended by adding thereto as follows, viz.: “The commissioners may make all such rules, regulations and requirements and ordinances as they may deem necessary to preserve order and protect the rights, the health and property of all citizens and persons in Fayetteville, and any person willfully violating any such rule, regulation, requirement or ordinance shall be guilty of a misdemeanor.”
- Misdemeanor.**
- Misdemeanor.** SEC. 11. That all persons and corporations offending against any of the provisions of said chapter one hundred and twelve, or of the several sections thereof as heretofore or as by this act amended, shall be guilty of a misdemeanor and punished as provided in section forty-five of said chapter one hundred and twelve.
- Criminal and civil actions, how instituted.** SEC. 12. That all criminal actions for violations of said laws shall be in the name of the State, and all civil actions for recovery of moneys, penalties or other relief shall be instituted in the name of the State of North Carolina, on the relation of or to the use of Fayetteville, and the fines, penalties and moneys collected shall be paid to the treasurer of Fayetteville by the person collecting same.
- Regulations to protect rights, &c., of Fayetteville Exchange.** SEC. 13. That the commissioners shall have power to make all such orders, regulations and requirements as they may deem necessary and proper to protect the rights and property of the Fayetteville Exchange, a duly existing corporation, and to enable said exchange to enforce such reasonable rules as they may establish to promote the object of said corporation as stated in its charter; and the commissioners of Cumberland county, upon the complaint and application of said exchange, shall inquire into the fitness and efficiency of any person who has been appointed as inspector, weigher, gauger, grader or classifier of cotton, naval stores or other produce, and if upon inquiry it be found that such person is unfit or inefficient for any cause, the commissioners shall remove him and appoint another in his stead; and it shall be unlawful for any person to act as inspector, weigher, gauger, grader or classifier of cotton or naval stores in Fayetteville unless he has been duly appointed and qualified by giving
- Inquiry into the fitness of certain officers.** bond as required by law; and if any person so appointed shall abuse the trust or powers so imposed in him, any damage thereby sustained by any party shall be recoverable out of him or his bondsmen.
- Removal.**
- Unlawful to act as inspector, &c., until duly qualified.**
- Action on bond.**
- Water-works and sewerage.** SEC. 14. That the commissioners shall have power, if in their judgment it be wise and expedient so to do, to contract with any person or corporation to build, equip, establish and operate a system of water-works and sewerage upon such terms and conditions as they may see fit to require, so as to secure a sufficient supply of good, wholesome water for the use of citizens and as a protection against fire, and so as to provide for sewerage pipes or other means of carrying off all sewerage and filth; and the companies [commissioners]

may grant the rights of way along and through the streets, lanes, alleys, squares and public ways for any person or corporation with whom they may so contract to construct said water-works and sewerage system. But they shall not use or appropriate, or in any way contribute or subscribe any part of the annual tax provided for in said chapter one hundred and twelve of the laws of one thousand eight hundred and eighty-three, to the capital stock or to the construction or rental or for the use of said water-works or sewerage system, except in case as hereinafter provided for. If, in accordance with the provisions of the foregoing amendments to section fourteen of said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three (see section three of this act), all the debts and claims that have been brought in and compromised as in said section provided shall be funded and new bonds issued therefor as contemplated by section three of this act, and if it shall be found that the annual interest on the then outstanding debt shall not amount to as much as fifty per cent. of the property tax actually collectible as per the tax-list of one thousand eight hundred and eighty-eight, then said commissioners of Fayetteville may submit to the qualified voters a proposition to subscribe to the capital stock of any person or company or corporation who may offer to construct such system of water-works and sewerage; and if, at an election to be held by the sheriff of Cumberland county under the ordinary rules and regulations concerning special elections, it be ascertained that a majority of the qualified voters favor such subscription, the commissioners may then subscribe such an amount as they may deem proper: *Provided, however*, that the amount to be so subscribed shall in no case exceed such sum in bonds as shall, when added to the amount of bonds issued as above provided for funding the debts, amount to a sum which, at six per cent., will make the interest equal to said fifty per cent. of the property tax as per the list of one thousand eight hundred and eighty-eight. And in no event shall the whole amount of six per cent. bonds which the commissioners can issue exceed the sum of seventy thousand dollars; the intention of this act being to allow the commissioners of Fayetteville, if they deem best so to do, and obtain the approval of the qualified voters, to provide for a system of water-works and sewerage, but in no case shall the whole bonded debt amount to more than seventy thousand dollars; nor shall the debt be made so large that the annual interest thereon at six per cent. shall exceed fifty per cent. of the property tax for eighteen hundred and eighty-eight. Before any election shall be held under the provisions of this section, the proposed contract shall be reduced to writing and be open for the inspection of any voter. And if the voters approve and the contract be entered, the commissioners shall not have the right or authority to pay, or issue the bonds therefor, until the works be completed and tested and be fully approved. If any bonds [are]

Subscription to capital stock of company proposing to construct water-works and sewerage, when and how made.

issued in accordance with the provisions of this section, they shall be similar to the bonds provided for in section three of this act, and they shall be numbered consecutively, and a record and account kept as above provided in section three of this act.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 195.

An act to revise and consolidate the charter of the town of Tarboro.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the citizens of the town of Tarboro shall be and continue, as heretofore, a body politic and corporate, and shall bear the name and style of the town of Tarboro, and under such name is hereby invested with all the property and rights of property which now belong to said town of Tarboro under any name whatsoever; 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; and may purchase or sell any estate belonging to the town which may be deemed for the best interests of the town; and all sales and purchases heretofore made are ratified and affirmed: *Provided, however,* that no sale of any part of the town commons, lying north of St. Joshua or Wilson streets, shall be valid unless made in pursuance of special power given hereafter by the General Assembly: *And provided further,* that no use or occupation of any portion of said town commons, by way of easement or otherwise, shall ever give any right by prescription.

Corporate name.

Property rights.

Proviso.

Corporate limits.

SEC. 2. That the limits of said town shall be as follows: The eastern boundary line thereof shall be the boundary line between said town and Panola farm extended—its present direction northwardly—to the railroad track between the Lloyd farm and Mrs. Cromwell Battle's place. The northern boundary line shall be said track—its present course—towards Rocky Mount. The western boundary shall be from the mouth of Hendrick's creek up its various courses to the eastern abutment of the bridge across said creek at Wilson or St. Joshua street; thence a line northwardly, parallel to the eastern boundary line, to the northern boundary line. The southern boundary line shall be Tar river.

Divided into
three wards.
First ward.

SEC. 3. The said town shall be divided into three wards, bounded as follows: The first ward shall include all that part of said town included within the line beginning at the intersection of Main with Granville street, thence running northwardly with Main street to the intersection of same with St. John's street; thence eastwardly along

St. John's street until it intersects St. David's street; thence southwardly along St. David's street to the intersection thereof with Pitt street; thence westwardly along Pitt street to the intersection with St. Andrew's street; thence southwardly along St. Andrew's street to the intersection thereof with Granville street; thence along Granville street westwardly to the beginning. The second ward shall include all that part of said town included within a line beginning at the intersection of Main with Granville street, thence westwardly along Granville street to the track of the A. and R. Railroad running along Mill Creek street; thence northwardly along the track of said railroad until it intersects the line of the projected street running north of the Edgecombe Agricultural Works; thence eastwardly with said street to Main street extended; thence southwardly along Main street to the beginning. The third ward shall include all that portion of said town not included in the first and second wards.

Second ward.

Third ward.

SEC. 4. That the corporate powers and authority granted the said town shall be vested in and exercised by six commissioners (one of whom shall be elected annually by each ward and be a resident thereof) and a mayor. No person shall be eligible to the offices of commissioner or mayor unless he shall be a legally qualified voter according to this act. The commissioners elected under this act shall hold their office for two years and until their successors are elected.

Commissioners and mayor.

Who eligible.

SEC. 5. That at the first meeting of every board of commissioners elected under this act, which meeting shall be on the second Monday in May, when they shall qualify and assume the duties of their office, they shall elect some one, not of their own number, mayor, and the mayor so elected shall hold his office for one year and until his successor is elected and qualified, and shall preside over the meetings of the commissioners and vote in case of a tie, and then only.

Mayor, when and how elected.

SEC. 6. To put in operation the alternating feature of the boards of commissioners, one commissioner of each ward now in office shall hold over for the next year, the selection to be made by lot.

One commissioner from each ward to hold over for one year.

SEC. 7. Every duly registered male person twenty-one years of age who shall have resided twelve months in the State and ninety days next preceding any election for commissioners in the ward in which he resided at the time of his registration shall be entitled to vote in said ward at said election. No person shall be entitled to vote who is not duly registered, and no registration shall be deemed valid that does not specify the number of the ward and of the lot on which the person registered resides, together with his name. No person shall be entitled to register who is not a *bona fide* resident of the ward in which he applies for registration, and no person shall be entitled to vote in any municipal election who is not a *bona fide* resident of the ward in which he applies to vote on the day of such election.

Electors.

Registration.

Who entitled to register and vote.

Challenges.

SEC. 8. Every elector may and it shall be the duty of the registrar to challenge the right of any person to register known or suspected not to be lawfully entitled to register.

Challenges on election day.

SEC. 9. On the day of election any elector may and it shall be the duty of the judges of election to challenge the vote of any person known or suspected not to be a duly qualified voter.

Registration of persons coming of age.

SEC. 10. That any person coming of age after the day fixed for the closing of the registration books, and on or before the day of election, and otherwise qualified to vote, shall be entitled to register and vote on the day of election.

Registration.

SEC. 11. The books of registration now in use in said town made in 1888 are hereby continued in force; and at each election to be held under this act the registrars and inspectors of election shall be appointed by the board of commissioners; and the registrars so appointed shall receive such compensation for their services as the commissioners may allow; and they shall open the books of registration in their respective wards for at least three consecutive days before each and every municipal election to be held under this act, at such times and places and during such hours of the day as said commissioners may order; and the times, places and hours of such registration being open shall be advertised at the court-house door and in some newspaper published in said town for at least ten days previous to the opening of said books; and at the time so appointed the registrars shall proceed to revise said registration books by striking therefrom all persons not entitled to vote in their respective wards and by adding thereto such persons as shall come forward and satisfy the registrars, according to the foregoing provisions relating to the first registration, that they are lawfully qualified to vote in such ward; but any person whose name shall be wrongfully stricken from the books of any registrar shall be allowed to vote on the day of election upon showing to the judges of election that his name has been wrongfully stricken from said books, by the oaths of other persons of known credibility to the judges of election.

Judges of election to provide ballot boxes.

SEC. 12. The judges of election shall provide suitable ballot-boxes for receiving the ballots of the voters on the day of election, which shall be paid for out of the funds of the town.

Election, how conducted.

SEC. 13. The inspectors of election shall attend at the places for which they are respectively appointed on the day of election, and they, together with the registrar of the ward, who shall attend with his registration books, shall constitute the judges of election, and the said judges of election, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially, according to the constitution and laws of the State, shall open the polls and superintend the same until the close of the election. They shall keep poll-books, in which shall be entered the names of every person who shall vote, which, at the close of the election, they

shall certify and deposit in the mayor's office, together with the registration books.

SEC. 14. The polls shall be open on the day of election from eight o'clock in the morning until sunset of the same day, and each voter duly registered as herein provided, who shall not be challenged and rejected, shall hand in his ballot to the judges of election, who shall carefully deposit the same in the ballot-boxes. Election, when polls opened, &c.

SEC. 15. When the election shall be finished the judges of election, in presence of such electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ticket; and if there shall be two or more tickets rolled up together, or if any ticket shall contain the names of more persons than one elector has a right to vote for, such ticket or tickets shall not be numbered in counting the ballots, but shall be void; and the counting of the votes shall be continued, without adjournment, until completed and the result thereof declared. When the judges of election of the several wards shall have completed the counting of the votes of their respective wards they shall publicly proclaim the result of the voting in the same for all the persons voted for and the number of votes cast for each; and the said judges shall certify to the same in writing, declaring who have been elected in their respective wards, and filing another copy of such certificate in the office of the mayor. Canvass of votes.

SEC. 16. That any person who shall, with intent to commit a fraud, register or vote in more than one ward or more than once in the ward, or who shall induce another to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than four hundred dollars; and any registrar or any clerk or copyist who shall make any entry or copy with intent to commit a fraud shall be held liable to the same penalty. Fraudulent registration, &c., a misdemeanor.

SEC. 17. That if any of the persons appointed shall fail or refuse to perform the duty of registrar, the other registrar or registrars shall fill the vacancy so occasioned. If any person appointed as inspector of election shall fail or refuse to perform the duties thereof, then the registrar of the ward where such vacancy occurs shall fill the same. Fraudulent entry by registrar, &c., a misdemeanor.

SEC. 18. No person shall erect on any of the squares of said town contiguous to Main street, below Wilson street, any wooden buildings or brick buildings with wooden roofs without first obtaining the written permission of the authorities of said town; and in case of any such erection without permission the said authorities shall be and they are hereby authorized to adopt and enforce such ordinances as may prove effectual for the removal of the same. Vacancies.

SEC. 19. The corporate authorities may require the removal from the town and prevent the storing therein of any guano or other fer- Fire limits.

SEC. 19. The corporate authorities may require the removal from the town and prevent the storing therein of any guano or other fer- Nuisances.

tilizer which, upon inspection, they shall adjudge to be a nuisance to any citizen or citizens of said town.

Streets.

SEC. 20. The commissioners of said town shall have power to open any new street or streets whenever by them deemed necessary, and shall have full power and authority to condemn any land necessary for the purposes aforesaid upon making reasonable compensation to the owner or owners thereof. In assessing the damages the commissioners and the owner or owners shall select each a referee to assess the damages, and in case said referees disagree the two shall select a third, whose decision shall be final. In assessing said damages the referees shall value the land so condemned and deduct therefrom the value of the benefit, if any, accruing to the owner or owners by reason of the opening of said street not common to the other citizens of the town.

Condemnation of land.

Damages on opening streets.

SEC. 21. In opening new streets between adjacent property-owners, should it be necessary to take from one all the land, or a larger portion from one than the other, the referees shall adjudge the damages and also the benefits—the benefits in the aggregate in no case to exceed the damages—and apportion the same between the parties; and the commissioners shall collect, as taxes are collected, the excess of benefits, if any are adjudged against the owner furnishing none or less than his or her proportion of land, and pay to the party whose damages are in excess as they pay other town liabilities.

Residents required to work on streets.

SEC. 22. All male persons resident in said town between the ages of 18 and 45 shall be required to work on the streets three days in each year or pay two dollars in lieu thereof, except the persons exempted from road duty by the general law; and such work or pay shall exempt from all road duty out of the limits of said town.

Refusal to work, &c, a misdemeanor.

SEC. 23. If any person liable to work on the streets shall wilfully refuse to work after being duly summoned, or if said person so liable to work shall attend at the time and place designated in the summons and refuse or neglect to work on said streets, the person so offending shall, for every such offence, be deemed guilty of a misdemeanor, and upon conviction before the mayor or other justice of the peace, be fined not less than two nor more than five dollars, and in default of payment of fine and costs shall be imprisoned not to exceed 20 days and be compelled to work on said streets.

Powers of commissioners.

SEC. 24. The commissioners may appoint a town constable, who shall be chief of police and tax-collector, and such other officers, policemen and agents as may be necessary to enforce their by-laws and regulations, keep their records and conduct their affairs; may determine the amount of their salaries or compensation, and also the compensation or salary of the mayor; may impose oaths of office and require bonds from them payable to the State in proper penalties, for the faithful discharge of their duties and the proper accounting for all funds of the town.

SEC. 25. The commissioners may prescribe rules regulating the erection of stoves, stove-pipes, chimneys and flues, and enforce the same by adequate penalties. Erection of stoves, &c.

SEC. 26. The commissioners shall cause to be kept in safe and convenient condition the sidewalks of the town, and to this end, after notice to the owners of the lots contiguous thereto and failure for fifteen days, may have the same repaired as in their discretion they deem suitable, and recover the expense thereof before the mayor or any justice of the peace. In said notice, commissioners may declare what kinds of sidewalks shall be made. Sidewalks.

SEC. 27. The commissioners of said town, for the expenses incident to improving and governing said town, shall annually, before the first day of each July, levy a tax on all the real and personal property, choses in action, evidences of debt, solvent credits, and all other kinds of estate not exempt under the State law in said town, not exceeding sixty cents on the hundred dollars worth, and a tax on all polls liable under the general law not exceeding one dollar and eighty cents; also on all retailers of spirituous or vinous liquors, a tax not less than fifty dollars and not exceeding three hundred dollars per annum, and collect the same quarterly in advance. Taxation.

SEC. 28. The commissioners may, in their discretion, levy the following taxes or any part thereof: License taxes.

1st. On every person vending from a stand, or hawking the same on the streets, drugs, nostrums, medicines, or notions of any kinds, not to exceed ten dollars. Vender of drugs, &c.

2d. On all gift enterprises, or persons offering chances or inducements to purchasers, not to exceed twenty dollars. Gift enterprises, &c.

3d. On gross sales of merchants, jewelers, grocers, druggists, and every other trader doing business in said town, an annual tax not to exceed forty cents on every thousand dollars of sales, collected quarterly, on the oath of the tax-payer; or should he refuse to make return when called for, then double the amount on assessment made by the commissioners or by their direction. Sales of merchants, &c.

4th. On all itinerant merchants or peddlers vending or offering to vend in the town, goods, wares or merchandise, not of growth or manufacture of this State, a tax not exceeding five dollars. Peddlers, &c.

5th. If kept for profit, a tax on every billiard-table not to exceed twenty-five dollars, and on every bowling-alley, a tax not to exceed ten dollars. Billiard-tables, &c.

6th. On every menagerie or company of circus riders who shall exhibit within the town, or within one mile thereof, a tax not to exceed fifty dollars for each exhibition; upon every other tent show, a tax not to exceed ten dollars for each exhibition within the same limits. Upon every stage or theatrical show of any kind exhibited in any building within said town, or open-air exhibitors, for pay, a tax not exceeding ten dollars. On every museum, wax-works, or Menageries, &c.
Theatres, &c.
Museums, &c.

curiosities of any kind, natural or artificial, on each exhibition, a tax not exceeding three dollars.

Horses kept for hire.

7th. On every person who keeps horses or mules for hire or to let, with or without vehicles, a tax not to exceed two dollars per annum for every horse or mule kept for that purpose.

Lawyers, &c.

8th. On every lawyer, physician, dentist, optician, painter, daguerrean artist, broker, resident in said town, or doing business there temporarily, a tax not to exceed ten dollars.

Dogs.

9th. On every dog kept or owned in the town, a tax not exceeding two dollars.

Payment and collection of taxes.

SEC. 29. The commissioners shall be and they are hereby authorized to prescribe the time of payment and mode of collection of the above taxes, and upon default collect double taxes.

Commissioners authorized to issue bonds for town improvements if approved by popular vote.

SEC. 30. The commissioners of said town, for the purpose of paying for the water-works already contracted for by its authorities, which contract is hereby affirmed, and in case of the erection of town hall and light plant as hereinafter provided, are hereby authorized and empowered to issue bonds of such denominations as they may prescribe to an amount not to exceed in all twenty-five thousand dollars, and the said town shall be liable for the payment thereof. The amount of bonds to be issued for the water-works and fire apparatus shall not exceed eight thousand dollars, which are hereby authorized; and the question of issuing bonds for town hall and light plant shall be submitted to a vote (for each separately, with amount specified) of the qualified voters of the town at an election to be held on a day to be designated by the board of commissioners, at any time after ten days from the ratification of this act, and after public notice of thirty days preceding the election of time, place and amount of bonds to be issued and purpose of issuing same, said notice to be inserted in one or more newspapers in said town. Said election shall be held at the court-house under the rules and regulations of other town elections. At such elections those approving the erection of the town hall or the light plant, as the case may be, shall vote "approved"; those disapproving shall vote "not approved." If a majority shall vote "approved," then the board of commissioners shall be authorized to issue bonds as specified in the notice and for the purpose therein set forth; but if a majority shall vote "not approved," then the said commissioners shall not be authorized to issue bonds therefor. In case the majority should vote "not approved" at the first election, in any subsequent year, upon the application in writing of forty voters of the town, the board of commissioners may submit the question to the voters of the town, as above directed, and proceed as the majority of voters may decide.

Description of bonds.

SEC. 31. The bonds to be issued under this act shall run twenty-five years and bear interest [at] six per cent. per annum, payable semi-annually by coupons. Said coupons, when due, shall be receivable

paid, shall be a legal and proper voucher for such payment in the settlement of the account of said treasurer with the proper city authorities.

SEC. 8. The said warrants for such sums of money as said trustees shall give shall not be issued until a period of at least three months after the time for the payment of city taxes, and shall not be delivered to the person or corporation for whom drawn until after all the municipal taxes of said person or corporation shall have been fully paid; and any such warrant drawn as aforesaid shall in no wise exempt or be construed to exempt the said person or corporation receiving the same from the payment of any and all public taxes assessed against them.

When warrant to be issued.

No exemption from taxation.

SEC. 9. That all vacancies in the said board of trustees shall be filled by the remaining members of the board; and the said trustees shall hold office until the said appropriation of one hundred and fifty thousand dollars shall be exhausted.

Vacancies.

Term of office.

SEC. 10. That the said board of trustees shall keep an accurate minute of all its proceedings, which shall always be open to the inspection of the public during office hours.

Trustees to keep record.

SEC. 11. That said board shall have power to prescribe the times of its meetings, which shall be at least once a month.

Meetings of trustees.

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

Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 197.

An act to repeal section four of the charter of the town of Highlands.

The General Assembly of North Carolina do enact:

That section four (4) of [the] charter of the town of Highlands, Macon county, be and the same is hereby repealed.

Chapter 56, private laws 1883, amended.

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

Exemption from road duty of residents of town.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 198.

An act to incorporate Mud Creek school-house, Apple Grove and Maple Spring Baptist churches, in Ashe county.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Blevins, Patterson Graham, Joseph Graham, James C. Finley, Amos Sullivan, Elihu Tucker, Jordan Davis, and their successors, shall be and they are hereby declared a body politic and corporate, in deed and in law, by the name and style of

Body politic.

- Corporate name.** the Trustees of Mud Creek School-House, Apple Grove and Maple Springs Baptist churches, in school district number forty-four, in Ashe county; and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court in this State having competent jurisdiction, and have and use a common seal, and have power to elect such officers as they shall deem necessary.
- Corporate powers** the Trustees of Mud Creek School-House, Apple Grove and Maple Springs Baptist churches, in school district number forty-four, in Ashe county; and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court in this State having competent jurisdiction, and have and use a common seal, and have power to elect such officers as they shall deem necessary.
- 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 seven.
- Proviso.** SEC. 3. That it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any intoxicating liquors, except for medicinal purposes, within two miles of Mud Creek school-house, Apple Grove and Maple Spring Baptist churches, in Ashe county. The distance shall be two miles from a central point between the three aforementioned public buildings.
- Unlawful to sell, &c., liquors within two miles.** SEC. 3. That it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any intoxicating liquors, except for medicinal purposes, within two miles of Mud Creek school-house, Apple Grove and Maple Spring Baptist churches, in Ashe county. The distance shall be two miles from a central point between the three aforementioned public buildings.
- Misdemeanor.** SEC. 4. That any person violating the provisions of section three of this act shall be deemed guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not over thirty days.
- Unlawful to exhibit one's self drunk, &c.** SEC. 5. That it shall be unlawful for any person to exhibit himself drunk within the limits of this corporation during divine worship or session of school, or use any loud or profane or indecent language, or any person to engage in a quarrel, in an angry manner, in hearing of those assembled in said churches for divine worship or while school is in session. 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.
- Misdemeanor to fire gun, &c.** SEC. 5. 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. 6. That any person violating the provisions of section five of this act shall be fined or imprisoned, or both.
- Special police.** SEC. 7. That the trustees of said churches and school 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. 8. That the said trustees and their successors in office may enact such ordinances for the good government and protection of said churches and school and the people there while occupied for worship, and enforce the same, not inconsistent with the constitution and laws of this State; and all fines collected, after paying all legal cost, shall be applied to the use of the school in said corporation.
- Application of fines.** SEC. 8. That the said trustees and their successors in office may enact such ordinances for the good government and protection of said churches and school and the people there while occupied for worship, and enforce the same, not inconsistent with the constitution and laws of this State; and all fines collected, after paying all legal cost, shall be applied to the use of the school in said corporation.
- Powers of special police.** SEC. 9. That the special police shall have the 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. 10. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 199.

An act to incorporate the town of Blowing Rock, in the county of Watauga.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Blowing Rock, in the county of Watauga, be and the same is hereby incorporated by the name and style of the town of Blowing Rock, 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: Three-fourths of a mile in every direction from W. M. Morriss' store-house.

SEC. 3. That the officers shall consist of a mayor and three commissioners, and that until their successors are elected and qualified the following named gentlemen shall constitute said officers: J. B. Clark, mayor; I. N. Corpening, W. M. Morriss and Dr. Charles Carter, the commissioners, with full power to act until their successors are qualified.

SEC. 4. There shall be an election for officers in this act on the first Monday in May, one thousand eight hundred and eighty-nine, and every year thereafter, under the same restrictions that county and State elections are held. All male citizens over twenty-one years of age, who have resided in the State twelve months and in the county ninety days and in the town thirty days previous to the day of election, shall be entitled to vote at said election.

SEC. 5. That said commissioners shall have no power or authority to grant any one license to sell any spirituous liquors within the corporate limits of said town: *Provided*, that malt liquors (beer and wine) may be sold under regulations prescribed by the town authorities by paying a tax not exceeding twenty-five dollars per annum.

SEC. 6. That said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under chapter sixty-two of The Code, and in addition thereto they shall have power to pass by-laws, rules and regulations for the good government of said town, not inconsistent with the laws of the United States and this State, and to impose all fines and penalties for the violation of town ordinances and collect the same; and that said chapter shall be applicable in every respect to said town.

SEC. 7. That all fines collected for the violation of any ordinance of said town shall be applied to the benefit of said town.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 200.

An act to incorporate the Eastern Carolina Land, Improvement and Banking Company.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That William A. Campbell and B. H. Bunn, of Nash county, Edward W. Lyon, of Wake county, and T. J. Boykin, of the city of Baltimore, State of Maryland, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate, by the name and title of the Eastern Carolina Land, Improvement and Banking Company, and under that name and title may sue and be sued, plead and be impleaded in any courts of this State, and be contracted with, and adopt and use a common seal which they may establish and alter at their pleasure; shall have perpetual succession, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of the State.
- Corporate name.**
- Corporate powers**
- Capital stock.** SEC. 2. That the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars per share par value.
- Organization.** SEC. 3. That as soon as fifty thousand dollars shall have been subscribed, either in cash or property, real or personal (and said incorporators and officers of said company, after its organization, are empowered to take subscription to the capital stock in money or property), said incorporators and subscribers to said capital stock shall meet in the office of B. H. Bunn, in the town of Rocky Mount, and perfect the organization by the election of a president, a vice-president and an executive committee of three. They shall make all by-laws necessary for the government of said company, and may increase at any time the number of the executive committee to any number not exceeding seven; may appoint and elect such other officers as shall be necessary, and require them to execute bonds payable to the company, in an amount or amounts to be fixed by them, conditioned [upon] the faithful discharge of their duties as officers. Upon breach of the bonds, the company may sue the principal and sureties, or either of them, and recover damages sustained.
- By-laws.**
- Officers.**
- Bonds.**
- Principal office.**
- Branch offices.** SEC. 4. That said stockholders, at the final or any subsequent meeting, may fix the place and location of their principal office, and may from time to time establish branch offices.
- Corporate powers** SEC. 5. That said company shall have full power—
First. To buy, lease, exchange, hold, own, sell and convey real and personal property, with all the rights and privileges connected therewith.

Second. To improve, develop and turn to account any lands or other property acquired by or in which said company is interested, and, for that purpose, to carry on all or any of the business of estate agents, timber merchants, mining companies or building companies, and do any and all things expedient for utilizing and disposing of the property of the company or of aiding or inducing emigration [immigration].

Third. To subscribe for stock or enter into partnership or arrangements for sharing profits with any person or company projected in this State.

Fourth. To build or construct houses, hotels, mills and manufacturing of all kinds, work-shops, factories or other business premises, and to equip and maintain them; to establish, build and equip with rolling and other stock and operate rail, trains [tram], turnpikes or other roads, connecting the property of the company with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams not navigable, under the rules and regulations required by law.

Fifth. To establish and maintain telegraph and telephone lines, canals, aqueducts, reservoirs and other works that may be deemed necessary or convenient for the company, and shall have the rights, powers, charters and franchise to charge such tolls, fees or compensation as is reasonable for the use or services of its property or travel over its roads or bridges; and to further each and all of these ends this company has hereby conferred upon it all the rights, powers, privileges and immunities conferred upon railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "railroad and telegraph companies." And when any land or right of way shall be required by said company for constructing any boat, canal or bridge or other way over the lands of other persons, and the parties are unable to agree on the compensation, the mode of procedure for the condemnation of said lands shall be as prescribed by law in case of railroad companies.

Sixth. To lend money, either with or without surety; to discount paper or to convert moneys of the company upon such securities or in such manner as may be expedient; to receive money on deposit and to lend out money; to make, accept, endorse and issue premium notes, bills of exchange or other negotiable instruments.

Seventh. To issue bonds of the company and secure the same by proper liens on its estate, real and personal.

SEC. 6. That the stockholders of said company shall not be individually liable for the debts, contracts, engagements or torts of said company in excess of the amounts of stock owned and paid for by them, except upon deposits made with them and cash borrowed to carry on the banking features of their business. In each of these

Liability of stockholders.

cases the stockholders shall be individually and personally liable for an additional sum equal to their stock in the company.

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. Ratified the 11th day of March, A. D. 1889.

CHAPTER 201.

An act to incorporate "The West Asheville Improvement Company."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That E. G. Carrier, R. J. Gaston, J. P. Gaston, J. D. Carrier, Burt Denison, F. T. Merriwether, D. C. Waddell, J. G. Martin, and their associates, are hereby declared a body politic and

Corporate name.

Corporate powers

incorporate under the name and style of "The West Asheville 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.

Capital stock.

SEC. 2. That the capital stock of said company shall be five hundred thousand dollars (\$500,000), with the privilege of increasing said stock to an amount not to exceed one million dollars (\$1,000,000), to be divided into shares of one hundred dollars (\$100) each. The individual members of the company shall not be liable for debts contracted by the corporation.

Non-liability of stockholders.

Organization.

SEC. 3. That whenever the sum of five hundred dollars (\$500) has been paid into the capital stock, 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 [shall] hold their offices until others are chosen.

Directors.

President.

Treasurer.

SEC. 4. That 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.

Annual report.

SEC. 5. That 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.

Place of business.

SEC. 6. That the principal place of business of said corporation shall be in West Asheville, North Carolina.

By-laws.

SEC. 7. That the said corporation shall make such rules and regulations and by laws as may seem proper to them for the government of the corporation, and to require bonds from such officers as they

Bonds.

may choose for the faithful performance of their duties, payable to the corporation.

SEC. 8. That said corporation shall have power to take, by purchase, lease or other operation of law, any lands, tenements and hereditaments within Buncombe county, in the State of North Carolina, to such an amount as to them shall seem proper, and to hold and 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 salable the timber found on 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, work-shops, 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 business of the corporation. And to further each and all 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 they 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 property in said county, and they may also acquire any personal property by purchase or otherwise, 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 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

Corporate powers

corporation shall deem it suitable to erect and maintain; and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects. They shall have power to erect and maintain iron-foundries and steel-furnaces.

Corporate existence.

SEC. 9. That this corporation shall exist and be in force and effect for a period of ninety-nine (99) years from the day of the ratification of this act.

Conflicting sections of The Code inoperative as to this act.

SEC. 10. That all sections or parts of sections of chapter forty-nine (49) 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.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 202.

An act to incorporate the town of Argo, in the county of Nash.

The General Assembly of North Carolina do enact:

Incorporated.

Corporate name.

SECTION 1. That the town of Argo, in Nash county, be and the same is hereby incorporated by the name and style of Argo, and shall have and be entitled to all the rights and privileges, and be subject to the restrictions and liabilities as now provided by law for incorporated towns in this State.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake and white oak pointers to the Mann-Arrington and Johnson corner on Short Swamp branch; thence N. $42\frac{1}{2}$ E. 168 poles to a stake in the Mann-Arrington line; thence with said line S. $47\frac{1}{2}$ E. 180 poles to a stake and pointers; thence S. $42\frac{1}{2}$ W. 180 poles to a stake; thence N. $42\frac{1}{2}$ W. 180 poles to a stake; thence N. $42\frac{1}{2}$ E. 12 poles to the beginning, containing two hundred and forty-seven and one-half acres.

Election.

SEC. 3. That an election for mayor and five commissioners shall be held on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this State.

Officers.

SEC. 4. That the officers of said corporation shall consist of a mayor and five commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, or until their successors are duly elected and qualified, viz.: mayor, George B. Cooper; commissioners, William A.

Campbell, A. C. Griffin, B. E. Dickens, Duke Kirkman and J. D. Morris, who shall take the oath of office within thirty days after the ratification of this act before some justice of the peace of Nash county or other officer qualified to administer oaths. Temporary officers.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 203.

An act to incorporate the East Carolina Fish, Oyster, Game and Industrial Association.

The General Assembly of North Carolina do enact :

SECTION 1. That Wm. Dunn, Charles Reigenstein, Joe K. Willis, A. W. Wood, J. A. Patterson, O. H. Guion, E. H. Meadows, John Hughes, Alex. Miller, F. A. Green, K. R. Jones, George Allen, George N. Ives, J. W. Stewart, C. E. Foy, Ben. Hahn, 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 East Carolina Fish, Oyster, Game and Industrial Association, 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 the State. Body politic.
Corporate name.
Corporate powers

SEC. 2. That the object and business of this association shall be to promote the interests of Eastern North Carolina, to advance and encourage husbandry, agriculture, trade, stock-raising and domestic manufacture; to promote the cultivation and increase of fish, oysters and game on the lands and waters of eastern North Carolina; and to encourage skill and grace in equestrian and athletic exercises and other games and amusements; and to encourage the productions of paintings, drawings, hand-work and the fine arts; and to promote and encourage the general progress and advancement of this section and of the adjacent and adjoining counties by exhibits at annual fairs, or oftener if so desired, to be held for the above purposes in Craven county, with the incentives of premiums and rewards offered for superiority in such productions, skill and workmanship exhibited at such fairs; and for the mutual benefit, pecuniary and otherwise, of its stockholders and citizens of eastern North Carolina. Purposes of corporation.

SEC. 3. That said association shall have power to lease, purchase, take and receive, by gift, grant or devise, deed or grant, and to mortgage and rent lands and personal property to and from any and all persons whatsoever; and that said association shall be able and capable in law to bargain, sell, grant and convey all such purchases, grants and devises as aforesaid. Corporate powers.

- Non liability of stockholders, &c.** SEC. 4. That the corporators aforesaid, and all stockholders, members and officers aforesaid, shall not be individually or personally liable for the debts, obligations and contracts of this association.
- Corporate powers** SEC. 5. That said association is 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, officers and business affairs; and in such constitution 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 manner of issuing the stock thereto; to elect such officers as they deem necessary, prescribe their duties, compensation, terms of office and service, and the methods of electing the same and their successors; and, in general, said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the proper management of its members, officers and business affairs as it may deem necessary and expedient and best calculated to carry out the objects of the association.
- Capital stock.** SEC. 6. That the capital stock of said association shall not exceed twenty-five thousand dollars. ³⁷
- Number and par value of shares.** SEC. 7. That the number of shares of its capital stock shall not exceed one thousand, and the value of each shall be twenty-five dollars, which number of shares may be limited at any time by a majority vote of the directors elected by the stockholders hereof.
- Corporate existence.** SEC. 8. That said corporation may continue thirty years from and after the date of the ratification hereof.
- Limitation of right to hold property.** SEC. 9. That this association shall not at any one time hold real and personal estate to a value exceeding the actual requirements of the association.
- Corporate powers** SEC. 10. That this association shall have all the powers and privileges as are granted to associations incorporated under the general laws of the State of North Carolina.
- Authorized to issue bonds, &c.** SEC. 11. That this corporation shall have power to issue bonds and other securities in any denomination or character, as may be deemed fit: *Provided*, the same shall be interest-bearing securities, not exceeding the legal rate of interest of the State of North Carolina: and do all other acts looking to the promotion of the association. The provisions of this bill shall not apply to Currituck county.
- Act not to apply to Currituck county.** SEC. 12. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 204.

An act to amend chapter twelve, laws of one thousand eight hundred and eighty-three, incorporating Germantown, in Stokes county.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven of chapter twelve, laws of one thousand eight hundred and eighty-three, be and the same is hereby amended by striking out the words "commissioners of Stokes county" and inserting in lieu thereof the words "commissioners of Germantown."

Chapter 12, private laws 1883, amended.
Appointment of inspectors of election.

SEC. 2. Amend section sixteen by striking [out] all after the word "real," in line two, and before the word "whenever," in line four of said section, and insert in lieu thereof the following, "and personal property, not to exceed twenty cents on the hundred dollars worth of property and sixty cents on the poll."

Taxation.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 205.

An act to amend the charter of the town of Morganton.

The General Assembly of North Carolina do enact :

SECTION 1. That section sixty of chapter one hundred and twenty of the private laws of eighteen hundred and eighty-five be amended by adding at the end of said section the following words, to-wit: "That no person shall sell or offer to sell within two miles of the court-house, in the town of Morganton, in Burke county, any whiskey, brandy or other spirituous or malt liquors, wine or intoxicating beverage of any kind whatsoever, whether purporting to be bitters or any other medicinal preparation, except in unbroken packages of not less than three gallons, and no person shall, as agent or under the pretence of being an agent of any other person, deliver to any person within two miles of said court-house, any whiskey, brandy or other spirituous or malt liquors or intoxicating beverages of any kind, in a smaller quantity than an unbroken package of not less than three gallons, for a consideration, whether such consideration pass directly to such person purporting to act as agent or through such person to some other person; and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars or imprisoned not more than thirty days, for each separate offence."

Chapter 120, private laws 1885, amended.

Sale, &c., of liquor within two miles prohibited, &c.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 206.

An act to incorporate Auburn Male and Female Academy, and Auburn Farmers' Alliance, No. 41, of Wake county.*The General Assembly of North Carolina do enact:*

- Body politic.** SECTION 1. That Dr. W. I. Busbee, Hardy Pool, E. P. Powell, Moscow Pool, Samuel Watts and Thomas Johns, and their successors, for and on behalf of Auburn Male and Female Academy, together with John S. Johns, president, A. D. Honeycut, vice-president, and Marcellus Rand, secretary, of Auburn Farmers' Alliance, No. 41, of Wake county, and their successors in office, are hereby created a body corporate and politic to act as trustees for said academy and alliance respectively, either separately or conjointly, in such matters as their constitution, rules, by-laws and regulations may direct.
- Corporate powers** SEC. 2. That said academy and alliance, under their corporate name, 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 corporation.
- By-laws.** SEC. 3. That such corporation shall have power to pass all necessary by-laws and regulations for their own government which may not be inconsistent with the law.
- Non-liability of trustees.** SEC. 4. That said trustees shall not be individually liable for the debts of the aforesaid academy or alliance.
- Unlawful to sell, &c., liquor within two miles.** SEC. 5. That it shall be unlawful for any person to sell or give away any spirituous, vinous, malt or other intoxicating liquors at or within two miles of the said academy and alliance hall at Auburn, Wake county.
- SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 207.

An act to amend the charter of the city of Raleigh.*The General Assembly of North Carolina do enact:*

- Chapter 98, private laws 1856-'57, amended.** 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:
- Taxation of junk-shops, &c.** *First.* By inserting after the word "nuisances," in line seven of section twenty-six of said chapter as printed, the following, "regu-

late, control and tax the business of junk-shops and pawn-shop keepers or brokers.”

Second. By adding to section forty-nine of said chapter the following: “And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the city and within the county of Wake belonging to a delinquent tax-payer of the city in order to enforce the payment of taxes due the city by said delinquent.”

Sale of personal property outside of city for taxes.

Third. By inserting after the word “spirituous,” in line two of subsection three of section fifty-five of said chapter, the words “vinous or malt”; and by striking out all after the word “tax,” in line two of said subsection three of section fifty-five of said chapter, as printed, and inserting in lieu thereof the following, “of three hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons, a license tax of one hundred dollars; and in quantities of five gallons or more, a license tax of one hundred dollars.”

Tax on license to sell malt and vinous liquors.

Fourth. By striking out the word “retail,” in line three of section seventy-three of said chapter, as printed, and inserting in lieu thereof the word “sell”; and by inserting after the word “spirituous,” in said line three of said section seventy-three, the words “vinous or malt”; and by striking out the word “retailing,” in lines eleven and twelve of said section seventy-three of said chapter, as printed, and inserting in lieu thereof the word “selling.”

Maximum amount of tax for license to sell liquors.

Fifth. By inserting after the word “corner,” in line six of section eighty-six of said chapter, as printed, the following: “The tract of land conveyed to the city of Raleigh by R. S. Pullen, Esq., by deed dated March 22d, one thousand eight hundred and eighty-seven, as recorded in book 95, page 463, register of deeds office, Wake county, and known as ‘Pullen Park,’ and all other territory which may be acquired by the city, by purchase or donation, or otherwise, for park purposes, shall also be included in the corporate limits of the city of Raleigh, and all ordinances now in force or hereafter enacted by the board of aldermen of said city shall be applicable to the territory included in said Pullen Park or other parks as fully as if the said territory was embraced within the limits of the city as established by this section.”

Granting of license to sell liquor by county commissioners.

Corporate limits.

SEC. 2. That chapter one hundred and eleven of the private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended by adding after the word “sale,” in line thirteen of section four of said chapter, as printed, the following, “but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise.”

Chapter 111, private laws 1876-'77, amended.

No notice to person having lien on land of sale for taxes.

SEC. 3. That chapter thirty-five of the private laws of one thousand eight hundred and eighty-five be amended as follows:

Chapter 35, private laws 1885, amended.

Aid to public schools and educational enterprises.

First. By adding after the word "facilities," in line three of the first subdivision of section six of said chapter, as printed (being in line six of the said section, as printed), the following, "by purchasing land and erecting buildings [thereon], and equipping the same; and may also aid in the establishment of educational enterprises within the corporate limits of the city, or within one mile of the said limits. They may also construct or contract for the construction of a system of sewerage for the city, and protect and regulate the same by adequate ordinances; and if it shall be necessary, in obtaining proper outlets for 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 land for the purposes of right of way, or other requirements of the system, the proceedings for such condemnation to be the same as those prescribed in chapter forty-nine, section six, of the private laws of one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three, or in the manner prescribed in chapter forty-nine, volume one of The Code."

Sewerage system.

Condemnation of land.

Tax on junk-dealers, &c.

Second. By inserting after the word "bond-broker," in line two of subsection two, of subdivision twelfth of section one of said chapter, as printed, the words "junk dealers and pawnbrokers."

Tax on lawyers, physicians, &c.

Third. By inserting after the word "every," in line one, of subsection three, of subdivision twelfth of section one of said chapter, the words "lawyer, physician, dentist and cotton-broker."

Conflicting laws repealed.

SEC. 4. That all laws and clauses [of laws] in conflict with the provisions of this chapter are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 208.

An act to incorporate the Henderson Electric Light, Water-Works and Power Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Wm. A. T. Burgwyn, J. R. Young, R. L. Dangerfield, J. P. Taylor and C. P. E. Burgwyn, and their associates, successors and assigns, are hereby created a body politic and corporate under the name and style of the Henderson Electric Light, Water-Works and Power Company, and by such name and title shall have perpetual succession, with all the rights, powers and privileges granted to corporations by the sixteenth chapter of The Code, entitled "corporations."

Corporate name.
Corporate powers

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of not less than ten dollars each; and said corporation shall have power to increase its capital stock from time to time to a sum not exceeding two hundred thousand dollars when so authorized by a majority vote of the stockholders. Capital stock.

SEC. 3. That 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 and an electric light and power plant, and for the purpose of supplying the said town, its inhabitants, and others resident near thereto with water and electric lights and motive power for all public and private uses and purposes for which they may be desired, and to charge, demand and collect such reasonable rates for the use and privilege of water, of electric lights and of said motive power. And to this end said corporation shall have power and authority to borrow money, to make, negotiate and dispose of its promissory notes, bills and bonds with or without coupon interest notes attached, to mortgage any or all of its property and franchise to secure the payment thereof; and also the power and authority to contract with said town of Henderson, Vance county, North Carolina, and with any and all persons to supply them with water, electric lights and motive power at a reasonable price. Corporate powers

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; and also to dig any and all kinds of wells, artesian or otherwise, that may be desirable for getting said water supply or establishing said electric light plant and motive power: *Provided*, Corporate powers however, that said corporation shall, at its own expense and cost, repair, replace and restore all streets, roads, avenues, &c., so used by it, and leave them in as good condition as they were before such use. And said corporation, its officers, agents and servants, may enter upon the land of any person or corporation for the above purposes, and may contract for and purchase the same; 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 said town of Henderson, and upon the same terms; and in case said land lies without the town of Henderson then said land shall be condemned for the use of said corporation in the manner now provided by law for the condemnation of lands for railroad or other public uses: *Provided always*, that said corporation shall pay Proviso. all damages that may occur or be incurred by reason of the condemnation of land. And it shall, at all times, have the right to enter

upon said lands for the purpose of repairing, improving or replacing said pipes, wells, electric light and motive power, fixtures, appliances, wires, lamps, poles, &c.; and also the right to enter, at all proper hours, into the stores, hotels, dwellings, or other premises where said water-works and electric light and motive power, fixtures, pipes, wires, lamps, &c., are located, for the purpose of repairing, removing or replacing the same.

Misdemeanor to injure property, &c.

SEC. 5. Any person who shall wilfully, wantonly or maliciously tap, remove, obstruct, injure, deface or destroy any main, pipe, fire-plug, wire, pole, hydrant, tank, stand-pipe, well, reservoir, aqueduct, pump, fixture, machinery, structure or building of any kind belonging to said corporation and used by them for the purposes aforesaid, or shall open, use or tamper with any fire-plug or hydrant, electric wire, pole, lamp or apparatus 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 or persons shall also forfeit and pay to said corporation, to be sued for and recovered in an action of debt, the damages so sustained; and should the person committing such injury be a minor, his father, if he has one, shall be liable for said damages.

Commissioners of Henderson authorized to contract with company for water, electric lights, &c.

SEC. 6. That the commissioners of said town of Henderson are hereby authorized and empowered to enter into a contract with said corporation for supplying said town with water for fire and town purposes, and with electric light and motive power for town purposes, and make provision for such sum or sums of money as may be agreed upon as compensation for such supply of water and electric lights and motive power in the annual levy and collection of taxes for town expenses as hereinafter prescribed.

Commissioners of Henderson authorized to guarantee bonds of company not exceeding \$50,000, if approved by popular vote. Special tax.

SEC. 7. That said town of Henderson may, upon such terms as agreed, guarantee the payment of the interest upon not exceeding fifty thousand dollars of the first mortgage bonds of said corporation, and the commissioners of said town are hereby authorized, annually, to 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 registered voters of said 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-works bond interest—for guaranty," and those in opposition thereto shall read, "water-works 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

Election.

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.

SEC. 8. The said town of Henderson, by and through its commissioners, may subscribe for and take stock in said corporation to an amount not exceeding thirty 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-Works Bonds," in such manner, denomination and form, and payable at such place as the said commissioners shall determine; said bonds to run for a period not exceeding thirty years, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, which bonds shall not be disposed of at less than their par value.

Commissioners of Henderson authorized to subscribe not exceeding \$30,000 to company and issue bonds, &c.

SEC. 9. 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, said commissioners 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 said dividends, 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.

What coupons to represent.

Application of dividends.

Special tax.

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.

Exemption from town taxation. Coupons receivable for taxes.

Interest to cease on failure to present.

SEC. 11. 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 registered 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

Subscription dependent upon approval by popular vote, &c.

therein, specifying the amount of the proposed subscription to said stock.

New registration. 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 force and effect to the provisions of this act, and the result of such election or elections shall be certified by the inspector thereof to said commissioners, and shall be entered upon their official record; and it shall be the duty of the mayor, if a majority of said registered voters be for approval, within five days after filing said certificate or certificates, to proclaim the result of said election or elections in some newspaper published in said county of Vance; and then, after the result being for approval, the board of commissioners for said town of Henderson shall make such subscription and issue bonds as herein provided.

Result of election to be certified and proclaimed.

Commissioners to make subscription.

Commissioners to protect sources of water-supply, &c.

Misdemeanor to interfere with water-supply, &c.

SEC. 13. That said commissioners of the town of Henderson are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities the sources and conduits of said water-supply; and any and all persons who shall wantonly, maliciously or negligently interfere with the sources of the water-supply of this corporation, or shall place in the water used by said company before distribution, or while in the pipes, mains, reservoirs, aqueducts, wells, etc., any poisons or unwholesome material or matter calculated to render unwholesome the same, 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, or both, at the discretion of the court.

Corporate powers SEC. 14. That said corporation are hereby authorized and empowered to contract with any and all persons, private and corporate, to supply the same with water, for drinking, fire and other purposes, and to furnish them with electric lights of any and all description, and with motive power produced by electricity, and to make such contracts with said parties in reference to the same as shall be mutually agreeable that are not in conflict with the constitution and laws of the United States or with the constitution and laws of the State of North Carolina.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 209.

An act to incorporate the town of Lucama, in the county of Wilson.*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Lucama, in the county of Wilson, be **Incorporated.**
 and the same is hereby incorporated under the name of Lucama, and **Corporate name.**
 the limits of said town shall be bounded as follows: Beginning at the **Corporate limits.**
 nearest telegraph-post between the cattle-guard and the Wilson and
 Fayetteville Railroad and the public road; thence at right angles to
 said railroad to a branch; thence a direct line to the southeast corner
 of Methodist church lot; thence nearly west, parallel with the county
 road leading from Black Creek to Spring Hill, to a branch near Alfred
 Moore's; thence about north 20 east to the new road three hundred
 yards north of the Wilson and Fayetteville Railroad at Lucama, lead-
 ing from Lucama to Scott's church; thence a line parallel with said
 railroad to a point in a direct line with the beginning.

SEC. 2. That the officers of said town shall be a mayor, three com- **Officers.**
 missioners and a constable, to be elected in accordance with the
 general laws regulating the elections of cities and towns for officers
 thereof.

SEC. 3. That until the next election according to law, and until **Temporary offi-**
 their successors shall be elected or appointed, the officers of said town **cers.**
 shall be: For mayor, Calvin B. Capp; for commissioners, William R.
 Davis, Alfred Moore and John H. Lucas.

SEC. 4. That the said town and the officers thereof shall be governed **Corporate powers**
 by and shall have and exercise all the jurisdiction, rights and powers
 conferred under the law as contained in chapter sixty-two of The
 Code, and the constable of said town shall have the same jurisdiction **Constable.**
 and powers possessed and exercised by township constables in said
 county; and the commissioners of said town shall also have power **Taxation.**
 and authority to levy a tax on personal property in like manner as on
 real estate.

SEC. 5. That this act shall be in force from and after its ratification.
 Ratified the 11th day of March, A. D. 1889.

CHAPTER 210.

An act to incorporate the National Christian Congress.*The General Assembly of North Carolina do enact :*

SECTION 1. That Otis A. Miller, E. J. Aston, J. J. Hill, J. B. Har- **Body politic.**
 rington, J. M. Ray, L. M. Pease, S. H. Reed, their associates and suc-
 cessors, be and they are hereby made, constituted and declared a
 body corporate under the name of "The National Christian Con- **Corporate name.**

- Corporate powers gress," and by that name 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 in this State.
- Corporate powers SEC. 2. That said corporation shall have power to lease, purchase, take and receive, by gift or devise, and hold in fee simple all manner of lands, tenements, rents, annuities and other hereditaments; and shall further be able in law to take, receive and possess all moneys, books, goods and chattels which may be given, sold or bequeathed to, or for the use of, the said corporation; and all such lands, tenements, rents, moneys, goods, chattels and hereditaments the said corporation shall hold, possess and use in special trust for the improvement of the spiritual, mental and social condition of mankind in such manner and by such ways and means as the directors of said corporation shall adopt and provide by by-laws, rules, regulations and ordinances.
- Capital stock. SEC. 3. That the capital stock of said corporation shall be twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each, which capital stock may be increased at any time, or from time to time, by a vote of the majority of the stockholders to any sum not exceeding one hundred thousand dollars.
- Non-liability of stockholders. SEC. 4. That the corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible for any debts, liabilities, obligations or contracts of the corporation, and the shares shall be forever non-assessable.
- Organization. SEC. 5. That whenever the sum of five thousand dollars shall have been subscribed to the capital stock and ten per centum paid in, it shall be the duty of said corporators, or any three of them, to call a meeting of the stockholders, and at such meeting to elect a board of at least five directors, who shall hold their offices until others are chosen. This board of directors is hereby authorized and empowered to make and establish a constitution and by-laws, ordinances and regulations for the government and management of the affairs of the corporation. They shall elect one of their body as president, and elect such other officers as they may deem necessary, prescribe their duties, compensation, terms of office and service.
- Constitution and by-laws. SEC. 6. That the seat of this christian congress shall be at Skyland Springs; Buncombe county, North Carolina, where a congress hall and all necessary buildings, tenements and halls shall be erected out of the capital stock upon a certain tract of land deeded to said corporation as a donation and free gift by Otis A. Miller, and where the sessions of the congress, composed of christian workers from all the evangelical denominations, shall assemble annually to study God's word, and to discuss and encourage christian work in all its branches, lines and departments.
- Officers. SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.
- Where the Congress to meet, &c.

CHAPTER 211.

An act incorporating the Eastern Band of Cherokee Indians, and for other purposes.

The General Assembly of North Carolina do enact :

- SECTION 1. That the North Carolina or Eastern Cherokee Indians, resident and domiciled in the counties of Jackson, Swain, Graham and Cherokee, be and the same are hereby created and constituted a body politic and corporate under the name, style and title of "The Eastern Band of Cherokee Indians," with all the rights, franchises, privileges and powers incident and belonging to corporations under the laws of the State of North Carolina. Body politic.
Corporate name.
- SEC. 2. That "The Eastern Band of Cherokee Indians," by that name and style, be and they are hereby authorized and empowered to sue and implead in law or in equity in all the courts of the land touching and concerning all the property of whatever nature held in common by the said North Carolina or Eastern Cherokee Indians in the said counties; and that the said "Eastern Band of Cherokee Indians," by that name and style, can and may be sued and impleaded in all the courts in the land touching and concerning the said property held as aforesaid in the said counties. Corporate powers
- SEC. 3. That in all cases where the State of North Carolina has heretofore issued any grant to any person or persons for any of the land held as aforesaid by the said Eastern Cherokee Indians and under whom the said Indians claim title, as also all deeds made by commissioners of the State for what is known as "Cherokee lands," to any person or persons for any of the land held as aforesaid in said counties by said Eastern Cherokee Indians, and under whom the said Eastern Cherokee Indians claim title, such grants and deeds are hereby declared valid as against the State. Grants heretofore issued by State declared valid. &c.
- SEC. 4. That in all cases where titles or deeds have been executed to the said "Eastern Band of Cherokee Indians," or any person or persons in whatever capacity in trust for them under that name and style by any person or persons, either collectively, individually, officially or in any capacity whatever, such deeds or titles are hereby declared valid against the State and all persons or any person claiming by, through or under the State by virtue of any grant dated or issued subsequent to the aforesaid deeds or titles to the said "Eastern Band of Cherokee Indians." Grants, &c., made to corporation, &c., declared valid.
- SEC. 5. That in case any person or persons now claiming any part of the lands described in the preceding sections adversely to the said Indians, under colorable title or titles, shall be sued by reason of such adverse claim or any possession under such colorable title or titles, this act shall not be used in evidence on either side, nor shall it in any way prejudice the rights of either party, but such suit or suits shall be determined as if this act had not been passed. Act not to prejudice rights of certain parties.
- SEC. 6. That this act shall take effect from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 212.

An act to incorporate the North Carolina Land and Lumber Company.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That D. M. Williams, Pembroke Jones, T. Wright Meares and Frederick Kidder, of Wilmington, North Carolina, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate under the name of the North Carolina Land, Lumber and Railroad Company, and by such name may sue and be sued, plead and be impleaded; may adopt a common seal and alter the same at will, and shall have all the general powers given to bodies politic and corporate by the laws of this State.
- Corporate name.**
- Corporate powers**
- Books of subscription.** SEC. 2. That the said incorporators, or any three of them, may open books of subscription and receive subscriptions to the capital stock of said company to an amount not exceeding the sum of fifty thousand dollars, and as soon as the said sum shall have been subscribed a meeting of the subscribers shall be called by the said incorporators at such time and place and on such notice as to the incorporators may seem proper; and the subscribers shall, at such meeting, have the power to organize the company by the election of a president and a board of directors and such other officers as to them may seem proper, and by adopting such by-laws, rules and regulations for the government of the company and the management of its affairs as they may deem necessary. provided the same are not inconsistent with the laws of this State or the United States.
- Capital stock.**
- Organization.**
- Officers, by-laws, &c.**
- Capital stock, how paid, &c.** SEC. 3. That the capital stock of said company shall be paid in in such manner and in such amounts as may be prescribed by the directors, and may be increased from time to time by the board of directors to such an amount or amounts as may be deemed necessary for the purposes of the company, not to exceed in all, however, the sum of five hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each.
- Corporate powers** SEC. 4. That the said company shall have the right to acquire by purchase and to hold standing timber, and to buy and hold lands that may be timbered, in whole or in part, in this State, provided the lands so held shall not exceed fifty thousand acres at any time; and may cut the said standing timber or sell the same, and may sell and convey the said lands by deed in fee or in trust.
- Corporate powers** SEC. 5. That said company shall also have the right to erect, construct, buy or lease one or more steam or other mills, and to use and operate the same, for the purpose of manufacturing the timber into lumber and for properly dressing the same for market, and may sell such lumber, when so manufactured, or may buy and sell other lum-

ber or timber, and may do, generally, all such other things as appertain to the timber or lumber business.

SEC. 6. That for the purpose of transporting the said timber, as well as for the transportation of persons and property, the said company shall have the right to construct, maintain and operate one or more lines of railroad, either of narrow or standard gauge, not to exceed fifty miles in length, in the counties of New Hanover, Onslow, Lenoir, Green and Pitt, with the right to build, maintain and operate lateral or branch lines not to exceed ten miles in length; and to that end the said company shall have the right to acquire by purchase or by condemnation proceedings as prescribed by the general laws of this State as to lands that may be taken for railroad purposes in this State. And such railroads and branches, when so constructed, may be maintained and operated for public use in the conveyance of persons and property, and as to the same the said company shall have all the general powers and be subject to all the general restrictions prescribed by the laws of this State as to railroad companies.

Authorized to build railway, &c.

SEC. 7. That the said company shall have all the right to borrow money and to issue its bonds, either coupons or registered, in such sums and to such amounts as may be deemed necessary for its purposes by the board of directors, and to cause the same to be secured by one or more mortgages or deeds in trust conveying the real and personal property, railroads, rights, powers and franchises of the said company, on such terms and conditions as to the board of directors may seem proper.

Authorized to borrow money on mortgage, &c.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 213.

An act to enable the commissioners of the town of Louisburg to erect or purchase a building for public purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Louisburg may, at any time within the next three years, submit to the qualified voters of said town the question as to whether the said town shall issue bonds, not to exceed in the aggregate five thousand dollars, for the purpose of building or purchasing a public hall.

Authorized to submit to popular vote question of issuing bonds to build public hall.

SEC. 2. That the said election shall be held under the same rules and regulations as are prescribed by law for holding elections in the cities and towns of this State. Those in favor of issuing the bonds shall vote a ballot on which shall be printed or written the words "for bonds," and those opposed thereto shall vote a ballot on which shall be printed or written the words "against bonds."

Election, how held.

Ballots.

Bonds to be issued on affirmative vote.

SEC. 3. That if the majority of the votes cast shall be in favor of the issuing of said bonds, then the commissioners of said town shall issue bonds to an amount not exceeding the sum so authorized. They shall be coupon bonds bearing six per cent. interest, the interest payable annually on the first day of April, and the principal payable twenty years from their date, but redeemable at any time after five years from their date. They shall be of the denomination of five hundred dollars, and they shall bear date of the first day of April of the year in which they are issued, and they shall express on their face by what authority and for what purpose they are issued.

Special tax.

SEC. 4. That to provide for the payment of the interest on said bonds the said commissioners shall, in addition to the other taxes, compute and levy each year upon the proper subjects of taxation in said town a sufficient tax to pay the interest on said bonds, and after two years from the date of said bonds they shall, in addition thereto, each year levy a tax sufficient to raise five hundred dollars, and with which they shall each year pay off one of said bonds until they are all paid off.

Proceeds of bonds to be used for purchase or erection of public hall.

SEC. 5. That the said commissioners shall use the said bonds, or the proceeds arising from the sale thereof, for the purpose of purchasing or building a public hall or audience room.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 214.

An act to incorporate the town of Cherryville, in Gaston county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Cherryville, in the county of Gaston, be and the same is hereby incorporated under the name and style of Cherryville, and shall be subject to all the provisions of chapter sixty-two of The Code in reference to incorporated towns and not inconsistent with the provisions of this act.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be one mile square, to be determined by closing-in lines running one-half mile north, south, east and west from the present crossing of the public road known as the old Morganton road and the Carolina Central Railroad in the town of Cherryville.

Officers.

Duties of mayor.

Mayor *pro tem*.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners. The mayor when present shall preside at the meetings of said board of commissioners, but shall not be entitled to vote, except in case of a tie. In the absence of the mayor, the board may appoint one of their number to act as mayor *pro tem.*; and the following named persons shall fill said offices until the first Monday in

May, one thousand eight hundred and eighty-nine, and until their successors are elected and qualified, to-wit: mayor, W. J. McGinas; commissioners, S. S. Manney, Peter Bearn and A. W. Howell. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the constitution of the United States, and the constitution and laws of the State of North Carolina, and shall have power to appoint a marshal, secretary and treasurer, who shall hold their respective offices for one year and until their successors are appointed and qualified.

Temporary officers.

Oath.

Other officers.

SEC. 4. That it shall be the duty of the commissioners of said town to provide for an election on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.

Election.

SEC. 5. That all qualified electors of the State who shall have been residents of the town for ninety days prior to any election in said town shall be entitled to vote.

Electors.

SEC. 6. That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town, not inconsistent with the laws of this State; they shall have power to levy and collect a tax not exceeding sixty cents on the poll, and not to exceed twenty cents on the one hundred dollars valuation of all property, real and personal, and mixed; and shall also have power to tax all other subjects of State taxation, not to exceed one half of the State tax, and shall also have power to abate all nuisances and may impose such fines and penalties as may be necessary to abate them.

Powers of commissioners.

SEC. 7. That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Violation of ordinance a misdemeanor.

SEC. 8. That it shall be unlawful for any person to sell any spirituous liquors within the corporate limits of said town, and any person so doing shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisonment more than thirty days, in the discretion of the court: *Provided, however,* that druggists shall have the right to sell spirituous liquors for medical purposes.

Misdemeanor to sell liquors within corporate limits.

Proviso.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 215.

An act to incorporate the town of Cumberland, in Cumberland county.*The General Assembly of North Carolina do enact:*

- Incorporated.** SECTION 1. That the town of Cumberland, in the county of Cumberland, be and the same is hereby incorporated by the name and style of Cumberland, and as such shall be subject to the provisions of chapter sixty-two, volume second, of The Code, entitled "towns and cities."
- Corporate name.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be two square miles, run with the cardinal points of the compass, taking the factory building of the Cumberland Mills Company as the center of the corporate territory.
- Officers.** 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-nine, viz.: Mayor, A. A. Harrington, Jr.; commissioners, A. McDougald, A. Biggs, V. B. Autrey, Frank Gail and O. A. Robbins; marshal, Jesse Smith; all of whom shall hold their offices until their successors are elected and qualified.
- Temporary officers.**
- Election.** SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and eighty-nine, and each succeeding year thereafter, under the same restrictions that State and county elections are held; and all citizens who have resided twelve months in this State and ninety days within the corporate limits of the town shall be entitled to vote at said election.
- Electors.**
- Duties and powers of officers.** SEC. 5. That 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.
- Unlawful to grant license to sell liquors.** SEC. 6. That it shall be unlawful for the board of commissioners of said town to grant license for the sale of spirituous, vinous or malt liquors within the corporate limits of said town. The mayor is hereby invested with full powers of a justice of the peace to bind over to the superior court any and all persons who sell any spirituous, vinous or malt liquors within said corporate limits, or may punish the said offender by fine not exceeding fifty dollars or imprisonment within the county jail not exceeding thirty days.
- Powers of mayor.**
- Officers to take oath.** 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 officer.
- SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 216.

An act to incorporate Elon College.

The General Assembly of North Carolina do enact :

SECTION 1. That W. S. Long, J. W. Wellons, W. W. Staley, G. S. Watson, M. L. Harley, E. T. Pierce, W. J. Lee, P. J. Kernodle, J. F. West, E. E. Holland, E. A. Moffitt, J. M. Smith, J. H. Harden, F. O. Moring and S. P. Read, and their associates and successors, be and they are hereby created a body politic and corporate to be styled the "Board of Trustees of Elon College," and by that name to remain in perpetual succession, with full power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real and personal, to have and use a common seal, to alter and renew the same at pleasure, to make and alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers, students and servants: *Provided*, such by-laws shall not be inconsistent with the constitution and laws of the United States and of this State. Also to have power to confer on those whom they may deem worthy such honors and degrees as are usually conferred in similar institutions: *Provided further*, that said trustees shall not be individually liable for their acts and doings as trustees.

Body politic.

Corporate name.

Corporate powers

Proviso.

Proviso.

SEC. 2. The affairs of said college shall be under the management of a board of fifteen trustees, who shall be members of the Christian Church. A majority of the board shall form a quorum for the transaction of business. Said trustees may convey real estate by deed, under their common seal, executed by the president and secretary of said board. They may hold office as the general convention of the Christian Church may specify or until their successors are elected. Said trustees shall hold their first meeting at Mill Point, in Alamance county, on the . . . day of . . . , 1889; afterwards they shall meet on their own appointment; but of necessity the president, with the advice of two trustees, may call a special meeting of the board, or any five members of the board may call such a meeting by giving notice to each member in writing at least ten days before the time of meeting.

Trustees.

Powers.

Meetings.

SEC. 3. That said institution shall remain at the place where the site is now located, in Alamance county, Boone Station township, at the place now called Mill Point; and shall afford instruction in the liberal arts and sciences. And the trustees may, as they shall find themselves able and the public good requires, erect additional departments for such other branches of education as they may think necessary or useful.

Location.

Additional departments of education.

SEC. 4. That the board of trustees shall from time to time appoint a president and other officers and instructors, and also agents of the institution, as may be necessary; and shall have power to displace or remove any or either of them for good and sufficient reasons; and also fill vacancies which occur in the board by resignation, death,

Powers of trustees.

expiration of term of office, or otherwise, or among said officers or agents, and prescribe and direct the course of study to be pursued in said college and its departments.

President.

SEC. 5. The president of the college shall be ex-officio a member of the board of trustees and president of the same, and in his absence the board shall elect one of its own members to preside for the time being, and if any of said trustees shall be permanently appointed president of said college his office as trustee shall be deemed vacant and the board of trustees shall fill the same.

Under control of Christian church.

SEC. 6. The said college and the said trustees shall at all times be under the control of the general convention of the Christian Church.

Funds, how applied.

SEC. 7. The board of trustees shall faithfully apply all funds by them collected and received according to their best judgment in erecting suitable buildings, supporting the necessary officers, instructors and agents, and in procuring books, maps, charts and other apparatus necessary to the well being and success of the college.

Bonds of officers.

SEC. 8. The treasurer shall always, and all other agents when required, before entering on the duties of their appointments, give bonds for the security of the corporation and the public in such penal sums as the board of trustees may direct, and with such sureties as they shall approve.

Exemption from taxation.

SEC. 9. Property to the amount of five hundred thousand dollars held by said trustees for said college shall forever be exempt from taxation.

Unlawful to set up gaming table, sell liquor, &c., within one and one-half miles.

SEC. 10. That it shall not be lawful for any person or persons to set up any gaming table or any device whatever, for playing at any game of chance or hazard, by whatever name called, or to gamble in any manner, or to keep a house of ill-fame, or to manufacture spirituous or intoxicating liquors or otherwise, to sell or convey for a certain consideration to any person any intoxicating liquors within one and a half miles of said college; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Misdemeanor.

Title to property vested in trustees, &c.

SEC. 11. That all property, real and personal, and all choses in action that have been or may hereafter be conveyed, given, granted or devised, or that may have in any manner come or may hereafter come into the possession of said trustees for Graham College, shall vest in and belong to said trustees for Elon College, and the said trustees for Graham College are authorized to make or cause to be made such conveyances as will vest in said trustees for Elon College the title to all property heretofore conveyed, given, granted or devised to them, or which has in any manner come into their possession for Graham College, or that may hereafter be conveyed, given, granted or devised to them, in any manner, or come into their possession for said Graham College.

SEC. 17. That this act shall be in force from the date of its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 217.

An act to incorporate the Alleghany Construction Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. W. Cooper and Henry E. Colton, of the county of Cherokee, State of North Carolina, E. H. Hardwick, John H. Parker and Jos. H. Hardwick, of Cleveland, Tenn., John H. Moon, Edgar Jones, A. W. Harris and W. W. Berry, of the city of Nashville, State of Tennessee, and John A. Hart and M. H. Clift, of Chattanooga, Tenn., and such others as they may associate with them, their successors and assigns, are hereby created a body politic and corporate under the name and style of the Alleghany Construction Company. for the purpose of taking contracts for the construction of railroads, bridges, canals, turnpikes, iron-furnaces, water-works or other structures or operations for public or private benefit or use.

SEC. 2. That the said corporation shall have the power and right to make contracts for the construction of railroads or any other of the aforementioned structures or operations, and may take as consideration for the completion of said contracts and the construction thereof, stocks, bonds, notes or other debentures of individuals, corporations, States, counties, cities or towns, and land or such other equivalent as may be agreed upon between the said company and the contracting company, party or parties.

SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing the same to one million dollars, and that the said stock shall be payable in money, land or other equivalent, as agreed upon and directed by the corporation [corporators] herein-before named, or by the board of directors and stockholders, after the said corporators have adjourned *sine die*, and that said stock entered on the books of the company as so ordered shall be non-assessable and fully paid up and not liable for any debts of the company.

SEC. 4. That said corporation shall have an existence for a term of ninety-nine years, and by its name may sue or 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.

SEC. 5. That within a convenient time after the passage of this act, on a call signed by any three of the aforementioned corporators, the

said corporators shall be called to meet at such time and place as may be convenient in or out of the State of North Carolina, and a majority of them being present, they shall open books of subscription, notice having been given that said books will be opened in the call aforementioned, and when the sum of one hundred and twenty-five thousand dollars has been subscribed they may close said books of subscription, to be re-opened on the order of the board of directors to be elected by the stockholders of record as hereinafter stated.

Assessment.

SEC. 6. The said corporators shall then order an assessment of one per cent. on the said stock so subscribed, and after notice, personal or by advertisement of not less than ten days, shall call said subscribing stockholders together in meeting, and all paying said assessment are declared incorporated and regularly constituted a company for the transaction of business under the name and style of the Alleghany Construction Company, and said corporators shall then cease their existence as such and adjourn *sine die*.

Organization.

Meetings of stockholders.

SEC. 7. That said company may hold annual meetings of the stockholders, and oftener if necessary, and at its organization and annual meetings subsequent thereto nine 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 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 president of the company and to fill all vacancies in the board.

Directors.

By-laws.

Proviso

President.

Vacancies.

Officers.

SEC. 8. That the chief office of the said company may be in the city of New York, Boston or Philadelphia, but there shall also be offices in Cleveland or Chattanooga, Tenn., and at some point in the county of Cherokee, N. C.

Condemnation of land.

SEC. 9. That in the prosecution of its chief proposed business—the construction of railroads and other public works—the said company shall have the right and is empowered to condemn such lands as are needed for its uses in conducting said work in same manner and form and to same extent and under the same rules as are now provided by law in chapter 49, volume I, of The Code.

Purchase of quarries, lands, &c.

SEC. 10. That the said company may purchase and hold quarries, lands or forests, either for the purpose of obtaining material useful or needed in their operations or for such other purposes as the board of directors may determine.

Mortgage bonds.

SEC. 11. That said company, by authority of a majority of its stockholders in meeting called for said purpose, of which twenty days notice in newspapers published in North Carolina and Tennessee,

and at discretion of said directors in New York city, may issue mortgage bonds or such other debentures as may be determined upon.

SEC. 12. That all the powers and privileges conferred upon or granted to the Rutherford Railway Construction Company and to the North Carolina Construction Company be and the same are conferred upon and granted to the Alleghany Construction Company. Corporate powers

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 218.

An act to sell Leaksville Male Academy.

The General Assembly of North Carolina do enact :

SECTION 1. That the surviving trustees of Leaksville Male Academy be and are hereby empowered to sell the same and invest the proceeds in any educational enterprise which in their judgment will be to the best advantage of the town of Leaksville, Rockingham county, North Carolina. Surviving trustees empowered to sell and invest proceeds.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 219.

An act to amend the charter of the city of Greensboro.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the city of Greensboro shall be and continue as they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the city of Greensboro, and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation or possessed by it under any other name or names heretofore; 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 three hundred thousand dollars; and may, from time to time as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same; and under this name shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and convey real estate and personal property; and shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations. Body politic.
Corporate name.
Corporate rights and powers.

- Corporate limits.** SEC. 2. That the corporate limits shall be the same as at present laid out, that is, one mile square, running half a mile from the center of the public square north, east, south and west, and the territory in such limits shall be divided into four sections, called wards. The first ward shall embrace that portion of the city which lies between West Market street and North Elm street and the boundary line of the corporation from the points of its intersection with said streets, and this shall be known as ward number one. The second ward shall embrace that portion of the corporation lying between East Market street and North Elm street and the boundary line of the corporation from the points of its intersection with said streets, and this shall be known as ward number two. The third ward shall embrace that portion of the corporation lying between East Market street and South Elm street and the boundary line of the corporation from the points of its intersection with the said streets, and this shall be known as ward number three. The fourth ward shall embrace that portion of the corporation lying between South Elm street and West Market street and the boundary line of the corporation from the points of its intersection with the said streets, and this shall be known as ward number four.
- Divided into four wards.**
- First ward.**
- Second ward.**
- Third ward.**
- Fourth ward.**
- Mayor and aldermen.** SEC. 3. There shall, on the first Monday in May, one thousand eight hundred and ninety, and every year thereafter, be elected a mayor and twelve aldermen for the said city; three of said aldermen shall be chosen from each ward, and the administration and government of the city shall be vested in such mayor as principal officer, and twelve aldermen aforesaid, and such other officers as are herein provided for.
- Who eligible as mayor or aldermen.** SEC. 4. That any qualified elector of this State shall be eligible as mayor and aldermen: *Provided*, such person shall have resided in the corporation ninety days next preceding the day of election, and any alderman shall be a resident in the ward for which he shall be chosen. Such mayor and aldermen shall be elected by the qualified voters of the said corporation.
- How elected.**
- Registrar and inspectors of election.** SEC. 5. That the board of aldermen shall, on the first Monday in March, one thousand eight hundred and ninety, and in each succeeding year, appoint a registrar and four inspectors of election, one from each ward, and all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the court-house door, and notice to be served on such appointee by the chief of police, and shall give ten days notice of a registration of voters for the said election at the court-house door, specifying the time, place and name of registrar for said election.
- Registration.** SEC. 6. That the registrar shall be furnished by said board of aldermen with registration books, and it shall be his duty, after being qualified, to perform the functions of his office fairly, impartially and according to law, to revise the existing registration books of the

said city in such manner that said books shall show an accurate list of electors previously registered in such city, and still residing therein, without requiring such electors to be registered anew; and such registrar shall also, between the hours of seven o'clock A. M. and sunset (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city, and entitled to registration, whose names have never before been registered in said city or do not appear in the revised list; and he shall register in said books all names of persons not so registered who may apply for registration, keeping the names of the white voters separate and apart from those of the colored voters; and 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 city of Greensboro ninety days previous to the day of election, and that he is twenty-one years of age. If any person shall wilfully swear falsely in taking such oath he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the board of aldermen, upon thirty days notice, may direct that there shall be an entirely new registration of voters whenever they may deem it necessary for a fair election.

Misdemeanor.

New registration.

SEC. 7. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register; but the registrar shall, on application before the said books are closed, register all persons not then qualified to vote who will be so qualified on or before the day of election. The books shall then be placed in the office of the clerk of the city, and may be inspected by any person so desiring to do, and he shall mark the day on which they were received by him, and the same shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall receive no compensation for making said registration, and shall be guilty of a misdemeanor and fined fifty dollars or imprisoned in the county jail, upon conviction before the mayor, thirty days.

Registration of persons coming of age, &c.

Books to be deposited with clerk.

Misdemeanor.

SEC. 8. That after they have been duly sworn, by the mayor or a justice of the peace, to conduct the election fairly, impartially and according to law, it shall be the duty of the said registrar and the four inspectors of election to open the polls, to receive and deposit the ballots in boxes provided for that purpose, to administer oaths, to decide all questions of voting, to superintend and conduct the election for municipal officers in like manner and during the same hours of the day as elections of the members of the General Assembly. They shall count the ballots and declare the result, and have all powers of officers appointed under chapter sixteen, volume two of The Code.

Election, how conducted, &c.

- Vacancies.** SEC. 9. If any inspector, or the registrar, shall fail to be present on the day of election his place shall be filled by the mayor at once.
- Ballots.** The voter shall designate on his ballot the person for whom he votes as mayor and the persons for whom he votes as aldermen, otherwise his vote shall not be counted. Ballots shall all be on white paper and without device, and the aldermen for each ward shall be so designated and voted for on same ballot as the mayor.
- Canvass of votes.** SEC. 10. That at the close of the election the votes shall be counted by the judges, 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 aldermen having the largest number of votes shall be declared elected aldermen of their respective wards, and mayor and aldermen shall be notified of their election by the said judges.
- Notice of election**
- Electors.** SEC. 11. That all persons entitled to vote in the election of members of the General Assembly who have been residents of the city for ninety days next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor and aldermen. Any one offering to vote may be challenged at the polls, and if the judges of election or a majority of them shall sustain the challenge, such person's ballot shall not be received.
- Challenges.**
- Returns of election, &c.** SEC. 12. After the ballots have been counted they shall be carefully preserved, and the judges of the election aforesaid shall certify and subscribe the poll and registration list, and those with ballots aforesaid shall be returned to the clerk of the board, who shall keep them in the archives of the city, and two certificates thereof shall be made under the hand of the judges of election, setting forth in writing and in words the number of votes each candidate received, one of which shall be given to the mayor and the other filed in the archives of the city by the clerk of the board, who shall publish the result of election above at court-house door.
- Tie vote.** SEC. 13. 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 of votes, or if of the persons voted for as aldermen there shall be an equal number of votes between two or more of the aldermen, the judges shall decide by ballot the election between such persons, and the twelve persons having the highest number of votes shall be declared elected aldermen of the said city; and the person receiving the highest number of votes as mayor shall be declared elected to such office.
- Oath of mayor.** SEC. 14. 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 city of Greensboro, 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 city, and in discharge of my duties I will do equal justice in all cases whatsoever."

SEC. 15. That each alderman, 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 alderman for the city according to the best of his skill, ability and judgment. Oath of aldermen.

SEC. 16. That the mayor and aldermen shall hold their offices respectively until the next ensuing election and until their respective successors shall be qualified. Term of office.

SEC. 17. That if the aldermen shall fail to give notice of election, 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 city and of him who shall sue therefor one hundred dollars. Penalty for failure of aldermen to give notice of election, &c.

SEC. 18. That if any person elected mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, or if the mayor be absent from the city or unable to discharge the duties of his office, the aldermen shall choose some person for the term, or the unexpired portion of the time [term], or during his absence or disability, as the case may be, to act as mayor, and he shall be clothed with all the authorities and powers given under this charter to the regularly elected mayor; and the aldermen shall, on like occasions and in like manner, choose other aldermen to supply the place of such as shall refuse to act, and of all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible: *Provided*, in the event of the mayor's absence or sickness or inability to act, the board of aldermen may appoint one of their number, *pro tempore*, to exercise his duties. Mayor pro tem.

SEC. 19. That any person elected mayor or alderman who shall refuse to be qualified as such shall forfeit and pay to the equal use of the city and of him who will sue therefor the sum of twenty-five dollars. Vacancies in board of aldermen.

SEC. 20. That the mayor of the city of Greensboro is hereby constituted a special court, with all the jurisdiction and powers in criminal offences occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested persons charged or convicted of crimes in other counties or States who may be found in the city limits, and bound or imprisoned to appear at the proper tribunal to answer for their offences. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said city, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules made by the aldermen, and his endorsement of the names of witnesses upon a Proviso.

Penalty for refusal to qualify.

Mayor a special court; jurisdiction, &c.

- summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint when he is satisfied that there has been a violation of the law: *Provided, nevertheless,* that he shall not have jurisdiction of laws of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act.
- Proviso.** **SEC. 21.** That all proceedings in the mayor's 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 to the superior court of the county of Guilford. That whenever a defendant or witness, or other person, shall be adjudged to be imprisoned by the said court it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work, during the period of their confinement, in the public streets or on the public works of the city.
- Proceedings in mayor's court.**
- Appeal.**
- Imprisonment of persons convicted**
- Liabie to work on streets.**
- Precepts of mayor** **SEC. 22.** That the mayor may issue his precepts to the chief of police of the city and to such other officers to whom a justice of the peace may issue his precepts.
- Mayor to keep record. Mayor's judgments.** **SEC. 23.** 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 justice of the peace, and may be executed and enforced against the parties in Guilford county and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Guilford.
- Mayor's office. Duties.** **SEC. 24.** That the mayor shall keep his office in some convenient part of the city designated by the aldermen. He shall keep the seal of the corporation and perform such duties as from time to time shall be prescribed; and he shall receive a salary for his services not to exceed one thousand dollars, to be allowed by the aldermen.
- Salary.**
- Mayor to preside, &c.** **SEC. 25.** That the mayor shall preside at all meetings of the board of aldermen, except as otherwise herein provided, 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, and he shall vote in no other case.
- Board of aldermen.**
- Meetings.** **SEC. 26.** That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the aldermen may be held on the call of the mayor or a majority of the aldermen, and all aldermen, when meeting is called by mayor, and those not joining in call when made by a majority of the board, shall be notified.

SEC. 27. That if any alderman shall fail to attend a general meeting of the board of aldermen or a special meeting, of which he shall have notice as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of four dollars; and it shall be the duty of the mayor to enforce such forfeiture.

Penalty for failure of aldermen to attend meeting.

SEC. 28. That the aldermen, when convened, shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and are consistent with the constitution and laws of the State.

Ordinances, &c.

Proviso.

SEC. 29. That the aldermen, at their first meeting after their election, shall appoint a clerk, a treasurer and a collector of taxes, who shall respectively hold their offices during the official term of the aldermen who appointed them, 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 be sworn to the faithful discharge of his duty, and shall execute a bond, payable to the city of Greensboro, in such sum as the aldermen shall determine.

Clerk, treasurer and tax-collector.

Removal.

Oath.

Bond.

SEC. 30. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen and this charter.

Duties of clerk.

SEC. 31. That every person shall be allowed to inspect the journals and papers of the board in presence of the clerk, on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Inspection of journal of aldermen.

Clerk's fee. Penalty.

SEC. 32. That the treasurer shall make out, annually, a fair transcript of the receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted before the court-house door at the end of each fiscal year, and for his failure to comply with the duties prescribed in this section he shall forfeit and pay for the use of the city, and him who will sue therefor, one hundred dollars.

Duties of treasurer.

Penalty.

SEC. 33. That it shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse the funds according to such orders as may be 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

Duties of treasurer.

disbursed by him, and shall submit said account to the aldermen whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise; and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Orders on treasurer.

SEC. 34. That all orders drawn on the treasurer 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 specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Powers and duties of tax-collector.

SEC. 35. 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 subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax-lists as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll-tax and taxes on 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 three hundred dollars for a longer time than seven days, under a penalty [of] ten per cent. per month to the city upon all sums so unlawfully retained. The board of aldermen, at the meeting before the last regular meeting in each year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax-collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or specified error.

Settlement with tax-collector.

Removal of tax-collector.

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.

Police force.

SEC. 36. That the board of aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office during the term of the board appointing them and until their successors are appointed. The members of the police force shall give bond in such sums as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into their hands from fines, penalties, etc.

Bond.

Duties of chief of police.

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, and, at the end of each month, shall

have a settlement with each policeman on account of the fines and costs collected by him. It shall be the duty of the chief of police to attend the mayor's court each day and report any violations of law or ordinances of the city, to collect all fines and penalties imposed and pay the same to the city treasurer, and to execute the orders and judgments of said court; to see that the laws and ordinances of the city are enforced, and do such other things as may be 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 city by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by the mayor or others, and, in the execution thereof, shall have the same powers which sheriffs and constables have. The chief and members of the police [force] shall take an oath before the mayor for the faithful performance of the duties required by law and ordinances. That said policemen shall have power to take bail for appearance of defendants or other persons charged with violations of city ordinances in the manner and to the extent that such power is vested in sheriffs, and in case such person or persons shall not appear the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the chief of police shall have the power to re-arrest, upon the same warrant, a defendant or party who has been convicted and turned loose on the statement that he will pay fine and costs, upon failure to pay same or in case of an escape.

Powers of police.

Oath.

SEC. 37. 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 for like service. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation. In times of exigency the mayor may appoint temporarily additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Fees of chief of police.

Government of police.
Special police.

SEC. 38. The mayor may, at any time, upon charges preferred, or upon finding said chief or any member of said police force guilty of misconduct, have power to suspend such member from service until the board of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior shall be good cause for dismissal. And the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Suspension of police by mayor, &c.

Dismissal.
Suspension for drunkenness.

Police to wear badges, &c.

SEC. 39. The board of aldermen shall require the entire police force to wear badges, and be so armed and uniformed as to be readily recognized by the public as peace officers. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury.

Action on official bonds.

SEC. 40. That for any breach of his official bond by the city clerk, chief of police, tax-collector, or any other officer who may be required to give an official bond, such officer shall be liable in an action on the same in the name of the city, at the suit of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Imprisonment in county jail of persons arrested.

SEC. 41. That the sheriff or jailer of the county of Guilford is hereby required, without a mittimus, to receive into the jail of the county, as his prisoner, any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be brought before the mayor, or some magistrate resident in the city, and be lawfully dealt with; and for such services the jailer shall be entitled to such fees as he is in other like cases.

Weighmaster and inspector.

SEC. 42. That the said board of aldermen may, as soon after their election as necessary, appoint a weighmaster and inspector, whose duty it shall be to inspect all flour, provisions, forage, and all other marketable produce sold in said city, in his judgment requiring weighing or inspection; and the said officer so appointed shall give bond with approved security, payable to the city of Greensboro, in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law or the ordinances of the city, and shall take an oath before the mayor before entering upon his duties. And the board of aldermen shall have power to remove him for misbehavior or neglect or malpractice in office and appoint a successor instead. And the board of aldermen are hereby authorized and empowered to regulate the fees to be paid for such weighing and inspection and by whom to be paid, and to make all necessary ordinances for the government of the said officer, and to impose fines and penalties for their violation.

Bond.

Oath.

Removal.

Fees, &c.

Engineer, attorney and detectives, &c.

SEC. 43. They may also appoint a city engineer, a city attorney or attorneys, employ detectives, and to offer rewards for the capture and conviction of criminals, and to exercise like powers in the premises in order to bring offenders against the laws of the State and city ordinances, when the offence 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.

Auctioneers.

Bond.

SEC. 44. The said board of aldermen shall, at their first monthly meeting or as soon thereafter as practicable, elect one or more auctioneers for the city of Greensboro, who shall give bond with approved security, in a sum to be fixed by the board, payable to the State of

North Carolina, conditioned that he will faithfully perform the duties required of auctioneers by law, which said bond shall be filed with the clerk of the board, to be by him safely kept, and no person shall exercise the office of auctioneer except those duly appointed by the board of aldermen, except also as hereinafter provided; and the said board shall make ordinances regulating auction sales in the said city. And the said auctioneer or auctioneers shall pay as a tax a certain per cent. on all sales, liens and profits made by virtue of his office, not to exceed one per cent., to be levied by the board.

SEC. 45. That if any one shall presume to act as auctioneer in the city without being duly licensed by the city so to do, except auctioneer of a warehouse for the sale of tobacco in their business, he shall be deemed guilty of a misdemeanor.

Misdemeanor to act as auctioneer without license. Exceptions.

SEC. 46. That in order to raise a fund for the ordinary expenses of the government of the city, the aldermen may annually levy and collect the following taxes, viz.:

Taxation.

1. On all real and personal property within the corporate limits, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar on every hundred dollars value.

Ad valorem tax.

2. On all taxable polls, a tax not exceeding three dollars a poll, who may be residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day.

Poll-tax.

3. On every hundred dollars value of goods, wares and merchandise, all spirituous liquors, wines, cordials and fermented and malt liquors, purchased for re-sale by any merchant trading in the city within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding twenty cents.

Purchase tax.

4. Upon every omnibus, used for the carriage of persons, for hire, a license tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle, including express wagons, used for the carriage of persons or baggage, for hire, and upon every dray used for the transportation of freight or other articles, for hire, a license tax not exceeding five dollars a year; and a discrimination may be made between one and two horse vehicles.

Omnibuses, &c.

5. Upon all dogs kept in the city, and which may be so kept on the first day of June, a tax not exceeding five dollars; and all dogs so taxed shall be subjects of larceny: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs.

Dogs. Proviso.

6. Upon all swine and goats not prohibited by the aldermen to remain in the city when confined, a tax not exceeding five dollars a head.

Swine, &c.

Encroachments
on streets.

7. Upon all encroachments on the streets by porches, piazzas, allowed by the aldermen, a tax not exceeding one dollar per square foot.

Express compa-
nies, &c.

8. Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company, annually, at the time when other taxes are listed and under the same penalty as that prescribed in the law of the State.

Listing of proper-
ty for taxation.

SEC. 47. That the clerk, on the third Monday in May of each and every year, make advertisement in some newspaper, notifying all persons residing in the city of Greensboro, who own or have control of taxable property in the city on the first of June, to return to him, on or before the last day of June, a list of their taxable property in said city. Said lists shall state the number of lots or parts of lots, and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the clerk shall be sworn to before him; and he is

Oath of tax-payer.

hereby authorized to administer the following oath: "I, -----, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, of Guilford county bonds, and a full and accurate list of all other stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: so help me, God." And from the returns so made the clerk shall, within thirty days after the expiration of the term for taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax-lists are made out by law for the collection of State taxes. And the said clerk shall copy in said book the assessments on file in the register of deeds' office of all property within the city limits, which assessment may be revised, corrected or amended by the board of aldermen.

Duty of clerk to
make tax-list, &c.

SEC. 48. That the clerk shall, within thirty days from the return of the tax-list, make out, to the best of his knowledge and belief, by comparing his book with the returns made to the register of deeds of Guilford county, of the list of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in the said city who shall have failed to return a list in the manner and within the times aforesaid; and any such person who has so failed, for such failure shall pay double the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have all the power given to the board of county commissioners to revise the tax-list, except to alter

Unlisted proper-
ty.

Penalty.

Revision of tax-
list.

valuations of real estate; and shall, as near as may be, made [make] the city tax-list correspond with the tax-list given into the county by the citizens of Greensboro upon all subjects embraced in both lists.

SEC. 49. That all persons who are liable for a poll-tax to the said city and shall wilfully fail to give themselves in, and all persons who own property and who wilfully fail to list it within the time allowed by law as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of said city, or any justice of the peace, shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the tax-collector of said city to prosecute offenders against this section.

Failure to list, &c., a misdemeanor.

Duty of tax collector to prosecute.

SEC. 50. 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 aldermen shall proceed to levy the taxes on such subjects of taxation as provided in the charter, 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 October next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding five per cent. on the amount collected.

Levy of taxes.

Duty of tax-collector.

Compensation.

SEC. 51. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Collection by distress and sale.

SEC. 52. 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 in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door by the collector, after advertising for thirty days in some newspaper published in the city, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a surveyor) and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city; and if not redeemed as hereinafter provided, shall belong to said city in fee.

Sale of real estate for taxes.

Purchase by city

Tax-collector to make returns.

SEC. 53. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.

Surplus.

Redemption of land sold for taxes.

SEC. 54. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

When and how conveyance to purchaser to be made.

SEC. 55. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns, and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Real estate of infants, &c.

SEC. 56. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made as provided in The Code.

License taxes.

SEC. 57. That in addition to the subjects listed for taxation, the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the collector of taxes, and if it be not paid on demand the same may be recovered by suit, or 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:

Peddlers, &c.

1. Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts or maps, or wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured. Not more than one person shall peddle under a single license.

Billiard tables, &c.

2. Upon every billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand or place for any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such house, or used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars a year. Upon every hotel, restaurant or eating-house, a license tax not exceeding twenty-five dollars a year.

3. Upon every permission by the board of aldermen to retail spirituous liquors, a retail tax not exceeding five hundred dollars, and for wholesale, one hundred dollars. Retail liquor license.
Wholesale liquor license.
4. Upon every company of circus-riders or performers, by whatever name called, who shall exhibit within the city or in one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled. Circuses, &c.
5. Upon every person or company exhibiting in the city or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be double. Theatres, &c.
6. Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted), in the city or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be double. Artificial curiosities, &c.
7. Upon each show or exhibition of any other kind, and on each concert for reward (unless for religious or benevolent purposes) in the city or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be double. Shows, &c.
8. Upon every goat, sheep, hog or goose running at large in the city there shall be levied a tax not exceeding six dollars, and every such goat, sheep, hog or goose may be seized and impounded, and if the owner, on being notified, will not pay the tax, the animal or goose shall be sold therefor at such place as the aldermen may designate, after three days notice at the court-house. Goats, &c.
Impounding.
9. Upon every horse or mule or bull going at large, a tax not exceeding ten dollars. Horses, &c.
10. Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing: *Provided*, nevertheless, that no property or subjects of taxation which are specially exempt from taxation shall be taxed by the city. Dogs.
Providso.
11. Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year: *Provided*, that this section shall not conflict with the provisions of [section] twenty-two hundred and eighty-four of The Code. Auctioneers, &c.
12. Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales-stables, livery-stables or stock-

yards doing business in the city, a license tax not exceeding twenty-five dollars a year.

Bill-posters, &c.

13. Upon every bill poster, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal, or either, insurance company or insurance agency for every company represented, and every skating-rink or shooting-gallery, building and loan association, a license tax not exceeding ten dollars a year.

Telegraph, &c.,
companies

14. That every telegraph, telephone or electric light company, oil agency, street railway company, each water-works company or corporation furnishing water to the city or citizens, shall pay a license tax not exceeding fifty dollars per annum.

Undertakers, &c.

15. That each marble-yard, undertaker, plumber, or persons putting gas or water fixtures in houses or yards, a license tax not exceeding five dollars per annum.

Barber-shops, &c.

16. Each barber-shop, each rope-walker, itinerant dealer in lighting-rods and stoves, every dealer in fertilizers, practicing physician, dentist or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specific, carriage, buggy or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory or tobacco warehouse, each dancing-school, every agent for the sale of machinery or engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward (except for religious or charitable purposes), each dairy wagon or vehicle, land agent or land broker, each butcher, persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therewith, or any person taking or enlarging a likeness of a human face on order or otherwise, each printing office, each dealer in patent rights, every lawyer or firm, traders and manufacturers who do not pay city tax on their professions, shall pay a license tax not exceeding ten dollars a year. The said license shall be granted on the first day of June in each year.

Banker's office,
&c.

17. Each banker's office, each distillery of fruit or grain, each distiller or compounder of spirituous liquors, each gift enterprise or lottery, each junk-shop or dealer in metals, cordage, etc., every mill, manufactory, machine-shop or foundry employing steam as a motor power, every railroad company having a depot or office in the city, a license tax not exceeding fifty dollars a year.

Commission mer-
chants, &c.

18. Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year.

Additional tax
on commission
merchants, &c.

19. Commission merchants and commercial brokers, in addition to their license tax, shall pay one-tenth of one per cent. on all gross sales, and all horse-dealers shall pay one per cent. on gross sales.

Penalty for carry-
ing on business
without license.
Proviso.

20. Any person carrying on any business in the city without having paid the license tax shall be fined twenty dollars: *Provided*, that any person taking out license after the first of June shall pay a tax on

such license in the foregoing sections, proportioned according to the unexpired term of the year, according to the discretion of the mayor.

21. Upon all subjects taxed under schedule B, chapter one hundred and thirty-six, laws of North Carolina, session of one thousand eight hundred and eighty-three, not hereinbefore provided for, shall pay a license or privilege tax of ten dollars; and the board of aldermen shall have power to impose a license tax on any business carried on in the city of Greensboro not before enumerated herein not to exceed ten dollars a year. Other licenses.

SEC. 58. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen. Appropriations.

SEC. 59. That taxes for city purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation, as provided in section three, article five of the State constitution. Taxes, how levied

SEC. 60. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets, or widen those already open, and make such improvements thereon as the public convenience may require; also to lay out, regulate and establish parks for the use of the city, to regulate and protect public grounds and protect the shade trees of the city. 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 compensation therefor, and the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city to be chosen by the aldermen; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets, or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen under their hands and seal, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen, in their corporate capacity, of the land so taken; and the land may at once be condemned and used by the city for the purpose intended: *Provided*, that if any person over whose land the said street may pass or improvement be erected or the aldermen be dissatisfied with the valuation thus made, then, in that case, either party may have an appeal to the next superior court: *Provided, however*, that such Streets.
Parks.
Condemnation & land.
Right of appeal.
Proviso.

appeal shall not hinder or delay the aldermen opening or widening such street or creating such improvement.

Failure to repair sidewalk on notice a misdemeanor.

SEC. 61. That if any owner or lessee of lands in the city of Greensboro, on being notified to repair his sidewalk according to law, shall fail to repair as ordered, he shall be deemed guilty of a misdemeanor and fined not more than five dollars for each day's neglect to make such repairs, or imprisoned not more than ten days. A notice of ten days by the chief of police of the city, in writing, shall be sufficient in any event.

Notice.

Cellars.

SEC. 62. That no cellar shall be built under any sidewalk in the city, or entrance established on the sidewalk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted; and every offender herein shall forfeit and pay to the city twenty-five dollars for every day the same may remain.

Sidewalks.

SEC. 63. 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, curb or pave or repair, in such manner as the aldermen may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after the notice by the chief of police to said owner, or, if he be a non-resident of the county of Guilford, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then, after publication of a notice by the chief of police for thirty days in some newspaper published in Greensboro, calling on the owner to make such repairs, the aldermen may cause the same to be repaired, either with brick, stone or gravel, at their discretion, and the expense shall be paid by the person in default. Said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes.

City officers not to become contractors for city work. Misdemeanor.

SEC. 64. That no mayor or alderman, or any other officer of the city, shall, directly or indirectly, become a contractor for work to be done for the city, and any person herein offending shall be guilty of a misdemeanor.

Nuisances.

SEC. 65. The board of aldermen shall have the power, and it shall be their duty, to prohibit all trades or occupations which are a nuisance from being carried on in said city, and the power and authority of said board of aldermen for the abatement and removal of nuisance shall extend one mile beyond the city limits. They shall have power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier the expenses, which expenses as above shall be a lien on the lot, which may be

enforced as liens for taxes: *Provided*, the owner or occupant of said lots, after ten days notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the city limits to be removed or abated, and for the removing or abating any such nuisance, the person creating the same shall pay the expenses as above required.

SEC. 66. That the aldermen shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the city. Stock running at large.

SEC. 67. That the aldermen may establish and regulate the market and prescribe at what time and place and in what manner within the corporation marketable articles shall be sold, in what manner, whether by weight or measure may be sold grain, meal, flour (if not packed in barrels), fodder, hay, or oats in straw; appoint a keeper of the market, prescribe his duties; and shall also have power to prevent forestalling and regrating. Markets.

SEC. 68. That they may establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire. Public buildings.

SEC. 69. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall also have power to purchase, when they deem it proper, land adjoining the cemetery for its enlargement; they shall also have the power to forbid any and all interments of dead bodies within the limits of said city whenever they shall deem it expedient, and to pass ordinance for the protection of the cemeteries; may appoint and pay a keeper and compel the keeping and returning a bill of mortality. Burials.
Cemetery.

SEC. 70. That they may provide for the establishment, organization, equipment, government and pay of such number of fire companies as they shall deem necessary and proper. That in case of a fire occurring in said city, the mayor, or in his absence a majority of the aldermen who may be present, may order the blowing up or pulling down or destroying any house or houses deemed necessary to stop the progress of the fire. And no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall have power to establish fire limits within said city. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board of aldermen may establish, and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction. Fire companies.
Destruction of house to stop fire.
Fire limits.

SEC. 71. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other Firing of guns,
fast driving, &c.

explosive material, and to govern the sale thereof in the city; the pace and speed at which horses may be ridden or driven through the streets; the speed at which railroad engines and trains shall run within the city limits; to prohibit said railroads from stopping their engines or cars on said streets, and to require said railroads to keep the street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in said city; to cause all alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their duty, on complaint, to cause, by their order, the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board or charged with that duty, shall have authority to enter the premises described to be in bad order and inspect and have the same cleaned; and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction. That they shall also have power to make regulations and ordinances for the due observance of Sunday.

Contagious diseases.

SEC. 72. That they may take such measures as they deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, if the city have one, if not, where the mayor may direct; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate, by any reasonable means, all nuisances which may be injurious to the public health.

Expenses for removal of patient to hospital.

SEC. 73. That in case any person shall be removed to the hospital or to the place directed by the mayor, the corporation may recover before the mayor or any justice of the peace, of such person, the expense of his removal, support, nursing and medical attendance, and burial expenses also in case of death.

Misdemeanor to attempt to prevent removal.

SEC. 74. That if any person shall attempt, by force or by threat of violence, to prevent the removal to the hospital or place selected by the mayor as aforesaid of any person ordered to be conveyed thither.

the person so offending shall forfeit and pay to the city one hundred dollars, and, moreover, be deemed guilty of a misdemeanor.

SEC. 75. That it shall not be lawful for the commissioners of Guilford county to grant any license to retail spirituous liquors within the limits of the city without permission first obtained from the board of aldermen in being at the time of the application to the county commissioners, and if any license shall be granted without permission in writing, attested by the clerk of the board and exhibited to the county commissioners and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment as in other cases of retailing without license, and for every offence of retailing shall, moreover, forfeit and pay to the city the sum of twenty dollars.

County commissioners not to grant retail liquor license without permission of aldermen.

SEC. 76. That among the powers hereby conferred on the board of aldermen, they may borrow money or create a public debt, only after they have passed an ordinance by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days notice shall be given of such election in some newspaper published in Greensboro, at which election those who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved." The board may order a new registration of voters at any and all such elections if they deem it proper to do so.

Aldermen empowered to borrow money, &c., if approved by popular vote.

New registration.

SEC. 77. That all penalties incurred by any minor for the breach of any of the provisions of this act, or any ordinances passed in pursuance thereof, shall be recovered from the parent, guardian, or master (if the minor be an apprentice) of such minor.

Penalties recoverable from parent, &c., of minor.

SEC. 78. That all taxes now paid or which hereafter may be paid by the citizens of the city of Greensboro for State and county school purposes shall be paid by the county treasurer to the treasurer of the city of Greensboro, and by him applied to the graded schools of the city as provided by law.

School taxes payable to city treasurer.

SEC. 79. That all penalties imposed by law relating to the city or by this act by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Greensboro before the mayor or any tribunal having jurisdiction thereof.

Penalties, how recovered.

SEC. 80. That the aldermen shall not have power to impose for any offence a larger penalty than fifty dollars, unless the same be expressly authorized; and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace.

Limitation of amount of property. Appeal.

SEC. 81. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor:

Mayor's fees.

For every warrant issued by him for the recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction of the offender, among the other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid, on removal of offender, by such as may convey him away; for the use of the city seal for other than city purposes, one dollar; for every certificate for other than for city purposes, fifty cents.

Conflicting laws repealed.

SEC. 82. That from and after the acceptance of this act the same shall thenceforth be the charter of the city of Greensboro; and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, and all laws of a public and general nature inconsistent with, or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect this city: *Provided, however,* that such repeal shall not annul any ordinance, by-law or rule of the corporation, unless the same be inconsistent with this act; nor shall such repeal affect any act done, or any right accruing or accrued, or established, or any suit had or commenced in any case, before the time when such repeal shall take effect; neither shall any right, estate, duty or obligation possessed by or due to the corporation by its present name from any corporation or person whatever be lost, affected or impaired; but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the city of Greensboro.

Proviso.

Penalties, &c., heretofore incurred not affected by repeal.

SEC. 83. That no offence committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided,* that no suit or prosecution pending at the time of the repeal for any offence committed, or for any penalty or forfeitures incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further,* that no law heretofore repealed shall be revived by the repeal of any act repealing such law: *And provided lastly,* that all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those officers which may have been abolished, and those as to which a different provision shall have been made by this act.

Proviso.

Proviso.

Proviso.

SEC. 84. That the city of Greensboro may convey lands, and all other property which is transferable by deed, by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and two members of the corporation, and tested by a witness.

Conveyance of property.

SEC. 85. That all fines and penalties imposed by and collected under the judgment of the mayor of Greensboro, sitting as a justice of the peace, shall belong to and inure to the exclusive benefit of the city of Greensboro.

Fines, &c., for benefit of city.

SEC. 86. That in all cases where judgments may be entered up against any person or persons for fines or penalties, according to the laws and ordinances of the city of Greensboro, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public works until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Persons failing to pay fines liable to work on streets

SEC. 87. Debts contracted by the city of Greensboro in pursuance of authority vested in it shall not be levied out of any property belonging to the city and used by it in the discharge and execution of its corporate duties and trusts, nor of the property or estate of any individual who may be a member of such corporation or may have property within the limits thereof; but all such debts shall be paid alone by taxation upon subjects properly taxable by such corporation: *Provided, however*, that whenever any individual, by his contract, shall become bound for such debt, or any person may become liable therefor by reason of fraud, such person may be subjected to pay such debts according to the course of the law in other cases.

Debts contracted by city, how payable, &c.

Proviso.

SEC. 88. That any officer, mayor, alderman or tax-collector of the city of Greensboro who shall, on demand, fail to turn over to his successors in office the property, books, moneys, seals or effects of such city, shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Misdemeanor to fail to turn over property, &c, to successor in office.

SEC. 89. All tax-lists which have 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, and subject to be corrected or altered by them, and shall be opened for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction; and any tax-collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor, and upon conviction be subject to the penalties imposed by the preceding section. The Code, section 3822.

Control over tax-lists, &c.

Misdemeanor.

- Violation of ordinance a misdemeanor.** SEC. 90. That any person or persons violating any ordinance of the city of Greensboro shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of this act.
- Sale of city property.** SEC. 91. That the mayor and a majority of the board of aldermen of the city of Greensboro 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 city, and apply the proceeds as they may think best. The mayor is fully authorized to make title to any property sold under this act. The Code, section 3826.
- Service of civil process by policemen.** SEC. 92. That it shall be lawful for the policemen to serve all civil process that may be directed to them for any court within their respective counties under the same regulations and penalties as are or may be prescribed by law in the case of constables.
- Employment of prisoners in county jail on streets.** SEC. 93. That it shall be lawful for the corporate authorities of said city, in their discretion, to contract, in writing, with the board of county commissioners for the employment of such prisoners as may be confined in the county jail by order of the court on the streets, or any of them, for the construction or improvement of the same, of the city whose authorities shall so hire such prisoners.
- County commissioners to hire prisoners in jail to city, &c.** SEC. 94. Upon application to them it shall be the duty of the board of county commissioners to hire to the corporate authorities of said city, for the purpose specified in the preceding section; but the persons hired for service upon the streets shall be fed, clothed and quartered while so employed by the board of aldermen in such manner as they shall contract with the county authorities, and if any person charged in any way with the control or management of such persons shall negligently permit them to escape, every person so offending shall be deemed guilty of a misdemeanor; but this provision shall not be deemed or held to relieve any person from any criminal liability under existing laws.
- Misdemeanor.** SEC. 95. That the board of aldermen are hereby authorized and empowered, as heretofore granted in the laws of one thousand eight hundred and eighty-seven, 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 aldermen may determine.
- Not to be issued until approved by vote of majority of qualified voters.** SEC. 96. 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 aldermen 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 aldermen shall provide a special registra-
- Special registration.**

tion 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.

Prepayment of taxes not necessary to register and vote.

SEC. 97. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value.

Bonds not to be sold for less than par.

SEC. 98. That the money arising from the sale of these bonds shall be used for public improvements in said city of Greensboro.

Proceeds of bonds, how used.

SEC. 99. That the board of aldermen 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 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.

Powers of board of aldermen.

SEC. 100. 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.

Bonds not subject to city taxes. Coupons receivable for city taxes

Penalty for failure of holder to present bond.

SEC. 101. 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 aldermen 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.

Special tax.

SEC. 102. That the board of aldermen 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.

Aldermen authorized to acquire lands, &c.

SEC. 103. That all penalties imposed by law relating to the city or by this act or by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Greensboro before the mayor any other tribunal having jurisdiction thereof: *Provided*, any person failing to pay the taxes or fines imposed in accordance with authority of this charter shall be required to work upon the public streets to the value of said fine or taxes, if he has no property which can be distrained.

Penalties, how recovered.

Person failing to pay tax, &c., liable to work on streets.

SEC. 104. That the mayor and aldermen are required to order an election on the subject of extending the corporate limits whenever a majority of the voters within the city shall petition them to do so;

Election upon question of extending corporate limits.

and if, after giving twenty days notice in some paper in the city of such election, a majority of the votes shall be in favor of extension, then the limits must be so enlarged: *Provided, however*, that not more than [a] half mile of the territory shall so be added to the corporation in any one year: *Provided further*, that when such election is ordered by the mayor it shall also be the duty of the sheriff of Guilford county to give like notice of the holding of such election to the voters residing outside the corporate limits but embraced in the bounds intended to be taken in, and shall arrange that they may vote whether they desire to be taken into the corporate limits, and such vote shall be properly authenticated by the inspectors of the polls and forwarded to the mayor of the city of Greensboro, and if a majority of either the city or those residing within the bounds of the proposed extension vote against the proposition to enlarge the limits thereof, in that case the city limits will not be extended, nor shall it be legal to hold another such election within the space of twelve months.

Proviso.

Proviso.

Certain lands subject to municipal authority, &c.

SEC. 105. That the land on which the Greensboro Female College is situate, and all lands owned by the city, or which may hereafter be purchased by the city, used or to be used as a cemetery, and all lands on which sewer-pipe is located or hereafter may be located, and all lands on which water-works are established or hereafter may be established, or land on which water-pipes are run to and from said works, shall be subject to the police power and municipal authority of the city, and such ordinances and regulations as may be prescribed by the board of aldermen, and such property as may be used for the purposes aforesaid, shall be protected by such ordinances as the said aldermen may prescribe.

Exemption from taxation of manufacturing establishments, &c.

SEC. 106. That the said board of aldermen shall have power to exempt from taxation such manufacturing establishments or hospitals in the city of Greensboro as they may think is for the public good.

Sewerage system.

SEC. 107. That the said board of aldermen shall have power 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, to condemn a right of way to and from such outlet and for the purposes of such outlet, it shall be done as herein provided for opening new streets and other purposes.

Removal of trial from mayor to justice.

SEC. 108. That no person shall have the right, in any proceeding before the mayor, to remove the same to any other court for trial, as is provided for removal of causes from one justice of the peace to another, as provided in [section] nine hundred and seven of The Code: but in all cases parties shall have the right of appeal as herein provided.

SEC. 109. That the board of aldermen may use the county jail or build or rent a house for the purpose of confining those who disobey the law and ordinances of the said city. That if any person shall assault or resist any member of the police [force] in discharge of his duty, or shall aid or incite any person or persons so to assault or resist, every such offender, upon conviction before the mayor or justice of the peace, shall be fined ten dollars or imprisoned thirty days.

Use of county jail by city, &c.

Penalty for resisting policemen.

SEC. 110. That any person or persons violating any ordinance of the city shall be deemed guilty of a misdemeanor.

Violation of ordinance a misdemeanor.

SEC. 111. That this act shall be in force from and after the first day of July, one thousand eight hundred and eighty-nine.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 220.

An act to create a board of health for the town of Laurinburg, N. C.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the town commissioners of Laurinburg, N. C., to meet at the mayor's office on the first Wednesday night in May of each year.

Commissioners to meet on first Wednesday of May in each year.

SEC. 2. That at said meeting the said board shall appoint a board of health for said town, composed of three freeholders and one physician.

To appoint board of health.

SEC. 3. That the clerk of said board shall immediately serve on each member of said board of health a notice of his appointment.

Notice of appointment.

SEC. 4. That the said board of health shall meet on the second Monday in May of each year, and shall prepare rules and regulations to be kept and observed by all the citizens of said town, and shall designate the time when said rules shall go into effect and when they shall cease.

Board of health to prepare rules, &c.

SEC. 5. That a copy of said rules and regulations shall be handed by the secretary of said board of health to the clerk of the board of town commissioners.

Copy of rules to be handed clerk of commissioners

SEC. 6. That the board of commissioners of said town shall proceed at once, on receiving the rules aforesaid, to have one thousand copies of the same printed and circulated among the residents of said town and posted at public places therein.

Rules to be printed and circulated.

SEC. 7. That when the said board of health shall have handed to the town clerk the said rules, and the same have been duly published as aforesaid, then it shall be unlawful for any person to violate the said rules, or any of them, and any person violating the same shall be guilty of a misdemeanor and fined ten dollars for each offence or violation.

Misdemeanor to violate rules.

Fines, how applied.

SEC. 8. That all fines collected under this act shall be paid into the town treasurer's hands, to be applied in the purchase of disinfectants and otherwise executing the rules aforesaid.

Failure to perform duties under this act a misdemeanor.

SEC. 9. That if the board of commissioners of said town or any member of said board of health shall fail to do and perform the terms of this act, he shall be guilty of a misdemeanor and shall be fined fifty dollars.

Jurisdiction of mayor.

SEC. 10. That the mayor of said town shall have jurisdiction to hear and determine complaints made in pursuance hereof.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 221.

An act to incorporate Bennett College, at Greensboro, N. C.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Charles H. Moore, C. N. Grandison, John P. Morris, L. B. Gibson, D. B. Yancey, J. E. Champlin, W. P. Hayes, E. M. Collett, Aaron Mendenhall, J. C. Hartzell, Wm. H. Phillips, A. M. Hall, G. Waddy, E. N. Smith, John W. Woody, W. F. Steele, and their associates and successors, to a number not to exceed twenty-five at any one time, of whom a majority shall be members of the Methodist Episcopal Church, are hereby constituted and declared to be a body corporate under the name of Bennett College, and by such name, as trustees, may acquire and may hold at any one time real and personal property not to exceed five hundred thousand dollars, which property shall be exempt from all taxation; may convey the same under seal; may sue and be sued in any court of the State; may prescribe courses of study, literary, technical, professional or otherwise, and confer degrees; and may have all the powers, rights and privileges granted or to be granted to any institution of learning in the State, or belonging to corporations.

Principal office.

SEC. 2. The principal office shall be in the city or suburbs of Greensboro, North Carolina, but auxiliary schools and preparatory departments may be carried on at such places as the trustees may choose.

Organization.

SEC. 3. The incorporators or any five of them may call a meeting at such time as they may agree upon for the purpose of completing the organization. The incorporators shall allow the North Carolina Conference of the Methodist Episcopal Church annually to elect two members of the corporation for terms fixed upon for other members of the corporation.

Change of name.

SEC. 4. At any time when the corporation is free from indebtedness, and shall publish for two weeks in some paper in Greensboro

an affidavit made by its officers before a justice of the peace, by a vote of three-fourths of the trustees present at any annual meeting, the name of the corporation and college may be changed; said change to be published for six weeks in two papers issued in the city of Greensboro.

SEC. 5. This corporation shall continue for ninety-nine years.

Corporate exist-
ence.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 222.

An act to incorporate the town of Mount Holly, in Gaston county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Mount Holly, in the county of Gaston, be and the same is hereby incorporated under the name and style of Mount Holly, with the following metes and bounds. viz.: Beginning at a point on the west bank of the Catawba river and at the junction of Dutchman's creek with said river, running thence with the southern bank of Dutchman's creek to the iron bridge; thence a straight line to a point on W. B. Rutledge's lot on his west line one hundred feet north of said Rutledge's residence; thence a straight line to a point one hundred yards southwest of C. L. Hutchison's residence; thence a straight line to the public road which passes said Hutchison's residence; thence a straight line to J. F. Dunn and W. C. Abernethy's corner west of said Dunn's residence; thence to B. F. Pierce's northwest corner; thence with said Pierce's line to the Catawba river; thence up said river as it meanders to the beginning point.

Incorporated.

Corporate name.
Corporate limits.

SEC. 2. That the government of said town of Mount Holly shall be vested in the following officers: mayor, R. K. Davenport; commissioners, A. P. Rhyne, T. F. Costner, W. T. Love and C. E. Hutchison, who, upon taking and subscribing an oath to support the constitution and laws of the United States and the constitution and laws of the State of North Carolina, shall be entitled to enter upon the discharge of their duties. They shall hold their offices until their successors are elected and qualified; and shall have power to appoint a constable, secretary and treasurer, who shall hold their respective offices until their successors are appointed, and they shall take and subscribe an oath for the faithful discharge of their duties.

Officers.

SEC. 3. That the commissioners of said town shall provide for an election on the first Monday in May, one thousand eight hundred and eighty-nine, and annually thereafter, for the election of a mayor and four commissioners, according to the laws of this State, and the offi-

Election.

cers elected shall hold their offices until their successors are elected and qualified.

Electors.

SEC. 4. That all qualified electors of the State who have been residents of the town for ninety days prior to any election in said town shall be entitled to vote.

Powers of commissioners.

SEC. 5. That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good government of said town not inconsistent with the laws of the United States or of this State. They shall have power to levy and collect a tax not to exceed sixty cents on the poll and not to exceed twenty cents on the one hundred dollars of property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation, not to exceed one-half of the State tax; and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them.

Misdemeanor to sell liquors within corporate limits.

SEC. 6. That it shall be unlawful for any person to sell any spirituous liquors within the corporate limits of said town. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Violation of ordinance a misdemeanor.

SEC. 7. That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment upon conviction thereof shall not exceed a fine of fifty dollars or imprisonment not exceeding thirty days.

Corporate powers

SEC. 8. That said corporation shall be subject to all the provisions of chapter sixty-two of The Code of North Carolina, not inconsistent with the provisions of this act.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 223.

An act to amend the charter of the city of Asheville.

The General Assembly of North Carolina do enact:

Chapter 111, private laws 1883, amended.

SECTION 1. That chapter 111 of the private laws of eighteen [hundred] and eighty-three, entitled "an act to amend the charter of the town of Asheville," ratified March 8th, 1883, be amended as follows: At the end of section forty-nine add: "*Provided*, that the board of aldermen, upon the recommendation, in writing, of the captain or chief officer of any volunteer fire company not receiving pay for its services, may, if they think fit, exempt for one year at a time from the payment of the city poll and street tax any member of such fire company who shall have served actively as such continuously for five years preceding his application for such exemption."

Exemption of member of fire company from taxation.

SEC. 2. At the end of section thirty-six, subsection ninth, add: License taxes.
 "Upon any other business, trade, occupation, calling or profession engaged in, carried on in whole or in part, or having an office or place of business within the corporate limits of the city, a tax to be fixed by the board of aldermen."

SEC. 3. Strike out section forty and insert in lieu thereof the words: Sidewalks.
 "Whenever any street in the city shall have been graded, guttered and curbed in whole or in part, including the walkways, it shall be incumbent upon the owner or owners of the property along said street to pave the walkway the full width across their fronts with brick or such other materials as the committee on streets may approve. Where such property comes on two or more streets without such sidewalks the property-owner shall pave the said walk along his depth at his own cost, one-half the distance (to be designated by the committee on streets), and the city shall pave the other half at its cost. Whenever any street shall have been graded, guttered and curbed the city engineer shall notify the owner or owners of the property fronting or cornering thereon to at once pave the walkways thereof; and should the owner or owners thereof fail to comply with the said notice within fifteen days, then, unless the time shall be extended by the board of aldermen, the city engineer shall cause the same to be done by the city contractor and certify the cost thereof in each case of all the property-owners to the city treasurer, who shall make out bills for the same and furnish them to the Secretary of the board of aldermen, who shall make proper entry thereof on his books, and then place them in the hands of the city tax-collector, to be collected and accounted for in the manner prescribed for the collection of city taxes: *Provided*, that the amounts of said bills shall be, from the commencement of the work for which they are charged, a lien on the respective lots in front of which they shall be constructed; and if not paid on demand so much of said lots, respectively, shall be sold by the city tax-collector as may be sufficient to pay the respective amounts so charged against the owners thereof, interest thereon and costs, under the same rules and regulations, rights of redemption excepted, as are prescribed in the charter for the sale of land for unpaid taxes; but nothing herein shall prevent the said tax-collector from collecting the same from other property of such owner or owners, or require him so to do: *Provided further*, that in case of indigent persons, or other circumstances satisfactory to the board of aldermen, said bills may be divided by said board into three annual installments, with interest at six per cent. per annum from the date of the performance of the said work."

Proviso.

Proviso.

SEC. 4. At the end of section nineteen add the words: "And the board of aldermen may require the owner or owners of any improved lot along a public street having public sewer to connect with said sewer in manner and at a place to be designated by the city engineer,"

Connection with public sewer.

upon like notice, terms and conditions as are hereinbefore provided for paving walkways; and upon failure of the owner or owners to so connect the same within such time, may direct the city contractor to enter upon such lot and make such connection, the cost thereof to be certified and collected in the manner and with all the rights of lien and otherwise hereinbefore provided in the case of walkways."

Condemnation of land for sewer-pipes, &c.

SEC. 5. That when any land or right of way, either within or without the corporate limits of the city of Asheville, shall, in the opinion of the aldermen, be required for the purpose of laying sewer-pipes and making man-holes, or for any other purpose connected with the successful operation of a sewer system or sewer systems in said city, and the owners of such property cannot agree with the aldermen as to the damage or benefit to such land by reason thereof, the proceedings for condemnation and assessment of damages or benefits shall be the same as is hereinbefore prescribed for condemnation of land for streets or other improvements, subject to like liens and terms of payment. And for the purpose of successfully operating the sewer or sewers contemplated hereby, the aldermen of the city of Asheville are fully authorized to extend the lines of sewer-pipes beyond the city limits in any direction or directions thought most advisable, with all the rights and privileges belonging to said aldermen within the city limits, in addition to the authority herein granted, subject to the provisos herein in this section contained for condemnation of land for water-works extended as above.

Conflicting laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 224.

An act to incorporate the town of Earl, in the county of Cleveland.

The General Assembly of North Carolina do enact:

Incorporated.
Corporate name.

SECTION 1. That the town known as Earl, in Cleveland county, be and the same is hereby incorporated by the name and style of Earl, and it shall have the benefits of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this act.

Corporate limits.

SEC. 2. That [the] limits so incorporated of said town shall be one-half mile in every direction from the center of lot No. 58 of said town.

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, 1889, viz.: mayor, John Thompson; commissioners, W. Q. Austell, Dr. Trent and Abel Earl; and marshal, W. D. Earl.

Officers.

Temporary officers.

SEC. 4. That there shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty-nine, and each succeeding year thereafter, with the same restrictions under which county and State elections are held, and all citizens within said incorporation who have resided twelve months within the State and sixty days within the corporate limits previous to the day of election shall be entitled to vote at said election.

Election.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and United States; and levy and collect a tax on all the subjects of State taxation, not to exceed one-half of the State tax, and to impose fines for the violation of town ordinances, and collect the same.

Powers of commissioners.

SEC. 6. That the manufacture and sale of intoxicating liquors of any name—distilled, fermented or malt—are forever prohibited within the corporate limits.

Manufacture and sale of liquor prohibited within corporate limits

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 225.

An act supplemental to an act to incorporate the town of Hallsboro, in Columbus county.

The General Assembly of North Carolina do enact:

SECTION 1. That W. T. Hall be appointed a justice of the peace of the town of Hallsboro, in Columbus county, for a term of six years from the first Thursday in August, 1889.

Justice of the peace appointed.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 226.

An act to incorporate the Trustees of Piedmont Literary and Industrial College, at Salisbury, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.	SECTION 1. That James O'Hara, Paul N. Heilig, Peter A. Frercks, W. L. Kluttz, I. H. Foust, John Whitehead, Theo. F. Kluttz, and their successors and associates, are hereby incorporated and declared
Corporate name.	to be a body politic by the corporate name and style of "Trustees of Piedmont Literary and Industrial College," and by that name they
Corporate powers	shall have perpetual succession and a common seal, may sue and be sued, and may purchase, take, receive and hold any real or personal property whatever, and may sell, transfer, lease, mortgage and convey any such property; but nothing in this section shall authorize said trustees to use or dispose of any property given, bequeathed or devised to them contrary to the conditions annexed to such gift, bequest, devise or conveyance. The trustees mentioned in this section shall hold their offices until their successors shall be elected and qualified, as may be prescribed by the by-laws of the corporation.
Constitution and by-laws.	SEC. 2. The "Trustees of Piedmont Literary and Industrial College" are authorized to make a constitution and laws for the government of said college and for the preservation of order and good morals therein, not inconsistent with the laws of this State or of the
Officers.	United States, and shall have the exclusive right to elect a president of said college and such professors, tutors and officers as they shall think proper.
Faculty.	SEC. 3. The president and professors of said college shall constitute the faculty thereof, and, with the advice and consent of the trustees, shall have the power of conferring such degrees and marks of literary distinction as are usually conferred in colleges and universities.
Degrees, &c.	
Officers of board of trustees.	SEC. 4. The trustees shall elect one of their number as president of the board of trustees, and they may appoint a treasurer, secretary and such other officers and servants as may be deemed expedient, and may provide for the election, duties, compensation and terms of any and all such officers, agents or servants; and they shall likewise appoint and provide for the regulation, compensation and control of the faculty. Five trustees shall be a quorum for the transaction of business.
Quorum.	
Limitation of right to hold property.	SEC. 5. The real property of said corporation shall not exceed in value the sum of three hundred thousand dollars, and the personal property thereof shall not exceed in value the sum of five hundred thousand dollars.
Exemption from taxation.	SEC. 6. The real property owner [owned] by said corporation, not exceeding five hundred acres of land, including the college buildings, shall be exempt from taxation, and the personal property thereof, not

exceeding five hundred thousand dollars in value, shall be exempt from taxation.

SEC. 7. The trustees shall be authorized to change the name of said college and the title and name of the body politic hereby created, and in case of such change of name, the new body politic and corporate shall succeed to all the rights, powers, property and privileges and advantages conferred by this act upon the trustees. Change of name.

SEC. 8. The number, manner of electing and terms of office of the trustees shall be regulated by the constitution and by-laws of the corporation. Number of trustees, &c.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 227.

An act to incorporate the Southport Land and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That E. B. Stevens, W. G. Curtis, C. F. Swasey and C. D. Stevens, and their associates, are hereby declared a body politic and corporate, under the name and style of "The Southport 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; adopt and use a common seal, which they may alter at their pleasure. Body politic.
Corporate name.
Corporate powers

SEC. 2. That the capital stock 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. Capital stock.

SEC. 3. That whenever the sum of twenty-five 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 three 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 [shall] hold their offices until others are chosen. Organization.
Directors.

SEC. 4. That 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. Treasurer.

SEC. 5. That it shall be the duty of the president and directors and treasurer to make a report at least once a year to the stockholders on the state of the company. Annual report.

Place of business. SEC. 6. That the principal place of business of said corporation shall be Southport, North Carolina.

By-laws. SEC. 7. That the said corporation shall make rules and regulations, or by-laws, as may seem proper for the government of the corporation, and to require bonds from such officers as they may choose for the faithful performance of their duty, payable to the corporation.

Bonds.

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: *Provided*, such purchase shall not exceed five thousand acres at any one time, and to hold and 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, or otherwise to aid, encourage and to promote emigration [immigration] into the property of the company; to deal with, manufacture and render salable the timber found on the said property; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to construct mills, works, shops, hotels or other business premises, and maintain them; to build and equip with rolling and other stock, and build and operate rail, tram, turnpike and 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 other works that may be necessary. They shall have power to purchase, lease or otherwise acquire any real or personal property, and to 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; to make, accept and execute promissory notes and negotiable instruments; to raise money in any way the company may see fit; to issue mortgage bonds upon any and all of its company property; to deal in all mineral products, crude or 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 incident or conducive to the attainment of any or all of the above objects, on their own premises. They shall also have power to erect and maintain iron and steel furnaces.

Corporate existence.

SEC. 9. That the corporation shall exist and be in force and effect for a period of thirty years from the date of the ratification of this act.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 228.

An act to authorize the Junaluskee Lodge, No. 145, A. F. and A. M., to sell the female academy in the town of Franklin, in Macon county.

WHEREAS, Certain property in the town of Franklin, Macon county, North Carolina, known as the "Female Academy" has heretofore been conveyed to the Junaluskee Lodge, No. 145, A. F. and A. M., in trust for said lodge and for school purposes; and whereas, said property can no longer, in its condition, be used to any good advantage for school purposes; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That said Junaluskee Lodge, No. 145, A. F. and A. M., is hereby empowered and authorized to sell said property on such terms as it may deem proper, and apply the proceeds of such sale to such school purposes as it may deem advisable.

Empowered to sell.

Application of proceeds.

SEC. 2. That the said Junaluskee Lodge, No. 145, A. F. and A. M., is hereby authorized and empowered to appoint a trustee to execute and deliver a deed to the purchasers in fee simple; and such deed, when made, executed and delivered, shall pass all the right, title and interest, both legal and equitable, that is now vested in said Junaluskee Lodge, No. 145, A. F. and A. M.

Execution of deed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 229.

An act to amend chapter fifty, private laws of 1885, entitled "an act to incorporate the North Carolina Baptist Orphanage Association," and to change the name thereof to "The Trustees of the Thomasville Baptist Orphanage."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty of the private laws of 1885, entitled "an act to incorporate the North Carolina Baptist Orphanage Association," be amended as follows: Strike out the names of the incorporators in the first section and insert the following: "W. R. Gwaltney, S. J. Montague, John C. Scarborough, R. McBrayer, A. C. Meek, J. H. Lassiter, A. G. McManaway, Thomas Carricke, John Mitchell, Noah Biggs, W. T. Faircloth, Thomas H. Pritchard, C. Durham, E. Frost, F. B. [P.] Hobgood, R. D. Flemming, J. L. Markham and J. D. Brevard." Strike out of said section the words "The North Carolina Baptist

Chapter 50, private laws 1885, amended.

Incorporators.

Change of corporate name.
Empowered to hold property not exceeding \$200,000.
Term of office of trustees.

Orphanage Association," and insert "The Trustees of the Thomasville Baptist Orphanage." Strike out of said section the words "one hundred thousand dollars," and insert "two hundred thousand dollars."

SEC. 2. That section second of said act is hereby stricken out and the following inserted in lieu thereof, to-wit: "The first six names of the above trustees shall hold their office for two years, and the next six named shall hold their office for four years, and the last six named shall hold their office for six years; but their successors shall each hold his office for six years. The said trustees shall elect their successors and shall fill all vacancies. If any trustee shall fail to attend two successive annual meetings of the said trustees, or shall remove beyond the limits of the State, then the said trustees may declare his office vacant and elect a successor to hold for the unexpired term. The said trustees shall have the control and management of the affairs of said corporation, and in their corporate name may sue and be sued, plead and be impleaded. They may elect one of their number president, and they may elect such other officers as by their by-laws they may provide for."

Vacancies.

Powers of trustees.

Property to vest in new corporation.

Existing contracts valid.

SEC. 3. That all property held by the corporation in its present name shall, upon the ratification of this act, vest in the corporation as named by this act: and all contracts made by and with the corporation in its present name shall be valid for and against the corporation in its name as established by this act.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 230.

An act to incorporate the "Africo-American Presbyterian Publishing Company."

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Daniel J. Sanders, Robt. P. Wyche, John C. Simons, Thomas A. Stiles, William R. Coles, Irby D. Davis, James A. Rainey, Henry D. Wood, James A. Wright and George Carson, their associates, successors and assigns, be and they are hereby created a

Corporate name.

body politic and corporate, under the name of "Africo-American Presbyterian Publishing Company," and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered in any of the courts of this State.

Corporate powers

Capital stock.

SEC. 2. The capital stock of said corporation shall be twelve hundred dollars, to be divided into shares of fifty dollars each, with power to increase said capital stock at any time, from time to time, to any sum not exceeding in the aggregate twenty thousand dollars.

SEC. 3. Said corporation shall have power and authority to carry on in all its branches the general publishing and job printing business; said corporation may publish a religious newspaper by any name desired, and purchase and hold such real and personal property as may be deemed necessary and expedient for the proper transaction of its business. Corporate powers

SEC. 4. The stockholders of said corporation shall have power to make all rules and by-laws and regulations for the government of said corporation and the due transaction of its business; they shall have power to elect, in such manner as a majority of them may prescribe, such officers as they may 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 of the United States, as they may consider best calculated to serve their purpose and interest. By-laws.
Officers.

SEC. 5. Said corporation may have a common seal, which it may alter at pleasure. Common seal.

SEC. 6. That no notice or publication whatever of the first meeting of said corporation shall be required: *Provided*, all the corporators waive such notice or publication in writing and fix a time for the said first meeting. Organization.
Proviso.

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. Non-liability of
stockholders.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 231.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section fifteen, chapter ninety-seven, private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by adding at the end of said section: "That upon the failure of said company to comply with the provisions of this act the president of said company shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned at the discretion of the court." Chapter 97, private laws 1873-'74, amended.

On failure of Brunswick Bridge and Ferry Company to comply with provisions of charter, president guilty of misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 232.

An act to incorporate the Robson Mining and Manufacturing Company.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That H. B. Robson, James A. Bryan, Thomas B. Keogh, L. W. Humphrey and Charles S. Bryan, their associates, successors and assigns, are hereby created and declared a body politic and corporate
- Corporate name.** under the name and style of the Robson Mining and Manufacturing
- Corporate powers** Company, and under that name may sue and be sued, prosecute and defend actions and special proceedings in all courts of the land, contract and be contracted with, and adopt and use a common seal which may be altered at pleasure: and shall have a corporate existence for ninety-nine years.
- Capital stock.** SEC. 2. That the capital stock of the said company shall be one hundred thousand dollars, divided in shares of one hundred dollars each, with the liberty and authority of increasing said stock from time to time by order of two-thirds of the stockholders.
- Organization.** SEC. 3. That whenever the sum of five thousand dollars shall have been subscribed, and five per centum of that sum paid in, it shall be the duty of said corporators to call a meeting of said stockholders, and at said or subsequent meeting shall elect five directors (said directors shall elect one of their number president), whose terms of office shall be one year, and hold their offices until their successors shall be elected by the stockholders, and each share of stock shall be entitled to one vote in all meetings of stockholders.
- Treasurer, &c.** SEC. 4. That it shall be the duty of the president and directors to elect a treasurer and such other officers as shall be provided for by the by-laws, who shall hold office such length of time as the said by-laws may determine.
- Annual report.** SEC. 5. That it shall be the duty of the president and directors to make a report at least once a year to the stockholders on the state of the company.
- Increase of capital stock; in case of number of directors.** SEC. 6. That in case the said corporation shall increase its capital stock it may increase its number of directors, by order of two-thirds of the stockholders, to any number not exceeding nine, and in all meetings of stockholders the vote shall be by person or proxy.
- Corporate powers** SEC. 7. That said company shall have power to lease, purchase or otherwise acquire lands or mineral or surface rights therein or thereon, and work the same for the extraction of coal, iron, petroleum, natural gas, gypsum and other minerals and products; to market such coal, iron and 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, petroleum, gas, gypsum 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 dispose of, or sell such lands; and for the purchase of land and other property; and for services rendered may issue any part of the capital stock in payment therefor: *Provided*, said corporation shall not hold exceeding five thousand acres of land at any one time. Proviso.

SEC. 8. The said company is authorized to construct mills, workshops, hotels or other business premises, and maintain them; to build and equip and operate with rolling and other stock, 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 whenever it may become necessary, for the purpose of constructing said roads, canals, dams or other works, to enter upon any lands to which it 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. Said company 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, convey, improve, manage, develop, lease, mortgage, dispose of, or otherwise deal with all or any parts of the property of the company; 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 or manufactured; 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 attainment of any or all of the foregoing objects not inconsistent with the laws of North Carolina or the United States. Corporate powers

SEC. 9. That the said corporation shall make by-laws for the government of the said company, and to require bonds from such officers for the faithful performance of their duties, payable to the said corporation; said by-laws to prescribe the mode of the transfer of stock on the books of the company, to prescribe the mode and name the officers who shall execute in the name of the said corporation all deeds or conveyances, mortgages, bonds and other contracts by the company. By-laws.
Bonds.
Transfer of stock,
&c.

SEC. 10. The said company shall have five years to construct its plant, and when materials shall become exhausted or not sufficient to be worked at a profit, or other cause, the said company may remove and establish its business operations elsewhere. Plant to be constructed in five years.
Removal of plant.

Stockholders' meetings, &c.

SEC. 11. The meetings of the stockholders and board of directors shall be held at such place or places as the said stockholders shall appoint.

Non-liability of stockholders.

SEC. 12. 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.

Conflicting laws repealed.

SEC. 13. All laws or clauses of laws in conflict with this act be and are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 233.

An act to amend chapter 52 of the laws of 1876 and 1877, being an act to incorporate the town of Gastonia, in Gaston county.

The General Assembly of North Carolina do enact:

Chapter 52, private laws 1876-77, amended.

Corporate limits.

SECTION 1. That section two of chapter 52 of the laws of one thousand eight hundred and seventy-six and seventy-seven be stricken out and the following inserted in lieu thereof: "That the corporate limits of said town shall be one mile wide and one mile and three-eighths long, to be determined by closing in lines running one-half mile north, south and east, and seven-eighths of a mile west, from the center of the crossing of the Charlotte and Atlanta Air-Line Railway and the Chester and Lenoir Narrow Gauge Railroad."

Conflicting laws repealed.

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

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 234.

An act to authorize and allow the commissioners of Morehead City, Carteret county, to regulate the sale of spirituous liquors in said town.

The General Assembly of North Carolina do enact:

Invested with power to regulate issuing of retail liquor licenses.

SECTION 1. That the commissioners of Morehead City, Carteret county, be and are hereby invested with full power and authority to grant or refuse to grant license to retail spirituous, malt, vinous or other liquors of any and every kind within the limits of said

town. And it shall be unlawful for any person to sell the same, directly or indirectly, without a license first obtained from the board of commissioners. And it shall further be unlawful for any person to sell or give away spirituous liquors of any kind, as herein mentioned, within two miles of the corporate limits of said town, unless with the permission of said license to do the same, obtained from the commissioners of said town, who are also invested with full discretionary power to grant or refuse to permit the doing of the same as is provided for in license in the corporate limits of said town. And the board of county commissioners of Carteret county are hereby forbidden to make any order authorizing a license to retail to issue to any person in the limits of said Morehead City, or within two miles of the corporate limits of the same, unless upon the written consent of the commissioners first being exhibited.

Unlawful to sell without license.

Unlawful to sell or give away liquor within two miles, &c.

County commissioners forbidden to issue license without written consent of town commissioners.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification: *Provided*, that nothing herein contained shall affect the right of any person allowed license within the prescribed limits from continuing until the expiration of the time designated in the license.

Rights of persons holding license not affected.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 235.

An act to incorporate Sulphur Springs Baptist Church, Alexander county.

The General Assembly of North Carolina do enact :

SECTION 1. That A. W. Lockey, J. R. Gwaltney, Wm. M. Lockey, W. P. Ingram, and their successors in office, be and the same are hereby incorporated under the name and style of Trustees of Sulphur Springs Baptist Church, in Sharp's township, of Alexander county, and by that name may sue and be sued, plead and be impleaded, and shall have all the powers of like institutions.

Body politic.

Corporate name.

Corporate powers

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.

Officers.

SEC. 3. That the incorporate limits shall be two miles in every direction from said church, so as to form a complete circle as a radius from said church.

Corporate limits.

SEC. 4. That it shall be unlawful for any person or persons to sell, directly or indirectly, spirituous or intoxicating liquors within the

Misdemeanor to sell liquor within corporate limits.

limits of said incorporation; and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 236.

An act to incorporate the Asheville and Craggy Mountain Turnpike Company.

The General Assembly of North Carolina do enact:

Incorporation authorized.

SECTION 1. That for the purpose of constructing a turnpike road from Asheville, North Carolina, in a northeasterly direction to some point at or near the top of Craggy mountain, in the county of Buncombe, the formation of a corporation with a capital stock not exceeding fifty thousand dollars (\$50,000), to be styled the "Asheville and Craggy Mountain Turnpike Company," is hereby authorized.

Books of subscription.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the city of Asheville under the direction of any three of the following named persons, to-wit: S. W. Battle, W. T. Penniman, T. W. Patton, C. W. Woolsey, W. W. West and W. B. Gwyn.

Capital stock.

SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars (\$10) each, and whenever one hundred of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates are hereby declared to be a body politic and incorporated

Corporate name.

Corporate powers

by the name and style of the "Asheville and Craggy Mountain Turnpike Company," for the term of ninety-nine years, with all the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the chapter of The Code of North Carolina entitled "corporations."

Organization.

SEC. 4. So soon as one hundred shares of the capital stock of said corporation shall be subscribed for, it shall be lawful for any three of the persons hereinbefore named to call a general meeting of such subscribers by notice advertised at least two days prior thereto in one or more newspapers published in said city of Asheville, and such subscribers shall, at such meeting, elect from among themselves a board of directors for said corporation of such number, not less than five, as they may at such meeting or any subsequent meeting determine; and the directors to be chosen at such meeting, and at the subsequent annual meetings of the stockholders, as they may be

Directors.

fixed by the by-laws of said corporation, shall elect one of their number president of said corporation at said meeting or at any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation; and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.

SEC. 5. The board of directors may require payments on amount of subscriptions to the capital stock of said corporation to be made in such installments and at such times as they may think proper, and in case any subscriber fails to make payment of any such installments at the time required by the call for the same, the directors, after fifteen days notice advertised in one of the newspapers of said city of Asheville, may sell by public auction the share or shares of stock subscribed for by him, or so many of them as will pay the whole of the remainder then unpaid on his subscription, whether then payable or not, and if a balance shall still remain after applying the proceeds of the sale of his shares as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.

SEC. 6. Whenever any lands may be required for said turnpike, either for a roadway, or for toll-houses, or other necessary appurtenance thereto, and an agreement cannot be made with the owner or owners of such lands, the company or such owner may in writing apply to the clerk of the superior court of the county of Buncombe to cause the damages of such owner, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the said corporation and one by the said clerk of the court; but should either party or both fail to appoint, after five days notice of such application to the clerk, then the clerk shall appoint instead. The referees so appointed being duly notified by the clerk, shall, being first duly sworn by some justice of the peace to act impartially, lay off a right of way forty feet in width or such less width as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll-house or houses, not exceeding an acre of land, and assess the damages, if any, to the owners of the land, taking into consideration any benefit or advantage to accrue to such owner from the making of such road, and return their award in writing within ten days to said clerk; and such award of such referees or any two of them, when returned, shall become a judgment of the superior court of said county, on which execution may issue returnable in sixty days, if the amount is not paid by said company within ten days after notice of such return; but if either party is dissatisfied and shall, within ten days after the return of such award, notify the clerk in writing of an intention to appeal to the next term of the superior court of said county, such party shall have ten days after such notice

President.

By-laws.

Payment of subscriptions.

Remedy against subscriber failing to pay.

Condemnation of land.

Appeal.

to give an appeal bond or undertaking, with two sufficient sureties, in such sum as the clerk shall fix, to cover damages and costs, and both parties may appeal from the same award, and the trial in the superior court shall be *de novo*, and the facts shall, if either party so requests, be submitted to a jury. So soon, however, as an award is returned by a majority of such referees as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for making such turnpike road or erecting a toll-house, as the case may be.

Tolls, &c.

SEC. 7. That said company shall be authorized to demand, recover and receive from all persons using the road of such company, or any of its branches, such fare or toll as may from time to time be established or fixed by its board of directors, and shall have the right to transport persons and freight over the same at such rates of fare, tolls and compensations therefor as the directors may deem proper. Any person who shall use any part of said road or of its branches without paying the fare or toll due and payable for such use, and demanded by any officer or agent of said company, shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Buncombe shall pay a fine of not less than two dollars (\$2), nor more than five dollars (\$5), and upon failure to pay such fine, together with the costs of the proceedings against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than twenty days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to said company.

Misdemeanor to use road without paying toll.

Penalty.

Misdemeanor to injure road, &c.

SEC. 8. Any person who shall in any manner injure or obstruct the road of said company or any bridge connected therewith, besides being liable for damages in a civil action, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, at the discretion of the court.

Authorized to purchase real estate, &c.

SEC. 9. The said corporation may take, by purchase, devise, or otherwise, all such real estate as may, by its directors, be considered necessary or convenient for its roadways, or for toll houses and gardens appurtenant thereto, or for sites for one or more hotels or houses of entertainment, with suitable yards, fields, gardens and grounds adjacent or near to the same: *Provided*, such yards, gardens, fields and grounds shall not exceed one acre each, and may sell and convey the same at pleasure; and may make and construct its roads and the branches thereto of any such different materials and in such manner and form as to its directors may seem best.

Proviso.

Non-liability of stockholders.

SEC. 10. That the stockholders shall not be individually liable for the debts of the corporation.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 237.

An act to amend chapter fifty-seven, private laws of eighteen hundred and seventy-four and five, entitled "an act to incorporate the town of Shelby, Cleveland county."

The General Assembly of North Carolina do enact :

SECTION 1. That after section twenty-eight (28) of chapter fifty-seven, private laws of eighteen hundred and seventy-four and five, the following sections shall be added: Chapter 57, private laws 1874-'75, amended.

SEC. 28a. The said 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. Powers of commissioners.

SEC. 28b. 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. Fire companies.
Des ruction of houses to stop fire.

SEC. 28c. 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 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 [o!] any offensive or unhealthy business, trade or employment. Nuisances.

SEC. 28d. That the said board of commissioners are hereby authorized and empowered to issue from time to time, to an amount not exceeding twenty thousand dollars, bonds in the name of the town of Shelby, 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. Authorized to issue bonds.

SEC. 28e. 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 Election upon question of issuing bonds.

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 commissioners shall provide a special registration of the qualified voters of the town to be made for said election.

Not to be sold for less than par.

SEC. 28*f*. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value, and the money arising from the sale of these bonds shall be used for public improvements in said town.

Bonds not subject to town taxes

SEC. 28*g*. That said bonds and their coupons shall not be subject to town taxes until after they become due, and the coupons on said bonds shall be receivable in payment of said town 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.

Coupons receivable for town taxes.
Holder failing to present.

Special tax.

SEC. 28*h*. That for the purpose of paying off, taking up and cancelling all the coupons on any and all bonds issued by said town as the same becomes 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 subject of taxation under the charter of the town and all the amendments thereto, which taxes so collected shall at all times be kept separate and distinct.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 238.

An act to amend the charter of the town of Hickory.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That the inhabitants of the town of Hickory, residing within one mile of the center of the public square in said town, shall continue to be, as heretofore, a body corporate, but under the name

Corporate name.

and style of "The City of Hickory," and under such name and style is hereby invested with all property and rights of property which now belong to the present corporation of the town of Hickory, or

Corporate powers

any other corporate name or names heretofore used; and by the corporate name of the city of Hickory may purchase and hold, for purposes of its government, welfare and improvement, all such estate, real and personal, as may be deemed necessary therefor, or as may be conveyed, devised or bequeathed to it; and the same may from

time to time sell, dispose of and reinvest, as shall be deemed advisable by the proper authorities of the corporation.

SEC. 2. That the present mayor and commissioners and other officers of the town of Hickory shall be and they are hereby declared to be like officers, with like powers and duties, of the city of Hickory, under the name of mayor and aldermen, until their successors are elected and qualified as hereinafter provided.

Present officers
to continue, &c.

SEC. 3. That the administration and government of the city of Hickory shall be vested in one principal officer, to be styled the mayor, a board of six aldermen and such officers as are hereinafter provided for: *Provided*, that when the population of said city shall be ascertained to be four thousand, the board of aldermen shall have power to divide the said city in four wards, as follows, viz.: that part lying north of the Western North Carolina Railroad and east of a due north line from the center of what is now known as the public square, to be known as ward number one; that part lying south of said railroad and east of a due south line from the center of said square, to be known as ward [number] two; that part lying south of said railroad and west of said due south line, to be known as ward number three; that part lying north of said railroad and west of the said due north line, to be known as ward number four. And there shall be elected two aldermen from each of said wards to constitute said board.

Mayor and aldermen.

When population
reaches 4,000 to
be divided into
four wards.

SEC. 4. That the mayor shall be elected on the first Monday in May in each year by the qualified voters of the city of Hickory, and the board of aldermen shall be elected by said qualified voters as follows: The three commissioners elected on the first Monday in May, one thousand eight hundred and eighty-seven, under the provisions of an act, chapter seventy-nine of the private laws of one thousand eight hundred and eighty-seven, to serve for two years, to-wit, from the first Monday of May, one thousand eight hundred and eighty-eight, to the first Monday of May, one thousand eight hundred and ninety, shall continue to be for said term members of the board of aldermen; and at each annual election on the first Monday in May, beginning with the first Monday in May, one thousand eight hundred and eighty-nine, these aldermen shall be elected to serve for a period of two years, to take the place of those whose terms expire. And on the first Monday in May following the division of the city into wards there shall be four aldermen elected, one resident in each ward, to serve for two years; and on each first Monday in May thereafter there shall be four aldermen elected to take the place of those retiring: *Provided*, the board of aldermen elected under the provisions of this act shall elect one alderman to serve for the first year after the city is divided into four wards.

Election of mayor
and aldermen.

Proviso.

SEC. 5. That the mayor and board of aldermen shall have power to elect a chief of police and as many policemen as they may deem necessary, a city clerk, a city treasurer or a city clerk who shall act

Policemen.

Other officers.

as city treasurer, a tax-collector, a chief of fire department, and any other agents, officers or employees that may be necessary.

Inspectors of election, &c.

SEC. 6. That the board of aldermen shall, annually, at least ten days before the first Monday in May, appoint as many inspectors or judges of election as they may deem proper (not less than three), and shall give at least ten days public notice in a newspaper published in the city, or by sufficient posters, that the said inspectors will hold the annual election at such place or places as the board of aldermen may appoint in said city, and named in the said public notice, and the officers to be elected shall also be named in said public notice: *Provided*, that if for any reason the inspectors appointed, or any one of them, shall fail to act, the board of aldermen may appoint others.

Proviso.

Election, how held, &c.

SEC. 7. That it shall be the duty of the inspectors of election so appointed to hold the elections according to law, after being sworn by any lawful officer competent to administer oaths: and at the close of the election the votes shall be counted by the inspectors publicly, and such person voted for as mayor having the largest number of votes shall be declared to be elected mayor, and such persons (three in number or four after the city be divided into wards) voted for as aldermen having the largest number of votes shall be declared to be duly elected aldermen: and the inspectors shall, within two days thereafter, notify those elected of the fact, and also report the result to the board of aldermen, who shall keep a correct record of the same: *Provided*, that in case of a tie vote at the annual election, the inspectors shall decide who shall be mayor or alderman, as the case may be.

Tie vote.

Registration.

SEC. 8. That the city clerk shall be ex-officio registrar, and shall open the registration books and keep them open for thirty days immediately preceding the day of election, and all electors who have resided in the city of Hickory for ninety days shall be entitled to register. Such elections shall be held as near as may be in compliance with the provisions of The Code of North Carolina and of this charter.

Mayor to qualify.

SEC. 9. That the mayor elect shall, within three days after being notified of his election as aforesaid, take the oaths prescribed before

Mayor an inferior court.

any justice of the peace for Catawba county. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of the city, have all the power, jurisdiction and authority of a

Special criminal court.

justice of the peace in all criminal matters. The mayor shall further be a special criminal court within the corporate limits of the city to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the city. The proceeding in said court shall be the same [as] now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal; and in all cases where a defendant may be adjudged to be imprisoned by the said mayor it shall be lawful and competent

for him to adjudge also that the said defendant work during the period of his confinement on the public streets and other public works of said city. And it may and shall be lawful for the mayor, when he has entered up a judgment against the defendant for fine or penalty, if the same is not paid to order, and require such person or persons so convicted to work on the streets or other public work of the city under the supervision of the chief of police or street overseer until, at a rate of wages ranging from fifty cents to one dollar per day, such person or persons shall have worked out the full amount of the judgment and cost of prosecution; and to effect this it shall be lawful for the board of aldermen to establish a chain-gang, and work offenders on the public works and streets by ball and chain.

Persons convicted liable to work on streets.

Chain gang.

SEC. 10. That the mayor of the city of Hickory may issue his precepts to any constable, policeman, or to such other officers as are required to execute process issued by a justice of the peace.

Precepts of mayor.

SEC. 11. That the mayor shall keep a faithful minute of the precepts issued by him and of all judicial proceedings.

Mayor to keep record.

SEC. 12. That the mayor, when present, shall preside at all the meetings of the board of aldermen, and where 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 should be absent the board may appoint one of their number *pro tempore* to exercise his duties at that meeting; and in the event of his extended sickness or absence the board may appoint one of their number *pro tempore* to exercise his duties.

Mayor to preside, &c.

Mayor *pro tem*.

SEC. 13. That the mayor shall keep his office in some convenient part of the city designated by the board of aldermen. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this act and the ordinances of the corporation.

Mayor's office. Duties.

SEC. 14. That the aldermen shall form one board, and a majority of them shall be competent to perform all duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often, at least, as once in every month. Special meetings of the aldermen may also be held on the call of the mayor, or shall be called by him at the request of a majority of the aldermen. And at every such meeting when called by a majority of the aldermen, such as shall not join in the call shall be notified.

Board of aldermen.

Meetings.

SEC. 15. That the board of aldermen, when convened, shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the better government of said city as they may deem necessary, not inconsistent with this act or with the laws of the land.

Ordinances, &c.

- Aldermen to take oath, &c.** SEC. 16. That after the mayor has been duly elected and qualified, he shall call the aldermen elected before him within three days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their office as aldermen, with fidelity and integrity, to the best of their ability, which oath shall be administered by the mayor or a justice of the peace.
- Term of office.** SEC. 17. That all the officers elected or appointed under or by virtue of this act shall hold their office or appointment until their successors are duly elected or appointed and qualified.
- Grants, &c., heretofore given confirmed.** SEC. 18. That all grants, conveyances, power or license heretofore given, ordered or authorized by the board of commissioners of the town of Hickory, and grants made to [them] are hereby validated and confirmed.
- Powers of aldermen.** SEC. 19. That the board of aldermen may, in their discretion, grant to any person or persons such license, power and authority as they may see fit, within said city, to establish, locate, carry on and ply any business, trade or occupation, or to do any act not forbidden by law, and to pass such orders, resolutions or ordinances as may fully protect persons so licensed, authorized or employed, in the full and uninterrupted management and control of said business.
- City clerk and treasurer.** SEC. 20. That at the first meeting of the board of aldermen, or as soon thereafter as practicable, they shall elect a city clerk and treasurer (or combine the two as herein provided) and a tax-collector, who shall respectively hold their offices for the term of two years 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, such of said offenders [officers] shall take an oath before the mayor to faithfully discharge the duties required of him [them] by the board of aldermen, and each shall execute a bond in such an amount as the board may require, with security to be approved by the board.
- Tax-collector.**
- Oath.**
- Bond.**
- Salary of clerk. Duties.** SEC. 21. That the clerk and treasurer shall have a salary to be fixed by the board, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor; and he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said city, and disburse the same according to an order given in obedience to the directions of said board approving 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. He shall pay to his successor all moneys in his hands belonging to said city, and shall faithfully perform all duties imposed upon him as clerk and treasurer by the laws and ordinances of said board, and

shall perform all other duties that may be imposed upon him by the board of aldermen.

SEC. 22. That the tax-collector, whose appointment is therein [herein] provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with sums appearing by the tax-lists as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by appeal, all poll-tax and taxes on personal property certified by the clerk of the commissioners of the county by order of the board of county commissioners to be insolvent and incollectible. He shall at no time retain in his hands over two hundred dollars for a longer time than seven days, under a penalty of two per cent. per month to the city upon all sums unlawfully retained. The board of aldermen, at the regular meeting in April of each year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax-collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and, when approved by them, shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness and impeachable only for fraud on [or] specified errors. 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 in case of said removal.

Powers and duties of tax-collector.

Settlement with tax-collector.

Removal.

SEC. 23. That the board of aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office for one year and until their successors are appointed. The chief of police shall give bond in such sum as the board of aldermen may prescribe, for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into his hands from fines, penalties, etc. The chief of police shall have supervision and control of the police force, and it shall be his duty to report to the mayor and [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 violation of law or ordinances of the city, to collect all fines and penalties imposed and pay the same to the city treasurer, and to execute the orders and judgments of said court; to see that the laws and ordinances of the city are enforced, and do such other things as may be required of him by the mayor. The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city in suppressing disturbances and appre-

Police force.

Bond of chief of police.

Duties.

Powers.

- hending offenders; they shall execute all process directed to them by the mayor and others, and in execution thereof shall have the same power which sheriffs and constables have. The chief and members of the police shall take an oath before the mayor for the faithful performance of the duties required by law and ordinances.
- Oath.**
- Fees.** SEC. 24. That 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 services. The board of aldermen shall pass ordinances for the government and direction of the police, and shall fix their compensation. In times of exigency the mayor may appoint, temporarily, additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.
- Special police.**
- Suspension of police.** SEC. 25. That the mayor may at any time, upon charges being preferred, or upon finding said chief or any member of said police force guilty of misconduct, have power to suspend such member from service until the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior shall be good cause for dismissal, and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.
- Dismissal.**
- Other officers.** SEC. 26. That the board of aldermen may also appoint a city engineer, a city attorney and a street and a sanitary commission, prescribe the duties required of each, and fix their compensation.
- Listing of property for taxation.** SEC. 27. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons who own or have control of taxable property in the city on the first day of June to return to him (by themselves or agents), on or before the last day of June, a list [of] their taxable property in said city: said lists shall state the number of lots or parts of lots, and all other property now taxable or that thereafter may be made taxable by the law of the State or of the ordinances of the city, and the list so returned to the clerk and treasurer shall be sworn to before him; and he is hereby authorized to administer the following oath: "I,-----, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots or other lands owned by me in said city, a full and accurate list of all personal property, and a full and accurate list of all other stocks, bonds, incomes, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city according to my best knowledge, information and belief: so help me, God": *Provided*, that agents for the purpose of listing property shall be appointed only by females, non-residents of the city or persons physically unable to attend and file their list as prescribed. The property
- Oath.**
- Proviso.**

of corporations shall be given in by the president, cashier, treasurer, or other person appointed for that purpose; and from the returns so made the clerk and treasurer shall, within thirty days after the expiration of the term [of] taking said list, make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax-lists are made out according to law for the collection of State taxes. And the said clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the city limits, which assessment may be revised, corrected or amended by the board of aldermen.

SEC. 28. That the clerk [and] treasurer shall, within thirty days from the return of the tax-list, make out, to the best of his knowledge and belief, by comparing his books with the returns made to the board of township assessors, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and times 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 aldermen before the mayor or any justice of the peace.

SEC. 29. That in order to raise a fund for the expenses incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, viz. (*Provided*, that the board of aldermen may, in their discretion, exempt any person from payment of poll-tax for physical or mental disability):

1. On real and personal property situated in the city, a tax not exceeding one dollar on every hundred dollars value.

2. On all taxable polls who may be residents in the city on the first day of June of such year, or may have been so resident within sixty days next preceding that day, a tax not exceeding three dollars.

3. On every four-horse omnibus, a tax not exceeding forty dollars.

4. On every dray or express wagon drawn by one or two horses, a tax not exceeding twenty-five dollars; if drawn by more than two horses, a tax not exceeding fifty dollars.

5. On all carriages, buggies, sulkies and other vehicles used in the city for the carriage of persons, if hired one or more times, a tax not exceeding fifteen dollars.

6. On every dog, a tax not exceeding ten dollars.

7. On every hundred dollars value of goods, wares and merchandise purchased for resale by any merchant trading in the city within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding one tenth of one per cent.

SEC. 30. That as soon as the clerk and treasurer shall have furnished the assessment-roll as provided, and shall have been revised by the

Tax-list.

Unlisted property.

Penalty.

Taxation.

Exemptions.

Ad valorem tax.

Poll-tax.

Omnibuses.

Drays, &c.

Carriages, &c.

Dogs.

Purchases.

Aldermen to levy taxes.

- board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax-lists in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer: and the collector for his compensation shall receive not exceeding five per cent. on the amount collected.
- Collection of tax.** SEC. 31. That if any persons liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property to be sold be realty.
- Compensation of collector.** SEC. 32. That when the tax on any lot or other land (which is hereby declared a lien on the same) should remain unpaid on the first day of January, and there is no visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the door of the mayor's office or city hall by the collector, after advertising for thirty days in some newspaper published in the city, which the collector shall do; and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole. And if no person will pay the whole taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed as herein-after provided, shall belong to said city in fee.
- Collection by distress.** SEC. 33. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchased and purchaser thereof, and the price of each, which shall be inserted in the book of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury subject to the demand of the owner.
- Sale of real estate for taxes.** SEC. 34. That the owners of any land sold under the provisions of this charter and amendment, or any person acting for them, may redeem the said [land] within one year after the sale by paying the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.
- Purchase by city.** SEC. 35. 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 recitals in such
- Collector to make report, &c.**
- Redemption of land sold for taxes.**
- Conveyance to purchaser.**

conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or for 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 or done.

SEC. 36. That in addition to the subjects listed for taxation, the License taxes.
aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the city tax-collector immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, viz.:

1. Upon itinerant merchants or peddlers selling or offering to sell Peddlers, &c.
any article whatsoever in the city, a license tax not exceeding fifty dollars per year.

2. Upon every shooting gallery, billiard table, bowling alley or Shooting galleries, &c.
alley of like kind, bowling saloon, bagatelle table, pool table or place of any other game or play, with or without a name, kept for hire or kept in a house where liquor is sold, or a house used or connected with such a house or used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars.

3. Upon every hotel, restaurant or eating-house, a license tax not Hotels, &c.
exceeding twenty-five dollars.

4. Upon every company of circus riders or performers, by whatever Circuses, &c.
name called, who shall exhibit within the city or within one mile outside the corporate limits thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side-show connected therewith, a license tax not exceeding twenty dollars for each performance.

5. Upon every person or company within the city or within one Theatres, &c.
mile of the corporate limits thereof [exhibiting] any stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting or otherwise to be doubled.

6. Upon every exhibition for reward of artificial curiosities (models Curiosities, &c.
of useful inventions excepted) within the city or within one mile of the corporate limits thereof, a tax not exceeding twenty-five dollars, to be paid before exhibition or the same to be doubled. On each room or hall used as a theatre or opera house, [a tax] not exceeding fifty dollars: *Provided*, that in case of any concert or other exhibition or entertainment given by or under the patronage or control of any religious or educational institution, church, college, or resident amateurs, the mayor may, in his discretion, remit the license tax.

7. Upon each show or exhibition of any other kind, and on each Shows, &c.
concert for reward, upon every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition or the same to be doubled.

Various occupa-
tions, &c.

8. Upon each and every of the following objects and occupations the aldermen may, at [their] discretion, impose the following taxes, which shall empower them to ply their trade for one year, to-wit: On auctioneers, not exceeding fifty dollars; on jewelers or silversmiths, itinerants offering for sale, not exceeding fifty dollars; on dentists, local or itinerant, not exceeding ten dollars; on photographers, not exceeding twenty-five dollars; on dealers in leaf tobacco, not exceeding ten dollars; on hucksters' stands, not exceeding twenty dollars; on itinerant dealers in lightning-rods, not exceeding twenty-five dollars; on agents for the sale of any patented article, not exceeding twenty dollars; on bank or bank agent, not exceeding one hundred dollars; upon note shaver or broker, not exceeding fifty dollars; upon [each] tobacco manufacturer, not exceeding thirty dollars; upon tobacco warehouse, not exceeding thirty dollars; upon retail dealers in fresh meats, not exceeding thirty dollars; upon each boarding-house, not exceeding ten dollars; upon each ice-cream saloon, not exceeding ten dollars; upon [each] dealer or agent for fertilizers, not exceeding one hundred dollars; upon dealers in lumber, each yard, not exceeding thirty dollars; upon soda fountains, not exceeding ten dollars; upon lawyers, not exceeding ten dollars; upon brewers manufacturing and wholesaling their own products, not exceeding twenty dollars; upon skating rinks, not exceeding twenty dollars; upon every dealer or agent for carriages, buggies, wagons, sewing-machines, gins, tobacco, tinware (such products not the manufacture of Catawba county), not exceeding twenty dollars; upon every person, firm or company selling pistols, bowie-knives, dirks, sling-shots, brass knuckles or other like deadly weapons, in addition to all other taxes, a license tax not exceeding fifty dollars.

Saddle-horses,
&c.

9. Upon every saddle or other horse kept for hire, a license tax not exceeding five dollars per annum.

Taxes, how levied

SEC. 37. That taxes for city purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation, as provided in section three, article five of the State constitution; that all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen.

How appropri-
ated.

Streets.

SEC. 38. That the board of aldermen shall have power to grade, macadamize and pave streets and sidewalks, and to lay out and open new streets, or widen those already open, and make such improvements thereon as the public convenience may require. That when any land or right of way shall be required for the purpose of opening new streets, or for widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by the freeholders of the city, to be chosen by the aldermen; and in making

Condemnation of
land.

said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered; also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of aldermen under their hands and seals; which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen, and shall pass the title to the board of aldermen, in their corporate capacity, of the land so taken: *Provided*, that if any person over whose land the said street may pass, or improvements be erected, or the aldermen be dissatisfied with the valuation thus made, then, in that case, either party may have an appeal to the next superior court: *Provided, however*, that such appeal shall not hinder or delay the aldermen opening or widening such street or erecting such improvement.

Right of appeal.

Proviso.

SEC. 39. That the board of aldermen shall have power to construct a system of sewerage for the city whenever they shall deem such system necessary, and protect and regulate the same by aqueduct 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.

Sewerage.

SEC. 40. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair. They shall also have the power to forbid any and all interments of dead bodies within the limits of said city whenever they shall deem it expedient, and they shall have power to purchase and hold land without or within the limits of said city for the purposes of a cemetery, and to forbid the burial of the dead in the present cemetery whenever said land is so purchased without or within the limits of said city.

Burials.

SEC. 41. That they may provide for the establishment, organization, equipment, government and pay of such number of fire companies as they shall deem necessary and proper. That in case of a fire occurring in said city, the mayor, or, in his absence, a majority of the aldermen who may be present, may order the blowing up or pulling down or destroying any house or houses deemed necessary to stop the progress of the fire, and no person shall be liable, civilly or criminally, for acting in such case in obedience to such orders.

Fire companies.

Destruction of buildings to stop fire.

SEC. 42. That no building or part of building, or annex to any building or porch to any building, shall be erected on what is now

Fire limits.

known as the public square, or fronting on said square, or fronting on any streets leading by a continuous route into said square or any alley adjacent to said square, or on any lot within the following prescribed limits, unless the walls may be built of brick or stone, iron or stone pillars, metal or slate roof, with no wooden exposure save such as occurs in front windows or door sills, transoms or lintels, or cornices, or immaterial ornamentation, and even these may be forbidden or modified at the option of the board of aldermen, if it be necessary to provide against conflagration. The prescribed limits are as follows: within five hundred feet of the northwest corner of said square, measured by a continuous route along the streets leading thereto; nor within three hundred and fifty feet of the west limits of said square, measured by a direct line; nor within three hundred and fifty feet of the southern limit of said square in a direct line; nor within three hundred feet of the eastern limit of said square in a direct line; nor within three hundred feet of the northern limit of said square: *Provided, however*, that wooden buildings not larger than eight feet square and one story high may be built within the aforesaid limits, when not within less than thirty feet of any alley: *Provided*, that no fire or light shall be kept or carried into said building: *And provided further*, that any wooden building now standing within the prescribed limits aforesaid may be condemned by the board of aldermen as dangerously situated and endangering adjacent property and ordered torn down or removed; and any owner of any building so condemned who shall fail or refuse to tear down or remove the same, after due notice so to do, shall forfeit and pay to the corporation the sum of five dollars per day for the time any such building shall remain; due and reasonable time, however, shall be allowed by the board of aldermen for compliance with their orders:

Proviso.

Proviso.

Proviso.

Proviso

Powers of aldermen.

SEC. 43. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the city; the pace and speed at which horses may be ridden or driven through the streets; the speed at which railroad engines and trains shall run within the city limits; to prohibit said railroads from stopping their cars or engines on said streets, and to require said railroads to keep the street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosives and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which stock may be kept, and to prevent them from running at large in said city; to cause all wells, alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for the purpose. It shall be their

duty, on complaint, to cause, by their orders, the sanitary policeman to have said places cleansed and the nuisance abated, and the said policeman, or any other person appointed by the board or charged with that duty, shall have authority to enter the premises described to be in bad order and inspect and have the same cleansed; and the expense of abating said nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction.

SEC. 44. That the said board of aldermen shall have power, and it shall be their duty, to prohibit all trades or occupations which are a nuisance from being carried on in said city, and the power and authority of the said board of aldermen for the preservation of the health of the city, and the establishment of a system of sewerage and drainage, and for the abatement and removal of nuisances, shall extend one mile beyond the city limits. They shall have power, and it shall be their duty, to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier the expenses as above, which shall be a lien on the lot: *Provided*, the owner or occupant of said lot, after ten days notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the city limits to be removed or abated, and for the removing or abating any such nuisance the person creating the same shall pay the expenses as above required.

SEC. 45. That the said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets [and] markets of said city, and to regulate the manner in which the streets and markets in said city may be used and kept; and they shall have power, when they deem it necessary, to purchase land and build a market-house and make regulations controlling the same.

SEC. 46. That the board of aldermen shall have full control of the sale of spirituous liquors within the limits of said city, whether or not liquor shall be sold therein, in what quantities, and if by retail, the amount of the license tax, and the conditions shall be specified in written penal bond in the sum of not less than five hundred dollars, payable to the city of Hickory, which may be put in suit to the use of any person injured by such sale, either in person or property, directly or indirectly; and the aldermen shall have power to revoke such license and close up any bar at their option, sufficient cause being shown, without refunding any portion of the license tax, and no license from the board of county commissioners or sheriff of Catawba county shall be lawful in said corporation without the license of the board of aldermen as aforesaid.

Nuisances.

Provido.

Markets, &c.

Market-house.

Sale of liquor.

License of county commissioners not lawful without license of aldermen.

Application of fines, &c.

SEC. 47. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinances of said city or the laws of the State, when recovered before the mayor of said city, shall be paid to the city treasurer for the use of said city.

Public buildings.

SEC. 48. That the board of aldermen may establish all public buildings necessary and proper for the city, and prevent the erection and establishment of wooden buildings in any part of the city where they may increase the danger of fire.

Penalty for violation of ordinance.

SEC. 49. That for the violation of any ordinance or by-law made by said board of aldermen they may prescribe penalties not exceeding fifty dollars, to be recovered before the mayor without stay of process, mesne or final, and when judgment shall be given for such penalty the party convicted may, unless the penalty and costs be paid, be immediately committed to jail or to the city prison or lock-up for a space of thirty days or until payment thereof shall be made.

Violation of ordinance a misdemeanor.

SEC. 50. That any person or persons violating any law or ordinance of the city shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and the board of aldermen shall have the power to pass ordinances, lay fines; and order imprisonment for violations of the same, discretionary with the mayor, so that the fine does not exceed fifty dollars and the imprisonment thirty days; and the person violating the said ordinances shall be subject to the provisions of chapter sixty-two of The Code of North Carolina, entitled "towns and cities."

Aldermen authorized to borrow money, when approved by popular vote.

SEC. 51. That among the powers hereby conferred on the board of aldermen, they may borrow money or create a public debt, only after they have passed an ordinance by a majority of the entire board at two separate and regular meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days notice shall be given of such election in some newspaper published in the city; at which election those who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved."

New registration.

The board may order a new registration of voters at any and all such elections, if they deem it proper to do so; and any debt created in the manner hereinbefore provided shall be evidenced by coupon bonds, bearing a rate of interest not to exceed eight per cent. per annum, payable semi-annually at any designated place in the said city of Hickory, and the said bonds shall run such a period of time as the board of aldermen may determine, not to exceed twenty years, for the payment of which a sinking fund shall be annually provided in proper ratio with the time the bonds may be allowed to run; and no bond shall at any time be sold by the city at a lower rate than par value and accrued interest; and all bonds shall be issued in regular series and numbers. Each series shall state the purpose for which they were issued, and the total amount of issue, authenticated by

Bonds.

the common seal of the corporation, the signature of the mayor and two members of the board of aldermen. countersigned by the said city clerk and treasurer.

SEC. 52. That any officer, agent or employee of said city who shall convert to his own use, or in any way misapply any of the funds or money, bonds, coupons, or other valuable security of said town, shall be deemed guilty of felony, and on conviction may be fined or imprisoned at the discretion of the court.

Misapplication of city funds by officer a felony.

SEC. 53. That the board of aldermen shall have power to cause the sidewalks to be curbed and paved with either flag-stones, concrete or boards or brick, or repaired when necessary; and to recover from the owners or occupier of lots on which curbing or paving shall be made the expenses of the work, which shall be a lien upon the lot: *Provided always*, that the owner or occupier before whose lot such curbing or paving shall have been ordered shall have thirty days notice in writing of such order of the board.

Sidewalks.

Proviso.

SEC. 54. That every male resident in said city between the ages of eighteen and forty-five shall be liable to work the streets and public places of the city under the direction of the board of aldermen (not more than six days each year) unless he shall obtain from the clerk a certificate of exemption therefrom, for which he shall pay such sum as may be annually fixed by the board, not exceeding three dollars.

Male residents liable to work streets.

SEC. 55. That in the event of any vacancy in the office of mayor or board of aldermen the same shall be filled as soon as practicable, and in case any person elected to the office of mayor shall refuse to qualify and act he shall forfeit and pay the sum of twenty-five dollars to said city, and it shall be the duty of the city clerk and treasurer to sue for the same if not paid on demand. The said aldermen shall be exempt from poll-tax as compensation for their services: *Provided*, they shall have served an entire term, or if they be exempt from poll-tax they shall be paid out of the city treasury an equivalent amount: *Provided*; that nothing herein shall be construed as to abridge or deny in any case the right of appeal.

Vacancies.

Penalty for refusal of mayor elect to qualify.

Aldermen exempt from poll-tax.

Proviso.

Proviso.

SEC. 56. That all the laws or parts of laws in conflict with this act are hereby repealed, and that this act take effect from and after its passage.

Conflicting laws repealed.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 239.

An act to amend the charter of the town of Murphy, in Cherokee county.

The General Assembly of North Carolina do enact :

- Corporate limits. SECTION 1. That the inhabitants of all that territory bounded as follows—beginning at the bluff on B. B. Meroney's farm on Valley river and running a direct line to the Hiawassee river, one mile from the town of Murphy; thence down said river with its meanders to the town commons line: thence crossing said river with the town commons line to the southwest corner of the town commons at a point near William Beal's residence; thence with the boundary of the town commons to the confluence of Hiawassee and Valley rivers: thence a direct line to the old shaft at the No. 6 mine; thence a direct line to the beginning—and the mayor and commissioners of the said town of
- Body politic. Murphy, shall be a body politic and corporate, and henceforth the
- Corporate name. corporation shall bear the name and style of the town of Murphy,
- Corporate rights. and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other name or names heretofore used; and by this name may acquire and hold, for the purposes of its government, welfare and improvement, all such estates as may be devised, bequeathed or conveyed to it, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.
- Town government. SEC. 2. The administration and government of said town shall be vested in one principal officer to be styled the mayor, a board of six commissioners and such other officers as are hereinafter provided for.
- County commissioners to appoint registrar. SEC. 3. The board of commissioners for Cherokee county shall appoint, at or before their meeting in March, eighteen hundred and eighty-nine, and every year thereafter, a registrar of voters for said town, and shall cause publication thereof to be made at the courthouse door, and notice to be served on such persons by the sheriff.
- Registration. SEC. 4. Said registrars shall be furnished by said county commissioners with registration books, and it shall be the duty of said registrars appointed for the year eighteen hundred and eighty-nine, and thereafter, to open their books in some convenient place in the town, on or before the last Monday in March, and to register therein the names of all persons applying for registration and entitled to register and vote, keeping the names of the white voters separate and apart from those of colored voters. 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 town of Murphy ninety days next preceding that date, or is otherwise entitled to register; and if
- Oath. any person shall wilfully swear falsely in such affidavit he shall be
- Perjury.

deemed guilty of the crime of perjury, and upon conviction shall be punished as provided by law in such cases.

SEC. 5. The registration books shall be closed ten days before the day of election, and after the same are closed no person shall be allowed to register, except those who will become qualified on or before the day of election.

Close of registration books.

SEC. 6. The board of commissioners of Cherokee county, at their meeting in April, 1889, and every year thereafter, shall appoint three judges or inspectors of election to open the polls, to receive and deposit the ballots in boxes provided for that purpose, and to superintend the election for municipal officers, to be held on the first Monday in May next succeeding; and the polls shall be opened at such place as said judges of election may select. Such election shall be held as near as may be agreeable to the general laws of the State, 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 general election law.

Judges of election

Election, how held.

SEC. 7. All electors who have resided in the town of Murphy 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 Cherokee county, who shall attend the polls and by his deputies preserve order. The polls shall be opened on the day of election from seven o'clock in the morning to 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.

Electors.

Election, how conducted.

Challenges.

Ballots.

SEC. 8. If among the persons voted for there should be any two or more candidates having an equal number of votes, the judges of election shall decide the election between such persons. As soon as the result of the election is determined, two certificates thereof shall be made under the hand of the judges and registrar, setting forth in writing and in words the number of votes each candidate received, one of which certificates shall be delivered to the sheriff of Cherokee county, who shall at once make proclamation thereof at the courthouse door, and the other shall be delivered to the mayor of the town of Murphy; and, upon application, they shall also furnish for each person elected a commissioner a certificate of his election. The board of commissioners shall fill all vacancies occurring in their board by death, resignation or otherwise.

Tie vote.

Certificates of election.

Vacancies.

SEC. 9. The mayor shall be elected by the qualified votes for the town of Murphy for the term of one year and until his successor shall be elected and qualified. In case a vacancy shall occur in the office of mayor the board of commissioners shall appoint a qualified person

Election of mayor

Vacancy.

- Tie vote.** 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 Cherokee county shall determine the matter by his vote.
- Mayor and commissioners to qualify.** **Oath.** SEC. 10. That on or before the fifth day after their election the mayor and commissioners so elected shall meet at some 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 commissioners with fidelity and integrity and to the best of their ability, which oath shall be administered by a judge, justice of the peace or by the former mayor.
- Mayor an official court.** SEC. 11. The mayor of the said town, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers to determine offences occurring within the corporate limits of said town which are now or hereafter may be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said 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 the right of appeal. And in all cases where a defendant may be adjudged to be imprisoned by the said mayor it shall be competent for him to adjudge that the said defendant work during the period of his confinement on the public streets or other public works of said town.
- Persons convicted liable to work on streets.** SEC. 12. That the mayor may issue his precepts to the chief of police and to such other officers to whom a justice of the peace may direct his precepts.
- Precepts of mayor** SEC. 13. 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 justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.
- Mayor to keep record. Mayor's judgments.** SEC. 14. 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.
- Mayor to preside, &c.** SEC. 15. 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 of meeting, which shall be as often at least as once in every month. 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 commis-
- Mayor pro tem.**
- Board of commissioners.**
- Meetings.**

sioners shall be notified, and when called by a majority of the commissioners, such as shall not join in the call shall be notified.

SEC. 16. That the board of commissioners, when convened, shall have the power to make, and provide for the execution thereof, such Ordinances, &c. ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary, not inconsistent with this act or the laws of the land.

SEC. 17. That among the powers hereby conferred on the board of commissioners, they may create a public debt, only after they have passed an ordinance by a three-fourths vote of the entire board at two separate meetings, submitting the question of creating a debt and the amount thereof to a vote of the people, and a majority of the qualified registered voters as [have] voted in favor thereof. Thirty days notice shall be given of such election in some newspaper published in said town; and at such election those who favor creating the debt shall vote "approved," and those who oppose it shall vote "not approved."

Creation of public debt by commissioners on approval by popular vote.

Election.
Ballots.

SEC. 18. The board may order a new registration of voters at any and all such elections if they deem proper to do so. They shall provide for repairing and cleaning the streets, make regulations to cause the due observance of Sunday, 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 and infectious diseases, and shall appoint and provide for the pay of all the officers of said town.

New registration.
Powers of commissioners.

SEC. 19. That at the first meeting of the board, or as soon thereafter as practicable, they shall elect a chief of police and such assistants as they may deem necessary, who shall 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. The chief of police shall be the tax-collector of the town, and before acting shall take an oath before the mayor to faithfully discharge the duties required of him, and shall execute a bond in such amount as the board may require, with security to be approved by the board, which bond shall in no event be less than double the amount of the taxes to be by him collected. They shall also elect a clerk and treasurer of the board, who shall hold his office for the same term, take a like oath as the chief of police, and shall execute a bond in such amount as the board may require.

Police force.

Tax collector.
Oath.

Bond.

Clerk and treasurer.

Oath and bond.

SEC. 20. It shall be the duty of the clerk and treasurer 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

Duties of clerk and treasurer.

him for the use and in behalf of said town, and disburse the same according to an order given in obedience to a direction 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 account to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said town, and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Powers and liabilities of tax-collector.

SEC. 21. The chief of police, as tax-collector, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax-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 and tax as in personal property certified by the clerk of the commissioners of the county by order of the board of county commissioners to be insolvent and 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 regular meeting before the last meeting in each year, shall appoint one of their number to be present and assist at the accounting and settlement between said tax-collector and treasurer, and to audit and settle the accounts of said clerk and treasurer. 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 and 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.

Settlement with tax-collector.

Removal.

Duties of chief of police.

SEC. 22. 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 in 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; collect all fines and penalties imposed, and pay the same to the treasurer; to execute the orders and judgments of said court; to see that the laws and ordinances of the town are enforced, and to do such other things as may be 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

Powers of police.

powers which sheriffs and constables have. The chief and members of the police force shall take an office [oath] before the mayor for the faithful performance of their duty as required by the law and ordinances.

SEC. 23. The chief of police shall be entitled to and 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 commissioners shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigency the mayor may appoint temporary additional policemen for such a time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

Fees of chief of police.

Special police.

SEC. 24. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper, notifying all persons residing in the town of Murphy who own or have control of taxable property in said town on the first day of June to return to him on or before the first day of June a list of their taxable property in said town; said list shall state the number of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town: and the list so returned to the clerk and treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I,-----, do solemnly swear that the tax return made out and returned by me contains a full and accurate list of all property, both real and personal, owned by me in said town, and a full and accurate list of all stocks, bonds, income, solvent credits, and other property subject to taxation by the laws of the State and ordinances of the town, according to my best knowledge, information and belief: so help me, God." And from the returns so made the clerk and treasurer, after the expiration of the term for taking said list, shall make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax-lists are made out for the collection of State taxes.

Listing of property for taxation.

Tax-list.

SEC. 25. The clerk and treasurer shall, within thirty days from the return of the tax-lists, make out, to the best of his knowledge and belief, by a comparison of his book with the returns made to the board of township assessors, and by diligent inquiries from other sources, a list of taxable polls and owners of taxable property in said town who shall have failed to return or list in the manner and time aforesaid, and said persons so listed shall forfeit and pay a sum to be fixed by the board, not exceeding twice the amount of the 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.

Unlisted property.

Penalty.

- Taxation.** SEC. 26. 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:
- Ad valorem tax.* 1. On real estate and personal property situated in the town, a tax not exceeding fifty cents on every hundred dollars value.
- Poll-tax.** 2. On all taxable polls, a tax not exceeding two dollars.
- Drays, &c.** 3. On every dray, wagon, carriage, buggy or other vehicle used in the town for the carriage of persons, freight or goods, a tax not to exceed five dollars.
- Dogs.** 4. On every dog, a tax not exceeding three dollars.
- Purchases.** 5. On every hundred dollars value of goods, wares and merchandise, purchased for re-sale by any merchant trading in the town within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding fifty cents.
- Trades, &c.** 6. On every person or firm exercising any trade, calling or profession within the limits of said town, a tax not exceeding five dollars.
- Commissioners to levy taxes.** SEC. 27. That assoon as the clerk and treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of commissioners shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place a 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 of January next ensuing, and shall pay the monéys as they are collected to the treasurer; and the collector, for his compensation, shall receive not exceeding five per centum on the amount collected.
- Collection of taxes.**
- Compensation of collector.**
- Collection by distress.** SEC. 28. 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.
- Sale of real estate for taxes.** SEC. 29. 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 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, which the collector shall do. And the collector shall divide said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no

person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town; and if not redeemed as hereinafter provided shall belong to the said town in fee.

SEC. 30. 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 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 treasury, subject to the demand of the owner. Collector to make report, &c.

SEC. 31. The owner of any land sold under the provisions of this charter and amendment, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes. Redemption of land sold for taxes.

SEC. 32. 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 recitals 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 to purchaser.

SEC. 33. 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 immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, viz.: License taxes.

1. Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding twenty-five dollars per year, except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth or manufacture of this State. Peddlers, &c.

2. On every bowling alley, and every billiard table, and every bagatelle table, and every pool table, and every other table or gaming contrivance, the subject of which is gain, and for the use of which a charge is made, a tax not exceeding fifty 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 ten 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 fifty dol- Circuses, &c.

lars for each day, the tax to be paid before the exhibition, and if not to be doubled.

Theatres, &c.

5. Upon every person or company exhibiting in the town or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menagerie, a tax not exceeding twenty-five dollars for every day they exhibit.

Curiosities, &c.

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 ten dollars, to be paid in advance.

Shows, &c.

7. Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting.

Stock running at large.

8. Upon every goat, hog or cow running at large in the town, there may be levied a tax not exceeding five dollars, and every such goat, hog or cow may be seized or impounded, and if the owner on being notified shall not pay the tax, the animal shall be sold therefor, after three days notice at the court-house.

Horses, &c.

9. Upon every horse or mule or bull going at large, a tax not exceeding five dollars.

Sale of liquor.

10. On every license to sell wines, cordials, malt and spirituous liquors, a tax not to exceed five hundred dollars, reserving the right in each instance to levy a tax on wines, malt and spirituous liquors as merchandise.

Taxes, how levied

SEC. 34. That taxes for town purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation as provided in section three, article five of the State constitution. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners.

Appropriation of taxes.

Streets.

SEC. 35. 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 opened, 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 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 by the commissioners: and in making said valuation, said freeholders, after being duly sworn by the mayor, or a justice of the peace, or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid to the owner of the said prop-

erty, 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 in their corporate capacity of the land so taken: *Provided*, 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 in that case either party may have an appeal to the next superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners opening or widening such street or erecting such improvement. Right of appeal.
Proviso

SEC. 36. The board of commissioners shall have the power to require every owner of real estate in the town of Murphy to pave the street or streets in front of his or her land in such manner and with such material as the commissioners may direct, and to enforce such requirements by proper fines and penalties; and upon failure of such owner to do such paving, the board of commissioners may have the same done and the costs thereof 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 town of Murphy, before any court having jurisdiction in Cherokee county, for the costs of such paving, and when docketed in the superior court of Cherokee county such judgments shall have the same lien as possessed by other judgments docketed in said superior court, and be enforced in like manner. Paving of streets.

SEC. 37. The board of commissioners of said town shall have power to establish fire limits, 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; and they may prohibit wooden buildings from being removed into said fire limits or from being moved from one place to another in the same under such penalties as they may establish, and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction. Fire limits.

SEC. 38. That they shall have the power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the 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 streets, and to require said railroads to keep the street-crossings in good repair; the arrangement of all stove pipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in said town; to cause all alleys, lots, cellars, privies, stables, Powers of commissioners.

sties, and other places of like character, to be examined by a sanitary policeman, or any other person appointed by the board and charged with the duty shall have authority to enter the premises described to be in bad order and inspect and have the same cleaned: and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction.

Nuisances.

SEC. 39. They shall have power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said city, and the power and authority of said board of commissioners for the abatement and removal of nuisances shall extend one mile beyond the city limits. They shall have power and it shall be their duty to cause all ponds, sunken lots, and other places in which water stands and stagnates, to be drained and filled up, and to recover from the owner or occupier the expenses as above. which expenses shall be a lien on the lot, provided the owner or occupant of said lots, after ten days notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the town limits to be removed or abated; and for the removing or abating any such nuisance the person creating the same shall pay the expenses as above required.

Liquor licenses.

SEC. 40. That the board of commissioners shall have power to grant and cancel licenses to sell wine, 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 taxes as may be imposed by the board and give bond for one thousand dollars, with approved security, conditioned for keeping of an orderly and lawful house; and no person shall be permitted to sell wine, malt or spirituous liquors within said town or within one mile thereof unless licensed by the board of commissioners: *Provided further*, that nothing herein contained shall be construed to repeal existing laws now in force prohibiting the sale of spirituous, vinous or malt liquors in the said town.

Proviso.

Proviso.

Fines, how applied.

SEC. 41. 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 treasurer for the use of said town.

Misdemeanor for town officer to become a contractor for town work.

SEC. 42. 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.

Public buildings.

SEC. 43. 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.

SEC. 44. 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 costs be paid, be immediately committed to jail for the space of thirty days, or until payment thereof shall be made. Penalty for violation of ordinance.

SEC. 45. 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 name of the town of Murphy, before the mayor or other tribunal having jurisdiction thereof. Penalties, how recovered.

SEC. 46. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minor. Penalties incurred by minor.

SEC. 47. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty, or for other cause of action, fifty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction, among other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender by such as may carry him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents. Mayor's fees.

SEC. 48. That if a 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 hereinbefore provided, then the board of commissioners of Cherokee 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 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. 49. That the salary or pay of no officer elected or appointed under this charter shall be increased or diminished during the time for which he is elected or appointed. Salaries, &c., not to be increased or diminished during term.

SEC. 50. That all laws or parts of laws in conflict with this act are hereby repealed, and this act [shall] take effect from and after its passage. Conflicting laws repealed.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 240.

An act to amend the charter of the town of Wilkesboro.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the inhabitants of the town of Wilkesboro, living within the territory bounded as follows, viz: Beginning on the south bank of the Yadkin river at the iron bridge, running westwardly with the base of the hill on to a poplar and three white oaks at a spring in the edge of Col. E. J. Cowles' bottom; thence same general course to a large red oak on bank of old Jefferson road at the top of the Curtis hill; thence across said road southwest to a white walnut, J. M. Walton and I. T. Pruette's corner; thence southwardly across the river road on to a bunch of dogwoods in D. E. Smoak's line; thence eastwardly to a red oak on the old Burke road; thence across the same, including C. H. Craven's lot, to a stake at I. S. Call's gate on the ridge above his barn; thence east to bend of mountain road near Wm. Harris, and on east with said road, including James Harris *et al.*, on to a large poplar and Spanish oak on east bank of Still-house branch; thence down said branch to Cob creek, and down the same to a birch on north bank of said creek south of J. P. Rousseau's house; thence north to the base of hill; thence eastwardly with the base of said hill to the old Salem road; thence across same with base of hill in Capt. J. T. Peden's bottom and north to a sycamore on the bank of Yadkin river; thence up said river to the beginning, containing the town of Wilkesboro.

Town government.

SEC. 2. The administration and government of said town shall be vested in one principal officer, to be styled the mayor, a board of four commissioners and such other officers as are hereinafter provided for.

Term of office.

SEC. 3. The mayor and commissioners shall hold their office for one year and until their successors are elected and qualified: *Provided*, that J. T. Ferguson shall be mayor and T. S. Miller, J. G. Hackett, John Cangan, I. T. Pruette and R. M. Staly shall be commissioners till the election to be held on the first Monday in May, 1889.

Temporary officers.

County commissioners to appoint registrar.

SEC. 4. The board of commissioners for Wilkes county shall appoint, at or before their meeting in March, one thousand eight hundred and eighty-nine, and every year thereafter, a registrar of voters for the town of Wilkesboro, and shall cause publication thereof to be made at the court-house door and notice to be served on such persons by the sheriff.

Registration.

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-nine, and thereafter, to open their books at some convenient place in

the town of Wilkesboro 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 Wilkesboro, 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 disclose 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] Oath. take and subscribe an oath that he is a citizen of North Carolina and has resided in the county of Wilkes for ninety days and in the town of Wilkesboro for thirty days next preceding that date, and is otherwise entitled to register, and if any person shall wilfully swear falsely Misdemeanor. in such affidavit he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding fifty dollars and to be imprisoned not exceeding thirty days in the county jail: *Provided*, that after the first registration shall have been made Proviso. by virtue hereof, a new registration may not be made annually, but such registration books 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 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 Wilkesboro, 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.

SEC. 6. The registration books shall be closed five days before the day of election, and after the same are closed no person shall be allowed to register; but the registrar shall, on application, before said books are closed, register all persons not then qualified to vote in 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 books with the town clerk at the time prescribed shall receive no compensation for making said registration. Close of registration books, &c.

SEC. 7. The board of commissioners of Wilkes county, at or before their meeting in March, one thousand eight hundred and eighty-nine, and annually thereafter, shall appoint two judges of election for the town of Wilkesboro to open the polls, to receive and deposit the ballots in the boxes provided for that purpose, and to superintend the Judges of election.

- 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 Wilkesboro. Such elections 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.
- Election, how held.**
- Electors.** SEC. 8. All electors who have resided in the town of Wilkesboro thirty days and [in] the county of Wilkes 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 Wilkes county, who shall attend the polls and by his deputies preserve order.
- Sheriff to supervise elections.**
- Election, how conducted.** 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.
- Challenges.**
- Ballots.**
- Tie vote.** SEC. 10. 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 each candidate received, one of which certificates shall be delivered to the sheriff of Wilkes 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 Wilkesboro; 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.
- Certificates of election.**
- Vacancies.**
- Election of mayor** SEC. 11. The mayor shall be elected by the qualified voters of the town of Wilkesboro 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 three 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
- Salary.**
- Vacancy.**

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 Wilkes county shall determine the matter by his vote. If a vacancy occur in the office by death, resignation or otherwise, and there is not a board of commissioners competent to fill such vacancy, the board of commissioners of Wilkes county, on such fact being certified to them by the town clerk, 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 said court as the mayor has under this charter, and to perform all other duties incumbent on the mayor, who shall for the time being be entitled to the emoluments of the office, and shall continue to hold his office and exercise the duties thereof until the office of mayor is filled according to law.

Tie vote.

When county commissioners to appoint recorder.

SEC. 12. That on or before the fifth day after the election, the mayor and commissioners so elected shall meet at the town hall or some other place by them appointed and shall then and there take an oath to support the constitution and laws of the United States and the constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their office as mayor and 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.

Mayor and commissioners to qualify.

Oath.

SEC. 13. The mayor of said town of Wilkesboro, while acting as such, is hereby constituted an official court with all jurisdiction and power 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 said confinement, on the public streets or other public works of said town. And the common jail of the county may be used as a prison until a town prison or calaboose is erected, or both may be used in his discretion.

Mayor an official court.

Persons convicted liable to work on streets.

SEC. 14. 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.

Precepts of mayor.

SEC. 15. 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

Mayor to keep record. Mayor's judgments.

enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.

Mayor to preside,
&c.

SEC. 16. That the mayor, when present, shall preside at all meetings of the town commissioners, and where there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote. He shall vote in no other case; and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties.

Mayor *pro tem.*

Board of commis-
sioners.

SEC. 17. 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.

Ordinances.

SEC. 18. 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.

Creation of public
debt by commis-
sioners on
approval by
popular vote.

SEC. 19. 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 Wilkesboro, 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 at all such elections, if they deem it proper to do so. They may provide suitable town water-works to supply all the necessities of the town's public and private wants, and regulate toll for same; take all proper means to prevent and extinguish fires; regulate the markets; make regulations to cause the due observance of Sunday; to appoint and regulate a police force to execute such precepts as the mayor and others 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.

Election.

Ballots.

New registration.

Powers of com-
missioners.

Clerk and treasur-
er.

SEC. 20. 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.

Tax-collector.

Oath.

Bond.

SEC. 21. 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 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. He shall pay to his successor all moneys in his hands belonging to said town, and faithfully perform all duties imposed on him as clerk by the laws and ordinances of said board.

Salary of clerk.

Duties.

SEC. 22. That 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-lists as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with amounts 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 two per cent. 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 books 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

Powers and liabilities of tax-collector.

Settlement with tax-collector.

Removal.

- 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 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.
- Proviso.**
- Police force.** SEC. 23. 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 city may require, who shall hold their office during the term of the board appointing them and until their successors are appointed. The chief of police or marshal 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.
- Chief to give bond.**
- Duties and powers.** The chief 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.
- Fees of chief of police, &c.** SEC. 24. 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 services. 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. 25. The mayor, at any time, upon charge being preferred, or upon finding said chief or any members 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 may, in the discretion of the board, cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior shall be good cause for dismissal, and the mayor shall suspend the chief or any member of the police force if drunk while on duty.

Suspension of police.

Dismissal.

SEC. 26. 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 good order and peace of the town and secure the inhabitants from personal violence and their property from loss or injury.

Police to wear badges, &c.

Powers.

SEC. 27. 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 merchantable commodities sold in said town; and an inspector, whose duty shall be to inspect all flour, provisions, forage, and all other marketable produce in said town in their judgment requiring weighing or inspecting. And the weighmaster and inspector so appointed shall give bond with approved security, payable to the town of Wilkesboro, in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law and the ordinances of the town: and shall take an oath before the mayor before entering upon their duties. And the board of commissioners shall have power to remove either of them for misbehavior or neglect or malpractice in office and appoint a successor in his stead. And the board 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. They may also appoint a town engineer, a town attorney and a sanitary policeman, and prescribe the duties of each and fix their compensation.

Weighmaster.

Inspector.

Bond.

Oath.

Removal.

Fees.

Other officers.

SEC. 28. That the said board of commissioners shall have power, at any time, to elect one or more auctioneers for the town of Wilkesboro, who shall give bond, with approved security, in the sum of one 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

Auctioneers.

Bond.

- 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 make ordinances regulating auction sales in said town; and the said auctioneer 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.
- Auction sales.**
- Tax.**
- Listing of property for taxation.**
- SEC. 29. 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 Wilkesboro who own or have control of taxable property in the town on the first day 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 Wilkesboro, 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 Wilkesboro, 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 the collection of State taxes. And the said clerk shall copy in said book the assessments made by the board of township assessors of all property within the town limits, which assessments may be revised, corrected and amended by the board of commissioners.
- Tax-list.**
- Unlisted property.**
- SEC. 30. That the clerk shall, within thirty days from the return of the tax-list, make out, to the best of his knowledge and belief, by comparing his books with the returns made to the board of township assessors, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said 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 list it within the time allowed as aforesaid before the list-taker, or fail
- Penalty.**

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. 31. 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 fifty cents on every hundred dollars value. *Ad valorem tax.*

2. On all taxable polls, a tax not exceeding one dollar and fifty cents, 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. *Poll-tax.*

3. On every four-horse omnibus, a tax not exceeding twenty dollars; and on every two-horse omnibus, a tax not exceeding ten dollars. *Omnibuses.*

4. On every dray or express wagon drawn by one or two horses, a tax not exceeding ten dollars: if drawn by more than two horses, a tax not exceeding fifteen dollars. *Drays, &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 five dollars. *Carriages, &c.*

SEC. 32. 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. *Commissioners to levy taxes.*

SEC. 33. 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. *Collection of taxes.*

SEC. 34. 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 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 courthouse door by the collector, after advertising thirty days in some *Compensation of collector.*

Sale of real estate for taxes.

Collection by distress.

newspaper published in the town of Wilkesboro, 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. 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.

Collector to make report, &c.

SEC. 35. 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 of advertising and selling the same, it shall be paid into the town treasury, subject to the demand of the owner.

Taxes, how levied

SEC. 36. 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 the value in money. A tax for town purposes may also be levied upon the franchises and incomes: *Provided*, no income shall be taxed when the property from which the income is derived is taxed.

Proviso

SEC. 37. 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 recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were [due], or for 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.

License taxes.

SEC. 38. 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.:

Peddlers.

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.

Bowling alleys.

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 fifty dollars, reserving the right to remove it or them at any time as a nuisance.

Restaurants, &c.

3. On all keepers of eating-houses or restaurants, fish or meat or vegetable or bread stands or fruiterers, a tax not exceeding twenty-five dollars per year.

4. Upon every company of circus riders who shall exhibit within the town or within one mile thereof, a tax not exceeding one 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 exhibition [exhibiting] in the town stage or theatrical plays, sleight of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax not exceeding fifty dollars for every day they exhibit. Theatres, &c.

6. Upon every exhibition for reward of artificial curiosities (models of recent inventions excepted) in the town, a tax not exceeding twenty-five dollars, to be paid in advance. Curiosities, &c.

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 ten dollars, to be paid before exhibition. Shows, &c.

8. On every license to sell wines, cordials, malt and spirituous liquors, a tax not to exceed two hundred dollars, reserving the right in each instance to levy a tax on wines, malt and spirituous liquors as merchandise. Sale of liquor.

SEC. 39. 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 appropriation thereof shall be made but by a board constituted of a majority of all the commissioners. Taxes, how levied
Appropriation of
taxes.

SEC. 40. That the board of commissioners shall have power to grade, macadamize, pave, curb and otherwise keep in repair the streets, alleys and sidewalks, to lay out and open new streets, widen those already open, build and repair bridges within the corporate limits, construct a system of sewerage or drainage and make such other improvements in the streets as the public convenience may require. Streets, &c.

SEC. 41. That when any land or right of way shall be required for the purpose of opening new streets or for widening those already opened for other objects allowed by this charter, and for want of agreement as to the value thereof, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the 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 justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered; also any benefit or advantage such owner may receive from the opening or widening such street or other improvements, and ascertain the sum Condemnation of
land.

- 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 improvements 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.
- Right of appeal.**
- Proviso.**
- Cemeteries.** SEC. 42. That the board of commissioners shall have power to purchase suitable land for public cemeteries at a convenient distance from the center of the town; that they may cause the same to be laid out in lots and kept in proper repair, and regulate the terms and manner in which bodies may be interred therein. They may sell the exclusive privilege of burial in any given plot and execute a deed for the same, and the moneys so realized may be expended under the direction of the board in beautifying, extending and keeping said grounds. Suitable provision shall also be made for the interment of the poor.
- Fire companies.** SEC. 43. 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. And 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 orders.
- Destruction of houses to stop fire.**
- Fire limits.** 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 such penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction.
- Powers of commissioners.** SEC. 44. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the 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 railroad from stopping their engines or cars on said streets, and to require said railroads to keep

the street crossings in good repair; the manner in which powder and other explosive 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, cellars, lots, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their duty, on complaint, to cause, by their order, the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board and charged with that duty, shall have authority to enter the premises described to be in bad order and inspect and have the same cleaned; and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction.

SEC. 45. 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. 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 lot, 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 the town limits to be removed or abated, and for the removing or abating any such nuisance the persons creating the same shall pay the expenses as above required.

Nuisances.

Proviso

SEC. 46. 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.

Markets, &c.

SEC. 47. That the board of commissioners shall have power to grant and cancel license to sell wines, malt or spirituous liquors within said town to any persons to whom they may think proper: *Provided*, the person 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 unless licensed by the town commissioners.

License to sell liquors, &c.

Proviso

SEC. 48. 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.

Fines, how applied.

SEC. 49. That no mayor or commissioner, or other officer of said town, shall directly or indirectly become a contractor for work to be

Misdemeanor for officer to contract for town work.

done for the town, and any person herein offending shall be guilty of a misdemeanor.

Public buildings. SEC. 50. That they may establish all public buildings necessary and proper for the town, and prevent the erection and establishment of wooden buildings in any part of the town where they may increase the danger of fire.

Penalties for violation of ordinances. SEC. 51. 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 of 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 be made.

Penalties, how recoverable. SEC. 52. 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 name of the town of Wilkesboro, before the mayor or other tribunal having jurisdiction thereof.

Fees of mayor. SEC. 53. 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 therein, 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, fifty cents; for every certificate for other than town purposes, fifty cents.

Violation of ordinance a misdemeanor. SEC. 54. 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."

No increase or diminution of salary during term. SEC. 55. 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.

Vagrants. SEC. 56. 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 deemed 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 such person or persons 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.

SEC. 57. That tramps, as defined and punished by chapter sixty-three, sections thirty-eight hundred and twenty-eight, thirty-eight hundred and twenty-nine, thirty-eight hundred and thirty, thirty-eight hundred and thirty-one, thirty-eight hundred and thirty-two, of volume two of The Code, are subject to the same penalties, punishments and cognizance as vagrants, as set forth in the preceding section. Tramps.

SEC. 58. 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. Conflicting laws repealed.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 241.

An act to amend the charter of the town of Henderson, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Henderson 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 Henderson," 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 hold and acquire, for the purpose of its government, welfare and improvement, all such estates as may be devised, bequeathed or conveyed to it not exceeding in value three hundred thousand dollars: and may from time to time sell, dispose of or invest the same as shall be deemed proper and advisable by the proper authorities of the corporation. Body politic.
Corporate name.
Corporate rights.

SEC. 2. That the corporate limits of the town of Henderson shall be as they are now established by law. Corporate limits.

SEC. 3. That the town government shall consist of a mayor and five commissioners, to be elected annually on the first Monday in May by the qualified voters within the corporate limits of the town of Henderson. Town government.

- Who eligible to office. Proviso. SEC. 4. That any qualified elector within the corporate limits of the town shall be eligible as mayor or commissioner: *Provided, nevertheless*, that no person shall be eligible as mayor or commissioner unless he shall be a native or naturalized citizen of the United States, shall have attained the age of twenty-one years, and shall have resided within the corporation ninety days next preceding the day of election.
- Electors. SEC. 5. That no person shall be entitled to vote for mayor or commissioners unless he be a native or naturalized citizen of the United States and shall have resided within the corporate limits of the town ninety days next preceding the day of election.
- Term of office. SEC. 6. That the mayor and commissioners shall hold their offices, respectively, for the period of one year and until their successors are qualified.
- Inspectors of election. SEC. 7. That for the purpose of electing the said officers the commissioners shall, at least twenty days before the next election to be held after the first Monday in May, eighteen hundred and eighty-eight, and at least twenty days before the succeeding annual election, appoint three inspectors, who shall be qualified electors, and the inspectors shall give written notice thereof ten days before said election.
- Duties of inspectors to conduct election. SEC. 8. That the inspectors appointed under section seven shall attend on the day of election at the time and place designated by them: shall be judges of the poll, supervise the vote, and conduct the election in like manner and during the same hours of the day as elections for the members of the General Assembly.
- Canvass of vote. SEC. 9. That at the close of the election the inspectors shall count the votes, and the person voted for as mayor having the largest number of votes shall be declared elected mayor; and the persons voted for as commissioners having the largest number of votes shall likewise be declared elected commissioners: and the mayor and commissioners elect shall be notified of their election by the inspector.
- Notice to persons elected. SEC. 10. That the inspectors, before acting as such, shall be sworn by the mayor or a justice of the peace to conduct the election fairly and according to law: and in case of absence of one inspector his place shall be supplied by the commissioners.
- Oath of inspectors. SEC. 11. That if among the persons voted for as mayor there be two or more having the largest number of votes who have an equal number of votes, the commissioners elect shall within five days select a mayor from such persons; and if a like tie occur in the election of commissioners, the remaining commissioners elect shall within five days elect of such persons a commissioner or commissioners.
- Vacancies. SEC. 12. That the inspectors shall certify and subscribe the poll-lists and return them to the commissioners, who shall file them among the articles [archives] of the town.
- Tie vote. SEC. 13. That the mayor, immediately after his election, and before entering on the duties of his office, [shall] take the following oath: "I,
- Poll-list.
- Oath of mayor.

A. B., do solemnly swear that I will support the constitution of the United States and the constitution and laws of North Carolina not inconsistent therewith, that I will diligently and faithfully perform the duties of the mayor of the town of Henderson, to the best of my judgment, skill and ability, and that in the discharge of my duties I will do equal justice in all cases."

SEC. 14. That each commissioner shall, before entering on his office, take an oath before the mayor or some justice of the peace that he will diligently and faithfully perform the duties of commissioner to the best of his ability.

Oath of commissioners.

SEC. 15. That if any person elected mayor shall refuse to qualify as such, or there is a vacancy in the office from any cause after such election and qualification, the commissioners shall elect some qualified person mayor for the term or portion of the term, as the case may be: and in like manner or like occasion the commissioners shall elect other commissioners to supply the place of such of their number as refuse to act, and fill all vacancies as may occur.

Mayor pro tem.

Vacancies.

SEC. 16. That the mayor, within the corporate limits, shall have all the authority of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained as [all] criminals who fly to the town from other States and counties: and shall cause to be arrested and bound for their appearance at the proper tribunal, to answer for their offences, all persons offending against the laws of the State within the corporate limits, and against the laws, ordinances and regulations of the corporation. He shall also, within the same limits, have, as a judicial officer, all the authority and jurisdiction of a justice of the peace to issue process, to hear and determine all cases of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions for any adjudged violation thereof, and to execute the laws and rules which the commissioners may make, and to hear and determine all criminal cases arising within the corporate limits which are cognizable by a justice of the peace of the county under the constitution and laws of North Carolina.

Authority of mayor.

SEC. 17. That the mayor shall keep a minute of all his judicial proceedings and of all process issued by him. The judgments rendered by him shall have the same force and efficacy as judgments rendered by a justice of the peace, and may be enforced against persons in the county of Vance and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Vance.

Mayor to keep record. Mayor's judgments.

SEC. 18. That the mayor shall keep his office in some convenient place in the town, shall keep the seal of the corporation, and perform such other duties as shall be prescribed.

Mayor's office.

SEC. 19. That the mayor, when present, shall preside at all meetings of the commissioners, and when there is an equal division upon any question he shall determine it by his vote.

Mayor to preside, &c.

- Board of commissioners.** SEC. 20. That the commissioners shall, within five days after their election, convene for the transaction of business, and a majority of them shall be competent to perform the duties of commissioners, unless otherwise provided, and at their first meeting shall fix stated days for meeting for the term of their office, which shall be as often, at least, as once in every month: *Provided, nevertheless*, that special meetings may be called by the mayor or a majority of the commissioners, of which written notice shall be given.
- Meetings.**
- Penalty for failure of mayor or commissioners to attend meeting.** SEC. 21. That if the mayor or any commissioner shall be absent from any regular meeting, or any special meeting of which notice shall have been given as aforesaid, without any valid excuse (to be judged by the commissioners), he shall be fined five dollars, to be applied to the use of the town: *Provided, nevertheless*, that if at any meeting, general or special, the mayor shall be absent, the commissioners, a quorum being present, may elect one of their number to preside *pro tem.*: *And provided further*, that whenever the question shall be put to fine the mayor for absence or other delinquencies set forth in these by-laws and regulations, one of the commissioners, to be elected in like manner as in the absence of the mayor, shall preside until the question is determined.
- Proviso.**
- Proviso.**
- Ordinances.** SEC. 22. That the board of commissioners shall have power to make all ordinances, rules and regulations for the good government, health and safety of the property and persons in said town not inconsistent with the laws of this State or of the United States, and to impose penalties for the breaking or infringement of any laws or ordinances by them established.
- Penalties.**
- Powers of commissioners.** SEC. 23. That the said board of commissioners shall have power to make from time to time ordinances and rules and regulations concerning the firing of fire-arms and all explosions in said town; the pace and speed at which horses may be driven or ridden through the streets; the arrangement of stove-pipes in buildings; the mode in which fire shall be kept or carried through the town; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which dogs and cattle, hogs, geese, goats and fowls may be kept, and to prevent them from running at large, and they may prevent any animals, stock and fowls, which they may declare a nuisance, from being kept in said town; to cause all alleys, lots, cellars, houses, privies, stables, sties, and other places of like character, to be examined by the chief of police or other person by them appointed at any and all times, in each and every year; and upon their written report that any [of] the above is a nuisance it shall be their duty to cause, by their order, the chief of police or assistants to have said place or places cleaned and the nuisance abated; and the said chief of police or assistants shall have authority to enter the premises described to be in said [bad] order and inspect and have the same cleansed, and the said board shall recover the expenses

of abating said nuisance from the occupier or owner of said premises by action of debt in any court having competent jurisdiction. Said board shall have further power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said town. 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 or filled up, and to recover from the owner or occupier the expenses as above, which expenses shall constitute a lien on the lot, provided the owner or occupier of said lot, after three days notice, shall have neglected or refused to abate said nuisance. They shall have further power to cause all nuisances arising from any cause within or without the limits of said town, but sufficiently near to effect the health of the inhabitants of said town, to be removed or abated, and for the removing or abating any such nuisance without the town to be paid for out of any moneys in the treasury.

SEC. 24. That among the powers hereby conferred upon the commissioners they may borrow money, pledge the credit of the town, and contract debts for the improvement of the town: *Provided, nevertheless*, that these powers be exercised strictly in accordance with section seven, article seven, of the constitution of North Carolina, and after the consent of the General Assembly of North Carolina had and obtained in the manner prescribed in section sixteen, article two of the same constitution. They shall have power to provide water and lights for said town, and to contract for same; provide for the cleansing and repairing the streets; regulate the market; take all proper means to prevent and extinguish fires; make regulations for the proper observance of the Sabbath. They may appoint and regulate town watches; suppress and remove nuisances; preserve the health of the town from contagious and infectious diseases; appoint police officers to execute such processes as the mayor and other persons may lawfully issue to them, to preserve the peace, &c.

SEC. 25. That all orders for the payment of money on account of the town shall be drawn in the name of the treasurer of the board of commissioners (who shall be selected from the commissioners at their annual meeting), signed by the mayor and countersigned by the clerk of the board, (who shall likewise be elected by the commissioners at their first annual meeting). The treasurer shall keep in a book provided for the purpose a fair and correct copy of all money received and disbursed by him, and, at the expiration of his term of office, turn over to his successor all money, property or securities belonging to the town which may at that time remain in his possession.

SEC. 26. That the chief of police shall have all the power and authority vested in sheriffs and constables of the county for preserving the peace and apprehending offenders and preserving the laws and ordinances of the town, and shall have the same fees on all pro-

How commissioners to borrow money, &c. Proviso.

Empowered to provide water, lights, &c.

Orders for payment of money, now drawn, &c.

Duty of treasurer

Power of chief of police.

Fees.

- Proviso
Proviso.
Assistant police.
Public buildings.
Fire companies.
Contagious diseases.
County commissioner, not to grant license to retail liquor without consent of town commissioners, &c.
Penalties incurred by minor.
Persons failing to pay fine liable to work on streets
- cess and precepts executed or returned by him which are allowed by law to constables of the county in like process and precepts: *Provided, nevertheless*, that he shall be amenable to the same rules in this and all his official acts and duties as are now fixed by law for the constables of the county: *And provided further*, that he shall, within ten days after his election, give bond in the sum of not less than one thousand dollars, conditional in like manner as the bonds of the county constables; and all assistant police shall give bond in the sum of not less than five hundred dollars in like time and manner for the faithful performance of their duties, with such sureties as the commissioners may approve.
- SEC. 27. That the commissioners may erect all public buildings necessary for the town. They may provide for the organization and equipment of fire companies, and the majority of the commissioners present may take all necessary measures to extinguish or prevent the spread of any fire. They may take all needful measures and precautions for preventing the entrance into the town of any contagious or infectious diseases or to arrest the progress of the same.
- SEC. 28. That it shall not be lawful for the board of county commissioners to grant any license to retail spirituous liquors within the corporate limits of the town or within two miles thereof without permission in writing first obtained by the person or persons applying to the said county commissioners for such license from the commissioners of the town therein being, such permission to be granted at a regular meeting of the town commissioners; and if any license be granted without such permission so granted and attested by the clerk of the board of town commissioners and exhibited to the board of county commissioners and filed with the clerk of said board, the same shall be utterly void, and the persons retailing under such licenses shall be liable to indictment as for retailing without license, and shall, moreover, forfeit to the town the sum of fifty dollars.
- SEC. 29. That all penalties incurred by any minor for the breach of this act, and of any ordinance passed in pursuance thereof, shall be recovered from guardian, parent or master, (if the minor be an apprentice) of such minor; and that all penalties imposed by this act, or an ordinance passed in pursuance [thereof], shall be recovered in the name of the town of Henderson before the mayor or any tribunal having jurisdiction thereof.
- SEC. 30. That in all cases where judgment may be entered against any person for fines or penalties, according to the laws and ordinances of the town, and the person or persons against whom the judgment is obtained refuses or is unable to pay such judgment, it shall be lawful for the mayor or other person acting in his stead before whom the judgment is obtained, to order or require such person or persons so convicted to work on the streets, or other public works of the town, until, at fair wages, such person or persons shall have worked

out the full amount of the judgment and costs: *Provided, however,* Proviso.
that any person or persons so convicted may appeal to the superior court of the county in the manner and under the same regulations as are now prescribed by law for appeals from judgments rendered by justices of the peace.

SEC. 31. That the commissioners may provide for the erection of a House of correction.
house of correction for the confinement and safe-keeping of such offenders against the law of the State within the limits of the town, and against the rules, ordinances and regulations of the town made in pursuance of this charter and not inconsistent with the laws of the State, as may by the mayor acting in his judicial capacity be committed thereto: *Provided,* that whenever any person or persons Proviso.
shall be committed by the mayor to the house of correction, the chief of police and police shall be allowed the same fees as are now allowed by law to the sheriff of the county.

SEC. 32. That the collector appointed as hereinafter provided, under the direction and authority of the commissioners, shall collect the Collection of taxes.
taxes assessed for the town, and immediately pay over the same when collected to the treasurer of the board of commissioners; and for failure of or dereliction in this or any other of his official duties Action on bond.
he shall be liable to an action on his official bond in the name of the town, at the suit of the town or other person aggrieved by such failure, and the same may be put in suit without assignment from time to time till the whole penalty is recovered.

SEC. 33. That the commissioners shall cause to be made out semi-annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens of the town, and cause the same to be posted before the mayor's office on the first of July and the last of December; and for the failure to comply with the requirements of this section the commissioners Penalty.
shall forfeit and pay for the use of the town the sum of twenty five dollars, to be recovered before any justice of the peace on the relation of any citizen of the town.

SEC. 34. That for the purpose of defraying the expenses incident Taxation.
to the proper government of the town, the commissioners may annually levy and collect the following taxes:

1. On real estate situated in the town, a tax not exceeding one Real estate
dollar on every hundred in value.

2. On all taxable polls who may be resident in the town on the first Poll-tax.
day of May of each year, or may have been resident within the corporate limits thirty days next preceding that day, a tax not exceeding three dollars.

3. Upon all dogs kept in the town, and which may be so kept on Dogs.
the first day of May or thereafter of each year, a tax not less than one dollar: *Provided, however,* that discrimination may be used in Proviso.
taxing dogs of different species and sex.

- Officers.** SEC. 35. That the commissioners, at their first meeting after their election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police and one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject, however, to removal at any time, and others appointed in their stead, for misbehavior or neglect in office, or for any other cause deemed sufficient by said commissioners; before acting, however, each of said officers shall be sworn to the faithful performance of his duties, and shall execute a bond, payable to the town of Henderson, in such sum as the commissioners shall determine.
- Removal.**
- Oath.**
- Bond.**
- Salary of clerk.**
- Duties.** SEC. 36. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successor, and generally perform such other duties as may be prescribed by the commissioners.
- Listing of property for taxation.** SEC. 37. That the citizens of Henderson and others liable to be taxed on account of any of the foregoing subjects, shall, on the first day of June or within ten days thereafter, render to the tax-lister appointed by the commissioners, 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 the property which he shall have failed to list as aforesaid.
- Penalty.**
- Assessment of real estate.** SEC. 38. That within one week after receiving the tax-list, the tax-lister shall turn over the same to the commissioners, who shall forthwith appoint three respectable freeholders, not of their own body, as assessors, who, being duly sworn before the mayor to do impartial justice to all in the discharge of their duties, shall assess the taxable real estate, with its improvements, lying within the corporate limits, and make a list thereof, with the names of the owners thereof, and return it to the commissioners on or before the first day of July next ensuing, and the value of the real estate of the assessors shall be assessed by the commissioners.
- Levy of taxes.** SEC. 39. That as soon as the assessors shall have made their returns, the board of commissioners 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 tax-collector for collection, who shall forthwith proceed to collect the same, and shall pay the money, as fast as collected, to the treasurer of the board of commissioners; and the collector, for his compensation, shall receive five per cent. of the amount collected, and shall execute bond in the sum double the amount of taxes to be collected, with such sureties as the commissioners may approve.
- Collection.**
- Compensation of collector.**
- Bond.**
- Collection by distress.** SEC. 40. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time allowed for collection the collector shall proceed forthwith to collect by distress and sale,

after public advertisement for the space of ten days in some paper published in the town, if the property to be sold be personalty, and thirty days if it be realty: *Provided, however,* that if the property to be sold be realty the collector may divide the same into lots, as many as may be convenient (for which he may employ a surveyor), and sell as many as may be required to pay the taxes, and if no one will pay the taxes and expenses, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to the town in fee. Sale of real estate

SEC. 41. That all persons who are liable for a poll tax to the said town, and shall wilfully fail to give themselves in, and all persons who own property and who wilfully fail to list it within the time allowed by law, before the first day of July, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of said town, or any justice of the peace, shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the tax-collector of said town to prosecute offenders against this section. Failure to give in poll-tax, &c., a misdemeanor.
Duty of collector to prosecute.

SEC. 42. That the collector shall keep an account of his proceedings under section thirty-nine, specifying the divisions of the land, if any, the purchasers and price, which he shall return to the commissioners, who shall record the same in their books, and if there be a surplus of the proceeds of such sale after paying the taxes and expenses, the same shall be paid into the town treasury, subject to the call of the owner. Collector to make returns.

SEC. 43. That the owner of any lands sold under section thirty-nine of this charter, his heirs, executors, or administrators, or agents for them, may redeem the same any time within one year after sale by paying the purchaser the sum by him paid and in addition twenty-five per cent. of the taxes and expenses, and the treasurer shall refund to him the amount received from the said purchaser, without interest, less double the amount of the taxes, and if the real estate sold as above be not redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns in fee, and the recitals in such conveyance that the taxes were due, or that anything was done, which by this charter in such cases were requisite or necessary to be done, shall be *prima facie* evidence that the same were true and done. Redemption of land sold for taxes.
Conveyance to purchaser.

SEC. 44. That the lands or other real estate of infants or persons *non compos mentis* shall be subject to the payment of taxes assessed on them in the same manner as is provided or may hereafter be provided by law for the subjection of it to the payment of other dues and demands for which it is liable. Lands of infants, &c.

SEC. 45. That when any land or right of way shall be required by the town of Henderson for opening new streets or other purposes allowed by this charter, and for want of agreement as to the value Condemnation of land for streets, &c.

thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen by the commissioners, and said freeholders, after being duly sworn by the mayor or a justice of the peace to do full and impartial justice between the town and the owner or owners of the land to be valued, shall take into consideration the damage or loss 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 or owners may receive from the opening of such street or other improvements, 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 such land or right of way: *Provided, nevertheless*, that if the owner or owners of the land or the commissioners be dissatisfied with the valuation they may appeal to the next superior court of Vance county, to which the said freeholders shall return their valuation and proceedings thereon; and the lands so valued shall vest in the town so long as it may be used for the purpose of the same as soon as the valuation shall be paid into the hands of the owner or owners of the land, or in case of his or their refusal to receive the same, into the office of the clerk of the superior court: *Provided further*, that such appeal shall not hinder the town from erecting such improvements or opening such streets: *And provided further*, that in case of discontinuance of the use of the land the town shall have the right to take away the improvements put upon it.

Right of appeal.

Proviso

Proviso.

License taxes.

SEC. 46. That in addition to the subjects listed for taxation the commissioners may levy a tax on the following, the amount of which tax, when fixed, shall be collected by the town constable instantly, and if the same be not paid on demand the same may be recovered by suit, and the articles taxed, or any other property of the owner of them, may be distrained and sold to satisfy the same, viz.:

Peddlers.

1. Upon all itinerant merchants or peddlers vending or offering to vend in the town, a tax of not less than twenty-five dollars, except such as sell books, charts or maps, and wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured. Not more than one person shall peddle under a single license.

Billiard tables.

2. Upon every billiard-table, pool-table and bowling-alley, used or kept in a bar-room or public house in the town, and on every game, allowed by law, kept for amusement or profit in such places, a tax of not less than twenty-five dollars.

Restaurants, &c.

3. Upon every boarding-house, restaurant and hotel, a tax of not less than five dollars.

Sale of liquor.

4. Upon every permission by the commissioners to sell or retail spirituous liquors, a tax of not less than one hundred dollars: *Provided*, that no license shall be granted to sell or retail spirituous

Proviso.

liquors on Garnet street for less than a tax of one hundred and fifty dollars.

5. Upon every company of circus riders who shall exhibit in the town or within one mile thereof, a tax of not less than twenty dollars for each separate exhibition, the tax to be paid before exhibition, and if not paid, to be double. Circuses, &c.

6. Upon every person or company exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menageries, a tax of not less than twenty dollars on every exhibition, the tax to be paid before exhibition, or to be doubled. Theatres, &c.

7. Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town, or within one mile thereof, a tax of not less than ten dollars, to be paid before exhibition, and if not so paid, to be doubled. Curiosities, &c.

8. Upon every show or exhibition of any other kind, or any concert for reward, except concerts and exhibitions by the citizens of the town or county for benevolent or charitable purposes, and upon every strolling musician, a tax of not less than ten dollars. Shows, &c.

9. Upon every goat, hog, horse, colt, cow, calf, mule or bull running at large, a tax of not less than one dollar, which said animals being liable to the tax may be seized and impounded, and if the tax is not paid by the owner on being notified, may be sold, after five days notice at the mayor's office, and the proceeds applied to the payment of taxes and costs. Stock running at large.

10. Upon every dog owned and kept in the town, a tax of not less than one dollar for permission to keep such dog in the town: *Provided*, that such permission shall not extend further than one year from the date of such permission; and if any person resident of the town shall have and keep any dog in the town without permission first had and obtained from the commissioners, the commissioners may impose upon such dog or dogs double the usual tax. Dogs. Proviso.

SEC. 47. *Provided, nevertheless*, that the commissioners shall not levy any tax on articles specially exempt from taxation. Exemption from taxation.

SEC. 48. That no cellar shall be built under any sidewalk, or entrance established on any sidewalk to any cellar, whereby free passage be delayed or hindered; and any offender herein shall forfeit and pay to the town five dollars for every offence and for every day the same shall remain open. Cellars.

SEC. 49. That every owner of a lot, or one having an interest therein as great as three years lease, which shall front any street on which a sidewalk shall have been established, shall, if required by the commissioners, improve the sidewalk as far as it may extend along such lot as the commissioners may direct; and on failure to do so, ten days after notice by the chief of police or his assistants to said owner, or his agent if he be a non-resident and have one, or after advertise- sidewalks.

ment on the lot or at the mayor's office if he be a non-resident and have no agent in Vance county, calling on the owner to make such repairs, the commissioners may have the same repaired with brick, stone or gravel at the expense of the owner or other person in default, and said expenses shall be a lien on the lot, and if not paid within three months after completion of such repairs such lot may be sold, or so much thereof as may be necessary to pay such expense and costs, under the same rules, regulations and restrictions, right of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes: *Provided, however,* that when such improvements are ordered by the commissioners the town shall pay half.

Proviso.

Nuisances.

SEC. 50. That the commissioners may require and compel the removal and abatement of all nuisances within the town at the expense of the person causing same, or the owner or tenant of the ground whereon the same may be.

Mayor *pro tem.*

SEC. 51. That the commissioners, whenever it may be necessary from any cause, shall have the power to select one of their number to act as mayor *pro tem.*, who shall be invested with all the power and authority of the mayor during such time as he may act as such, and in all respects be governed by the same rules and regulations; and the mayor's fees for all cases whereof he may have jurisdiction shall be the same as those which now and hereafter may be prescribed for justices of the peace. to be taxed among the costs; and in addition thereto he shall charge for the use of the town seal, for other than town purposes, one dollar for every certificate: for the arrest of any person who may have fled from other States and counties, two dollars, to be paid before the said person is carried away.

Regulation of carriage hire, &c.

SEC. 52. That the commissioners shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus, hack, dray or other vehicle, and to issue license for omnibuses, hacks, drays or other vehicles used for the transportation of persons or things, for hire.

Persons arrested imprisoned in county jail, &c.

SEC. 53. That the sheriff or jailer of Vance county is hereby required, without a *mittimus*, to receive into the jail of the county as his prisoner any person taken up in the night by watch or public officer, and to keep such person safely until the morning, when the offender shall be brought before the mayor or some magistrate resident in the town and be lawfully dealt with; and for such services the jailer shall be entitled to such fees as he is in other like cases.

Fire companies.

SEC. 54. That the board of commissioners may provide for equipment, government and pay of such number of fire companies as they shall deem necessary in said town. That in case of a fire occurring in said town the mayor, chief of fire department and any commissioner, or in absence of mayor the chief of fire department and any two commissioners, or in absence of chief fire department, any three commissioners being present, may order the blowing up, or pull-

Destruction of buildings to stop fire.

ing down, or destroying any house or houses deemed necessary to stop the progress of the fire. And no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall also have power to establish fire limits in 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 buildings, or cover any building with any material other than metal or slate; they may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board of 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 limits.

SEC. 55. That 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 commissioners for the abatement and removal of nuisances 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 or filled up, and to recover from the owner or occupier the expenses as above, which expenses shall be a lien on the lot: *Provided*, the owner or occupant of said lot, after five 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 to be removed and abated, and for the removal or abating such nuisance the costs and expenses shall be paid for out of any moneys in the town treasury as heretofore provided.

Nuisances.

Jurisdiction of commissioners.

Proviso.

SEC. 56. That the board of commissioners may govern and regulate the speed of railroad trains while running within the corporate limits of the town; and to prohibit railroad trains from blockading crossings; and to prohibit the ringing of bells, blowing steam whistles either during the day or night within the town limits.

Speed of trains, &c.

SEC. 57. That if any person shall assault or resist the chief of police or any member of the police [force] in the discharge of his or their duty, or shall aid or incite any person or persons so to assault or resist, every such offender, being convicted thereof before the mayor or justice of the peace, shall, for every such offence, forfeit and pay such sum, not exceeding five hundred dollars, as the presiding officer may, in his judgment, think fit to impose: *Provided always*, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this act for the same offence.

Penalty for resisting police, &c.

Proviso.

SEC. 58. That any violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days, and no preliminary

Violation of ordinance a misdemeanor.

affidavit shall be necessary to give the mayor final jurisdiction over the offences against the town ordinances.

No officer to contract for town work.
Penalty.

SEC. 59. That no mayor or commissioner of said town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall forfeit and pay to the town one hundred dollars, and, moreover, be deemed guilty of a misdemeanor.

Tax on trades, &c.

SEC. 60. That the commissioners, in addition to the other taxes authorized by this charter, shall, if they think proper, lay a tax on all trades, professions and franchises, not exceeding ten dollars, for the exercise of such trade, profession or franchise within the corporate limits for the space of one year.

Misdemeanor to put obstructions on streets, &c.

SEC. 61. That it shall be unlawful for any person or persons to place or put any obstructions on the streets or on the sidewalks in the town of Henderson, North Carolina, or otherwise to interfere with free passage thereon whenever such street or sidewalk shall have been in possession of and used or worked by the commissioners of said town for the continuous space of three years or shall have been dedicated to said town; and any person offending this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days in the county jail: *Provided, however,* that nothing herein shall prevent any person or persons who may claim said streets or sidewalks as their property from bringing their action in ejectment for the recovery of the same as provided under the laws of North Carolina: *Provided further,* that such action in ejectment shall be commenced within the time prescribed by the laws of North Carolina.

Proviso.

Power of commissioners over streets, &c.

SEC. 62. That said commissioners shall have the exclusive power to open, close, alter or change the streets, alleys and ways of said town, and also their grade, and the power to have a map or plat made, showing the present lay of the streets in said town, and such other streets, alleys and ways, &c., as they in their judgment shall deem expedient and best for the future development of said town, which map or plat, when so made, shall be the scheme, grade and rule of said streets [and] alleys in said town; and no person shall be allowed to open, lay out or establish any street, alley or way otherwise than in accordance with said map or plat: *Provided,* said commissioners may cause such alterations in said map or plat as in the future may seem expedient and best. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Proviso.

Misdemeanor to erect houses, &c., without permission of commissioners.

SEC. 63. That it shall be unlawful to erect any dwelling-house, store, factory, warehouse or other building within the corporate limits of said town without the permission from the said commissioners first had and obtained at a regular meeting; and any person violating this section shall be guilty of a misdemeanor.

SEC. 64. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 65. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 242.

An act to amend the charter of the town of Taylorsville.

The General Assembly of North Carolina do enact :

SECTION 1. That section 1 of chapter 86, private laws of 1887, be amended as follows: After the word "cemetery," in line 18 of said section, insert, "thence east with the Statesville public road to a point opposite the northeast corner of the cemetery fence; thence crossing said road running southwest with the cemetery fence a straight line to the old Statesville road; thence west with said road back to the town boundary as designated in this section." Chapter 86, private laws 1887, amended. Corporate limits.

SEC. 2. That subsection 2, section 32, be amended by adding after the word "day," at the end of said subsection, the following: "And all able-bodied male citizens over 18 years and under 21 [45] years of age (not exempt by the board) shall work the streets three days in each year, or in lieu thereof shall pay to the town tax-collector fifty cents for each of said three days." Citizens required to work streets, &c.

SEC. 3. That subsection 8, section 39, is hereby repealed, and the following enacted in lieu thereof: "The board of town commissioners shall have full control of the sale of spirituous, vinous or malt liquors within the corporate limits of said town, whether there shall be a sale therein, and in what quantities, and if by retail or wholesale, the amount of license tax, and the conditions shall be specified in a written penal bond in the sum of not less than one thousand dollars, with such sureties as may be satisfactory to the board, payable to the town of Taylorsville, which may be put in suit to the use of any person or persons injured by such sale, either in person or property, directly or indirectly; and the town commissioners shall have power to revoke any license issued by them or close up any bar-room or place where liquor is sold at their option, a sufficient cause being shown, without refunding any part of the license tax; and no license from any other party or parties having authority to issue license shall be lawful in said corporation without the license of the town corporation; and said license tax shall not be less than three hundred dollars per annum: *Provided*, that no license shall be issued for a shorter time than six months." Sale of liquor.

SEC. 4. After subsection 5, under section 32, add subsection 6: "On all keepers of livery stables, a tax of not less than ten dollars; and License tax on livery-stable keepers, &c.

any person living inside the corporate limits who keeps horses and vehicles for the purpose of conveying persons to points outside the corporate limits, for money or hire, shall be subject to the tax mentioned in this section."

License tax on
itinerant dentists
&c.

SEC. 5. That the following be added as subsection 7 under section 32: "On every and all itinerant dentists, doctors, photographers, artists, patent medicine men and all itinerant venders of any kind of articles or merchandise, a tax of not less than five dollars, to be paid in advance: *Provided*, this act shall not apply to dealers in articles of their own manufacture or products of the farm."

Proviso.

Streets.

SEC. 6. That section 41 be and the same is hereby repealed and the following be enacted in lieu thereof: "That the board of commissioners shall have power to grade, macadamize and pave the streets and sidewalks, to lay out and open new streets, widen, narrow or discontinue any streets now open and in use, or any streets heretofore laid off and not in use, and make such improvements thereon as in their judgment the public convenience may require, and the good of the town demand; that when any land shall be required for any purpose mentioned in this charter for building, rights of way, or for the purpose of opening new streets or for widening those already opened or laid off; or when it may be deemed expedient by the commissioners to narrow any street or streets, or discontinue any street or streets now open and in use, or open and not in use, or which may have been laid off heretofore for street or other objects allowed by this charter, and for want of agreement as to the value thereof or the amount of damage which any person or persons may sustain by reason of closing up or narrowing any street or streets, the same cannot be purchased from the owners for streets, the same may be taken at the valuation to be made, or the streets may be closed or narrowed by paying the damages to be assessed by three freeholders of the town, to be chosen one by the land-owner or owners, and one by the commissioners, which two so chosen shall choose a third freeholder; or if the land owner or owners shall fail or refuse, upon written notice delivered, to choose one of the freeholders as above directed, then the commissioners shall choose the second freeholder, which two so chosen shall elect the third, and in making said valuation of the property or land to be used as streets or alleys, or in assessing such damages as may be sustained by the owner or owners of lands abutting the streets narrowed or closed and appropriated by the town, the 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 damages which may accrue to the owner in consequence of land being surrendered for a right of way or street, also any benefit the owner or owners may receive by reason of the opening or widening of said street, or the erection of any proposed improvements, and ascertain the sum which shall be paid to the

Condemnation of
land.

owner of said lands, and said freeholders, in assessing the amount of damage which may be due the owner or owners of any lands abutting any street narrowed or closed and condemned for town purposes, shall take into consideration [the] inconvenience the narrowing or closing such streets may cause the land-owners abutting the same, and the cost which the town may be forced to incur in keeping said streets in repair, and whether public exigency demands such street to be kept open, and the freeholders shall ascertain the sum to be paid for the land condemned for streets widened or opened, and the damages for streets widened or opened, and the damages for narrowing or closing any street, and report the same under their hands and seal to the commissioners, specifying the amount due each one damaged, which report, on being confirmed by the board of commissioners 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 and condemned: *Provided*, that any person interested in the report of the freeholders or the town commissioners, if dissatisfied with the valuation made or damages assessed, may, by giving bond, appeal to the next term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners in opening, widening, narrowing or closing such street or erecting such improvements: *Provided*, that this amendment shall not affect or render invalid any sale by the town authorities of any lots or streets heretofore made.”

Right of appeal.

Proviso.

Proviso.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 243.

An act to authorize the board of commissioners of the town of Concord to issue bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Concord are hereby authorized to cause an election to be held at the various polling places in said town, at such a time as said board of commissioners may appoint within six months from the ratification of this act, and to submit to the qualified voters of said town the question of issuing bonds to the amount of fifteen thousand dollars for the purpose of improving the streets and sidewalks of said town, and levying and collecting the special taxes specified in section three of this act. The said election shall be advertised by the board of commissioners of said town for thirty days prior to the day of election in

Election on question of issuing bonds for street improvement, &c.

Notice of election

Election, how held.	some newspaper published in said town, and held by inspectors and judges under the same rules and regulations prescribed for the elections of mayor and commissioners in the charter of said town as amended at the present session of the General Assembly. Those who are in favor of issuing said bonds and levying and collecting said taxes shall vote a written or printed ticket with the words "for bonds" thereon; and those who are opposed shall vote a written or printed ticket with the words "against bonds" thereon. The result of said election shall be ascertained by the inspectors and judges of election of the respective wards and certified and returned by them to the board of commissioners of said town within two days from the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes.
Ballots.	
Canvass of votes.	
Bonds to be issued on vote of majority of qualified voters.	<p>SEC. 2. If a majority of the qualified voters of said town shall vote "for bonds," then the board of commissioners of said town shall issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars, and in denominations 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 semi-annually at the Concord National bank in said town on the first day of January and July of each year until said bonds are paid. That said bonds shall be made payable after the expiration of twenty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the clerk of the board of town commissioners, and a record shall be kept of all bonds, showing the number, amount and to whom sold. The coupons shall be received in payment of all taxes, polls and debts due said town; that said bonds shall be sold for not less than ninety-eight per cent. of their par value, and the proceeds arising from the sale thereof shall be used by the board of commissioners of said town for the exclusive purpose of improving the streets and sidewalks of said town in such manner and way as they shall deem proper.</p>
Description of bonds.	
Coupons receivable for town taxes.	
Application of proceeds.	
Special tax.	<p>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, the board of commissioners of said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes of said town, and at any other time it shall be necessary, a sufficient special tax upon the real and personal property within the corporate limits of said town, and other subjects of taxation mentioned in section four of chapter one hundred and nineteen of private laws of one thousand eight hundred and seventy-nine and the amendments thereto, and the polls of said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds: and the board of commissioners of said town are hereby authorized, and it shall be their duty, annually, to compute and levy,</p>

at the time of levying other taxes of said town, and at any other time it shall be necessary, a sufficient special tax on said property, said other subjects of taxation and polls, to raise a sum of money equal to five per cent. of the principal of said bonds, to be applied to said sinking fund, the tax-list of said special taxes levied at the time of other taxes of said town to be the same as the list of said other taxes; and if said special taxes are levied at a time other than that of levying said other taxes, then the list to be made out as provided for in the charter of said town, except as to the time thereof. Said special taxes shall be collected at the time of and as other taxes of said town are collected, or if levied at any time other than at the time of levying other taxes of said town, then they shall be collected within the time specified by the board of commissioners in the warrant of collection; and to that end the collector is hereby authorized and empowered to sell at any time real and personal property, after advertising the same for thirty days. Said special taxes shall be paid over **Collection.** by the tax-collector of said town to the treasurer of said town, which officers shall give good and sufficient qualified bonds—the former for the collection of taxes and paying them over as aforesaid, and the latter for the safe keeping and proper disbursement.

SEC. 4. That the taxes levied and collected for the purposes specified in section three of this act shall be kept separate and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected; and any mayor or commissioner who shall appropriate or attempt to appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes or any part thereof, shall be guilty of a misdemeanor: *Provided*, that if the board of commissioners of said town shall be unable to purchase at a reasonable price any of said bonds before maturity, they may loan said sinking fund, or any part thereof, in such sums as they shall deem proper, for a length of time not extending beyond six months prior to the maturity of said bonds, taking as security for the repayment thereof, and the payment of the interest thereon, mortgages or deeds in trust on sufficient real estate, the notes or other evidences of debt to be executed in the name of "the board of commissioners for the town of Concord," and the mortgages or deeds in trust in the name of him (naming him), "mayor of the town of Concord, and his successors in office"; and said mayor, or any of his successors in office, when directed by the board of commissioners, shall have the authority and right, and it shall be their duty, to execute the powers granted in any of said mortgages or deeds in trust; or the board of commissioners may loan said sinking fund, or any part thereof, in such sums as they shall deem proper, not to exceed the time above mentioned, upon personal security, the borrower to give as lawful sureties two persons each, who can each qualify to being worth, over and above **Taxes when collected to be kept separate.**

Proviso.

the homestead and personal property exemptions, double the amount desired to be borrowed; the notes or other evidence of debt to be in the name of "the board of commissioners for the town of Concord," and made payable one year from the date thereof. But any mayor or commissioner who shall be personally interested, directly or indirectly, in any loan, whether upon real estate or personal security, shall be guilty of a misdemeanor.

SEC. 5. That this act do take effect immediately.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 244.

An act to incorporate the Tarboro Land and Trust Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Geo. Howard, O. C. Farrer, S. S. Nash, T. H. Gatlin, John L. Bridgers, 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 Tarboro Land and Trust Company," and by that name may have perpetual succession, and shall be entitled to all the rights and privileges and be authorized to exercise all the powers granted to the Fidelity Savings and Trust Company of Durham in as full manner as if chapter 70 of the laws of 1887, with the change of name from the Fidelity Savings and Trust Company of Durham to the Tarboro Land and Trust Company, with change of corporators, had been embodied herein, and the said chapter, changed as aforesaid, is hereby made a part of this charter: *Provided*, that nothing in this act shall operate or be so construed as to relieve or discharge guardians, executors, trustees or fiduciaries or bonded or other officers who may make deposits with this company from official responsibility, nor to relieve them or their securities from liability on their official bonds.

Corporate name.

Corporate powers.

Proviso.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 245.

An act to amend the charter of the city of Newbern.

The General Assembly of North Carolina do enact :

Corporate limits extended.

SECTION 1. That the corporate limits of the city of Newbern shall be and are hereby extended as follows, to-wit: Beginning at the intersection of the present city boundary (a line known in Price's

plan of said city as the line between Edward Griffith's and John Manly's land) with the channel of Neuse river and running thence up and with said channel to a point where said channel will intersect the southern line of the land known as the Dunn land; thence with said Dunn's line, and said line extended to the track of the Atlantic and North Carolina Railroad; thence up and with said track to the line of the Daniel Richardson patent, granted in 1713; thence southwardly with said patent line to a point where said patent line will intersect End street extended; thence down and with said End street extended to the intersection of said End street extended and Cedar street extended to the present boundary.

SEC. 2. That all the territory added to said city by section one of this act, which lies east of George street and Jack Smith's road, shall be and is hereby added to and shall form a part of the fourth ward of said city; and all of said territory which lies west of said street and road, and south of the Atlantic and North Carolina Railroad track shall be and is hereby added to and shall form a part of the fifth ward of said city.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 246.

An act to incorporate the Hayesville Male and Female College, near Hayesville, Clay county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That G. W. Sanderson, W. H. McClure, D. W. Killian, W. P. Moore, J. H. Tlearer, J. S. Anderson, J. S. Carter, J. P. Cherry and L. H. McClure, who have been appointed on the part of the quarterly conference of Hayesville circuit, M. E. Church, South, and their successors who may be appointed as hereinafter provided, be and are hereby created a body politic and corporate under the name and style of the Trustees of the Hayesville Male and Female College, with the privileges of a common seal, to be altered at their pleasure, and with power to sue and be sued, plead and be impleaded, contract and be contracted with, hold such real and personal property, by purchase, donation or otherwise, as may be by them deemed necessary for the successful establishment and maintenance of a male and female college near Hayesville, in the county of Clay, in this State, and make all rules, regulations, by-laws and agreements needful for the government of their body and of the said college, and for carrying into effect the aforesaid purpose of their incorporation, and do all other acts pertaining to similar corporations and not inconsistent with the laws of this State or of the United States.

- Term of office of trustees.** SEC. 2. That the term of office of trustees shall be three years from the date of their election. Of the trustees herein named, the term of three members shall expire at the last quarterly conference held for said Hayesville circuit of each year, and their places shall be filled by said conference, so that one-third shall be elected each year, each being subject, however, to be removed at any time by a majority of the others for inefficiency or neglect of duty. In case of vacancy by death, resignation or otherwise, said vacancy may be filled by a majority of the trustees present at a regular meeting.
- President.** SEC. 3. At the first regular meeting after the ratification of this act, the said trustees shall elect one of their number as president of the board of trustees, and may appoint a secretary and treasurer and such other officers and servants as may be deemed expedient; and said trustees may prescribe the mode of the election of such officers, with the terms thereof, and may enact laws for the regulation of the duties of all officers appointed by them. Five trustees shall be a quorum for the transaction of business.
- Other officers.**
- Trustees to elect president, professors, &c.** SEC. 4. The said trustees shall have the exclusive right to elect a president of said college and such professors, tutors and officers as they shall think proper.
- Faculty.** SEC. 5. The president and professors of said college shall be the faculty thereof, and, with the advice and consent of the trustees, shall have power to grant diplomas conferring such degrees and marks of literary distinction as are usually conferred in colleges and universities.
- Powers.**
- Non-liability of trustees.** SEC. 6. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.
- Change of corporate name.** SEC. 7. The said trustees, by a two-thirds vote of all the trustees, shall be authorized to change the name of said college and the title and name of the body politic hereby created, and in case of such change of name, the new body politic and corporation shall succeed to all the rights, powers, property, privileges and advantages conferred by this act upon the Trustees of the Hayesville Male and Female College.
- Conflicting laws repealed.** SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 9. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 247.

An act to amend the charter of Kernersville.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the town of Kernersville, in Forsyth county, as contained in chapter one hundred and thirty-seven of the private laws of one thousand eight hundred and eighty-seven (1887), be amended by adding to said chapter the following, to-wit: "It shall be lawful for the town of Kernersville, in Forsyth county, to subscribe to the capital stock of any railroad company proposing to build a road to or through said town whenever such subscription shall be authorized, as provided in this act, by a majority of the qualified voters therein."

Chapter 137, private laws 1887, amended.

Authorized to subscribe to capital stock of railroad companies.

SEC. 2. That upon presentation of a petition signed by fifty resident tax-payers of said town, the mayor and commissioners thereof requesting the [county] commissioners, by order, to submit to the vote of the qualified voters of the town a proposition to subscribe a definite sum, named in said petition, to the capital stock of any railroad company, it shall be the duty of said commissioners, within thirty days, to order an election, to be held at the usual place of voting in said town, and submit to the qualified voters of the town the question of subscription specified in the petition; at which election those in favor of said subscription shall vote "subscription," and those opposed shall vote "no subscription." Said election shall be held, registrar, poll-holders and judges appointed, and the registration taken, as is now provided by law for elections of mayor and commissioners of said town. The poll-holders shall make return of the votes cast the day after the election before the mayor and commissioners of the town, who shall sit as a canvassing board, canvass the votes and declare the result of the election. If a majority of the qualified voters in the town vote for subscription, then the mayor of the town, in behalf of the town, shall subscribe on the books of the said railroad company the number of shares of stock authorized by the vote to be subscribed, to be paid for in the coupon bonds of the town at their face value.

Election upon question of subscription, when and how held.

Subscription to be made on vote of majority of qualified voters.

SEC. 3. That to pay said subscription the mayor of the town shall prepare and issue to the said railroad company coupon bonds of the said town, and running for a period of not less than twenty years nor more than forty years, bearing interest at the rate of six per cent. per annum, payable semi-annually. Said bonds shall be signed by the mayor of the town and countersigned by the treasurer thereof and attested by his seal of office.

Coupon bonds.

SEC. 4. That to meet the accruing interest on said bonds and to provide a sinking fund to pay the principal when the same falls due the board of town commissioners of said town shall annually levy and cause to be collected, as other town taxes are levied and collected,

Special tax.

a tax upon all property and polls now subject to taxation by law, observing the constitutional equation between property and polls.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 248.

An act to authorize the town of Newton to issue new bonds on its indebtedness.

The General Assembly of North Carolina do enact :

Authorized to issue new bonds.

SECTION 1. That the board of commissioners of the town of Newton are hereby authorized to issue new coupon bonds in lieu of those outstanding due and unpaid bonds, having been authorized by chapter ninety-eight, laws of 1873 and 1874.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 249.

An act to incorporate Dobson Lodge, number one hundred and seventeen, Independent Order of Odd Fellows.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That John R. Woltz, R. S. Folger, B. W. Harris, J. C. Cooper, R. F. McGuffin, H. C. Snow and J. A. Adams, and others, officers and members of Dobson Lodge, number one hundred and seventeen, Independent Order of Odd Fellows, located in the town of Dobson, county of Surry and State of North Carolina, be and they are hereby incorporated into a body politic under the name and title of "Dobson Lodge, number one hundred and seventeen, Independent Order of Odd Fellows."

Corporate name.

Corporate powers

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common corporate seal; sue and be sued, plead and be impleaded before any court of record or justice of the peace in this State; contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and the widows and orphans of its members; and may have all such rights and privileges as are incident to such corporations.

SEC. 3. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this State or the United States. By-laws.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 250.

An act to restrict the corporate limits of the town of Old Fort, in McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act the corporate limits of the town of Old Fort, in the county of McDowell, be and the same are hereby restricted and confined to within one-half mile in every direction from the depot on the Western North Carolina Railroad as the depot is at present located. Corporate limits.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act, and so far as they conflict with laws are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 251.

An act to incorporate the North Carolina State Firemen's Association.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. That C. D. Benbow, J. G. Fowler, H. J. Elam, J. W. Griffith, A. T. Boyd, C. F. Thomas, J. R. Donnell, Charles Whittington and S. D. Wilson, of Greensboro, J. D. McNeill, of Fayetteville, J. T. Thacker, W. F. Keith, S. A. Link, C. A. Snipes, F. N. Vogler, F. C. Mimming, of Winston-Salem, E. B. Englehard, T. W. Blake, F. H. Lumsden and F. Brannan, of Raleigh, H. E. Heartt, of Durham, B. J. Swinston, of Charlotte, and such other persons as are associated with them and their successors, be and they hereby are constituted a body politic and corporate by the name of the North Carolina State Firemen's Association, and by that name may sue and be sued, and prosecute and defend suits in all courts in this State, and may have and use a common seal and alter the same at pleasure; may make contracts and shall be capable in law of purchasing, hold- Body politic.
Corporate name.
Corporate powers

- ing and conveying any real or personal estate for the use and benefit of said association or corporation: *Provided*, that said corporation shall not at any time hold real and personal estate of a greater value than ten thousand dollars.
- Proviso.**
- Purposes of corporation.** SEC. 2. The purposes for which said association is organized are: the protection and promotion of the best interests of the firemen of North Carolina, the compilation of fire statistics, the collection of information concerning the practical workings of different systems of organization, the examination of and inquiry concerning the merits of the different kinds of apparatus in use and the improvements in the same, the cultivation of a fraternal fellowship between the different companies of the State.
- Corporate powers** SEC. 3. Said association or corporation shall have power to appoint officers, hold meetings, to adopt a constitution and enact such by-laws and in such manner as their constitution may prescribe, and make such rules and regulations as may be necessary to carry into effect the objects and aims of the association: *Provided*, that such constitution, by-laws, rules and regulations be not repugnant to the constitution and laws of this State and of the United States.
- Proviso.**
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

 CHAPTER 252.

An act to incorporate the Battery Park Hotel and Improvement Company.

The General Assembly of North Carolina do enact:

- Body politic.** SECTION 1. That J. E. Rankin, Otis M. Coxe, V. E. McBee, Francis S. Coxe, J. B. Steele, T. C. Smith and S. W. Battle, and their successors and assigns, be and are hereby created a body corporate by the name and style of "The Battery Park Hotel and Improvement Company."
- Corporate name.**
- Capital stock.** SEC. 2. That the capital stock of the said company shall be five hundred thousand dollars, with the right to increase the same to five million dollars, to be divided into shares of one hundred dollars each.
- By-laws.** SEC. 3. That the said company shall organize and establish by-laws for its government as directed by the general incorporation laws of North Carolina.
- President and directors.** SEC. 4. That the affairs of this corporation shall be governed and managed by a president and a board of five directors, to be elected by the stockholders annually, who shall hold their offices for one year and until their successors have been appointed.
- Corporate existence.** SEC. 5. That this corporation shall be, exist and have succession for the term of sixty years, and by the name of "The Battery Park Hotel

and Improvement Company" may sue and be sued, appear, prosecute and defend in any court or place whatsoever, and may have and use a common seal and may break and reserve the same at will.

SEC. 6. That the said corporation shall have power and authority to construct, purchase, lease and operate, let or sublet any hotel property at any and such points in this State, in the counties west of the Blue Ridge, as its board of directors may select. It shall have power to purchase, acquire, hold and sell, buy and sell, at any point in this State, any property, real, personal or mixed, from time to time, as its directors may determine or choose: *Provided*, it shall not buy nor own any real property east of the Blue Ridge in this State. Corporate powers

SEC. 7. The Battery Park Hotel and Improvement Company shall have authority to conduct a general banking business in such towns and cities in this State west of the Blue Ridge as its directors shall determine upon, and to receive money on deposit, discount bonds, notes and bills of exchange, receiving the interest and discount in advance; to lend money on real or personal property, to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments, and to use its funds and property in any manner incident to the business of banking not contrary to the laws of the State or United States. Authorized to conduct banking business, &c.

SEC. 8. Agencies of this corporation may be established at such times and places as the president and directors may designate, and may be removed at any time, and always to be subject to the management and direction of the said president and board. Agencies.

SEC. 9. That the subscriptions to the capital stock of said company may be made in lands, timber, timber privileges, labor, money, bonds, mines, mining privileges, hotels, or leases of the same, as may be stipulated. Subscription, how made.

SEC. 10. That in the construction, use or operation of any hotel property by this corporation, in any town or city within the section west of the Blue Ridge in this State, the company shall have the authority and power to conduct and carry water to the same through pipes, and in the exercise of this power, shall have the right to construct, for its own use, tanks, stand-pipes or ponds, pools or dams, outside or inside of the limits of such town or city; and shall further have the right to conduct the water to such hotel property and through any such city or town by laying pipes in and upon any lot or land, public or private, over which it shall acquire the right of way, or in any street in such town or city, with the consent of such town or city; and the privilege herein acquired by this company may be exercised either by purchase from the land-owners or by consent of the town or city authorities. Corporate powers in regard to water works, &c.

SEC. 11. The company may also borrow money at a rate of interest not to exceed the legal rate of interest in this State and issue bonds therefor, and execute mortgages and deeds of trust upon the pur- Mortgage bonds.

chases and property of the company to secure the payment of the said bonds.

Books of subscrip-
tion.

SEC. 12. That any three of the persons herein incorporated, to effect the purposes of this act may open books of subscription and receive subscriptions to the capital stock of the company at such times and places as they may appoint, and when ten per cent. of the capital stock shall have been subscribed, and five per cent. of such subscriptions paid in, then the stockholders may organize said company by the election of a board of directors. Such election shall be held at such time and place as may be agreed on by a majority of the stockholders represented.

Organization.

Certificates of
stock.

SEC. 13. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, and shall be signed by the president and secretary of said company, and authenticated by its seal, and shall be recorded in a book to be kept for that purpose, and all sales and transfer of said stock shall be recorded in such book.

Corporate powers
in regard to rail-
road, &c.

SEC. 14. That this company shall have authority to construct, maintain and operate, as its board of directors shall determine, any horse railroad, steam or electric railroad from any point on any line of railroad running near any hotel property of the said company to such hotel property for the transportation of passengers and baggage to and from the same; and for the construction of such lines, the said company shall have the same powers and rights as are granted to any corporation of this State for like purpose, or to any railroad corporation for the construction of its lines of railroad: *Provided*, that no such railroad shall be placed on any street without the consent of the town or city authorities through which it may run.

Proviso.

Corporate powers
in regard to pur-
chase of railroad,
&c.

SEC. 15. The said corporation shall have the power and authority to buy any railroad bonds, stocks, or other securities of the same, and to sell the same from time to time. It shall also have the power to buy and operate any railroad west of the Blue Ridge, in this State, and to sell the same from time to time as its directors may determine.

Telegraph lines.

SEC. 16. That this company shall have the power to construct or operate a telegraph line or telephone line between such points in this State west of the Blue Ridge as its board of directors shall designate.

Non-liability of
stockholders.

SEC. 17. That the private property of the stockholders of this company shall not be liable for the debts of the corporation.

Code, chapter 16,
to govern corpora-
tion, &c.

SEC. 18. That the several provisions of the sixteenth chapter of The Code of North Carolina shall be the law to govern this corporation, except so far as altered by this charter.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 253.

An act to incorporate the Winstead Manufacturing Company.

The General Assembly of North Carolina do enact :

SECTION 1. Edwin D. Winstead, James M. Winstead and Charles S. Winstead, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "Winstead Manufacturing Company," with a capital stock of fifty thousand dollars, with liberty to increase the same from time to time not to exceed one million dollars, to be divided into shares of one hundred dollars each, and to have the privilege and rights hereby specifically granted, and also those conferred upon corporations by the laws of North Carolina.

Body politic.
Corporate name.
Capital stock.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all of its branches, the business of manufacturing, buying and selling tobacco. And said corporation may manufacture, 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 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 capital stock of said corporation at such rate of interest and upon such terms as to said corporation may seem best.

Corporate powers

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and transaction of its business. They shall have power to elect, in such manner as a majority of the stock may prescribe, such officers as they deem necessary, prescribe their duties, compensation and term of service; and, in general, said stockholders may make such by-laws and regulations for the government and conduct of said corporation and its business, not inconsistent with the laws of this State and the laws of the United States, as they may consider best calculated to serve their interest.

Powers of stockholders.

SEC. 5. As such corporation they may have a common seal, which they may break and alter at pleasure.

Common seal.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 254.

An act to charter High Point Female College.

The General Assembly of North Carolina do enact:

- Body politic.** SECTION 1. That W. P. Pickett, F. M. Pickett, N. W. Beason, E. C. Ferabee, Dr. W. O. Jones, R. J. Lindsay, J. J. Welsh, Rev. E. H. Davis, R. C. Charles, M. J. Wrenn, J. R. Brown, G. A. Matton, L. J. Ingram, Dr. J. J. Cox, E. D. Steele, J. H. Tate, Rev. P. H. Dalton, E. H. C. Field, O. S. Causey, E. H. Snow, J. H. Willis, J. Elwood Cox, W. H. Ragan, A. C. Jones, Rev. J. B. Richardson, Rev. C. S. Farris, Rev. J. N. Stallings, Hon. J. C. Scarborough, Dr. J. A. Delke and Rev. W. F. Watson, and their successors, be and they hereby are created and constituted a body corporate and politic under the name of "High Point Female Collegé" for the purpose of establishing and maintaining in the town of High Point, Guilford county, an institution of learning of high grade for the education of females: and by their corporate name they may sue and be sued, plead and be impleaded, receive, take and hold any and all property of every kind and description, whether real, personal or mixed, which may be contributed, donated, willed, devised or conveyed, in any manner whatsoever, for the benefit of said institution; and to sell, convey and exchange any property belonging to said institution as they may deem advisable.
- Corporate name.**
- Corporate powers**
- Stock.** SEC. 2. That fifty dollars shall constitute a share of stock in the funds of said institution, and for each share the contributor or his representative shall be entitled to one vote in all stockholders' meetings. Any stockholder may, at any time within three months from and after the ratification of this act, issue a call for said meeting, giving each stockholder ten days notice of the same. At such meeting, a majority of the stock being represented, all business pertaining to the said institution which is deemed advisable may be transacted.
- Meetings.**
- Corporators divided into classes.** SEC. 3. That the corporators named in section one of this act shall be divided into three equal classes; that the term of the first class shall expire at the second annual meeting of the stockholders, and the second at the next annual meeting thereafter, and the third at the next, and so on year after year; and the stockholders, voting as directed in section two of this act, shall choose their successors: *Provided*, that nothing herein contained shall prevent the re-election of any of those whose time expires as above prescribed. Any vacancy in the board of trustees shall be filled at the next annual meeting after it occurs and is made known. The board of trustees may be called together at any time by any stockholder. Ten shall constitute a quorum for the transaction of business.
- Proviso.**
- Vacancies.**
- Corporate seal.** SEC. 4. The board of trustees shall provide a seal for said institution, with such motto and device as may be desirable, which may be changed at pleasure.

SEC. 5. That the president and faculty of said institution shall have power to award and issue any certificate, diploma, or other badge of literary distinction, and confer such degrees for proficiency in literary attainments, art, music, and other branches of education as they may deem advisable. Authorized to confer degrees, &c.

SEC. 6. That all the property of said institution of any and all kinds shall be free from taxation as long as used for the purposes of education: *Provided*, that all net profits from the earnings of the same, if any, shall be added to the capital stock and used to enlarge the facilities and usefulness of said institution; otherwise this section shall be void and inoperative. Exemption from taxation.
Proviso.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 255.

An act to incorporate the Roxboro Land and Loan Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Long, J. S. Merritt and J. C. Bass, of Roxboro, N. C., and D. Y. Cooper, of Henderson, N. C., and A. W. Newlin, of Lynchburg, Virginia, and E. L. Evans, of South Boston, Virginia, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the "Roxboro Land and Loan Company," with a capital stock of not less than five thousand dollars nor more than forty thousand dollars, in shares of fifty dollars each, which shall be deemed personal property, transferable as the by-laws of such company may direct. The capital stock of said company may be increased to not exceeding one hundred thousand dollars whenever a majority in value of said stockholders may determine. Body politic.
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 buy, lease, exchange, hold, sell and convey real and personal property at their will and pleasure, provided they (said company) may hold and own ten 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 stock, bonds and all other securities and choses in action, and to do a general banking business under the laws of North Carolina; 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 Corporate powers

and execute notes and bonds therefor or other evidence of debt and secure the same by mortgage of their property, effects and franchises or otherwise.

Execution of trusts, &c.

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 State or any other State, and to act as agents and trustees generally.

By-laws, officers, &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 service 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.

Compensation for acting as trustee.

Organization.

SEC. 5. That when the sum of five thousand dollars shall have been subscribed to the capital stock, or when land at the value of five thousand dollars shall have been purchased for the purposes of said company, the said corporation [corporators] or any three of them shall call a general meeting of the stockholders of said company to meet in Roxboro, N. C., after thirty days notice in some newspaper published in Roxboro, to elect a board of directors of said company to consist of five stockholders therein; the stockholders at any meeting may vote in person or by proxy to the extent of the value of their stock in said company.

Non-liability of stockholders.

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 acts, contracts, obligations or engagements or torts of said corporation, and no stockholder shall be liable to pay for more stock than he subscribed for.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 256.

An act to amend chapter one hundred and thirty of the private laws of eighteen hundred and eighty-five, entitled an act to incorporate the town of Elk Park, in Mitchell county.

The General Assembly of North Carolina do enact :

Corporation continued.

SECTION 1. That the inhabitants in the town of Elk Park, in Mitchell county, shall continue to be, as heretofore, a body corporate under the name and style of the town of Elk Park, and under such name and style is hereby invested with all the privileges, immunities and franchises, together with all other rights heretofore belonging or

Corporate powers

appertaining to the town of Elk Park, 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, not to exceed the value of one thousand dollars at the time of purchase.

SEC. 2. That the present mayor and commissioners and other officers of the town of Elk Park be and the same are hereby declared to be like officers with the powers and duties appertaining to the same until their successors are elected and qualified as hereinafter provided. Present officers.

SEC. 3. That the corporate limits of the town of Elk Park shall be and remain as they now are, that is to say, one-half mile in every direction from the depot of the Western North Carolina and East Tennessee Railroad. Corporate limits.

SEC. 4. That the officers of the town of Elk Park 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 office 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 in at least 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. Officers.
Election.

SEC. 5. That any qualified voter of this State shall be eligible as mayor and commissioner, and entitled to register and 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 in the registration books of said town. Who eligible to
hold office and
vote.
Proviso.

SEC. 6. That on the day of election the inspectors shall attend at the place appointed and receive the ballots and conduct the election in all respects as required by law for the election of members of the General Assembly. The voters shall designate upon their ballots the persons voted for for mayor and the persons voted for for commissioners, otherwise the vote shall not be counted. Election, how
conducted.

SEC. 7. That at the close of the election the votes shall be counted by the inspectors and the result declared, and a copy of the returns, showing the number of votes cast for each person at the election, shall be made out and signed by the inspectors and transmitted to the mayor, and the persons elected shall be notified of their election by the inspectors. Canvass of vote.

SEC. 8. That if [among] the persons voted on for mayor there shall be an equal number of votes between any two having the largest number, the commissioners elected shall proceed, within five days Tie vote for
mayor.

after their qualification, to elect a mayor of such persons having the highest number of votes.

Oath of inspectors SEC. 9. That the inspectors, before they shall proceed to open the election, shall take an oath, before the mayor or a justice of the peace, to have the election according to law; and in the absence of any of them, their places shall be filled by the mayor or a justice of the peace.

Duty of inspectors. SEC. 10. That the inspectors shall certify the poll and registration books and return the same to the clerk of the board of commissioners of said town, who shall keep them as part of the record of their office.

Registration. SEC. 11. That the board of commissioners of the town of Elk Park shall, at least ten days previous to the election, appoint a registrar of voters, [who] shall open his books for such purpose at least five days previous to the day of election (Sunday excepted), and shall register all voters qualified to vote according to the provisions of this chapter; and he shall attend at the polls on the day of election with the registration books, and, after the election, shall return the same to the clerk of the board of commissioners: *Provided*, that no person shall register on the day of election.

Oath of mayor. SEC. 12. That the mayor, before entering upon the duties of his office, shall, before some justice of the peace, take and subscribe the following oath: "I, -----, do solemnly swear that I will diligently and faithfully perform the duties of the office of mayor of the town of Elk Park while I continue in said office, and that I will execute the laws and ordinances made for the government of the town, and that I will do equal justice to all, to the best of my ability, in all cases whatever."

Oath of commissioners. SEC. 13. That each commissioner, before entering upon the duties of his office, shall take and subscribe an oath, before the mayor or some justice of the peace, to faithfully and impartially perform the duties of the office of commissioner of said town to the best of his ability.

Vacancies. SEC. 14. That the board of commissioners shall have power to fill all vacancies that may occur in the board during their term of office, and also to appoint all officers that they may deem necessary for the efficient administration of the laws, ordinances and regulations, and shall prescribe their duties and terms of office. The board of commissioners shall also have power to appoint one of their number as mayor *pro tem.*, who shall act as mayor in the absence of the mayor, and all of his official acts as such shall have full power and effect.

By-laws, &c. The commissioners shall have power to enact by-laws, ordinances and regulations as may in their opinion be proper for the interest of the town, and may enforce the observance and punish the violations thereof by proper fines, penalties and imprisonment: *Provided*,

Proviso.

that no greater fine than fifty dollars or longer imprisonment than thirty days shall be imposed or adjudged by said mayor.

SEC. 15. That the mayor shall keep a complete record of all of his official business, the number of precepts issued by him, all fines and penalties inflicted, and shall report the same to each meeting of the board of commissioners, and they shall record the same in a book to be provided for that purpose in their office. And the mayor shall, at least once in each year, communicate to the board of commissioners anything he may desire touching the interest of said town, and he shall see that the laws are enforced. Duty of mayor.

SEC. 16. That the mayor of the town of Elk Park is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the powers of a justice of the peace in criminal cases, 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 adjudged violations thereof, and he shall have full power to try all causes for violations of any ordinance of said town and proceed to judgment in accordance with said ordinances. Mayor an inferior court.

SEC. 17. That the mayor shall have power to commit any person convicted of violation of any town ordinance to the town prison until the fine imposed, together with all costs, shall be paid or secured. Imprisonment of persons convicted before mayor.

SEC. 18. That any violation of the town ordinances shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars and imprisoned not more than thirty days. Violation of ordinances a misdemeanor.

SEC. 19. That all fines imposed and collected under the provisions of this chapter shall go to the use of the town. Fines, &c., for use of town.

SEC. 20. That the mayor shall preside at all meetings of the board of commissioners, but shall not be allowed to vote unless the board be equally divided; in such case he shall determine the matter by his vote. Mayor to preside, &c

SEC. 21. That the mayor shall be entitled to the same fees as are by law allowed to a justice of the peace in like cases. Fees of mayor.

SEC. 22. 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 the 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 reasonable compensation to the owner thereof. But in case the owner or owners of said land sought to be condemned or appropriated for the public use by the commissioners [and the commissioners] cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing two [arbitrators] who shall be freeholders or citizens of the town, and in case the owner or owners of the land shall refuse to choose such arbi- Streets.

trators, 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 lands 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, 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." 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, as awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court of Mitchell county, where the same may be heard *de novo* as to the amount of damages sustained; but such appeal shall not have the effect to stay proceedings for making the said improvement.

Appeal.

License taxes

SEC. 23. 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, viz.: on all itinerant merchants, peddlers and auctioneers who shall sell or offer to sell privately or at public auction within the town limits, whether by ascending or descending bids, or otherwise; on each express company, telegraph office, railroad company having a depot within the corporate limits of said town, itinerant photographer, artist or person taking the likeness of the human face, broker or banking office, dealer in patent rights, sewing-machine agent, life or fire insurance agent, on all commission merchants or commercial brokers, circus performance, games of hazard, sleight-of-hand performance, concert or exhibition: *Provided*, the commissioners shall have no power to levy any tax when any person who may sell or offer to sell any article of produce or provisions, lumber or manufactured article [is the producer or manufacturer thereof], but the same shall be sold free of tax.

Proviso.

Collection of taxes.

SEC. 24. That 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 the 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, with all insolvent or uncollectible taxes. 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 of all sums so unlawfully retained. Said constable or tax-collector shall make full settlement with the

town treasurer of all fines and taxes five days previous to the first Monday in May each year. It shall be the duty of the 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. The said officer, and all officers of said corporation, shall give such bond for the faithful performance of their duties as shall be prescribed by the board of commissioners, and shall receive such fees as shall be prescribed by said board, not to exceed the fees allowed to county officers for like service.

Removal of tax-collector.

Bond.

Fees.

SEC. 25. That all laws or 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 a prior act.

Conflicting laws repealed.

SEC. 26. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 257.

An act to amend chapter eighty-three of the laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, it being an act amending the charter of Wake Forest College.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter eighty-three of the laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five be amended by striking out at the end of the first section the words "five hundred thousand dollars" and inserting "one million dollars."

Chapter 83, private laws 1874-'75, amended.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 258.

An act to incorporate the Albermarle Academy, Stanly county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That H. W. Spinkle, his associates and successors, are hereby incorporated a body politic, for educational purposes, under the name and style of the "Albermarle Academy," in the county of Stanly, North Carolina; and as such may have all the powers of like institutions, and may sue and be sued, plead and be impleaded.

Body politic.

Corporate name.

Corporate powers

SEC. 2. Said corporation may purchase and hold such property, real and personal, as they may deem necessary for the purposes above named, and may convey the same at pleasure.

Purchase of property.

- Certificates, &c. SEC. 3. The said Albemarle academy is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable.
- Unlawful to sell, &c., liquor to student. SEC. 4. That it shall be unlawful for any person to sell or give or in any manner deliver to a student of the Albemarle academy any spirituous, vinous or malt liquors: *Provided*, this section shall not apply to regular practicing physicians who may prescribe the same.
- Proviso. SEC. 5. Any person violating the provisions of section four of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisoned not more than thirty days.
- Misdemeanor. SEC. 6. This act shall be in force from and after its ratification.
Ratified the 11th day of March, A. D. 1889.

CHAPTER 259

An act to incorporate the Bromine and Arsenic Springs and Baptist Church, in Ashe county, known as the Thompson Healing Springs.

The General Assembly of North Carolina do enact:

- Body politic. SECTION 1. That W. H. Brown, John H. Carson, Wells Blevins, Shelby Lunceford, F. H. Baldwin, W. H. Wiley, George W. Philips, James B. Woody, and their successors, shall be and are hereby declared a body politic and corporate in deed and in law by the name
- Corporate name. and style of the Trustees of the Bromine and Arsenic Healing Springs and Baptist Church, in Ashe county, known as the Thompson Healing Springs, and said corporation shall have power to purchase and hold real and personal estate, and to acquire the same by gift or otherwise, and 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 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 seven.
- Proviso. SEC. 3. That it shall be unlawful for any person to make or manufacture, sell or give away any intoxicating liquors, except for medical purposes, at or within two miles of said Bromine and Arsenic Springs and Baptist Church, in Ashe county, 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 incorporation. Any person firing a gun or pistol, or using loud or profane or indecent language in hearing distance of
- Misdemeanor to make, sell, &c., liquor within two miles.
- Misdemeanor to exhibit one's self drunk, fire guns, &c.

those assembled for worship, or assembled at said springs for any business transaction, shall be guilty of a misdemeanor.

SEC. 4. That any person violating the provisions of section three of this act shall, upon conviction of the same, be fined not more than fifty dollars nor imprisoned more than thirty days. Penalty.

SEC. 5. That the trustees of said church and springs, and their successors in office, shall have full and ample power to appoint special police and to prescribe rules and regulations for their government and remuneration, and may also elect an intendant of police, who shall hold his office for one year or until his successor is appointed. Special police, &c.

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 springs and the people there while occupied for worship or in any other business capacity, and enforce the same. not inconsistent with the constitution and laws of this State. Ordinances, &c.

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 or any other business transaction at said church or springs. Powers of police.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 260.

An act to incorporate the town of Macon, in Warren county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Macon, in the county of Warren, be and the same is hereby incorporated by the name and style of the town of Macon, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.

SEC. 2. That the corporate limits of said town be as follows: Beginning at a stone planted in the ground twenty-two hundred and fifty feet north of R. & G. passenger depot; thence west twenty-two hundred and fifty feet to a stone planted in the ground; thence south forty-five hundred feet to a stone planted in the ground; thence east forty-five hundred feet to a stone planted in the ground; thence north forty-five hundred feet to a stone planted in the ground; thence west twenty-two hundred and fifty feet to the beginning. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty-nine, viz.: Mayor, R. B. Thornton; Officers.
Temporary officers.

commissioners, W. G. Egerton, J. E. Rodwell, J. L. Coleman, M. P. Perry and B. J. Egerton, Sr.; marshal, J. H. Bobbitt.

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-nine, and each succeeding year thereafter, under the same restrictions that county and State elections are held, and all citizens within said corporation who have resided in the State twelve months and within the corporate limits ninety days previous to the day of election shall be entitled to vote at said election.

Electors.**Powers of commissioners.**

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the State and United States, and levy and collect a tax on all subjects of State taxation not to exceed one dollar on the poll and thirty-three and one-third cents on the hundred dollars valuation of property, both real and personal, and to impose fines and penalties and to collect the same.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 261.

An act to incorporate Steele's Business College, of Raleigh, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Paris W. Steele, E. G. Harrell, N. B. Broughton, Josephus Daniels and John M. Sherwood, and their successors, be and they are hereby constituted a body politic and corporate in the name and style of Steele's Business College, and by that name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded, purchase, receive, hold and sell and dispose of any property, real and personal, necessary or proper for the use and benefit of said college; and, under their common seal, make and establish from time to time such rules and by-laws, not contrary to the laws of North Carolina, for the control and government of the professors and students thereof and for the conduct and maintenance of a business college [as may be necessary].

Corporate name.**Corporate powers****Degrees.**

SEC. 2. That the president (Paris W. Steele) of the said college shall have power and authority to confer on any student or students he may deem worthy of the same the degrees of "master of accounts," "master of phonography" or "master of penmanship."

SEC. 3. That all rights, powers, privileges, exemptions and immunities secured by the laws of North Carolina to like colleges or institutions are also hereby granted to the said Steele's Business College hereby incorporated, subject in all respects to the laws of North Carolina in such case made and provided. Corporate powers

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 262.

An act to incorporate the town of Wade, Cumberland county.

The General Assembly of North Carolina do enact :

SECTION 1. That N. G. Wade, Alex. McNeill, Dr. E. P. Rose, David McAllister, J. O. Williams, and their successors in office, be and are hereby created a body politic and corporate as commissioners of the town of Wade, Cumberland county, and as such may sue and be sued, plead and be impleaded, and may buy and sell such real and personal property necessary and convenient to the proper conduct of the affairs of said town. Commissioners.
Powers.

SEC. 2. The corporate limits of said town of Wade shall be one-quarter ($\frac{1}{4}$) of a mile in each direction, north, south, east and west, from the station-house of the Fayetteville and Wilson Railroad. Corporate limits.

SEC. 3. The said commissioners shall have power to make such rules and regulations or by-laws as may be necessary and lawful for the government of said town. By-laws, &c.

SEC. 4. That any lawful voter of said town shall be eligible to the office of commissioner of said town, and until the next election for said officers as hereinafter provided the first named in the first section of this act shall be mayor of said town, and he and his successors as mayor shall have police power and the jurisdiction in criminal matters as justices of the peace now have within the corporate limits of said town, as to all violations of the criminal law or offences against the rules and regulations, committed in the corporate limits of the same. Who eligible as
commissioners.
Temporary
mayor.
Powers of mayor.

SEC. 5. That elections shall be held on the first Monday in May, 1890, and every year thereafter, for five commissioners, one of whom shall be selected by them as mayor to serve one year, until the next election, and until said election the persons herein named shall be commissioners, the first named being mayor, until the election on the first Monday in May, 1890, as aforesaid; said election to be conducted under the same rules and regulations as are now provided in State elections, except that the mayor and commissioners shall appoint the judges and officers of election and prescribe the method of holding the same. Election.

Duties of commissioners.

SEC. 6. The said commissioners shall meet at such times and places as they shall see proper, and make such rules and regulations, and appoint a police officer, one or more, as may be necessary, and take bond from the same as they shall determine, and levy and collect such taxes as may be necessary, observing the constitution and laws of North Carolina as to the equation between property and poll, and no more taxes shall be collected from the citizens of said town than is necessary for the proper and economical government of the same; and in the trial of all offences for violations of the town ordinances, the fines and penalties collected shall be covered into the treasury of said town for the benefit of the school fund of the district of which said town of Wade is a part.

Taxation.

Officers.

SEC. 7. All such officers as may be necessary for the government of said town may be appointed by the board of commissioners as herein named, until the regular election on the 1st Monday in May, 1890.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 263.

An act to amend chapter 172, laws of 1860-'61, extending the corporate limits of Morehead City.

The General Assembly of North Carolina do enact :

Chapter 172, laws of 1860-'61, amended.

SECTION 1. That chapter one hundred and seventy-two, laws of one thousand eight hundred and sixty and sixty-one, be amended as follows: Strike out the word "fifteenth" in line five, section six of said chapter, and insert in lieu thereof the word "twenty-fourth."

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 264.

An act to incorporate the town of Osgood, in the county of Chatham.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. The town of Osgood, Chatham county, is hereby incorporated with all the powers contained in chapter 62 of The Code.

Corporate limits.

SEC. 2. The corporate limits of said town shall be in the form of a square, one-half mile from the southeast corner of the railroad depot on the R. and A. Air-Line R. R., in each direction, north, south, east and west.

SEC. 3. Until the next election the officers of said town shall be: Temporary officers.
 Mayor, H. J. Booker; commissioners, E. S. Utley, A. D. Kelly and J. P. Deaton, who shall elect a town constable.

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

Ratified the 11th day of March, A. D. 1889.

CHAPTER 265.

An act to incorporate the Fayetteville Savings Bank.

The General Assembly of North Carolina do enact:

SECTION 1. That R. M. Nimocks, E. L. Pemberton, J. W. McNeill, Body politic.
 D. H. Ray, B. E. Sidberry, C. W. Broadfoot, J. P. Thompson, J. W. Hollingsworth, G. A. Overbaugh, W. J. McDonald, Jr., F. W. Thornton, Chas. Haigh, W. S. Cook, Jno. B. Broadfoot, R. M. Tomlinson, C. L. Taylor, H. W. Lilly, A. A. McKeithan, Jr., T. D. Haigh, A. H. Slocomb, T. H. Sutton, N. W. Ray, W. S. Prior, S. C. Rankin, Walter Watson, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the Fayetteville Savings Bank, and by such name may acquire, Corporate name.
 hold and convey real and personal property. sue and be sued, plead Corporate powers
 and be impleaded in any of the courts of the State, have a common seal, which may be altered at pleasure, and have a continual succession for thirty years.

SEC. 2. That the capital stock of said corporation shall not be less Capital stock.
 than five thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of ten dollars each, payable as follows, viz.: One dollar per share each month, or otherwise, as may be deemed expedient. Said corporation may, however, commence the business of the banking when one thousand dollars of the capital stock has been paid in.

SEC. 3. That the five persons first named in section one of this act, Directors.
 or such five persons as the persons named in said section may choose, shall be and remain directors of this corporation until their successors are chosen: *Provided*, no person shall be a director in said corporation without first taking at least five shares of said stock. Proviso.

SEC. 4. That it shall be the duty of the board of directors to pre- Duty of directors.
 scribe rules, regulations and by-laws for the government of the corporation, to choose officers, to prescribe their duties, fix salaries, fill vacancies, take proper bonds from officers, and generally do and perform such duties as the rules, regulations and by-laws shall prescribe, when the same shall have been adopted by a majority in number and value of the stockholders voting thereupon in person or by proxy.

Corporate powers SEC. 5. That this corporation shall have power to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, stocks, -bonds, uncurrent paper, notes, bills of exchange and public or other securities; to loan money to or receive deposits of money or other property or evidences of debt or securities from corporations, minors, apprentices, wards, married women or other persons, on such terms and time and manner of collection and payment as may be agreed on between the parties, not inconsistent with the laws of this State or the United States, and may take and receive interest at the time of making the loan free from all other control, contract or liability whatever; may invest in the stocks, • bonds and other securities of the United States, of this State or any other State, or of any corporation under the laws thereof, including county, township and municipal bonds or securities; may purchase and hold such real estate or personal estate and property as may be conveyed to secure debts to said corporation or may be sold under mortgage, deed in trust or execution or order of any court to satisfy any debt due said corporation, and may sell and convey the same.

Proceeding against stockholder failing to pay.

SEC. 6. That if any stockholder shall fail to pay his stock, or any part thereof, according to terms of subscription, the entire residue of his stock shall be deemed due, and may be recovered by civil action, or the entire stock may be sold, by order of the directors, for cash, and the subscriber shall be still liable for any deficiency.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 266.

An act to incorporate the town of Rowland, in the county of Robeson and State of North Carolina.

The General Assembly of North Carolina do enact :

Incorporated. SECTION 1. That the town of Rowland, in the county of Robeson and State of North Carolina, be and the same is hereby incorporated under the name and style of "The Town of Rowland," and that Milton Leach, Giles P. Robertson, J. W. Webster, D. M. C. Alford, S. A. Alford, 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 Rowland.

Mayor. SEC. 2. That the said commissioners shall elect one of their own number mayor of said town.

Constable. SEC. 3. That the said commissioners shall elect a town constable.

SEC. 4. That the mayor and town constable, elected by the said commissioners, [and commis-ioners] shall continue in office as such, and perform all the duties pertaining to their offices of mayor, commissioner and constable until their successors shall be elected and qualified as hereinbefore provided. To hold until election of successors.

SEC. 5. The said commissioners and their successors in office, under the name and style of "The Commissioners of the town of Rowland," may acquire and hold, for the purpose of the government, welfare and improvement of said town, all such estates, real and personal estates, money, choses in action, as may be devised, bequeathed, conveyed to it or purchased by it not exceeding in value the sum of one hundred thousand dollars; and may, from time to time, sell, dispose of and convert the same in the manner that shall be deemed advisable by the proper authorities of the corporation; sue and be sued; plead and be impleaded; have and use a common seal; have perpetual succession. And the said commissioners shall be vested with all the powers, rights, privileges and immunities enumerated in The Code of North Carolina, volume 2, chapter 62, entitled "towns and cities"; and shall also have all the other powers, rights, privileges and jurisdiction that are hereinafter conferred by this act. Corporate powers

SEC. 6. That the corporate limits of said town shall be as follows: Commencing at a stake one-half of a mile north of the center of the Main street of said town where it crosses the track of the Wilson Short-cut Railroad and runs east one-half of a mile to a stake; and then south one mile to a stake; and then west one mile to a stake; and then north one mile to a stake; and then east one half a mile to the beginning. Corporate limits.

SEC. 7. 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 Wednesday in May, who shall hold their office until their successors are elected and qualified. Officers.
When elected.

SEC. 8. Said election of mayor and commissioners shall be held at some house in said town to be selected by said commissioners, and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes unless he shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation. Election.

SEC. 9. 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 four public places in said town of his appointment as such. He shall be furnished 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 Registration.

book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town, or do not appear on the revised lists; but the commissioners of said town may, if they think proper, upon giving thirty days notice at four public places in said town, require an entirely new registration of voters before an election held therein.

Oath of registrar and judges of election.

SEC. 10. 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 Robeson county.

Registration books to be open to inspection, &c.

SEC. 11. It shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration book on the Monday preceding the election from the hour of nine o'clock A. M. until the hour of five o'clock P. M., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book opposite the name of the person so objected to the word "challenged," and shall appoint a time and place on or before the election day when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book and he shall not be allowed to vote at any election held in said town for municipal purposes.

Proviso.

Election, how conducted.

SEC. 12. The said judges of election, together with the registrar (who shall take with him the registration book), shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock A. M. They shall superintend said election and keep the polls open until sunset. When the polls shall be closed and the votes for mayor and commissioners counted out by them. They shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. If, for any cause, any of the judges of election shall fail to attend, the registrar shall appoint

some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

SEC. 13. The voters shall vote by ballot, having the name of the mayor and commissioners on one ballot, either in writing or printed on white paper, and without any device; and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Ballots.

Who elected.

The vote.

SEC. 14. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Eligibility to office.

SEC. 15. 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 mayor and commissioners elect.

SEC. 16. That the mayor and commissioners elect shall, within three days after having been notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Mayor and commissioners to qualify.

SEC. 17. That any person elected mayor or commissioner of said town under the provisions of this charter, refusing to qualify and act as such for one month after such election, shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

Penalty for refusal to qualify.

SEC. 18. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Quorum of commissioners.

SEC. 19. 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.

Mayor to preside, &c.

In the absence or sickness of the mayor the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have all the authority and powers conveyed by this charter on the mayor of said town.

Mayor *pro tem*.

SEC. 20. 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. 21. 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

Clerk and treasurer.

- Bond.** 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 duty as secretary of said board of commissioners. The commissioners of said town may require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days, after having been required to make such exhibit, to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of 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 Rowland against the said official and his sureties.
- Monthly statement.**
- Breach of bond.**
- Action on official bonds.**
- Constable.** SEC. 22. The said commissioners shall, at the first meeting after their election, select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of two thousand dollars, with good and sufficient sureties, to be approved by the board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.
- Bond.**
- Powers of commissioners.** SEC. 23. 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.
- Nuisances.** SEC. 24. The commissioners of said town may pass laws abating and preventing nuisances of any kind therein.
- Violation of ordinance a misdemeanor.** SEC. 25. 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.

SEC. 26. 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 Rowland 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.

Person failing to pay fine liable to work on streets.

SEC. 27. The mayor of said town shall have the power to hear and determine all charges and indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the powers, 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. 28. The constable of said town shall execute all process placed in his hands by the mayor; shall have authority to preserve the peace in said town, and within the corporate limits thereof shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the county, and in the collection of taxes of said town levied by the authorities thereof shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Duties and authority of constable.

Fees.

SEC. 29. It shall not be lawful for the mayor or any commissioner of said town, town clerk or constable, or any other official of said town, to demand or receive either directly or indirectly any consideration for work or labor done, or materials furnished to said town by said official: *Provided, however,* that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer, and town constable.

Unlawful for town officer to receive compensation for town work, &c.

Proviso.

SEC. 30. 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

Streets.

Condemnation of land.

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 meeting 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, and after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets, as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them; and the said jurors shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer under the order and direction of the commissioners of said town of the amount of damages so assessed; said new street or streets so laid out, altered, changed, made narrower or wider shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

Sidewalks.

SEC. 31. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town, or they may require the owner or owners of any land or lands in said town extending along said street to construct or repair sidewalks: and in case of failure of said owner or owners to do so, after thirty days notice in writing to them or their agents, then the said commissioners shall have the power and are hereby authorized to proceed with said work; and after the completion of the same, the mayor of the said town may cause the town constable to summon as assessors three citizens of said town, freeholders, unconnected by consanguinity or affinity with the mayor or commissioners of the town or owner or owners of said land or lands, who shall, after having been duly sworn by a jus-

tice of the peace faithfully and impartially to render justice between the town of Rowland and said owner or owners, view said work and assess the value of the same and what amount thereof is properly chargeable against the land or lands of said owner or owners, if any, taking into consideration the value of such improvement to said lands, and return their report, under their hands and seals, within sixty days after they have been summoned, to the mayor of said town. Said assessors shall notify said owner or owners or his or their agent of the time and place of their sitting, and shall allow him or them to testify or introduce evidence before them, and shall, if demanded by such owner or owners or their agent, postpone the hearing and determination of said matter for five days after they shall have notified said owner or owners or his or their agent, and not longer. The amount so assessed and returned by them shall be a lien and a charge on such land or lands, and, unless paid by the said owner or owners or his or their agent within sixty days thereafter to the town clerk or treasurer of said town, the mayor of said town may issue an order to the constable of said town, reciting said proceeding and charges and their non-payment, and commanding him, after thirty days notice at four public places in said town, to sell said land or lands to the highest bidder at public auction, at the door of the depot house of the Wilson and Florence Short-cut Railroad, for cash; and he shall return a report of said sale, together with the money received therefrom and the name of the purchaser, to the mayor within five days after such sale. Out of the proceeds of such sale such an amount shall be by the mayor retained as will be sufficient to satisfy said charges or assessment, and the remainder, if any, paid over to such owner or owners or his or their agent. In the event of a sale of any land or lands under the provisions of this section, the mayor of said town, upon the receipt by him of the amount last bid at such sale, is hereby authorized and empowered to make title in fee simple for such land or lands to the purchaser.

SEC. 32. 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. 33. 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. Public scales.
Weigher.

SEC. 34. The commissioners of said town may take such measures as they may deem requisite or pass such ordinances or regulations Contagious diseases.

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.

Taxation.

SEC. 35. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint-stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however*, that the taxes levied by them shall not exceed thirty-three and one-third cents on the hundred dollars valuation on all real and personal property and one dollar on each taxable poll; and the valuation of all property within said town, as taxed by said town commissioners, shall be the same as that at which it is assessed for taxation for State and county purposes.

Proviso.

Taxes, when due.

SEC. 36. 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 by [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.

Collection.

Listing of property for taxation

SEC. 37. On the first Monday in July in each and every year the town clerk and treasurer of said town shall, by advertisement at four 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 he will well and truly return all property owned by him within said town and liable to taxation under the provisions of this 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 Thompson township to be assessed for taxation for State and county purposes.

Property-owners to list.

SEC. 38. 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 have any such.

Property of minors, &c.

Property held by executors, &c.

SEC. 39. 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

Distrain of individual property of executors, &c.

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 on said property as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

SEC. 40. 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 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.

Unlisted property.

Penalty.

Tax-list.

To have force of execution.

SEC. 41. 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 four public places in said town, in satisfaction of taxes, by the town constable, after said taxes shall have become due and payable.

Lien.

SEC. 42. 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 delin-

Sale of personal property for taxation.

Sale of real estate.

quent does not reside in said town, but his residence is known or can, by reasonable diligence be ascertained, the notice shall be mailed, postpaid, 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 four public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sales of land for taxes in said town. Fourth, the sale shall be made at the door of depot house of the Wilson and Florence Short-cut Railroad in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town, and his address be known to the constable, the constable shall, within one month after the sale, mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Sale of real estate, how made. SEC. 43. 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. 44. 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 purchaser a receipt, &c. SEC. 45. At the time of such purchase of real estate for taxes, the town constable, on receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Conveyance to purchaser, &c. SEC. 46. If the delinquent, his agent or attorney, shall fail to redeem as provided in section forty-four hereof for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-five 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 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 of deed.

SEC. 47. 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 hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per cent. additional to the town clerk and treasurer within twelve months.

Redemption of land purchased by town.

SEC. 48. 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, artisan, mechanic, daguerrean artist or [taker of] other pictures; on all officers or agents of incorporated companies, on all clerks or employees of other persons or corporations; on all editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon makers, saddlers, blacksmiths; on billiard or bagatelle tables, public or private bowling, nine or ten pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, silver or metal watches, on all pianos, on all pistols, dirks, bowie-knives or sword-canes; on every livery-stable, cotton-gin, 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 [or] 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 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.

License taxes.

SEC. 49. That it shall be unlawful for any person to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors or wine or cider or any other intoxicating liquors within the corporate limits of said town of Rowland or within three miles of said corporate limits; and any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished, upon conviction thereof, by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Misdemeanor to sell liquors within three miles.

Ordinances to be posted, &c.

SEC. 50. 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 four 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 have been posted.

SEC. 51. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 267.

An act to incorporate Dobson Lodge, number four hundred and two, Ancient, Free and Accepted Masons.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That John R. Woltz, M. H. Norman, A. R. Folger, J. H. Lewellyn, J. M. McCann, J. A. Adams, T. J. Riggs, T. W. Folger and H. B. Cockerham and others, officers and members of Dobson Lodge, number four hundred and two, Ancient, Free and Accepted Masons, located in the town of Dobson, county of Surry and State of North Carolina, be and they are hereby incorporated into a body politic and corporate under the name and title of "Dobson Lodge, Free and Accepted Masons."

Corporate name.

Corporate powers

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common corporate seal, sue and be sued, plead and be impleaded before any court of record or justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

By-laws.

SEC. 3. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this State or the United States.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 268.

An act to incorporate the North Carolina Jersey Cattle Club.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of encouraging the raising and perpetuating the Jersey stock pure and unmixed with other and inferior breeds of other stock, M. Ballinger, L. P. Leitz, S. E. Killian, I. A. Witherspoon, E. L. Shuford, J. B. Leitz, and such other persons as may associate with them, shall hereafter be a body corporate by the name of the North Carolina Jersey Cattle Club, and by that name shall be capable in law to buy, sell and hold real and personal estate, make contracts, sue and be sued, plead and be impleaded, make by-laws, and to do all other acts properly incident to such corporations, to have and use a common seal and to alter the same at pleasure, and to have, use, and enjoy all other rights, powers and privileges which by law are incident to corporations.

Purposes of act.

Body politic.

Corporate name.

Corporate powers

SEC. 2. That the principal office of said corporation shall be in Hickory, Catawba county, North Carolina.

Principal office.

SEC. 3. That this corporation shall not exist for a period exceeding thirty years.

Corporate existence.

SEC. 4. That the officers of this corporation shall consist of a president, vice-president, secretary and treasurer.

Officers.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of March, A. D. 1889.

CHAPTER 269.

An act to incorporate the Farmers Bank of Goldsboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That W. T. Faircloth, Henry Weil, J. B. Edgerton, E. B. Borden, W. H. Borden, 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 Farmers Bank of Goldsboro. N. C., and shall so continue for the term of sixty years, with capacity to take, hold and convey real or personal estate, and with all the powers, rights and privileges granted to any bank or banking institution by this or any preceding Legislature of this State, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the first, second and third sections of chapter sixteen of The Code, entitled "corporations."

Body politic.

Corporate name.

Corporate powers

Capital stock.

SEC. 2. The capital stock of said corporation shall not be less than fifty thousand dollars, in shares of one hundred dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five hundred thousand dollars.

Books of subscription.

SEC. 3. The corporators in the first section named, or a majority of them, are hereby authorized and empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the due organization of said bank, may, at their discretion, from time to time re-open books of subscription to said capital stock until the same be wholly taken.

Organization.

SEC. 4. Whenever fifty thousand dollars shall be subscribed and twenty-five thousand dollars shall be paid into the capital stock of said bank, the beforenamed corporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed; and said directors shall choose a president and vice-president to serve during their continuance in office.

Directors.**President, &c.****Powers of president and directors**

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on, not inconsistent with the laws of the State, and in general have the privileges conferred on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Corporate powers

SEC. 6. The bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, uncurrent paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and, at pleasure, sell or exchange the same; may discount notes or other evidences of debt; to lend money on such terms as may be agreed on not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors.

Remedy against subscriber failing to pay stock.

SEC. 7. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire residue of his stock

shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county wherein the delinquent may reside, upon giving him ten days notice of the motion, or by civil action. or the entire stock may be sold by order of the directors, for cash. at the banking house in Goldsboro, after advertisement of sale for twenty days in a newspaper published in said city of Goldsboro; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

SEC. 8. If any subscriber shall assign his stock before its full payment he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid or by civil action; and in every case of a delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the bank, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Remedy against assignee of stockholder.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank (the same being consistent with the by-laws, rules and regulations established by the stockholders), and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; and they shall direct when dividends of profits shall be made. They may call a meeting of the stockholders whenever they think proper, and any number of stockholders, holding together one-fifth of the stock. may call a special meeting on giving thirty days notice in a newspaper published in Goldsboro. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

SEC. 10. Said bank shall have power to make loans upon mortgages of real estate and personal property, with power of sale inserted upon default of payment; and also to receive in storage or warehouse any cotton, wheat, corn, other produce or any manufactured article whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust; and any sales made thereunder, according to the terms therein recited, shall be good and valid in law.

Loans on mortgage, &c.

Sales.

SEC. 11. This act shall be in force from its ratification.

Ratified the 11th day of March, A. D. 1889.

CHAPTER 270.

An act to incorporate the town of Bakersville, in the county of Mitchell.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That the town of Bakersville, in the county of Mitchell, be and the same is hereby incorporated by the name and style of the
- Corporate name.** town of Bakersville, and shall be subject to all the provisions in the one hundred and eleventh chapter of the Revised Code not inconsistent with the constitution and laws of this State or of the United States; also subject to the provisions of the general law in relation to incorporations passed by the General Assembly at the session of one thousand eight hundred and sixty-eight and nine not inconsistent with this act.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: One mile east, west, north and south from the court-house; then a line shall be marked, one commencing at the terminus of the mile running from the court-house to the terminus of the mile north of the court-house; thence to the terminus of the mile west of the court-house; thence to the terminus of the mile south of the court-house; thence to the terminus of the mile east of the court-house to the beginning.
- Officers.** SEC. 3. That [the] officers of said incorporation shall consist of a
- Election.** mayor, three commissioners and constable. It shall be the duty of the sheriff of the county of Mitchell, or any justice of the peace within said bounds, on petition of one-third of the freeholders of said town, within thirty (30) days after the ratification of this [act], after giving ten (10) days notice by advertising at the court-house door and two other places in said corporation, to open the polls for the election of mayor, three commissioners and constable, under the same restrictions that other county and State elections are held.
- Electors.** SEC. 4. That all resident citizens within said corporation that have resided in the State twelve months and in the county ninety days, and within said corporation thirty days previous to the election, shall be entitled to vote at said election.
- Oath of commissioners.** SEC. 5. That it shall be the duty of the commissioners elect to meet together and organize, take and subscribe to the following oath: "I, A. B., do swear that I will faithfully act as commissioner to the best of my knowledge and ability for the ensuing year: so help me. God."
- By-laws.** SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the corporation not inconsistent with the laws of this State and the United States.

- SEC. 7. That the commissioners shall have power to levy a tax not to exceed fifty cents on the poll and not to exceed twenty-five cents on the hundred dollars valuation of property. Taxation.
- SEC. 8. That the commissioners shall have power to tax subjects of State taxation within the corporate limits to an amount not exceeding one-half of the State tax; and they shall also have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them. Limitation of taxing power.
Nuisances.
- SEC. 9. That it shall be the duty of said commissioners to spend the tax so levied and collected in repairing the streets and sidewalks and keeping them in good and passable order. Tax, how expended.
- SEC. 10. That the commissioners, when organized, shall have power to appoint a secretary (whose duty it shall be to record the proceedings of the commissioners), and also appoint a treasurer (who shall enter into bond in the sum of five hundred dollars, payable to the State of North Carolina, with one or more securities, approved by the commissioners); and it shall be their duty to require of the constable elect to enter into bond, payable to the State of North Carolina, in the sum of five hundred dollars, with one or more securities, approved by the said commissioners. Secretary.
Treasurer.
Bond.
Bond of constable.
- SEC. 11. That the mayor, when elected and qualified, shall have the same power, to all intents [and] purposes, that any other magistrate of the county has. Powers of mayor.
- SEC. 12. That the mayor elect, before entering into office, shall go before some person authorized to administer an oath, and take the oath of a justice of the peace; and he shall hold an election, as provided in section three of this act, on the first Monday in May, one thousand eight hundred and eighty-nine, and each successive year. Oath of mayor.
Election, when held.
- SEC. 13. That the constable elect, before entering into office, shall go before some person authorized to administer an oath, and take the oath usually taken by constables. Oath of constable.
- SEC. 14. That all laws and clauses of laws heretofore enacted coming 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. Ratified the 11th day of March, A. D. 1889.

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE,

Raleigh, June 6, 1889.

I, W. L. SAUNDERS, Secretary of State, hereby certify that the foregoing are true copies of the original acts and resolutions on file in this office. Certificate of Secretary of State.

W. L. SAUNDERS,
Secretary of State.



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