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LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1891,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE EIGHTH DAY OF JANUARY, A.D. 1891.

TO WHICH ARE PREFIXED

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

PUBLISHED BY AUTHORITY.

RALEIGH :
JOSEPHUS DANIELS, STATE PRINTER AND BINDER.
1891.

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Raleigh, N. C.

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OFFICIAL REGISTER

FOR THE YEAR 1891.

STATE GOVERNMENT.

THOMAS M. HOLT.....	Alamance county.....	Governor.
.....	Lieutenant Governor.
OCT. COKE.....	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.
P. W. CAPEHART.....	Vance county.....	Executive Clerk.
W. P. BATCHELOR.....	Wake county.....	Clerk to Secretary of State.
J. D. BOUSHALL.....	Camden county.....	Clerk to Auditor.
H. M. COWAN.....	Chatham county.....	Clerk to Treasurer.
ERNEST RAIN.....	Wake county.....	Teller.
R. L. BURKHEAD.....	Wayne county.....	Clerk for Institutions.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
A. S. MERRIMON, Chief Justice.....	Raleigh.
WALTER CLARK, 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.
HENRY R. BRYAN	2d	New Berne.
HENRY G. CONNOR	3d	Wilson.
SPIER WHITAKER	4th	Raleigh.
ROBERT W. WINSTON	5th	Oxford.
E. T. BOYKIN	6th	Clinton.
J. D. MCIVER	7th	Carthage.
R. F. ARMFIELD	8th	Statesville.
JESSE F. GRAVES	9th	Mount Airy.
JOHN GRAY BYNUM	10th	Morganton.
W. A. HOKE	11th	Lincolnton.
JAS. H. MERRIMON	12th	Asheville.

SOLICITORS.

JOHN H. BLOUNT	1st	Hertford.
G. H. WHITE	2d	Halifax.
J. E. WOODARD	3d	Wilson.
E. W. POU, Jr.	4th	Smithfield.
E. S. PARKER	5th	Graham.
OLIVER H. ALLEN	6th	Kinston.
FRANK MCNEILL	7th	Rockingham.
BENJAMIN F. LONG	8th	Statesville.
THOMAS SETTLE	9th	Reidsville.
W. C. NEWLAND	10th	Lenoir.
FRANK I. OSBORNE	11th	Charlotte.
G. A. JONES	12th	Franklin.

CRIMINAL COURT JUDGES.

OLIVER P. MEARES	Wilmington.
H. B. CARTER	Asheville.

SOLICITORS.

BEN. R. MOORE	Wilmington.
JOHN E. BROWN	Charlotte.
E. D. CARTER	Asheville.

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, with residence, date of appointment and date of expiration of commission.

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	TERM EXPIRES.
California.....	James L. King.....	San Francisco.....	20 February, 1891.....	20 February, 1893.
".....	James E. Mills.....	Sacramento.....	13 March, 1891.....	13 March, 1893.
Delaware.....	Charles F. Wollaston.....	Wilmington.....	31 January, 1891.....
District of Columbia.....	W. W. Moffitt.....	Washington.....	11 July, 1889.....	11 July, 1891.
".....	T. A. Duffy.....	".....	14 April, 1890.....	14 April, 1892.
".....	John E. Beall.....	".....	31 May, 1890.....	31 May, 1891.
".....	Chas. S. Bundy.....	Washington.....	23 July, 1890.....	23 July, 1891.
".....	J. R. H. Evans.....	".....	5 March, 1891.....	5 March, 1893.
England.....	Alfred Heales.....	London.....	18 November, 1889.....	18 November, 1891.
".....	T. R. Pennington.....	Liverpool.....	27 March, 1890.....	27 March, 1892.
".....	Alex. Ridgeway.....	London.....	19 June, 1890.....	19 June, 1892.
".....	Augustus F. Warr.....	Liverpool.....	12 June, 1891.....	12 June, 1893.
Georgia.....	E. R. Cunningham.....	Atlanta.....	4 January, 1890.....	4 January, 1892.
".....	G. H. Tanner.....	Atlanta.....	28 January, 1890.....	28 January, 1892.
".....	Wm. B. Adams.....	Savannah.....	28 January, 1891.....	28 January, 1893.
".....	John W. Burroughs.....	".....	7 February, 1891.....	7 February, 1893.
Illinois.....	Simeon W. King.....	Chicago.....	6 August, 1889.....	6 August, 1891.
".....	S. S. Willard.....	".....	5 December, 1889.....	5 December, 1891.
".....	Phillip A. Hayne.....	".....	18 October, 1890.....	18 October, 1892.
Kentucky.....	Newton G. Rogers.....	Louisville.....	18 September, 1890.....	18 September, 1892.
Louisiana.....	Melancy C. Soniat.....	New Orleans.....	14 March, 1890.....	14 March, 1892.
Maryland.....	Phil. H. Hoffman.....	Baltimore.....	23 December, 1889.....	23 December, 1891.
".....	G. Evett Reardon.....	".....	20 January, 1890.....	20 January, 1892.
".....	W. H. H. Raleigh.....	".....	28 February, 1890.....	28 February, 1892.
".....	Samuel S. Boggs.....	".....	17 May, 1890.....	17 May, 1892.
".....	Henry C. Thomas.....	".....	9 June, 1890.....	9 June, 1892.
".....	Thos. M. Dobbin.....	".....	6 February, 1891.....	6 February, 1893.
".....	J. Kemp Bartlett, Jr.....	".....	19 March, 1891.....	19 March, 1893.
Massachusetts.....	S. Vernon Briggs.....	Boston.....	14 December, 1889.....	14 December, 1891.
".....	Frank E. Gartley.....	".....	8 February, 1890.....	8 February, 1892.

Massachusetts	Edward J. Jones	Boston	1 March, 1890	1 March, 1892.
"	Chas. I. Rawson	Worcester	19 March, 1890	19 March, 1892.
"	Samuel Jennison	Boston	5 December, 1890	5 December, 1892.
"	Charles Hall Adams	"	9 January, 1891	9 January, 1893.
Missouri	Chas. D. Green	St. Louis	20 June, 1889	20 June, 1893.
New York	Chas. Edgar Mills	New York	26 July, 1889	26 July, 1891.
"	Geo. Schwab	"	14 October, 1889	14 October, 1891.
"	Geo. H. Corny	"	28 October, 1889	28 October, 1891.
"	Henry E. Taintor	"	9 November, 1889	9 November, 1891.
"	Frederick A. Burnham	"	14 March, 1890	14 March, 1892.
"	Charles Taylor	"	19 March, 1890	19 March, 1892.
"	William H. Clarkson	"	24 March, 1890	24 March, 1892.
"	Geo. H. Taylor	"	9 April, 1890	9 April, 1892.
"	Thomas M. Folsom	"	31 May, 1890	31 May, 1892.
"	S. A. Emmanuel	"	5 June, 1890	5 June, 1891.
"	Emil Frinckle	"	13 August, 1890	13 August, 1891.
"	Thos. B. Clifford	"	20 November, 1890	20 November, 1891.
"	Armour C. Anderson	"	4 December, 1890	4 December, 1891.
"	Thos. Kilvert	"	23 December, 1890	23 December, 1891.
"	Ella F. Braman	"	2 January, 1891	2 January, 1893.
"	Chas. Nettleton	"	14 January, 1891	14 January, 1893.
"	A. H. Nones	"	15 January, 1891	15 January, 1893.
"	Edward D. Grant	"	29 January, 1891	29 January, 1893.
"	Charles T. Sweat	"	2 February, 1891	2 February, 1893.
"	Eleazer Jackson	"	7 March, 1891	7 March, 1893.
"	John A. Hillery	"	27 March, 1891	27 March, 1893.
"	Edwin F. Corey	"	1 April, 1891	1 April, 1893.
"	Simon Steinheimer	"	21 May, 1891	21 May, 1893.
"	Vincent Rosemer	"	18 May, 1891	18 May, 1893.
"	William F. Sett	"	29 April, 1891	29 April, 1893.
"	Jno. J. Ward	"	21 April, 1891	21 April, 1893.
"	Joseph B. Braman	"	18 April, 1891	18 April, 1893.
New Jersey	John M. Braus	Jersey City	9 July, 1890	9 July, 1892.
"	Francis William Rawls	Newark	15 August, 1890	15 August, 1892.
Ohio	D. F. Koonacher	Cleveland	28 September, 1889	28 September, 1891.
"	Joseph T. Harrison	Cincinnati	30 December, 1889	30 December, 1891.
Pennsylvania	Kinley J. Tiner	Philadelphia	24 July, 1889	24 July, 1891.
"	Thos. J. Hunt	Philadelphia	5 December, 1889	5 December, 1891.
"	H. E. Gared	"	15 January, 1890	15 January, 1892.
"	Geo. W. Hunt	"	10 February, 1890	10 February, 1892.
"	Albert E. Peterson	"	15 March, 1890	15 March, 1892.

LIST OF COMMISSIONERS OF AFFIDAVITS—Continued.

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.	TERM EXPIRES.
Pennsylvania.....	Chas. L. Lockwood	Philadelphia	19 June, 1890.....	19 June, 1892.
"	Wm. F. Rabb	Pittsburgh	20 October, 1890.....	20 October, 1892.
"	Edward H. Cloud	Philadelphia	24 October, 1890.....	24 October, 1892.
"	Samuel L. Taylor	"	8 December, 1890.....	8 December, 1892.
"	Thos. D. Rand	"	10 December, 1890.....	10 December, 1892.
"	J. H. Wheeler	"	13 December, 1890.....	13 December, 1892.
"	Alexander Ramsey	"	9 January, 1891.....	9 January, 1893.
"	Edward Shippen	"	10 January, 1891.....	10 January, 1893.
"	Wm. Jenks Fell	"	17 February, 1891.....	17 February, 1893.
"	C. W. Sparhawk	"	6 June, 1891.....	6 June, 1893.
South Carolina	Thomas Frost	Charleston	15 January, 1890.....	15 January, 1892.
"	Yates Snowden	"	29 March, 1890.....	29 March, 1892.
"	W. W. Hardin	"	10 June, 1890.....	10 June, 1892.
Tennessee	J. A. Holtzclaw	Blacksburg	17 January, 1891.....	17 January, 1893.
West Virginia	J. Wise Norton	Chattanooga	22 July, 1890.....	22 July, 1891.
Virginia	Norman Cassell	Wheeling	25 September, 1889.....	25 September, 1891.
"	W. G. Elliott	Portsmouth	20 November, 1889.....	20 November, 1891.
"	R. L. Woolfolk	Norfolk	22 January, 1890.....	22 January, 1892.
"	Frank M. Wood	Danville	17 February, 1890.....	17 February, 1892.
"	Francis R. Lassiter	Richmond	10 March, 1890.....	10 March, 1892.
"	Kenton C. Murray	Petersburg	1 May, 1890.....	1 May, 1892.
"	Edmund S. Ruffin	Norfolk	7 November, 1890.....	7 November, 1892.
"	L. D. Starke	"	13 February, 1891.....	13 February, 1893.
"	W. B. Martin	"	13 February, 1891.....	13 February, 1893.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, June 13th, 1891.

I, OCTAVIUS COKE, 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.

OCTAVIUS COKE, *Secretary of State.*

MEMBERS OF THE GENERAL ASSEMBLY.

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

SENATORS.

THOMAS M. HOLT, LIEUTENANT GOVERNOR, President, Haw River.

NAME OF SENATOR.	NO. DIS.	POST-OFFICE.	COUNTY.
R. P. ALLEN	13th	Kelly	Bladen.
G. L. ALLEN	21st	Weston	Granville.
L. ALSTON	19th	Mountain View	Warren.
W. E. ARDREY	29th	Pineville	Mecklenburg.
J. W. ATWATER	22d	Rialto	Chatham.
L. T. AVERY	36th	Morganton	Burke.
B. F. AYCOCK	10th	Fremont	Wayne.
J. S. BELL	42d	Brasstown	Cherokee.
J. D. BELLAMY	12th	Wilmington	New Hanover.
GEORGE BISHOP	3d	Windsor	Bertie.
W. A. BOWERS	4th	Brinkleyville	Halifax.
J. A. BRYAN	10th	Kenansville	Duplin.
E. W. BULL	8th	New Berne	Craven.
MARION BUTLER	14th	Clinton	Sampson.
W. R. CHESSON	2d	Mackey's Ferry	Washington.
DR. W. J. COURTS	23d	Reidsville	Rockingham.
DR. N. M. CULBRETH	15th	Whiteville	Columbus.
P. A. DAVIS	7th	Laurel	Franklin.
J. S. DAVIS	41st	Iron Duff	Haywood.
DR. L. N. DURHAM	38th	Shelby	Cleveland.
DR. H. F. FREEMAN	7th	Taylor's	Wilson.
DR. W. C. GALLOWAY	11th	Snow Hill	Green.
T. E. GILMAN	9th	Jacksonville	Onslow.
J. A. GREENE	16th	Dunn	Harnett.
A. C. GREENE	18th	Raleigh	Wake.
BENJAMIN P. GRIGGSBY	35th	Fig	Ashe.
S. N. HOBSON	30th	Cleveland	Cleveland.
J. L. KING	24th	Greensboro	Guilford.
W. H. LUCAS	2d	Middleton	Hyde.
J. S. MCLEAN	15th	Maxton	Robeson.
G. C. McLARTY	27th	Monroe	Union.
R. S. MITCHELL	20th	Ruffin	Rockingham.
P. H. MORGAN	1st	Shawboro	Currituck.
W. A. PAINE	37th	Kidsville	Lincoln.
JAMES PARKER	1st	Gatesville	Gates.
DR. J. T. REID	36th	Old Fort	McDowell.
J. F. REYNOLDS	32d	Winston	Forsyth.
W. N. ROSE, JR	17th	Glenmore	Johnston.
R. G. RUSSELL	20th	South Lowell	Orange.
ELI SHANKLE	28th	Norwood	Stanly.
J. G. SKINNER	26th	Pekin	Montgomery.
DR. R. H. SPEIGHT	5th	Tarboro	Edgecombe.
W. C. SPRINKLE	40th	Marshall	Madison.
E. D. STANFORD	33d	East Bend	Yadkin.
W. D. TURNER	34th	Statesville	Iredell.
DR. T. B. TWITTY	39th	Rutherfordton	Rutherford.
Z. V. WALSER	31st	Lexington	Davidson.
W. E. WHITE	34th	Ellendale	Alexander.
GEORGE WILCOX	25th	Pocket	Moore.
W. R. WILLIAMS	6th	Falkland	Pitt.

REPRESENTATIVES.

R. A. DOUGHTON, Speaker, Sparta, N. C.

NAME.	POST-OFFICE.	COUNTY.
W. T. ADAMS	Dutchville	Granville.
DAVID ALEXANDER	Bay	Tyrrell.
P. G. ALSTON	Centreville	Franklin.
J. W. ANDERSON	Delmont	Henderson.
J. S. ANDERSON	Winton	Hertford.
LUKE BANNER	Elk Park	Mitchell.
NATHAN BASS	Black Creek	Wilson.
W. A. BECK	Cid	Davidson.
R. R. BELL	Faison	Sampson.
J. W. BIDDIX	Turkey Cove	McDowell.
H. A. BOND	Edenton	Chowan.
JESSE BRAKE	Rocky Mount	Edgecombe.
AARON BRIDGERS	St. Lewis	Edgecombe.
J. F. BRINSON	Grantsboro	Pamlico.
JOHN W. BRYAN	Goldsboro	Wayne.
J. Q. A. BRYAN	Trap Hill	Wilkes.
J. A. BUCHANAN	Bryson City	Swain.
HUGH CALE	Elizabeth City	Sasquotank.
J. R. CALLOWAY	Aurora	Beaufort.
JOHN CHAPMAN	Vanceboro	Craven.
JOSHUA CHAPPELL	Bostick Mills	Richmond.
V. T. CHEARS	Lane's Creek	Union.
J. M. COBB	Cobb's	Cherokee.
J. B. COFFIELD	Everett's	Martin.
J. F. COLE	Satterwhite	Granville.
C. C. COWAN	Webster	Jackson.
J. D. COX	Redalia	Pitt.
W. P. M. CURRIE	West End	Moore.
P. C. DANIELS	Wanchese	Dare.
G. W. DAVIS	Wake Forest	Wake.
R. K. DENNY	Brown's Summit	Guilford.
C. B. DENNY	Pilot Mountain	Surry.
E. D. DICKSON	Fallston	Cleveland.
R. A. DOUGHTON	Sparta	Alleghany.
S. A. EARNHARDT	Salisbury	Rowan.
A. J. EDMUNDSON	Shine	Greene.
C. M. EDWARDS	Merrimon	Carteret.
J. M. FOUST	Mount Vernon Springs	Chatham.
E. S. FRANCK	Richlands	Onslow.
J. R. GATLING	Suram	Gates.
G. G. GILL	Louisburg	Franklin.
R. D. GILMER	Waynesville	Haywood.
R. H. GOWER	Clayton	Johnston.
R. A. GRIER	Charlotte	Mecklenburg.
N. R. HALL	Caldwell Institute	Orange.
W. W. HALL	Weldon	Halifax.
J. HAM	Goldsboro	Wayne.
J. A. HEDRICK	Thomasville	Davidson.
J. A. HENDRICKS	Mocksville	Davie.
R. P. HENRY	Douglas	Rockingham.
E. HICKMAN	Calabash	Brunswick.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
A. T. HILEMAN.....	Concord.....	Cabarrus.
A. B. HILL.....	Scotland Neck.....	Halifax.
J. B. HOLMAN.....	Cove Springs.....	Iredell.
J. W. HOOD.....	Hood's.....	Mecklenburg.
T. W. HOPKINS.....	Monroeton.....	Rockingham.
C. HOUK.....	Morganton.....	Burke.
SAMUEL HUDSON.....	Pollocksville.....	Jones.
R. C. JOHNSON.....	Rhyne.....	Pender.
A. D. JONES.....	Raleigh.....	Wake.
E. B. KEARNS.....	Farmer's.....	Randolph.
J. T. KERR.....	Wilmington.....	New Hanover.
C. F. KIRBY.....	Selma.....	Johnston.
J. A. LEINBACH.....	Salem.....	Forsyth.
J. J. LONG.....	Vineland.....	Columbus.
W. W. LONG.....	Arcola.....	Warren.
W. B. LOWE.....	Durham.....	Durham.
J. P. LOWERY.....	Sandy Mush.....	Buncombe.
J. S. MANN.....	Middleton.....	Hyde.
W. D. MAYES.....	Caldwell.....	Mecklenburg.
W. H. McCLURE.....	Hayesville.....	Clay.
A. D. MCGILL.....	Fayetteville.....	Cumberland.
D. J. MIDDLETON.....	Warsaw.....	Duplin.
JOHN J. MORSE.....	Moyock.....	Currituck.
G. S. MORTON.....	Wilmington.....	New Hanover.
T. F. MURDOCK.....	York Collegiate Institute.....	Alexander.
J. P. NASH.....	Palmersville.....	Stanly.
J. C. NEWSOM.....	Five Forks.....	Stokes.
J. S. OLIVER.....	Affinity.....	Robeson.
S. L. PATTERSON.....	Patterson.....	Caldwell.
R. B. PEEBLES.....	Jackson.....	Northampton.
A. H. PERRY.....	Kimbolton.....	Chatham.
J. B. PHILLIPS.....	Battleboro.....	Nash.
D. B. PHILLIPS.....	Sugar Grove.....	Watauga.
H. G. PHIPPS.....	Baldwin.....	Ashe.
W. M. PICKETT.....	Lilesville.....	Anson.
W. K. PIGFORD.....	Clinton.....	Sampson.
M. V. PRINCE.....	May.....	Harnett.
J. C. PRITCHARD.....	Marshall.....	Madison.
J. F. RAY.....	Franklin.....	Macon.
M. L. REED.....	Biltmore.....	Buncombe.
J. H. ROBERTSON.....	Burnsville.....	Yancey.
R. W. SCOTT.....	Hawfield.....	Alamance.
HARRY SKINNER.....	Greenville.....	Pitt.
C. W. SNELL.....	Skinnerville.....	Washington.
A. M. SORRELL.....	Raleigh.....	Wake.
R. H. STANCELL.....	Margarettsville.....	Northampton.
MOSES STROUP.....	Snapp.....	Gaston.
T. H. SUTTON.....	Fayetteville.....	Cumberland.
H. McI. TATUM.....	White Oak.....	Bladen.
W. M. TAYLOR.....	Robbinsville.....	Graham.
A. B. THOMPSON.....	Saluda.....	Polk.
T. F. TOMS.....	Washburn.....	Rutherford.
W. B. UPCHURCH.....	Morrisville.....	Wake.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
M. H. VESTAL	Chestnut Ridge.....	Yadkin.
R. S. WALKER	Milton	Caswell.
W. P. WALSTON	Camden	Camden.
C. R. WATKINS	Mount Gilead	Montgomery.
T. M. WATSON	Purcepolis	Robeson.
J. M. WATSON	Henderson	Vance.
THOMAS WHITE	Hertford	Perquimans.
N. B. WHITFIELD	Seven Springs.....	Lenoir.
W. M. WILEY	Jamestown	Guilford.
S. T. WILFONG	Newton	Catawba.
T. J. WILLIAMS	Mooreville	Iredell.
C. L. WILSON	Russville	Lincoln.
M. L. WOOD	Lewiston	Bertie.
W. A. WOOLLEN	Randleman	Randolph.
J. T. YANCEY	Collier	Person.
W. W. ZACHARY	Brevard	Transylvania.

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SESSION 1891.

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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 :

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 a 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.

Exception.

Exclusive emoluments, &c.

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.

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

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.

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

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.

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 Militia and the right to bear arms.

concealed 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 election 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.

Feigned issues abolished.

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

Division of Judicial powers.

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

Trial Court of Impeachment.

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

Impeachment.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Supreme Court Justices.

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.

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 the 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 Dis-
tricts. And Spe-
cial 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 Super-
ior Court Clerk.

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

Term of office,

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

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 such 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 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 corporation 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. 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- 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 dwelling 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: *Provided*, that no convict whose labor may be farmed out shall be
- Convict labor.**
- 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 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 a 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.

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
1891.

PUBLIC LAWS
OF THE
State of North Carolina,
SESSION 1891.

CHAPTER 1.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and eighty-seven, laws of North Carolina, passed at the session of eighteen hundred and eighty-nine, be and the same is hereby amended by striking out the words "Pitt, Jones, Perquimans, Greene and Lenoir."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1891.

Chapter 187, laws 1889, amended.
Pitt, Jones, Perquimans, Greene and Lenoir counties exempted from law regulating sale of seed cotton in certain counties. (Perquimans county not included in ch. 187, laws 1889.)

CHAPTER 2.

An act to amend chapter one hundred and forty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to empower the county of Mecklenburg to refund its bonded indebtedness."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and forty-six of the laws of eighteen hundred and eighty-nine, be amended as follows: By striking out in the third line of section one of said act the word "annually" and inserting in its place the word "semi-annually" and by striking out in the third line of the second section of said act the word "annually" and inserting in its place the word "semi-annually,"

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1891.

Chapter 146, laws 1889, amended.
Interest on funded debt of Mecklenburg county.

CHAPTER 3.

An act to change the time of holding the Superior Court of Henderson county, in the tenth judicial district.*The General Assembly of North Carolina do enact :*Chapter 180, laws
1885, amended.Henderson super-
ior court, when
held.

Process, &c.

SECTION 1. That chapter one hundred and eighty, laws of eighteen hundred and eighty-five, be amended as follows: Strike out all the provisions of said act, fixing the time of holding the superior court of Henderson county, in the tenth judicial district, and insert in lieu thereof the following: "Henderson, twelfth Monday after the first Monday in March; seventh Monday after the first Monday in September, each to continue two weeks."

SEC. 2. That all process, original, mesne or final, in civil and criminal actions, issued and returnable to the term of the superior court of the county of Henderson, which is changed by this act, shall be returnable to the said term as changed, and all persons who have been recognized, bound or summoned, or who shall be hereafter recognized, bound or summoned to appear at said term, as heretofore appointed, are hereby required to appear at the term as prescribed by this act.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 20th day of January, A. D. 1891.

CHAPTER 4.

An act to repeal chapter three hundred and twenty-one of the laws of eighteen hundred and eighty-nine.*The General Assembly of North Carolina do enact :*Chapter 321, laws
1889, repealed.
Northampton
county exempted
from law regulat-
ing sale of seed
cotton in certain
counties.

SECTION 1. That chapter three hundred and twenty-one of the laws of eighteen hundred and eighty-nine, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 20th day of January, A. D. 1891.

CHAPTER 5.

An act to protect mountain trout in Buck creek, in McDowell county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to take, catch or kill mountain trout in the waters of Buck creek and its tributaries above the falls of said creek, in McDowell county, without the written consent of the owners or lessees of the land through which said creek and its tributaries flow.

Unlawful to take, &c., trout in certain parts of Buck creek, McDowell county, without written consent of land owners.

SEC. 2. That it shall be unlawful for any person or persons, company or firm, or the agent of any person, company or firm, to waste, throw or empty any saw-dust, or any matter or substance whatever deleterious or injurious to the life of mountain trout, into said Buck creek and its tributaries above the falls thereof in said county.

Unlawful to throw sawdust, &c., in water.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of said county shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days, at the discretion of the justice of the peace before whom the offenders shall be tried.

Misdemeanor.

Penalty.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1891.

CHAPTER 6.

An act to be entitled "An act to amend chapter ninety (90), section three (3) of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section three (3) of chapter ninety (90) of the laws of eighteen hundred and eighty-nine (1889), entitled "An act to regulate the sale of corn in certain counties," be and it is hereby amended by striking out the word "Perquimans" in line two (2) of said section.

Chapter 90, laws 1889, amended. Perquimans county excepted from law making it a misdemeanor to buy, &c., corn in the ear or shelled of less quantity than five bushels between sunset and sunrise.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1891.

CHAPTER 7.

An act to abolish the December term of the Superior Court of Davidson county.

The General Assembly of North Carolina do enact :

December term Davidson superior court abolished.

SECTION 1. That the December term of the superior court of Davidson county be and the same is hereby abolished.

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

Ratified the 20th day of January, A. D. 1891.

CHAPTER 8.

An act to amend chapter ninety, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 90, laws 1889, amended. Jones county excepted from law making it a misdemeanor to buy, &c., corn in the ear or shelled of less quantity than five bushels between sunset and sunrise.

SECTION 1. That section three of chapter ninety of the laws of eighteen hundred and eighty-nine be and is hereby amended by striking out the word "Jones" in the last line of said section.

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

Ratified the 20th day of January, A. D. 1891.

CHAPTER 9.

An act to amend chapter one, volume two of The Code, relating to agriculture and geology.

The General Assembly of North Carolina do enact :

Code, sec. 2190, amended.

SECTION 1. That section twenty-one hundred and ninety of The Code shall be substituted by the following: "For the purpose of defraying the expenses connected with the inspection of fertilizers and fertilizing materials in this State there shall be a charge of twenty-five cents per ton on such fertilizers and fertilizing material for each fiscal year ending November thirtieth, which shall be paid before delivery to agents, dealers or consumers in this State: *Provided*, the board shall [have] the discretion to exempt certain natural material as may be deemed expedient. Each bag, barrel or other package of such fertilizers or fertilizing materials shall have attached thereto a tag stating that all charges specified in this section have been paid, and the State Board of Agriculture is hereby empowered to prescribe a form for such tags, and to adopt such regulations as will enable them to enforce this law. Any person, corporation or company who

Twenty-five cents per ton tax on fertilizers.

When payable.

Proviso.

Tags showing payment of tax.

Board of agriculture to prescribe form of tag, &c.

Misdemeanor.

shall violate this chapter, or who shall sell or offer for sale any such fertilizers or fertilizing material contrary to the provisions above set forth shall be guilty of a misdemeanor, and all fertilizers and fertilizing materials so sold or offered for sale shall be subject to seizure and condemnation in the same manner as is provided in this chapter for the seizure and condemnation of spurious fertilizers, subject, however, to the discretion of the board of agriculture to release the fertilizers so seized and condemned upon the payment of the charge above specified and all costs and expenses incurred by the department in such proceeding: *Provided*, that tags shall be attached by manufacturers, agents or dealers to all fertilizers now in the State; those protected under license previously issued shall be furnished free of charge.

Fertilizers sub-
ject to seizure, &c.

Proviso.

SEC. 2. That section twenty-one hundred and ninety-one of The Code as amended by section six, chapter four hundred and nine, laws of eighteen hundred and eighty-seven, shall be substituted by the following: "Every bag, barrel or other package of such fertilizers or fertilizing materials as above designated offered for sale in this State shall have thereon plainly printed a label or stamp, a copy of which shall be filed with the commissioner of agriculture, together with a true and faithful sample of the fertilizer or fertilizing material which it is proposed to sell, at or before the delivery to agents, dealers or consumers in this state and which shall be uniformly used and shall not be changed during the fiscal year for which tags are issued, and the said label or stamp shall truly set forth the name, location and trade-mark of the manufacturer; also the chemical composition of the contents of such package, and the real percentage of any of the following ingredients asserted to be present, to-wit, soluble and precipitated phosphoric acid, which shall not be less than eight per cent.; soluble potassa, which shall not be less than one per cent.; ammonia, which shall not be less than two per cent., or its equivalent in nitrogen; together with the date of its analyzation and that the requirements of the law have been complied with; and any such fertilizer as shall be ascertained by analysis not to contain the ingredients and percentage set forth as above provided shall be liable to seizure and condemnation as hereinafter prescribed, and when condemned shall be sold by the board of agriculture for the exclusive use and benefit of the department of agriculture.

Section 2191
amended.

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What label to
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SEC. 3. That section twenty-one hundred and ninety-two of The Code shall be amended as follows: By substituting for paragraphs one and two the following: "(1.) That charges have been paid as hereinbefore provided, and the lawful tags attached. (2.) That the sample of the same filed with the commissioner of agriculture has been analyzed under authority of the board and found to correspond with the label attached to the same."

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Misdemeanor.

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Agents, &c., to report fertilizer on hand at close of fiscal year.

SEC. 4. That section twenty-one hundred and ninety-three of The Code shall be substituted by the following: "Any merchant, trader, manufacturer or agent who shall sell or offer for sale any commercial fertilizer or fertilizing material without having such labels, stamps and tags as hereinbefore provided attached thereto, or shall use the required tag the second time to avoid the payment of the tonnage charge, or if any person shall remove any such fertilizer [he] shall be liable to a fine of ten dollars for each separate bag, barrel or package sold, offered for sale or removed, to be sued for before any justice of the peace and to be collected by the sheriff by distress or otherwise, one-half less the cost to go to the party suing and the remaining half to the department; and if any such fertilizer shall be condemned as herein provided it shall be the duty of the department to have an analysis made of the same and cause printed tags or labels expressing the true chemical ingredients of the same put upon each bag, barrel or package, and shall fix the commercial value thereof at which it may be sold; and any person who shall sell, offer for sale or remove any such fertilizers, or any agent of any railroad or other transportation company who shall deliver any such fertilizer in violation of this section shall be guilty of a misdemeanor."

SEC. 5. That section twenty-one hundred and ninety-four of The Code shall be amended by adding in line three after the word "fertilizer," the words "or fertilizing materials."

SEC. 6. That section twenty-one hundred and ninety-five of The Code shall be substituted by the following: "It shall be lawful for the department of agriculture to require the officers, agents or managers of any railroad, steamboat or other transportation company transporting fertilizers or fertilizing material in the State to furnish monthly statements of the quantity of such fertilizers, with the name of the consignor and consignee and the name of brand delivered on their respective lines at any and all points within this State; and said department is hereby empowered to compel said officers, agents or managers to submit their books for examination if found expedient so to do; and any such agents, officers or managers failing or refusing to comply with the requirements of this section shall be guilty of a misdemeanor."

SEC. 7. That section twenty-one hundred and ninety-six of The Code shall be amended by substituting for the word "central" in the second line the word "control."

SEC. 8. That section twenty-two hundred and four of The Code shall be substituted by the following: "Any agent or dealer in fertilizers or fertilizing materials who may have on hand any quantity at the close of the fiscal year shall be required to report the name of the brand and the amount to the commissioner of agriculture within thirty days, and to procure new tags, which shall designate the fact that they were on sale the previous year."

SEC. 9. That section twenty-two hundred and five of The Code shall be substituted by the following: "Whenever any manufacturer of fertilizers or fertilizing materials shall have paid the charges hereinbefore provided his goods shall not be liable to any further tax whether by city, town or county."

Section 2205 amended.
Exemption from additional tax.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. This act shall be in force from and after its ratification.
Ratified the 21st day of January, A. D. 1897.

CHAPTER 10.

An act to amend and continue in force chapter three hundred and one of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and one of the laws of eighteen hundred and eighty-nine, it being an act to incorporate Granite Cotton Mills, be amended so as to change the name from "Granite Cotton Mills" to "Granite Manufacturing Company."

Chapter 301, laws 1889, amended.
Name of Granite Cotton Mills changed to Granite Manufacturing Company.

SEC. 2. That the corporators named and mentioned in chapter three hundred and one of the laws of eighteen hundred and eighty-nine shall have two years from the passage and ratification of this act within which to organize the company chartered by the said chapter three hundred and one, laws of eighteen hundred and eighty-nine, and to carry into effect the intent of said act.

Organization of company.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 21st day of January, A. D. 1891.

CHAPTER 11.

An act for the better protection of the oyster interests of North Carolina and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That his excellency the governor be and is hereby fully authorized and empowered to take all such action as may be necessary and requisite to uphold, maintain and enforce the laws of North Carolina in relation to her fish and oyster interests, and to this end he may employ so much of the military or other power of the

Governor empowered to take necessary action to enforce laws in relation to fish and oyster interests.

Appropriation. State as may be necessary to carry out the intention of this act; and for these purposes a sufficient sum of money is hereby appropriated, to be paid by the state treasurer upon the warrant of the auditor, who shall issue the same, upon the approval of his excellency the governor, out of any moneys in the treasury not otherwise appropriated and not exceeding the sum of fifteen thousand dollars.

Unlawful to take oysters with dredges, &c.

SEC. 2. That from and after the ratification of this act it shall be unlawful for any person or persons to take or catch oysters from any of the public grounds or natural oyster beds of North Carolina with any dredge, drag, scoop, patent tongs or other instrument except such tongs as are worked with the hands and in ordinary use among our oystermen; and if any person or persons shall use in the catching or taking of oysters from the public grounds or natural oyster beds of the State any such instrument as is forbidden by this act, he or they shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five nor less than one thousand dollars or imprisoned not more than five nor less than one year or both in the discretion of the court.

Misdemeanor.

Duty of officers to arrest persons violating law.

SEC. 3. That whenever any person shall be found engaged in the violation of the laws of this state in relation to fish and oysters, it shall be the duty of any and every officer charged with the execution of the laws of the state, or any person specially deputed or commanded for this purpose, to forthwith arrest such person and carry him before some magistrate, who shall inquire into the facts, examine the witnesses and dispose of the case in the manner required by law; and every citizen may likewise make such arrest and carry the offender before such magistrate, and the officers hereinbefore mentioned may make such arrests in any county in North Carolina as well as in his own.

Citizens authorized to arrest.

Officers authorized to arrest in any county.

SEC. 4. That this act shall be in force from and after its ratification for the space of three months.

Ratified the 21st day of January, A. D. 1891.

CHAPTER 12.

An act to amend section twelve hundred and forty-six of The Code, concerning the acknowledgment of deeds.

The General Assembly of North Carolina do enact:

Code, sec. 1246, sub-section 1, amended.

SECTION 1. That section twelve hundred and forty-six (1246) subdivision one (1) of The Code of North Carolina be amended by inserting after the word "county" in the eighth (8th) line of said subdivision, and before the word "who" in said line, the following

words, "or of any other county of this State, whether said grantor, maker or subscribing witness resides therein or not."

Probate of deeds, &c., made in any county.

SEC. 2. That all deeds heretofore acknowledged by the grantor, maker or subscribing witness before any clerk of the superior court or of the inferior or criminal court, or before a notary public or justice of the peace of a county within this State wherein the land conveyed did not lie, and where said grantor, maker or subscribing witness did not reside, shall be and hereby are declared sufficiently proven and the registration of the said deeds shall be good and valid in law.

Probate of deeds, &c., heretofore made in other counties validated.

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

Ratified the 21st day of January, A. D. 1891.

CHAPTER 13.

An act to amend section twenty-one hundred and twenty-two of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-one hundred and twenty-two (2122) of The Code be amended by inserting after the word "estate" in the thirteenth (13th) line of said section, and before the word "or," the following, "or in the event that the personal representative shall fail or refuse to apply to a justice of the peace as aforesaid for the space of ten (10) days after the widow shall have filed with him the application as aforesaid."

Code, sec. 2122, amended.

Application by widow for year's support.

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

Ratified the 21st day of January, A. D. 1891.

CHAPTER 14.

An act to amend chapter sixty-three of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That section sixty-three of the laws of eighteen hundred and eighty-five be amended by striking out the word "twelve" before the word "jurors" in section eighteen, line twenty-five, and inserting therefor the word "fifteen," and in line twenty-seven strike out the word "nine" and insert the word "twelve" therefor.

Chapted 63, laws 1885, amended. Grand juries in New Hanover and Mecklenburg criminal courts to consist of fifteen.

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

Ratified the 21st day of January, A. D. 1891.

Twelve necessary to find a true bill.

CHAPTER 15.

An act to amend the chapters of The Code entitled "Asylums" and "Idiots, Lunatics and Inebriates."

The General Assembly of North Carolina do enact :

Name of Western N. C. Insane Asylum changed to "The State Hospital."

SECTION 1. That in section twenty-two hundred and forty, and wherever else in The Code, or in acts amendatory of The Code, the words "the Western North Carolina Insane Asylum" occur, the same be and are hereby stricken out and "the State Hospital" be inserted.

Code, sec. 2242, amended.

N. C. Insane Asylum and State Hospital to care for inebriates.

SEC. 2. After the words "white insane of the State" in line four of section twenty-two hundred and forty-two of The Code, there shall be added "and inebriates under such restrictions as are hereinafter provided."

Section 2243 amended.

White inebriates admitted into State Hospital.

SEC. 3. After the words "counties west of such line" in line ten of section twenty-two hundred and forty-three of The Code, there shall be added the words "together with white inebriates from any part of the State as hereinafter provided."

Section 2247 amended.

Duties and powers of directors of State Hospital.

SEC. 4. Add at the end of section twenty-two hundred and forty-seven the following: "And it shall be the duty of the board of directors of the State Hospital to adopt rules and regulations for the conduct and department of persons in the grounds or buildings, and to have posted at the entrance to the grounds and at not less than three places inside of said grounds the said rules and regulations; and the said board of directors shall have all the powers granted to cities or towns by general law to pass ordinances to suppress nuisances or prevent disorderly conduct inside the inclosure or the land belonging to the said hospital; and any person violating any ordinance or by-law passed by said board within the scope of their authority shall be guilty of a misdemeanor, and on conviction in the court of any justice of the peace of Burke county shall be punished as prescribed in section thirty-eight hundred and twenty of The Code of North Carolina.

Violation of ordinance, &c., a misdemeanor.

Penalty.

Section 2253 amended.

Authority and powers of superintendent.

SEC. 5. After the words "such superintendent" in line one of section twenty-two hundred and fifty-three of The Code there shall be added the words, "for the purpose of enforcing the provisions of section twenty-two hundred and forty-seven as amended, the superintendent of the State Hospital may appoint not more than five discreet persons who shall have the power and exercise the functions of policemen in towns and cities, under the direction of the superintendent and within the hospital grounds, and to maintain order in the same."

Section 2260 amended.

SEC. 6. At the end of section twenty-two hundred and sixty of The Code there shall be added, "Provided, however, that the super-

intendent of the State Hospital may for the space of thirty days, or till the next meeting of the board of three directors provided for in said section, discharge upon probation any patient when in his opinion the same would not prove injurious to the patient or dangerous to the community. A report of all such probations shall be rendered to the said board of three directors at their first ensuing meeting."

Discharge of patient from State Hospital.

SEC. 7. After the words "intoxicating liquors" in line two of section sixteen hundred and seventy-one of The Code there shall be added the words "or other narcotics." For the purposes of this chapter inebriates are considered as defined in the above section as hereby amended.

Section 1671 amended. Person habitually using narcotics deemed an inebriate.

SEC. 8. The same process as is now provided by law for the commitment of insane persons to asylums shall be substantially followed in the commitment of inebriates, except that such commitment shall be for a specified time, not exceeding twelve months, and in no case for a less period than three months. If the board of directors and the superintendent of the State Hospital shall at the end of the period of commitment be of the opinion that the longer confinement of any inebriate is necessary for the care, or would prove advantageous to such inebriate, then in addition to the regular period of commitment such patient may be detained for a longer time, in no case to exceed six months.

Commitment of inebriates to State Hospital.

SEC. 9. Nothing in section seven of this chapter shall be construed so as to prevent any inebriate of capable mind to signify such wish from voluntarily committing him or herself in writing to the care and custody of the State Hospital: *Provided, however,* that such application be accompanied with the endorsement of a respectable physician and the clerk of the superior court of the county of settlement of the said inebriate certifying that the applicant is an inebriate and a person capable of signifying his wishes and recommending the admission of such applicant to said hospital. The form of such voluntary commitment shall be substantially as follows:

Voluntary commitment of inebriate.

Proviso.

Form.

STATE OF NORTH CAROLINA, }
.....County. }

I,, a resident of county, North Carolina, being of mind capable of signifying my wishes, do hereby solicit admission as a patient in the State Hospital for such a period of time as the board of directors and superintendent may deem necessary under the provisions of this section of chapter of the laws of North Carolina, session of 1891.

Witness:
.....

Number of inebriates admitted limited to twelve.
Charge for treatment.

SEC. 10. The number of inebriates at any one time under treatment in the State Hospital shall not exceed twelve persons of each sex, and the board of directors shall in their discretion charge a reasonable sum for the treatment of such inebriates except in cases of indigency.

Inebriate becoming insane to be committed to proper asylum.

SEC. 11. In the case of any person committed as an inebriate, or who voluntarily commits him or herself to the State Hospital under the provisions of this act, and who while at said institution from any cause becomes or is found to be insane, such person shall be committed to the proper asylum or hospital as now provided by law, except that the justices of the peace of Morganton township, in Burke county, may exercise jurisdiction in the premises, and all costs attaching to such commitment, including the costs of transportation, shall be paid by the county in which the insane person had settlement.

Section 2255 amended.

No priority of admission to criminal insane.

SEC. 12. At the end of section twenty-two hundred and fifty-five of The Code there shall be added the words: "*Provided further*, that nothing in this section shall be construed as giving priority of admission to any asylum or hospital to any insane criminal or person acquitted of crime upon the ground of insanity, or is unable by reason of insanity to conduct his defence, over other classes of insane persons. In case any person shall be committed to any asylum or hospital under this section because of inability to make a legal defence to the indictment by reason of insanity shall thereafter recover sanity, it shall be the duty of the superintendent and the board of three directors provided for in section twenty-two hundred and sixty of The Code to certify the fact of such person's sanity to the solicitor of the proper district, who shall thereupon take proper steps to secure the appearance of such person to answer the original indictment."

Criminal insane recovering sanity, fact to be certified to solicitor.

Conflicting laws repealed.

SEC. 13. All acts and clauses of acts in conflict with the provisions of this act are hereby repealed.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 16.

An act for the relief of creditors of Elizabeth Gooding.

The General Assembly of North Carolina do enact:

\$12.50 allowed J. P. Brogden for burial expenses of Elizabeth Gooding.

SECTION 1. That the sum of twelve and fifty one-hundredths ($\frac{50}{100}$) dollars be allowed and paid to J. P. Brogden of Jones county, N. C., for coffin and burial clothes furnished by said Brogden for the burial

of the late Elizabeth Gooding of said Jones county, N. C., and that the sum of five dollars be allowed and paid to Dr. F. A. Whitaker for medical services rendered in the treatment of the said Elizabeth Gooding in her last illness.

§5 allowed F. A. Whitaker for medical services.

SEC. 2. That the said twelve and fifty one-hundredths ($\frac{5.0}{100}$) dollars so allowed said Brogden and the five dollars so allowed said Whitaker be paid by the State treasurer from the amount allowed said Elizabeth Gooding as a widow of a Confederate soldier under the pension law of the State, said allowance having been made the said Elizabeth Gooding for the year eighteen hundred and ninety (1890) and before the same was paid said Elizabeth Gooding, and said pension warrant being of the fourth class and being number twelve hundred and ninety-nine (1299).

To be paid out of amount allowed Elizabeth Gooding under pension law.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1891.

CHAPTER 17.

An act to authorize the commissioners of Jackson county to levy a special tax to meet general indebtedness.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Jackson 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 annual meeting to levy a special tax upon property and polls in said county for the purpose of discharging the general indebtedness of said county.

Commissioners of Jackson county, with consent of majority of justices, authorized to levy special tax to pay county indebtedness.

SEC. 2. That the amount of the tax levied under this act shall be determined by said board of commissioners and justices of the peace, but shall not in either year exceed twenty-five cents on the one hundred dollars worth of property and seventy-five cents on the poll, and the constitutional equation between the property and the polls shall always be observed in making levies.

Amount of levy.

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 by law for the collection of other taxes in said county.

Tax, how collected.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1891.

CHAPTER 18.

An act for the relief of E. G. McDaniel.

The General Assembly of North Carolina do enact :

Treasurer board of education of Jones county authorized to pay E. G. McDaniel \$15.

SECTION 1. That the treasurer of the board of education of Jones county be and he is hereby authorized to pay E. G. McDaniel a school order given by the school committee of district number thirteen and a half ($13\frac{1}{2}$), colored, Jones county, for services rendered by Joel Burny teaching in said district and the same assigned by said Burny to said McDaniel, the same being for fifteen dollars for one month's service teaching, and that the same be paid out of any moneys now in said treasurer's hands or that may come into his hands appropriated to said district.

Board of education to pass upon the payment.

SEC. 2. That said board of education of Jones county shall pass upon the payment of said order.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1891.

CHAPTER 19.

An act to create and establish a public ferry across the Pee Dee river between the counties of Stanly and Montgomery.

The General Assembly of North Carolina do enact :

Public ferry across Pee Dee river established. Location.

SECTION 1. That there shall be a public ferry across the Pee Dee river between the counties of Stanly and Montgomery at or near Williams' Mills old landing just below the said Williams' Mills fishery in the county of Montgomery across said river to Stanly county so as to land near the upper edge of the lands of J. T. Moore and on the lands of M. E. Blalock, and that the said ferry shall be a public one and shall be owned and operated by M. E. Blalock and his heirs or assigns.

To be owned and operated by M. E. Blalock.

Ferry, when to be opened.

SEC. 2. That the said M. E. Blalock or his heirs and assigns shall open and operate the said ferry as soon as may be practicable within a reasonable time after the ratification of this act, and shall charge

Rates of toll, how established.

such rates of toll, carriage or ferriage as may be prescribed by the county commissioners of Stanly and Montgomery counties, who may carry the same into effect by the appointment of a committee from the two counties to agree upon such rates, and the said ferry shall be operated for the convenience of the traveling public under the pains, penalties and liabilities now prescribed by law; and the said boards of commissioners shall take all necessary steps according to the statute regulating ferries and to the establishment of highways

Ferry, how operated.

Establishment of roads, &c.

and public roads leading to the said ferry to carry out the object and intent of this act within its full meaning and scope.

SEC. 3. That the grant of privileges and the franchise herein is made and given to the said M. E. Blalock and his heirs and assigns for the period of fifty years, subject, nevertheless, to the right of the General Assembly at any time to remove or annul the same for proper cause, and this right is expressly reserved.

Grant for fifty years.

General Assembly empowered to revoke grant.

SEC. 4. All laws or parts of laws in conflict with the provisions of this act according to its true intent, scope and meaning are hereby repealed.

Conflicting laws repealed.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 20.

An act to amend chapter five hundred and three, laws of eighteen hundred and eighty-nine, in regard to roads.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter five hundred and three, laws of eighteen hundred and eighty-nine, is hereby amended by striking out "and" after the word "Gates" in first line, and inserting "and Robeson" after the word "Bertie" in second line.

Chapter 503, laws 1889, amended.

Provisions of law in regard to recovery of damages to public roads by hauling logs made applicable to Robeson county.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 21.

An act to amend chapter two hundred and forty of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and forty of the laws of eighteen hundred and eighty-five be and the same is hereby amended by striking out the words "Flat River" in lines three and four of section one, and inserting in lieu thereof the word "Mangum."

Chapter 240, laws 1885, amended.

Stock-law applicable to Mangum township, Durham county.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 22.

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

The General Assembly of North Carolina do enact :

Commissioners of Currituck county, with consent of majority of justices, authorized to levy special tax to pay judgment against county and build poor-house.

SECTION 1. That the board of commissioners of Currituck county be and they are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county at their regular meeting on the first Monday in June, eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three, to levy a special tax upon the taxable property and polls of said county for the purpose of discharging and paying a certain judgment of the superior court of said county in which the board of education of said county are plaintiffs and the county commissioners of said county are defendants, amounting to about one thousand dollars, and also to buy a site and build a poor-house for said county.

Amount of levy. SEC. 2. That the amount of tax to be levied under this act shall be determined by the said board of county commissioners and justices of the peace, but shall not exceed ten cents on the one hundred dollars worth of property and thirty cents on the poll, and the constitutional equation between the property and the poll shall be observed in making the said levy.

Tax, how collected.

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 the other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1891.

CHAPTER 23.

An act to amend the election law so as to define when registration shall cease.

The General Assembly of North Carolina do enact :

Chapter 287, laws 1889, amended. Registration allowed up to 12 o'clock on second Saturday before election.

SECTION 1. That section two (2), chapter two hundred and eighty-seven (287) of the acts of eighteen hundred and eighty-nine be amended by adding at the end thereof the following words, "that registration shall be allowed on that day up to twelve o'clock noon."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1891.

CHAPTER 24.

An act to amend chapter thirty-four, volume two of The Code.

The General Assembly of North Carolina do enact:

- SECTION 1. That section three thousand one hundred and thirty-eight of The Code be amended by striking out the words "pharmaceutical association" in the third line and inserting "board of pharmacy," and by striking out the words "or one who is, or has been, a regular practicing physician as hereinafter provided" in lines eight and nine.
- SECTION 2. That section three thousand one hundred and thirty-nine be amended by striking out the words "nor to those who are, have been, or may hereafter be, regular practicing physicians" in lines nine and ten.
- SECTION 3. That section three thousand one hundred and forty be amended by inserting after the word "secretary" in line nineteen the words "and treasurer," and by inserting after the word "secretary" in line twenty the words "and treasurer," and by adding to said section the following: "The secretary and treasurer of said board shall be a bonded officer held in bond of one thousand dollars to be made to the said North Carolina Pharmaceutical Association and approved by the executive committee of said association."
- SECTION 4. That section three thousand one hundred and forty-one be amended by striking out the word "receive" in line nineteen and inserting the words "be paid," and by inserting after the word "day" in said line the words "during which he is," and by inserting after the word "board" in line twenty the words "and all necessary expense incurred in attending the meetings of the same," so that the sentence as amended shall read, "Each member of the board of pharmacy shall be paid the sum of five dollars for every day during which he is engaged in the service of the board and all necessary expenses incurred in attending the meetings of the same."
- SECTION 5. That section three thousand one hundred and forty-six be amended by striking out all of said section after the word "qualified" in line nine, and by inserting in lieu thereof the following: "The North Carolina Pharmaceutical Association shall annually thereafter elect a pharmacist from their number to fill the vacancy annually occurring in said board. Said pharmacist so elected shall be commissioned by the governor and hold office for the term of five years and until his successor has been duly elected and qualified. In case of death, resignation or removal from the state of any member of said board of pharmacy the said board shall elect in his place a pharmacist, who is a member of said association, to serve as a member of the board for the remainder of the term." And by striking
- Code, sec. 3133, amended.
Qualifications for membership N. C. Pharmaceutical Association.
- Section 3139 amended.
Qualifications for membership on account of practical experience.
- Section 3140 amended.
Secretary and treasurer of N. C. Board of Pharmacy.
- Bond.
- Section 3141 amended.
Compensation of members of board of pharmacy.
- Section 3146 amended.
Election of members of board of pharmacy.
- Vacancies.

To what towns
act applicable.

out the word "appointed" in line nine in said section and inserting the word "elected." The provisions of this act shall only apply to cities and towns of more than eight hundred inhabitants.

SEC. 6. That this act shall take effect from and after the first day of July, 1891.

Ratified the 27th day of January, A. D. 1891.

CHAPTER 25.

An act for the relief of Robert Smith, sheriff of Dare county.

The General Assembly of North Carolina do enact :

Robt. Smith,
sheriff Dare
county, allowed
until April 1,
1891, to settle with
state treasurer.

SECTION 1. That Robert Smith, sheriff of Dare county, be allowed until the first day of April, eighteen hundred and ninety-one, to settle his taxes with the state treasurer.

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

Ratified the 28th day of January, A. D. 1891.

CHAPTER 26.

An act to amend chapter sixty-eight of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 68, laws
1887, amended.
Penalty on con-
viction of offence
of carrying con-
cealed weapons.

SECTION 1. That chapter sixty-eight of the laws of eighteen hundred and eighty-seven be amended by striking out all of section one after the word "words" in line five of said section and insert in lieu thereof "not exceeding fifty dollars nor less than thirty dollars or imprisoned not exceeding thirty days at the discretion of the court."

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

Ratified the 28th day of January, A. D. 1891.

CHAPTER 27.

An act to correct the calls of land grant number fifteen hundred and fifty-three in Swain county.

The General Assembly of North Carolina do enact :

Grant No. 1553, in
Swain county,
corrected.

SECTION 1. That land grant number fifteen hundred and fifty-three in Swain county be and the same is hereby corrected, so that calls may agree with plat, as follows: "Beginning at a sugar tree, runs

south seventy degrees east forty-six poles to a sugar tree, then south forty degrees west eighty-six poles to a spruce pine, then south seventy degrees west one hundred poles to a chestnut, then north seventy degrees west one hundred poles to a sugar tree, then north fifty-eight degrees east one hundred and eighty poles to a stake, then north seventy degrees east forty-six poles to the beginning.”

SEC. 2. That the secretary of state be and is hereby authorized to correct said grant upon the records in his office, and that the register of deeds of the county of Swain, upon presentation to him of a duly certified copy of this act, be and is hereby authorized to correct said grant upon the records in his office in accordance with this act.

Secretary of state
to correct records
in his office.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1891.

CHAPTER 28.

An act to amend chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-nine, so as to allow trapping in Swannanoa river, Buncombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-nine be and the same is hereby amended by striking out the word “traps” in section one, third line, between the words “of” and “seines,” and inserting the word “traps” in section one, in third line, between the words “by” and “hook.”

Chapter 283, laws
1889, amended.
Lawful to catch
fish in traps in
Swannanoa
river, Buncombe
county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1891.

CHAPTER 29.

An act to suppress gambling.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to play at any game of chance at which money, property or other thing of value is bet, whether the same be in stake or not, and those who play and those who bet thereon shall be guilty of a misdemeanor.

Unlawful to play
at game of chance
at which money,
&c., is bet.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1891.

CHAPTER 30.

An act to abolish the March term of the superior court of Wayne county.

The General Assembly of North Carolina do enact :

Chapter 180, laws
1885, amended.
March term
Wayne superior
court abolished.

SECTION 1. That the words " March and " in the ninth line of page three hundred and thirty-four of chapter one hundred and eighty of the laws of eighteen hundred and eighty-five, providing for what is known as the March term of the superior court of Wayne county be stricken out and repealed so as to abolish said March term.

Process.

SEC. 2. That all writs and other process whatsoever that are or may be returnable to said March term be and the same are hereby made returnable to the April term of said court next succeeding the same, and all bonds, recognizances and undertakings requiring the appearance of parties and witnesses, or other act to be done at the said March term, be held and taken as requiring such appearance to be made or act done at the said next ensuing April term.

Conflicting laws
repealed.

SEC. 3. That all laws or 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 28th day of January, A. D. 1891.

CHAPTER 31.

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

The General Assembly of North Carolina do enact :

Commissioners
of Macon county
authorized to
levy special tax
to pay county
indebtedness for
building bridge.

SECTION 1. That the county commissioners of Macon county are hereby authorized to levy a special tax not to exceed fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, to be applied to the indebtedness of the county incurred for the building of an iron bridge over the Tennessee river, in Macon county.

Special levy
made in June,
1890, approved.

SEC. 2. That the special levy made by said commissioners in June, eighteen hundred and ninety, of fifteen cents on the hundred dollars worth of property and forty-five cents on the poll be and the same is hereby approved and confirmed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 32.

An act to amend chapter one hundred and twenty-four, acts of eighteen hundred and eighty-seven, by substituting the words "Kinsey's Seminary" for "Davis' School."

The General Assembly of North Carolina do enact :

SECTION 1. That in section one, chapter one hundred and twenty-four, laws of eighteen hundred and eighty-seven, the words "Davis' School" in line three be stricken out and the words "Kinsey's Seminary" be substituted.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

Chapter 124, laws 1887, amended. Unlawful to manufacture, &c., liquor within two miles of Kinsey's seminary, LaGrange, Lenoir county.

CHAPTER 33.

An act to amend chapter one hundred and twenty-four, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1), chapter one hundred and twenty-four, laws of eighteen hundred and eighty-seven, be amended by substituting "Kinsey's Seminary" in the place of "Davis' School" in section one of said law.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

Chapter 124, laws 1887, amended. Unlawful to manufacture, &c., liquor within two miles of Kinsey's seminary, LaGrange, Lenoir county.

CHAPTER 34.

An act to apply the county taxes collected in the county of Person from the Lynchburg and Durham Railroad Company equally among the four townships that have subscribed to the capital stock of said company.

The General Assembly of North Carolina do enact :

SECTION 1. That all taxes hereafter collected for county purposes in the county of Person from the Lynchburg and Durham Railroad Company be and the same are hereby directed to be applied to the payment of the subscriptions of the four townships in said county to the capital stock of said company, say in the following proportions: one-fourth of the said taxes annually to Roxboro township

Taxes collected in Person county from Lynchburg & Durham R. R. Co. Applicable to payment of subscriptions to road by certain townships.

subscriptions, one-fourth of the said taxes annually to Wooddale township subscriptions, one-fourth of the said taxes annually to Olive Hill township subscriptions and one-fourth of said taxes annually to Holloway's township subscriptions.

Duty of county treasurer.

SEC. 2. That the treasurer of Person county shall keep all such taxes separate and apart from the other tax money of said county, and shall annually pay over the same as hereinbefore provided to the holders of the bonds and coupons of such townships. He shall take up and cancel said bonds and coupons when paid and the same shall be valid vouchers in his hands.

Act subject to approval by commissioners and justices.

SEC. 3. That this act shall not take effect unless a majority of all the county commissioners and justices of the peace of Person county, at their joint annual meeting in June, eighteen hundred and ninety-one, shall, voting together, approve the same.

Act to take effect upon approval.

SEC. 4. That if this act shall be approved as above described, the same shall be in full force and effect at once and until the same shall be repealed, which a majority of commissioners and justices of the peace, voting together, may do at any annual joint meeting in June as aforesaid.

Subject to repeal by commissioners and justices.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 35.

An act for the relief of J. E. McLain, sheriff of Jackson county.

The General Assembly of North Carolina do enact :

J. E. McLain, sheriff of Jackson county, authorized to collect arrears of taxes.

SECTION 1. That J. E. McLain, sheriff of Jackson county, be and is hereby authorized to collect for the benefit of himself the arrears of taxes due him in said county for the years eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, under such rules and regulations as are prescribed by law for the collection of taxes.

When authority to cease.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first Monday in January, eighteen hundred and ninety-two.

Who exempt from payment.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds his receipt in full for the years eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, or shall make an affidavit before anyone 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.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 36.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two (2) of chapter one hundred and seventy-five (175), laws of eighteen hundred and eighty-nine (1889), be and the same is hereby amended by striking out the word "Swain."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

Chapter 175, laws 1889, amended. Swain county stricken from act giving justices jurisdiction of prosecutions for unlawful fence.

CHAPTER 37.

An act to amend chapter three hundred and fifty-five, laws of eighteen hundred and eighty-seven, in regard to working convicts on the public roads.

The General Assembly of North Carolina do enact :

SECTION 1. That all the provisions of chapter three hundred and fifty-five (355) of the laws of eighteen hundred and eighty-seven (1887) be and the same are hereby extended to the counties of Jackson, Swain, Macon, Cherokee, Clay and Graham.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

Chapter 355, laws 1887, amended. Provisions of law in regard to working convicts upon public roads extended to Jackson, Swain, Macon, Cherokee, Clay and Graham counties.

CHAPTER 38.

An act to amend chapter three hundred and eighteen of the laws of eighteen hundred and eighty-nine, entitled "An act to compel butchers to keep registration."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and eighteen of the laws of eighteen hundred and eighty-nine be hereby amended by inserting after the word "Wilson" in the last line of section three of said chapter the word "Northampton," Franklin county.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

Chapter 318, laws 1889, amended. Provisions of law requiring butchers to keep registration book for cattle, &c., purchased extended to Northampton, Franklin county.

CHAPTER 39.

An act to allow cider and wine to be sold in the counties of Tyrrell and Washington.

The General Assembly of North Carolina do enact :

Lawful to sell cider and wine in Tyrrell and Washington counties at place of manufacture.

SECTION 1. That it shall be lawful for any person to sell in the counties of Tyrrell and Washington, at their place of manufacture, the juice of apples, peaches and grapes, also wine not mixed with distilled spirits, of his own make.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 40.

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

The General Assembly of North Carolina do enact :

Chapter 202, laws 1889, amended.

SECTION 1. That section second of chapter two hundred and two of the laws of eighteen hundred and eighty-nine be amended as follows: strike out the word "east" in line eight of said section and insert in lieu thereof the word "west," and strike out all that part of line eight after the words "David Shular's," which reads "so as to include said Shular's."

Boundaries of Dillsboro township, Jackson county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 41.

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

The General Assembly of North Carolina do enact :

Code, sec. 709, amended. Compensation of chairman of board of commissioners of Robeson county.

SECTION 1. That section seven hundred and nine of The Code be amended by striking out "and" after the word "Pasquotank" in the eighth line and inserting after the word "Halifax" in the same line "and Robeson."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1891.

CHAPTER 42.

An act to protect the operatives of Henrietta Cotton Mills in Rutherford county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell, dispose of, directly or indirectly, any spirituous or malt liquors on the lands of the Henrietta Cotton Mills in Rutherford [county], or to use profane or vulgar language, or to use words calculated to disturb the peace or disturb the operations of said cotton mills, or to fire off any gun, pistol or other fire-arms, or to congregate on the bridge or the approaches thereto across the river at said mill, or in the public road running through said lands, and any person or persons so offending shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty-dollars or imprisoned for thirty days in the discretion of the court.

Unlawful to manufacture, &c., liquors, use profane language, &c., on lands of Henrietta cotton mills, Rutherford county.

Penalty.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of January, A. D. 1891.

CHAPTER 43.

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

SECTION 1. That the board of commissioners of Graham county 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 year eighteen hundred and ninety-one and eighteen hundred and ninety-two, 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.

Commissioners of Graham county authorized to levy special tax to pay county indebtedness.

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 twenty cents on the hundred dollars worth of property and sixty cents on the poll, and the constitutional equation between the property and the polls shall always be observed in making levies.

Amount of levy.

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.

Tax, how collected.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 44.

An act to protect the public bridges in the counties of Cleveland, Duplin and Lenoir.

The General Assembly of North Carolina do enact :

Unlawful to ride,
&c., over public
bridges in Cleve-
land, Duplin and
Lenoir counties
at gait faster than
a walk.
Misdemeanor.

SECTION 1. That it shall be unlawful for any and all persons to ride or drive any horse, mule or other stock over any public bridge in the counties of Cleveland, Duplin or Lenoir at a gait faster than a walk.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than ten dollars or imprisoned not more than ten days or both at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 45.

An act to prevent enticing minors from the state.

The General Assembly of North Carolina do enact :

Misdemeanor to
employ and carry
beyond limits of
state minor with-
out consent of
parent, &c.

Penalty.

Prima facie evi-
dence.

SECTION 1. That any person who shall employ and carry beyond the limits of this state any minor, or who shall induce any minor to go beyond the limits of this state for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred and not more than one thousand dollars for each offence.

SEC. 2. That the fact of the employment and going out of the state of the minor, or of the going out of the state by the minor, at the solicitation of the person for the purpose of employment, shall be *prima facie* evidence of knowledge that the person employed or solicited to go beyond the limits of the state is a minor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 46.

An act to amend chapter two hundred and eighty, laws of eighteen hundred and eighty-nine so as to include Harnett county.

The General Assembly of North Carolina do enact :

SECTION 1. That section eleven, chapter two hundred and eighty, laws of eighteen hundred and eighty-nine, be amended by adding "Harnett" after the word "Rockingham" in the seventh line of said section so as to include Harnett county within the provisions of said act.

Chapter 280, laws 1889, amended.
Provisions of law prohibiting manufacturers, &c., from issuing non-transferable scrip applicable to Harnett county.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 31st day of January, A. D. 1891.

CHAPTER 47.

An act to amend section two, chapter ninety-two, of the laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter ninety-two, of the laws of eighteen hundred and eighty-three, be amended by adding to said section after the last word in the same, "And it shall be lawful for said Palmetto Railroad Company, or any corporation the legal successor thereof, to merge and consolidate its capital stock, franchise and property with those of any other railroad company or companies in this state or in the state of South Carolina which connects or may connect with said Palmetto Railroad Company at either terminus, or to run, use and operate by lease or otherwise any such railroad or railroads, or to be leased, run and operated by any such railroad company or companies upon such terms as may be agreed upon with the company or companies with which it may make such contract or contracts of merger, consolidation or lease, and such company or companies are hereby empowered to carry out the same: *Provided*, such contract or contracts conform to the laws of North Carolina for such cases made and provided: *And provided further*, that one or more of the companies to be consolidated or leased shall form with said Palmetto Railroad Company a continuous line of railroad."

Chapter 92, laws 1883, amended.
Palmetto Railroad Co. authorized to merge with connecting road, &c.

Proviso.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of February, A. D. 1891.

CHAPTER 48.

An act to create a new township in the county of Watauga to be called North Fork township.

The General Assembly of North Carolina do enact :

- North Fork town-
ship, Watauga
county, estab-
lished.
- Boundaries.
- Powers.
- Voting place.
- SECTION 1. That a new township to be called North Fork township is hereby created in the county of Watauga, to be taken from the townships of Bald Mountain and Cove Creek and bounded as follows: Beginning at the top of Bald Mountain running a west course, including the farm known as the Patterson farm, to the top of the Elk Knob Mountain; then the same direction, including B. F. South and Jacob Main, to the state line on top of the Hashion, then with the state line to the Ashe county line at John Wilson's, thence an east course to the beginning.
- SEC. 2. That 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 Thomas' school-house.
- SEC. 3. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 49.

An act to regulate fishing in Croatan sound.

The General Assembly of North Carolina do enact :

- Unlawful to set
or fish dutch nets,
&c., within cer-
tain distance of
seine fisheries in
Croatan sound.
- Proviso.
- Misdemeanor.
- Additional pen-
alty.
- SECTION 1. That it shall be unlawful for any person to set or fish a dutch net or pod net within one-half mile to the northward or southward of the outside windlass or snatch-block of any seine fishery in operation in Croatan sound, and any such dutch or pod net set or fished shall not extend further into said sound from the water's edge than one-half mile: *Provided*, the outward snatch-block and capstans shall not be moved from their present positions.
- SEC. 2. If any person shall set or fish any dutch or pod net in said sound in violation of this act he shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned in the discretion of the court and be subject to a further penalty of three hundred dollars, to be recovered by any person in the superior court of Dare county, and the sheriff of said county shall, when requested, remove any portion of such nets set or fished in violation of this act at the cost of the violator.
- SEC. 3 This act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 50.

An act to amend chapter ninety-eight of the laws of eighteen hundred and eighty-seven, in relation to a cotton weigher for the town of Concord.

The General Assembly of North Carolina do enact :

SECTION 1. That section four, of chapter ninety-eight of the laws of the year eighteen hundred and eighty-seven, be amended as follows: Strike out in line five of said section the words "weighed by him," and insert in lieu thereof the words "sold in said town."

Chapter 98, laws 1887, amended.
Compensation of cotton weigher in town of Concord.

SEC. 2. That no other person than said cotton weigher shall weigh any baled cotton in said town, under a penalty of ten dollars for each and every bale so weighed, and said fine shall be applied to the school fund of Cabarrus county upon the conviction of the offender before any justice of the peace of said county: *Provided, however,* the seller of any baled cotton may have said cotton weighed by any other person, but the buyer thereof shall pay to said cotton weigher the sum of ten cents for each and every bale of cotton bought, and said buyer shall be guilty of a misdemeanor upon failure to make such payment, and upon conviction shall be fined not exceeding fifty dollars or imprisoned more than thirty days.

Penalty for weighing of cotton by other person.

Proviso.

Misdemeanor.

SEC. 3. That the commissioners of Cabarrus county are hereby empowered to use so much of the general fund of said county as may be in their judgment necessary to secure a proper location, erect a suitable platform and purchase scales for the proper performance of the duties of said cotton weigher, and to make all necessary rules and regulations for the protection and government of the same.

County commissioners to provide platform, scales, &c.

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 51.

An act to levy a special tax to pay the indebtedness of Polk county.

WHEREAS, The county of Polk has an indebtedness which was contracted before the adoption of the present constitution: and whereas, a part of that debt has been compromised and adjusted and is still unpaid: and whereas, the revenues arising from the subjects of taxation are not sufficient to pay the current expenses and liquidate the indebtedness of said county: now therefore,

Preamble.

The General Assembly of North Carolina do enact :

Commissioners of Polk county and magistrates in joint session authorized to levy special tax.

SECTION 1. That the county commissioners of Polk county, together with the magistrates of said county in joint session at their next annual meeting, are hereby authorized and empowered to levy a special tax of fifteen cents on the hundred dollars worth of real and personal property and forty-five cents on each poll until a sufficient sum is collected to liquidate the outstanding indebtedness of said county.

Levy of tax.

SEC. 2. That said special tax shall be levied in the same manner and at the same time that other taxes are levied, and that said tax shall be applied to the indebtedness of Polk county.

Collection of tax.

SEC. 3. 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.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 52.

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 :

Board of Education Haywood county authorized to order county treasurer to pay W. J. Hannah nine dollars.

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 money due school district number thirty-six (36), to W. J. Hannah, nine dollars for services rendered as teacher of the white race for the year eighteen hundred and eighty-nine, 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 3d day of February, A. D. 1891.

CHAPTER 53.

An act to repeal chapter two hundred and thirty-four, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 234, laws 1889, repealed. Law making ch. 107, laws 1885 (Halifax and Warren stock law), applicable to Duck and Smallwood's islands, Northampton county, repealed.

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

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 54.

An act for the relief of the superior court clerk of Pamlico county.

The General Assembly of North Carolina do enact :

SECTION 1. That the clerk of the superior court of Pamlico county be allowed to absent himself from the office of clerk Tuesdays, Wednesdays, Thursdays and Fridays of each week, except the regular terms of the superior court. Clerk of Pamlico Superior Court allowed to be absent from his office on certain days.

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 3d day of February, A. D. 1891.

CHAPTER 55.

An act for the relief of D. A. McDonald, clerk of the superior court of Moore county.

WHEREAS, On the fifth day of September, eighteen hundred and eighty-nine, the court-house in Carthage was completely destroyed by fire, together with many of the records in the office of the clerk of the superior court of Moore county, including guardians' bonds, administrators' bonds, indentures, accounts of guardians, executors, administrators and others, also certain minute books and records of the county court and the court of pleas and quarter sessions, and certain judgment-rolls belonging to said courts, to the superior court of law and equity and to the probate court; also certain records of wills, supreme court reports, and perhaps other property belonging to said clerk's office, which came into the hands of D. A. McDonald, then clerk of the superior court of Moore county, by color of his office and for which he had given his receipt to his predecessor in office, and for the custody and preservation of which said D. A. McDonald, clerk as aforesaid, was and is responsible as prescribed by chapter nine of The Code of North Carolina: Now, therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That in all cases such of said bonds, indentures, accounts, minutes, judgment-rolls and all other records as cannot be found on record or on file in the said clerk's office after diligent search therefor by the clerk of the court, and cannot be otherwise accounted for, the same having been on record or file therein on or before September fifth, eighteen hundred and eighty-nine, shall be presumed to have been destroyed by said fire. Records in office of Clerk Moore Superior Court, not found to be presumed to have been destroyed by fire on Sept. 5th, 1889.

Records not found and necessary to be used as evidence presumed to have been in due form, &c.

SEC. 2. That in all cases in which said bonds, indentures, accounts, minutes, judgment-rolls and other records or any part thereof have been lost or destroyed and in which it may become necessary to use the same in evidence, it shall be presumed that the same were executed, filed, audited or adjudicated, as the case may be, in due and legal form and were in all respects lawful records and documents.

D. A. McDonald, clerk, relieved from liability for custody of records, &c., destroyed by fire.

SEC. 3. That said D. A. McDonald, clerk of said court, and the sureties on his official bonds, are hereby relieved from liability and responsibility for the custody, care and safe-keeping of such of said bonds, indentures, accounts, minutes, judgment-rolls and other records and property belonging to said clerk's office as were lost or destroyed in the burning of said court-house.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 56.

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

The General Assembly of North Carolina do enact :

Code, section 709, amended.

Compensation of chairman of commissioners of Robeson county.

SECTION 1. That section seven hundred and nine (709) of The Code be amended by striking out "and" after the word "Pasquotank" in the eighth line and inserting "and Robeson" after the word "Halifax" in the same line.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 31 day of February, A. D. 1891.

CHAPTER 57.

An act for the relief of Rockingham county.

The General Assembly of North Carolina do enact :

Commissioners and justices of Rockingham county authorized to issue bonds to pay county indebtedness, &c.

SECTION 1. That the board of county commissioners and justices of the peace of Rockingham county in joint session in June, eighteen hundred and ninety-one, be and are hereby authorized and empowered to issue bonds of said county of Rockingham to the amount of not exceeding eleven thousand dollars (\$11,000), for the purpose of taking up the floating indebtedness of said county and for no other purpose.

Description of bonds.

SEC. 2. That said bonds shall be in denominations of one hundred dollars (\$100) each, or any multiple thereof, to run for twenty years

with the option to said county to pay them at any time after five years, and shall bear interest at the rate of six (6) per cent. per annum payable semi-annually on the first days of June and December of each and every year, to be evidenced by coupons thereto attached.

SEC. 3. That said bonds shall be exempted from all county and local municipal taxes, and said coupons shall be received at par in payment of all county taxes.

Exempt from county and municipal taxation. Coupons receivable for county taxes. Not to be sold for less than par. Special tax.

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

SEC. 5. That the said commissioners and justices of the peace shall at their annual meeting had for the purpose of levying taxes each and every year levy separately and set apart for that purpose a special tax sufficient for the payment of the interest on said bonds, and that at any of their said meetings they are empowered to levy separately and set apart for that purpose a special tax to pay the amount of bonds so issued till the same are paid in full, and the taxes levied to pay said bonds and the interest thereon as aforesaid shall not be used for any other purpose.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 58.

An act to make the nineteenth day of January a public holiday.

The General Assembly of North Carolina do enact:

SECTION 1. That the nineteenth day of January, the birth-day of the peerless Robert E. Lee, in each and every year hereafter shall be a public holiday.

January 19th (birth-day of Robert E. Lee), made a public holiday.

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 59.

An act to amend chapter one hundred and ninety-three of the laws of eighteen hundred and eighty-nine, in relation to working the public roads in Clay and Graham counties.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and ninety-three of the laws of eighteen hundred and eighty-nine, be amended by striking out all of said section to and including the word "sixteen" in line three of said section.

Chapter 193, laws 1889, amended.

What time hands liable to work on public roads in Clay and Graham counties.

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 60.

An act to repeal chapter four hundred and three, laws of eighteen hundred and eighty-seven, making valid certain acts of the county commissioners of Cumberland county.

The General Assembly of North Carolina do enact :

Chapter 403, laws 1887, repealed.

Law validating appointment of county physician in Cumberland county, and authorizing commissioners to appoint, repealed

SECTION 1. That chapter four hundred and three, laws of eighteen 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 3d day of February, A. D. 1891.

CHAPTER 61.

An act to amend chapter three hundred and sixty-one, laws of eighteen hundred and eighty-nine, in relation to repairing public roads.

The General Assembly of North Carolina do enact :

Chapter 361, laws 1889, amended.

Law providing alternative method of constructing and keeping in repair public roads made applicable to Edgecombe county.

SECTION 1. That section thirteen, line two, chapter three hundred and sixty-one, laws of eighteen hundred and eighty-nine, be and the same is hereby amended by striking out the word "Edgecombe."

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 62.

An act to amend chapter one hundred and fifty of the laws of eighteen hundred and eighty-nine [three], in regard to Alexander county.

The General Assembly of North Carolina do enact :

Chapter 150, laws 1889, amended.

Sheriff of Alexander county allowed until May 1st to settle with treasurer.

Chapter 430, laws 1889, repealed.

SECTION 1. That chapter one hundred and fifty 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. That chapter four hundred and thirty of the laws of eighteen hundred and eighty-nine is hereby repealed.

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 63.

An act to form Salem township in the county of Granville.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township to be called Salem township is hereby created in the county of Granville to be taken from the township of Oxford and bounded as follows: Beginning at the intersection of Fishing creek and the Fishing creek township line, up said creek to the intersection of said creek with the railroad from Oxford to Clarksville; thence up said road to the Sassafras Fork township line; thence along said Sassafras Fork township line to the Vance county line; thence with the said Vance county line to the point where the Fishing Creek township line strikes Vance county; thence along said Fishing Creek township line to the beginning.

Salem township established in Granville county Boundaries.

SEC. 2. That the voting precinct of this township shall be at Salem church. Voting place.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 64.

An act to repeal chapter twenty-seven, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter twenty-seven, laws of eighteen hundred and eighty-nine, be and the same is hereby repealed.

Chapter 27, laws 1889, repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

Law requiring persons in Harnett county ginning cotton for the public to keep standard weights &c., repealed.

CHAPTER 65.

An act to amend chapter two of volume two of The Code of eighteen hundred and eighty-three, entitled "Cruelty to Animals."

SECTION 1. That sections two thousand four hundred and eighty-two, two thousand four hundred and eighty-three, two thousand four hundred and eighty-four, two thousand four hundred and eighty-seven, two thousand four hundred and eighty-eight and two

Code, secs. 2482, 2483, 2484, 2487, 2488 and 2489 amended

Penalty upon conviction of certain offences concerning cruelty to animals.

Section 2486 amended.

Penalty upon conviction of carrying animal in conveyance in cruel manner.

thousand four hundred and eighty-nine of The Code of eighteen hundred and eighty-three are hereby amended by adding at the end of each of said sections the words, "and upon conviction shall be fined not more than fifty dollars or imprisonment not more than thirty days, or both fined and imprisoned as aforesaid."

SEC. 2. That section two thousand four hundred and eighty-six of said Code is hereby amended by inserting after the words "misdemeanor," in the fourth line of said section, the words, "and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days."

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

Ratified the 3d day of February, A. D. 1891.

CHAPTER 66.

An act to amend chapter two hundred and fifteen of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 215, laws 1885, amended.

W. C. Petty, lessee of Carthage Railroad and assigns, authorized to build branch roads.

SECTION 1. That chapter two hundred and fifteen of the laws of eighteen hundred and eighty-five be amended by adding to said chapter the following sections, viz.: Sec. 25. That W. C. Petty, lessee of the Carthage railroad, and his assigns, under and by virtue of the corporate powers, privileges and immunities by said chapter two hundred and fifteen conferred, shall have the right to build branch railroads, not exceeding two in number, nor exceeding twenty miles in length, one of which roads shall extend from a point on the Carthage railroad at or near the town of Carthage in the direction of Curriesville in Moore county, and the other from a point on said branch road in the direction of Ashboro in Randolph county, and for such purpose shall have such special rights and privileges as are hereinafter conferred.

Authorized to receive donations, &c., to condemn land, to sell or lease road, &c.

Sec. 26. That said W. C. Petty, lessee, for the purpose of constructing said branch road or roads may receive donations, conveyances of lands, assignments of property as well as contributions in labor, and shall have the right to have land condemned as a right-of-way and for necessary warehouses and buildings, according to existing laws, and shall have full power and authority to sell or lease such road-bed property and franchise to any other corporation or person or to consolidate with any other line of railroad.

Authorized to borrow money on mortgage, &c.

Sec. 27. That said W. C. Petty, lessee as aforesaid, shall be authorized and empowered to borrow money for the construction of said branch road or roads and to mortgage said branch railroad or railroads and such other property as he may own, connected with and

used in running and operating said road or roads to secure the payment of such borrowed money, principal and interest: *Provided*, the individual property of said lessee shall in nowise be bound for any debt contracted in and for the construction of said branch roads unless so specially agreed upon at the time the same is contracted.

Sec. 28. That work shall be commenced on the first named of said branch roads within two years from the ratification of this act, and the said W. C. Petty, lessee, and his assigns, are authorized and permitted to remove from said road-bed or road-beds so constructed the cross-ties, iron rails, joint-fastenings and such other property as may be thereon placed by him or his assigns after the expiration of five years from the ratification of this act.

Proviso.

When work to be commenced.

Authorized to remove cross-ties, &c.

Sec. 29. This act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 67.

An act to amend chapter one hundred and seventy-three of the laws of eighteen hundred and eighty-nine, to prevent hog cholera.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and seventy-three of laws of one thousand eight hundred and eighty-nine be amended by adding at the end thereof the following words: "and such swine shall be so penned or confined that they shall not have access to any ditch, canal, branch, creek, river or other water-course which passes beyond the premises of the owners of such swine."

Chapter 173, laws 1889, amended. Swine penned on account of cholera not to have access to ditch, &c.

Sec. 2. That section two be amended by adding to the end thereof the following: "and he shall not throw or place such hog or other animal in any ditch, canal, branch, creek, river or other water-courses passing beyond his own premises."

Owner not to throw hog dying with cholera into ditch, &c.

SEC. 3. That section three of said act of 1889 be amended by striking out the proviso in said section.

Chapter 173, laws 1889, made applicable to all counties.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1891.

CHAPTER 68.

An act to provide where offences shall be prosecuted in cases where a mortal wound is inflicted on the high seas or without this state, and death happens in this state.

The General Assembly of North Carolina do enact:

Code, sec. 1199, amended.

Indictments for murder where wound is given, &c. without the limits of State, to be prosecuted in county where death occurs.

SECTION 1. That section one thousand one hundred and ninety-nine of The Code be amended by adding the following: "and if a mortal wound is given or other violence or injury inflicted, or poison is administered on the high seas or land, either within or without the limits of this state, by means whereof death ensues in any county thereof, said offence may be prosecuted and punished in the county where the death happens."

SEC. 2. This act shall take effect from and after its ratification.
Ratified the 5th day of February, A. D. 1891.

CHAPTER 69.

An act to amend section two thousand five hundred and sixty-six of the school law of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Section 2566 of the public school law of 1889 amended.

SECTION 1. That section two thousand five hundred and sixty-six of the public school law of of eighteen hundred and eighty-nine, be amended by striking out in line twenty-seven of said section the word "shall" and insert the word "may."

Conflicting laws repealed.

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

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

Ratified this the 5th day of February, A. D. 1891.

CHAPTER 70.

An act to repeal chapter one hundred and thirty-two, laws of eighteen hundred and eighty-five, in relation to the manner of entering public lands.

The General Assembly of North Carolina do enact:

Chapter 132, laws 1885, repealed. (Law requiring entry taker to deliver to surveyor warrant with copy of entry, &c.)

SECTION 1. That chapter one hundred and thirty-two (132) of laws of one thousand eight hundred and eighty-five (1885) be and the same is hereby repealed.

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

Ratified the 5th day of February, A. D. 1891.

CHAPTER 71.

An act authorizing treasurer to pay witnesses who were examined before committee to examine non-taxpaying corporations.

The General Assembly of North Carolina do enact:

SECTION 1. That witnesses summoned and examined by the committee to examine non-taxpaying corporations be required to present certificates signed by chairman of said committee, stating the days employed and the miles traveled, to the auditor of state, who shall draw his warrant on the state treasury for the same at the rate of one dollar and fifty cents per day and mileage as now allowed by law to witnesses attending courts of the state.

Payment of witnesses before committee to examine non-taxpaying corporations.

SEC. 2. That the treasurer is hereby authorized to pay said warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Treasurer to pay on warrant of auditor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1891.

CHAPTER 72.

An act to amend chapter three hundred and thirteen, laws of eighteen hundred and eighty-seven, in relation to the sale of liquor in Greene county.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter three hundred and thirteen of the laws of eighteen hundred and eighty-seven, be and is hereby amended by adding at the end of said section the following: "*Provided*, that license may be granted, as regulated by the general law of the state, to any person in Greene county outside of the corporate limits of towns and villages for the sale at the place of manufacture of spirituous liquors, wines, cordials or other intoxicating beverages, except such as are or may be manufactured, fermented or distilled from grain of any kind, to be sold in quantities not less than a quart and in no case to be drunk at the place of manufacture, in all cases when such person applying for license is the manufacturer of such liquors or beverages from his or her own products."

Chapter 313, laws 1887, amended.

License to sell liquor, how granted in Greene county.

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

Ratified the 5th day of February, A. D. 1891.

CHAPTER 73.

An act to amend chapter two hundred and fifty-three, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 253, laws 1889, amended.

Petition to drain lowlands to be filed before justice of the peace.

Justices of the peace to have jurisdiction.

Judgment to be docketed in superior court.

Lien.

Act applicable only to Lenoir county.

SECTION 1. That section one, chapter two hundred and fifty-three, laws of eighteen hundred and eighty-nine, be amended by striking out the words "the superior court" in line six and seven, and insert the words "a justice of the peace."

SEC. 2. That wherever the word "court" appears in said chapter it be stricken out and word "justice" inserted in its stead.

SEC. 3. That section [two] (2) of said act be amended by adding the following: "and if said judgment is not paid at the time of its rendition it shall be by the justice sent by transcript to the clerk of the superior court to be docketed as a judgment against the party or parties so failing to pay, and said judgment shall be a lien on the land of said defaulting party or parties for the payment of all assessments and costs: *Provided*, that this act shall apply only to the county of Lenoir."

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1891.

CHAPTER 74.

An act to amend chapter five hundred and forty-three of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 543, laws 1889, amended.

Wilkes county excepted from operation of law.

SECTION 1. That section three of chapter five hundred and forty-three, laws of one thousand eight hundred and eighty-nine, be amended by inserting after the word "Tyrrell" and before the word "and" in line five the word "Wilkes."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1891.

CHAPTER 75.

An act to prohibit emigrant agents from plying their vocation in this state without first obtaining a license therefor, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That from and after the ratification of this act no person shall carry on the business of an emigrant agent in this state without having first obtained a license therefor from the state treasurer.

Emigrant agents to obtain license from state treasurer.

SEC. 2. That the term "emigrant agent," as contemplated in this act, shall be construed to mean any person engaged in hiring laborers in this state to be employed beyond the limits of the same.

Definition of 'emigrant agent.'

SEC. 3. That any person shall be entitled to a license which shall be good for one year, upon payment into the state treasury for the use of the state, of one thousand dollars, in each county in which he operates or solicits emigrants, for each year so engaged.

License fee.

SEC. 4. That any person doing the business of an emigrant agent without having first obtained such license shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail not less than four months, or confined in the state prison at hard labor not exceeding two years for each and every offence within the discretion of the court.

Misdemeanor to do business without license.

Penalty.

SEC. 5. That this act shall not apply to any county west of the line as at present established by law for the receiving of patients by the North Carolina Insane Asylum, except the counties of Mecklenburg, Moore, Anson, Richmond, Cleveland, Gaston, Lincoln and Catawba.

Act not applicable to certain counties.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1891.

CHAPTER 76.

An act to prohibit the manufacture and sale of intoxicating liquors within two miles of Davis chapel.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or give away directly or indirectly any spirituous or intoxicating liquors within two miles of Davis chapel, Methodist Episcopal Church, South, and Antioch Baptist church in Iron Duff township in the county of Haywood.

Unlawful to manufacture, &c. liquors within two miles of Davis chapel and Antioch Baptist church, Haywood county.

- Misdemeanor. SEC. 2. That any person being intoxicated or drinking intoxicating liquors at or on the property or near the aforementioned churches during religious services shall be guilty of a misdemeanor.
- Misdemeanor. SEC. 3. Any one offending against or violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined or imprisoned or both at the discretion of the court.
- SEC. 4. This act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1891.

CHAPTER 77.

An act to amend an act incorporating the Georgetown and Charlotte Railroad Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That there shall be a body politic and corporate known as the Georgetown and Charlotte Railroad Company, with corporate powers and franchises to the same extent as are possessed by the North Carolina Railroad Company.
- Corporate name.
- Corporate powers
- Route. SEC. 2. The said Georgetown and Charlotte Railroad Company shall have power to build a railroad with one or more tracks from Charlotte, North Carolina, to the South Carolina line, upon such routes as may be determined, to connect with a railroad starting at Georgetown or elsewhere in South Carolina and running in the direction of the North Carolina line, and for the purpose of building the said road the said company shall have power to open books of subscription for thirty thousand (30,000) shares, of fifty dollars (\$50), each, at such times and such places, and keep them open for such periods of time as they may deem proper.
- Books of subscription.
- Commissioners. SEC. 3. That C. Dowd, R. P. Waring, Rufus Barringer, T. L. Vail, J. Watt Kirkpatrick, W. E. Ardrey and E. B. Springs, and such other persons as they may appoint, and such others as may be appointed by the legislature of South Carolina, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, any three of whom shall have power to act, first giving ten days' notice in one or more newspapers published in North or South Carolina; any five of said commissioners, at any time after the books have been opened for thirty days, shall have power to call together the subscribers to the capital stock of said company for the purpose of organizing said company, and the said commissioners may after the organization of said company from time to time receive further subscriptions to said company as they may deem proper, and the
- Organization.

subscriptions to said capital stock may be made in money or land at a rate per centum to be agreed upon at the time of subscription, and that each and every person subscribing land shall execute a deed for the same to the said company, and that all amounts subscribed, either in land or money, shall constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this act.

Subscriptions,
how made.

Joint stock
capital.

SEC. 4. That whenever the sum of one hundred thousand dollars shall have been subscribed by responsible persons, corporations, towns, townships or counties in North Carolina or South Carolina to the capital stock of said company, the general commissioners, the subscribers, their successors, executors, administrators or assigns, shall be and are hereby declared incorporated into a company under the name and style of the Georgetown and Charlotte Railroad Company, and the commissioners shall forthwith call together the stockholders of said company by giving public notice in one or more newspapers for ten (10) days of the meeting, who shall proceed to organize said company and elect not less than nine nor more than thirteen directors, at least seven of whom shall reside in Mecklenburg county, North Carolina, who shall serve for one year and until others are elected, and the said directors shall elect a president from among their number, also a secretary and treasurer and other necessary officers.

When incorpora-
ted.

Corporate name.

Organization.

SEC. 5. That the county commissioners of Mecklenburg county be and they are hereby authorized and empowered to exchange the stock now owned and held by said county in the Atlantic, Tennessee and Ohio Railroad Company for a like number of shares in the said Georgetown and Charlotte Railroad Company, after the same shall have been duly organized under and by virtue of the provisions of this act.

Commissioners
of Mecklenburg
authorized to
exchange stock
in Atlantic, Tenn.
and Ohio R. R.
Co., for stock in
Georgetown and
Charlotte R. R.
Co.

SEC. 6. That the board of commissioners of Mecklenburg county are authorized and required, whenever twenty-five tax-payers of any township, city or town in their county shall petition to them in writing to have submitted to the voters of said township, city or town a proposition to make a subscription for a specific sum to the capital stock of said company, to cause an election to be held in said township, city or town 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, city or town, and to submit to the qualified voters of such township, city or town the election 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 subscription shall deposit a ballot on which shall be written or printed "For subscription," and those opposed shall deposit a ballot on which shall be written or printed "Against sub-

Election in town-
ships, cities and
towns in Meck-
lenburg county
upon question of
subscription.

Ballots.

Returns.

scription;" the returns of said election shall be made to the county commissioners on 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, city or town shall be "For subscription." then the subscription so authorized shall be made to the capital stock of said railroad company for said township, city or town by the chairman of the board of county commissioners, and the county commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint registrars, judges, etc., as provided in other elections.

Subscription to be made on majority vote of qualified voters.

Special registration.

Bonds to be issued.

SEC. 7. That in payment of any subscription made or provided for in the next preceding section, the board of commissioners of said county wherein said township may be situate shall issue bonds to an amount not exceeding the sum so authorized to be subscribed, and the said bonds shall express on their face by what authority and for what purpose they are issued. They shall be payable twenty years after the first day of January next after the year in [which] they are issued. They shall be coupon bonds and bear interest at the rate of seven per cent. per annum, interest payable semi-annually on the first day of January and the first day of July in each year by the treasurer of Mecklenburg county, but the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

Special tax.

SEC. 8. 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 Mecklenburg county shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township, city or town, a sufficient tax to pay the interest on said bonds and one-twentieth amount of the principal thereof, which taxes shall be collected by the tax collector of said county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over the state and county taxes. The tax collector shall pay said taxes when collected to the treasurer of said county who shall first pay the interest on said bonds, and the coupons shall be his voucher 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.

Bonds, how executed.

SEC. 9. The bonds issued under the provisions of this act to secure subscriptions to the capital stock of said railroad by any township, city or town shall be signed by the chairman of the board of county commissioners of said county and by the clerk of said board, and the coupons shall be signed by said clerk only.

SEC. 10. That said company shall have the right to have land condemned for the right of way and for necessary warehouses and 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 stocks of any other railroad in the state, or to consolidate with any connecting line of railroad.

Condemnation of land and other corporate powers.

SEC. 11. That said company shall be authorized to begin the construction of said railroad at any point on the line projected for it and may operate any portion of it when completed and shall have the exclusive right of transportation over the same.

Construction and operation of road.

SEC. 12. That said railroad company shall have [the] right to build branch roads connecting with it, and for this purpose shall have all the rights and privileges conferred by this act.

Branch roads.

SEC. 13. That said company shall have, possess and use all the powers and rights and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this state: *Provided*, that the provisions of this section shall not be construed to exempt the property of said corporation from being taxed as the property of other railroads in this state [is] taxed.

Corporate powers.

Proviso.

SEC. 14. The said company shall be authorized to borrow money for the construction and operation of said railroad and for the purposes of this act, and to issue coupon bonds for the amount so borrowed, and to mortgage said railroad and the other property of said railroad company to secure the payment of said bonds, principal and interest.

Authorized to borrow money on mortgage.

SEC. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 16. This act shall take effect from and after its ratification.

Ratified the 6th day of February, A. D. 1891.

CHAPTER 78.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine be and is hereby amended by inserting in the third line of said section after the word "tickets" and before the word "or" the words "certificate or certificates;" and that section two of said act be amended by insert-

Chapter 280, laws 1889, amended.

Unlawful for employers to issue non-transferable certificates to laborers.

Act applicable to
Onslow, Jones
and Carteret
counties.

ing the words "Onslow, Jones, Carteret" between the words "Wake" and "Gaston" in the last line of said section two.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of January, A. D. 1891.

CHAPTER 79.

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

The General Assembly of North Carolina do enact :

Code, sec. 2834
amended.

Unlawful to kill,
&c., certain birds
between March
15th and Nov. 1st.

When act to take
effect.

SECTION 1. That section two thousand eight hundred and thirty-four of The Code be amended by striking out in lines three and four "first day of April and the fifteenth day of October," and inserting therefor "fifteenth day of March and the first day of November."

SEC. 2. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-one.

Ratified the 6th day of February, A. D. 1891.

CHAPTER 80.

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

The General Assembly of North Carolina do enact :

Chapter 282, laws
1887, amended.

Election in town-
ship number six,
Cleveland county
upon question of
subscription to
railroad.

Township six
incorporated.

SECTION 1. That chapter two hundred and eighty-two, sections one and five of the laws one thousand eight hundred and eighty-seven be amended as follows: Add after the word "two" in line four of section one, the following, "and by one-fifth of the qualified voters of township number six."

SEC. 2. Add after the word "one" in the first line of section five the word "six."

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

Ratified the 6th day of February, A. D. 1891.

CHAPTER 81.

An act to compensate judges and canvassers of election.

The General Assembly of North Carolina do enact :

SECTION 1. That all judges and canvassers of elections, as provided for in sections two thousand six hundred and seventy-eight and two thousand six hundred and ninety of The Code, shall receive for their services such compensation as shall be allowed by the board of county commissioners, not to exceed one dollar.

Compensation of judges and canvassers of election.

SEC. 2. That this act shall apply only to the counties of Cabarrus and Stanly.

Act applicable only to Cabarrus and Stanly counties.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 82.

An act to amend chapter ninety-eight of the laws of eighteen hundred and seventy-nine, entitled "an act to compromise, commute and settle the state debt as ratified the sixteenth day of January, eighteen hundred and eighty-three, and the third day of March, eighteen hundred and eighty-five, and the eighth day of February, eighteen hundred and eighty-seven, and the fifth day of February, eighteen hundred and eighty-nine."

The General Assembly of North Carolina do enact :

SECTION 1. That section eleven, chapter ninety-eight of the laws of one thousand eight hundred and seventy-nine, being an act to compromise, commute and settle the state debt, ratified the fourth day of March one thousand eight hundred and seventy-nine, is amended by striking out the words "eighty-two" in the last line of said section eleven and inserting the word "ninety-two" so as to extend the time at which said act shall expire, "July first, one thousand eight hundred and ninety-two," and the governor is directed to resist the collection of all such bonds as not funded by the time above specified.

Chapter 98, laws 1879, amended. Time extended to January 1st, 1892.

Duty of governor

SEC. 2. That 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."

Duty of treasurer

Advertisement
to be made by
treasurer.

SEC. 3. That 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. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 83.

An act to amend The Code in regard to the sale and renting of property by guardians.

The General Assembly of North Carolina do enact :

Code, sec. 1590,
amended.
Sales and rent-
ings by guar-
dians, how made.

SECTION 1. [That] the Code of North Carolina be amended by striking out section fifteen hundred and ninety (1590) and inserting in lieu thereof the following: (1.) That all sales and rentings by guardians shall be publicly made after twenty (20) days' notice posted at the court-house and four (4) other public places in the county: *Provided, however,* that upon petition by the guardian made to the clerk of the superior court of the county in which the land of the ward or wards is situated, the said clerk of the superior court may make an order, on satisfactory evidence, upon the oath of at least two disinterested freeholders acquainted with the said land, that the best interests of the said ward or wards will be subserved by a private renting of said land, allowing said guardian to rent said land privately. The terms of all such rentings shall be reported to said clerk of the superior court and be approved by him; and that in cases where guardians have heretofore rented their wards' land at private rentings in good faith and for the benefit of the wards' estate, they shall not be liable to the penalty heretofore prescribed by law. (2.) That the proceeds of all sales of personal estate and rentings of real property when not for cash shall be secured by bond and good security: *Provided,* that when lands are rented for agricultural purposes guardians may not require bonds for the rent of said lands. (3.) All sales or rentings provided for in the preceding subdivisions, when at public auction, shall be between the hours of 10 a. m. and 4 p. m. of the day on which the sale or renting is to be made.

Proceeds of sales
and rentings to
be secured by
bond.
Proviso.

Hours of sales
and rentings at
public auction.

Costs.

SEC. 2. That the clerk's cost in the proceedings had under this act shall not exceed two dollars and fifty cents.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 84.

An act for the better drainage of the lands along Clear creek in Mecklenburg county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. D. Helms, G. W. Flow, P. C. Ferguson, J. McFlow, the heirs of A. C. Flow, D. W. Flow, M. E. Beavers, A. L. Beavers, the heirs of James Flow, W. M. Biggers, J. F. Philips, J. W. Flow, E. M. Miller, J. M. Philips, E. H. Williams, E. H. Hinson, H. M. Lipe, J. C. Carter, the heirs of Lewis Ferguson, and others, owning lands contiguous to and lying upon the waters of Clear creek in Mecklenburg county, from the Cabarrus line up said stream to the mouth of the Biggers branch near Mrs. Joe Blair's on said stream, be and the same are hereby required within twelve months after the ratification of this act each at his or her own expense and cost to clear 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 with a ditch not less than twelve feet wide from year to year, or as often as the same may be necessary: *Provided*, that no land-owner shall be required to clear out said stream and keep the same cleared 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 persons shall be subject to the provisions of this act.

Certain adjacent land-owners required to clear out Clear creek, Mecklenburg county.

Proviso.

Proviso.

SEC. 2. That if in the opinion of any of the said land-owners or subsequent land-owners as provided in section one any others 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; in [if] the judgment be in favor of complainant 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 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

Proceeding against land-owner failing to perform duties prescribed by this act.

Costs.

whom judgment is rendered, and shall be a lien on the land of the person or persons against whom judgment shall be given.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 85.

An act relating to the Norfolk Southern Railroad Company.

The General Assembly of North Carolina do enact :

Purchaser of Norfolk Southern R. R. empowered to sell, &c.

SECTION 1. That in case the railroad and other property and franchises of the Norfolk Southern Railroad Company, formerly the Elizabeth City and Norfolk Railroad Company, be sold pursuant to judicial order, judgment or decree, the purchaser or purchasers thereof may sell, grant, convey, transfer and assign the same by deed or deeds which shall be in the form required to pass real estate, and shall be registered as required by law in respect to conveyances of real estate in the county or counties in which any part of said railroad and other property is situated.

Purchase of road authorized and purchasers to become incorporated, &c.

SEC. 2. Any person or persons may purchase and acquire the said railroad and other property and franchises, either at the judicial sale thereof or pursuant to the first section hereof, from the purchaser or purchasers at such judicial sale, and with his or their associates, not less than five in number, upon filing in the secretary of state's office a certificate setting forth the corporate name adopted and the names and residences of the directors who are to manage the affairs of such corporation for the first year, or until their successors are chosen, and such other matters as the parties thereto shall deem apt and pertinent, shall be and become a corporation with perpetual succession by the name so adopted, which name shall also be set forth in the deed or deeds by which said railroad and other property and franchises are conveyed or assigned and transferred to said purchaser or purchasers, a copy of which deed or deeds shall be filed in the office of the secretary of state: and such corporation shall have, possess, exercise and enjoy all [and] singular the rights, powers, privileges, franchises, immunities and faculties heretofore conferred upon or possessed, enjoyed or exercised by the said Norfolk Southern Railroad Company, including power and authority to maintain and operate said railroad and other property, whether located within or without this state, and shall also have power and authority by the issue of stock, preferred or common, and of bonds or other obligations secured by mortgage or otherwise, upon such terms and conditions as its directors may determine to provide for the purchase price of

Corporate powers

the railroad and other property and franchises so purchased, and also to provide for the payment of any debts or obligations which the said purchaser or purchasers or the said corporation may have contracted or assumed in connection with the said purchase, and also to provide the necessary means with which to extend, improve, maintain and operate the said railroad and construct additions thereto, and acquire equipment and other property necessary for the uses and purposes of the said corporation. And in the operation and maintenance of said railroad the said corporation shall be subject to all the duties and restrictions imposed by law upon the said Norfolk Southern Railroad Company in respect thereto, or imposed upon railroad companies by the general laws of this state; but it shall not be liable for any debt or other obligation of the said Norfolk Southern Railroad Company not assumed by the said corporation.

Corporate, duties,
&c.

Non-liability for
debts of Norfolk
Southern R. R.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 10th day of February, A. D. 1891.

CHAPTER 86.

An act to repeal chapter thirty-one of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter thirty-one of the acts of eighteen hundred and eighty-nine be and is hereby repealed.

Chapter 31, laws
1889, repealed.

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

Ratified the 10th day of February, A. D. 1891.

(Compensation to
overscers of roads
in Rockingham
county.)

CHAPTER 87.

An act for the protection of jurors and witnesses.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a juror or witness in any of the courts of this state, and any person who shall by threats, menaces or in any other manner prevent or deter or attempt to prevent or deter any person summoned or acting as such juror or witness from attendance upon such court shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Misdemeanor to
intimidate, &c.,
juror or deter
witness from at-
tendance, &c.

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

Ratified the 10th day of February, A. D. 1891.

CHAPTER 88.

An act to apply the county taxes collected in Pender county from the Wilmington, Onslow and East Carolina Railroad Company to the payment of the subscription of Topsail township to the capital stock of said company.

The General Assembly of North Carolina do enact :

County taxes collected in Pender county from Wilmington, Onslow and East Carolina R. R. Co. to be applied to payment of subscription of Topsail township.

Duty of county treasurer.

Sinking fund.

Coupons to be vouchers in hands of treasurer.

SECTION 1. That all taxes heretofore collected for county purposes in the county of Pender from the Wilmington, Onslow and East Carolina Railroad Company, its property or its franchise be and the same are hereby directed to be applied to the payment of the subscription of Topsail township to the capital stock of said company.

SEC. 2. That the treasurer of Pender county shall keep all such taxes separate and apart from the other tax money of said county, and shall annually, or as often as the coupons mature, pay the interest on the bonds issued in payment of said subscription out of the said fund, so far as the same may go, toward the liquidation thereof.

SEC. 3. If after the payment of the coupons on the aforesaid bonds there shall be any balance left in the hands of the said treasurer the said money shall be kept intact as a sinking fund from which to pay the principal of said bonds at maturity.

SEC. 4. That all coupons or bonds issued by said county or township for the aforesaid subscription and paid by the said treasurer out of the said taxes collected from said Wilmington, Onslow and East Carolina Railroad Company, its franchise or its property, shall be in the hands of the said treasurer a proper voucher for such disbursement.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 89.

An act to amend chapter two hundred and forty-five of the public acts of one thousand eight hundred and eighty-five, amendatory of section seventy-two and three thousand six hundred and forty-eight of The Code.

The General Assembly of North Carolina do enact :

Chapter 245, laws 1885, amended.

SECTION 1. That section one of chapter two hundred and forty-five, public acts of the general assembly of one thousand eight hundred and eighty-five, amendatory of section seventy-two and three thousand six hundred and forty-eight of The Code, be amended as follows:

Strike out in said section in lines five and six the words "each general" and insert in lieu thereof the word "any." Between the words "election" and "increase" in line six of said section insert the words "for county officers;" after the word "demanded" in line ten of said section add the words "and the amount of said bond when increased shall be and remain as fixed by the said board of commissioners until changed by an order of the said board."

County commissioners authorized to increase bonds of superior court clerk and register on the first Monday in November before any election for county officers.

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

Ratified the 10th day of February, A. D. 1891.

CHAPTER 90.

An act to amend chapter one hundred and eighty-one, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section three of chapter one hundred and eighty-one of the laws of eighteen hundred and eighty-nine be amended by striking out in line seven of said section "ninety" and inserting "ninety-two."

Chapter 181, laws 1889, amended.

Practicing physicians to appear before superior court clerk for registration before January 1st, 1892.

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

Ratified the 10th day of February, A. D. 1891.

CHAPTER 91.

An act regarding chattel mortgages.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever household or kitchen furniture is conveyed by chattel mortgage or otherwise as allowed by law in this state, the privy examination of married women shall be taken as is now prescribed by law in conveyance of real estate: "Provided, that all such conveyance of household and kitchen furniture, except as herein provided, shall be ineffectual to convey a title to the same."

Privy examination of married women requisite to chattel mortgages on household or kitchen furniture.

Mortgages otherwise taken ineffectual to pass title.

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

Ratified the 10th day of February, A. D. 1891.

CHAPTER 92.

An act to compel personal representatives to plead the statutes of limitations.*The General Assembly of North Carolina do enact :*

Personal representatives required to plead statute of limitations.

On failure of personal representative to plead, heir or devisee entitled to do so in any proceeding to make real estate assets.

Proviso.

SECTION 1. That it shall be the duty of personal representatives to plead the bar of the statute of limitations as a defence to all actions against them in their representative capacity when such defence may be available, except when the claimant has foreborne to sue at the instance of the administrator or the executor and for the benefit of the estate, and if the personal representative shall fail in good faith to insist upon such defence then the heirs or devisees shall have, in any proceedings to subject the lands of a devisor or decedent to make assets, the right to plead that the action was barred when judgment was entered against the executor or administrator; and if it be found that the action was barred when the judgment was so rendered against such personal representative, license shall not be granted to sell the land belonging to the estate to satisfy such claim only, nor shall any part of the proceeds of the sale of the land be applied to the satisfaction of such claim: *Provided*, that in any case if the heirs at law or distributees of any estate or their legal representatives shall concur, then the administrator may not plead the statutory bar if they shall believe that the debt or claim is *bona fide* and just.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 93.

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

Commissioners of Craven county, with concurrence of majority of justices, authorized to levy special tax.

SECTION 1. That the board of commissioners of Craven county are hereby authorized and empowered, by and with the concurrence 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 ninety-one, one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, to levy a special tax upon the taxable property, real and personal, and the polls of said county, for the special purpose of discharging the outstanding indebtedness of said county, except the bonded debt.

SEC. 2. Said tax shall be levied in like manner with the state and general county taxes, and shall not in either year exceed fifteen cents on the one hundred dollars worth of property and forty-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making levies. Levy of tax.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner at the same time and under the same penalties as prescribed for the collection of other taxes in said county. Collection of tax.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 10th day of February, A. D. 1891.

CHAPTER 94.

An act to punish the making of false pretenses in obtaining certificates of registration of cattle and other animals and giving false information in regard to other animals in certain cases named.

The General Assembly of North Carolina do enact :

SECTION 1. That every person who shall, by any false representation or pretense, with intent to defraud or cheat, obtain from any club, association, society or company for the improvement of the breed of cattle, horses, sheep, swine, fowls or other domestic animals or birds, a certificate of registration of any animal in the herd register or registers of any such association, society or company, or a transfer of any such registration, upon conviction thereof shall be punished by imprisonment in a county jail for a term not exceeding three months or a fine not exceeding one hundred dollars, or by both such fine and punishment. Unlawful to obtain certificate of registration of animals, &c., by false representation.
Penalty.

SEC. 2. Any person who shall, with intent to defraud or cheat, knowingly represent any animal for breeding purposes as being of greater degree of any particular strain of blood than such animal actually possesses, and by such representation obtains from any other person money or other thing of value shall be guilty of a misdemeanor, and upon conviction thereof shall for each offence be punished by a fine of not less than sixty dollars nor more than three hundred dollars or by imprisonment in the county jail for a term not exceeding six months. Misdemeanor to obtain money, &c., by knowingly misrepresenting animal for breeding purposes, &c.
Penalty.

SEC. 3. This act shall take effect from and after its passage. Ratified the 10th day of January, A. D. 1891.

CHAPTER 95.

An act to amend section two thousand eight hundred and thirty-one of The Code.*The General Assembly of North Carolina do enact :*

Code, section 2831, amended. Unlawful to hunt with net on land of another. Act applicable only to Durham county.

SECTION 1. That section two thousand eight hundred and thirty-one be amended by inserting "net" after the word "gun" in first line: *Provided*, this act shall apply only to Durham county.

SEC. 2. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-one.

Ratified the 10th day of February, A. D., 1891.

CHAPTER 96.

An act curing certain irregularities in the revision of jury lists.

Preamble.

WHEREAS, the commissioners of several counties in this State have inadvertently revised the jury lists since the passage of chapter five hundred and fifty-nine, acts of eighteen hundred and eighty-nine; and whereas the said chapter provides that such jury lists shall not be regularly revised until the first Monday in September, eighteen hundred and ninety-two, and every four years thereafter: now therefore,

The General Assembly of North Carolina do enact :

Revisions of jury lists since passage of chapter 599, laws 1889, validated.

SECTION 1. That the revisions of such jury lists, since the passage of the said act, shall be valid to all intents and purposes, and that such revisions shall be no ground of challenge or other objection whatsoever to any grand or petit juror heretofore drawn under the same.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 97.

An act to prohibit the sale of liquor within two miles of Beulah German Reform Church in Davidson county.*The General Assembly of North Carolina do enact :*

Misdemeanor to sell, &c., liquor within two miles of Beulah German Church, Davidson county.

SECTION 1. That it shall not be lawful for any person to sell or give away or dispose of spirituous liquors except for medicinal purposes at or within two miles of Beulah German Reform Church in Davidson county, and any person who shall violate the provisions of this

section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both in the discretion of the court not to exceed a fine of fifty (\$50) dollars or imprisonment for more than thirty (30) days.

SEC. 2. That it shall be a misdemeanor for any one to exhibit himself drunk in the limits of this corporation while the church is being occupied for worship or to use loud and indiscreet language while divine service is going on, and for all such offences on conviction the offender shall be fined not more than fifty (\$50) dollars or imprisonment not more than thirty (30) days.

Misdemeanor to exhibit one's self drunk, &c., within two miles while worship is being held, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 98.

An act to amend section twenty-six hundred and twenty-two of The Code in relation to the University.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand six hundred and twenty-two of The Code be amended by adding thereto the following: "That whenever a trustee shall fail to be present for four successive years at the regular meetings of the board his place as such trustee shall be deemed vacant, and the general assembly upon being notified thereof by the secretary shall proceed to fill the same, as is now provided in case of other vacancies."

Code, sec. 2622, amended. Trustee of University failing to attend regular meetings for four years, place to become vacant.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 99.

An act amending the charter of the Atlantic and Western Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and seventy-seven (177) of the laws of eighteen hundred and eighty-three be amended by adding in section one, after Roanoke, "or Chowan."

Chapter 177, laws 1883, amended. Termini of road.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 100.

An act to repeal chapter three hundred and seven of the laws of eighteen hundred and eighty-nine in reference to the sale of seed cotton in Bertie county.

The General Assembly of North Carolina do enact :

Chapter 307, laws 1889, repealed.
(Act to regulate the sale of seed cotton in Bertie county, repealed)

SECTION 1. That chapter three hundred and seven of the laws of eighteen hundred and eighty-nine be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 101.

An act to protect the water supply of the city of Goldsboro.

The General Assembly of North Carolina do enact :

Misdemeanor to place dead carcasses, &c., in Little river above Goldsboro water-works.

SECTION 1. That any person who shall willfully place or deposit in Little River or any of its tributaries, or upon ground drained by them or either of them above the pumping station of the Goldsboro water-works on said river in Wayne county, any dead carcass of any animal or any filthy or poisonous substances or thing by which the water of said river or tributaries above said pumping station 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., nuisance on water-shed of Little river above pumping station.

SEC. 2. That it shall be unlawful for any person to erect, establish or maintain upon the water-shed of Little River or any tributary thereof above the pumping station of the Goldsboro Water Company, any establishment, contrivance or work, the effect of which in its operations or use shall be deleterious to the water of Little River or its tributaries above the points named, and any such establishment, contrivance and works is hereby declared to be a public nuisance.

Duties of superintendent of board of health of Wayne county

SEC. 3. That it shall be the duty of the superintendent of the board of health of Wayne county to exercise due surveillance over the water-shed mentioned in the preceding section, and to abate the nuisance therein declared and forbidden in the manner provided by existing laws.

Misdemeanor to willfully injure, &c., property of Goldsboro Water Company.

SEC. 4. That any person who shall willfully injure any of the property of the Goldsboro Water Company, or in any manner willfully and maliciously interfere with or obstruct the operations of its

works, or shall cast, throw, place or deposit any deleterious substance in any of the filters, mains, tanks, pipes, reservoirs or other receptacles of water connected 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 12th day of February, A. D. 1891.

CHAPTER 102.

An act to validate certain probates and registration and to allow judges of the superior court and justices of the supreme court to take probate in certain cases.

The General Assembly of North Carolina do enact :

SECTION 1. That the probate and registration of all deeds, mortgages and other instruments requiring registration to which the clerks of the superior court are parties, and which have been registered on the order of such clerks on proof or acknowledgment taken before justices of the peace prior to the first day of January, eighteen hundred and ninety-one, be and the same are hereby declared valid and binding to all intents and purposes as if the same had been taken before or ordered by the proper clerk or other proper officers having jurisdiction thereof.

Deeds, &c., to which superior clerks are parties, registered on order of such clerks before January 1st, 1891, validated.

SEC. 2. That all deeds, mortgages or other instruments requiring registration to which clerks of the superior court are parties, or in which the said clerks are interested, may be proven or acknowledged, and the privy examination of any married woman, when necessary, taken before any judge of the superior court or justice of the supreme court, and the said deed, mortgage or other instrument ordered to be registered by such judge or justice in like manner as is provided by law (chapter twenty-seven, volume one of The Code) for probates by clerks of the superior court in other cases.

Probate of deeds, &c., to which superior court clerks are parties

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 103.

An act to change the time for holding the March term of Alamance superior court.

The General Assembly of North Carolina do enact :

Chapter 351, laws
1887, amended.
Alamance court
to be held second
Monday in
March.

SECTION 1. That chapter three hundred and fifty-one of the laws of eighteen hundred and eighty-seven be amended by striking out the word "first" between the word "Alamance" and the word "Monday" in line twenty-seven of section one and inserting in lieu thereof the word "second."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 12th day of February, A. D. 1891.

CHAPTER 104.

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

The General Assembly of North Carolina do enact :

Code, sec. 3383,
amended.
Unlawful to set
net in water
fronting seine-
fishery between
Chowan and Yeopim
rivers, &c.

SECTION 1. That section thirty-three hundred and eighty-three of The Code be and the same is hereby amended by inserting in line twenty-three thereof after the word "committed" and before the word "and" the following: "and no person without the consent of the owner of said beach shall set or fish any net in water fronting any seine fishery heretofore established between the Chowan and Yeopim rivers on said sound not in operation until a seine at such beach shall have been disused for three successive years."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 12th day of February, A. D. 1891.

CHAPTER 105.

An act to establish free ferries across the Cape Fear and Brunswick rivers at Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

Election in New
Hanover and
Brunswick coun-
ties upon ques-
tion of free ferry
across Cape Fear
and Brunswick
rivers and road
across Eagle's
island.

SECTION 1. That upon the written petition of at least fifty (50) qualified voters in the counties of New Hanover and Brunswick respectively, made and presented to the board of commissioners of said New Hanover and Brunswick counties respectively, at any one of their regular monthly meetings, it shall be the duty of said boards to submit the question of a free ferry and road across the Cape Fear

river and Brunswick river and over Eagle's island at the site owned and used by the Brunswick Bridge and Ferry Company. to the qualified voters of said counties respectively, at a special election to be held for that purpose, at any time the said boards may prescribe; and the said boards may order the election to be held in the said counties on different days.

SEC. 2. It shall be the duty of the said boards of county commissioners to give thirty (30) days' notice of the time when said election is to be held in their respective counties, by causing written or printed notices thereof to be posted at the court-house door and at each voting place in their said respective counties. At said election each qualified voter shall be entitled to cast a written or printed ballot with the words "free ferry and road" or "no free ferry and road."

Notice of election

Ballots.

SEC. 3. That said election shall be held in all respects as the elections are held for members of the general assembly, except as to the day on which the said election is to be held, and any person qualified to vote for members of the general assembly shall be qualified to vote at said election.

Election, how held.

SEC. 4. That it shall be the duty of the judges of election, at each of the several voting precincts and places in said county, to make one return of said election to the boards of county commissioners of the respective counties at the next regular meeting held after said elections, when the said commissioners shall compare and count the returns and declare the result.

Returns of election.

SEC. 5. If it shall appear that a majority of the votes cast at such election were "for a free ferry and road" and were a majority of the qualified voters of said county, then said board of county commissioners within five days after said meeting shall certify the same to the clerk of the board of justices of the peace of their respective counties, and the said clerk of the board of justices of the peace shall call a joint meeting of the said justices of the peace and the board of county commissioners of said counties to be held on the first Monday of the month succeeding the time of meeting prescribed in section four (4) of this act, at which meeting they shall select any three (3) of the persons entitled to vote at said meeting to act in concert and in conjunction with three persons similarly appointed by the other county, who shall jointly make such a contract for the purchase of the ferries, road property and franchises of the Brunswick Bridge and Ferry Company as to them shall seem proper and shall report the same to an adjourned meeting of the aforesaid boards of county commissioners and justices of the peace, who shall have power to approve the same. Should the contract price not exceed the sum of eighteen thousand five hundred dollars (\$18,500), and if approved and confirmed by said board of county commissioners and justices of the peace of each county, then the county of

On affirmative vote of majority of qualified voters joint meeting of commissioners and justices to be held.

Persons to be appointed to contract for purchase of property of Brunswick Bridge and Ferry Company.

Proportion of purchase-money payable by each county.

Commissioners of the two counties to contract for speedy establishment of free ferry.

New Hanover shall pay three-fifths ($\frac{3}{5}$) of the cost or purchase-money of the same, and the county of Brunswick two-fifths ($\frac{2}{5}$), and thereupon the board of county commissioners of the two counties, New Hanover and Brunswick, shall jointly make or cause to be made such contracts as may be necessary for the speedy establishment and maintenance, at the expense of the said two counties, of a free ferry across the Cape Fear River, a public road over Eagle's island and bridge over Brunswick River, to be kept up in the proportion of the said three-fifths ($\frac{3}{5}$) and two-fifths ($\frac{2}{5}$).

Bonds, how issued.

SEC. 6. Should the board of commissioners of said counties respectively deem it best to issue bonds to meet the contracts made, in pursuance of the authority conferred in this act, they are each hereby empowered to issue coupon bonds of their said respective counties, bearing the date of issue, and made due and payable at such times as not to exceed thirty years from date as said commissioners may think best, which bonds shall be of denominations not less than one hundred dollars (\$100), and not exceeding five hundred (\$500) dollars, shall bear interest not exceeding six (6) per cent. per annum, payable semi-annually, and shall not be sold for less than the par value thereof; the coupons on said bonds shall be receivable in payment of all taxes and other claims due to the county so issuing them.

Coupons receivable for county taxes.

Special tax.

SEC. 7. At such annual joint meetings of the board of county commissioners and justices of the peace in said counties held for the purpose of levying taxes for so long a time as may be necessary, they shall levy a special tax sufficient to pay the coupons on said bonds as they mature, and, if necessary, for the maintenance of said free ferry, road and bridge, 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.

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

Ratified the 12th day of February, A. D. 1891.

CHAPTER 106.

An act to amend chapter four hundred and forty-four of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Chapter 444, laws 1889, amended.

SECTION 1. That section one of chapter four hundred and forty-four, laws of eighteen hundred and eighty-nine, be amended as follows: strike out the word "ten" in line eleven of said section and insert the word "fifty" before the word "dollars" and the

word "thirty" before the word "days" in said eleventh line, so that the punishment for violating the provisions of said act may be a fine not exceeding fifty dollars or imprisonment not exceeding thirty days; strike out the words "or begin said work" in the eighth line of said chapter and insert in lieu thereof the words "and complete said work according to contract."

Penalty for obtaining advances on false promise to commence or complete any work, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 107.

An act to protect fish in Arannus creek, Camden county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to fish with any seine, dutch-net, pike-net or drag-net in the waters of Arannus creek, Camden county, nor within one-quarter of a mile of the mouth of said creek: *Provided*, that no person shall fish with any kind of net more than half-way across the channel of said creek.

Unlawful to fish with seine, &c., within certain parts of Arannus creek, Camden county.

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

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 108.

An act to appropriate fifty dollars for the reinterment of the remains of Brigadier-General Jethro Sumner on the battle-field of Guilford Court House.

WHEREAS, The body of Brigadier-General Jethro Sumner now lies in an obscure and neglected spot in Warren county, away from any cemetery or public ground; and whereas, his posterity is now extinct and there are no collateral relatives living near his grave to preserve and protect it; and whereas, he was one of the most gallant and patriotic soldiers of the Revolution, and distinguished [himself] at Eutaw Springs in September, seventeen hundred and eighty-one, by leading his North Carolina brigade against a column of British regulars and routing them at the point of the bayonet, a feat not excelled

Preamble.

in courage and daring during the whole struggle for liberty; and whereas, the Guilford Battle-ground Company, who own the consecrated ground on which the battle of Guilford Court House was fought, are anxious to have General Sumner's body removed to that battle-field, where his tomb will be preserved and beautified and the memory of his heroic deeds revived in the hearts of his grateful countrymen:

The General Assembly of North Carolina do enact:

Fifty dollars appropriated to remove the body of General Jethro Sumner to battle-field of Guilford Court-House, &c.

SECTION 1. That the sum of fifty dollars (\$50.00) be and the same is hereby appropriated to remove the body of Brigadier-General Jethro Sumner to the battle-field of Guilford Court House, and that the same be paid by the treasurer of North Carolina to the president of the Guilford Battle-ground Company for that purpose, and that the governor of the state be requested to co-operate with the Guilford Battle-ground Company in effecting this laudable and patriotic purpose.

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 109.

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

The General Assembly of North Carolina do enact:

Sheriffs and tax-collectors authorized to collect arrears of taxes for certain years.

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 eighteen hundred and eighty-six, eighteen hundred and eighty-seven, eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, 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 effect 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 if advertisement has been made.

Proviso.

Exemptions from payment of taxes.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make oath before anyone 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: *Provided*, that this section shall not apply to administrators or executors who have not made final settlements of their estates.

Proviso.

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.

Sheriffs and collectors not relieved from liability to pay taxes as required by law.

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

When authority to cease.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 110.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and nineteen (219) of the laws of one thousand eight hundred and eighty-three (1883) be amended as follows : by adding in line three (3), section nine (9) of said act, after the word "Cleveland," the words "Cabarrus and Rowan."

Chapter 219, laws 1883, amended. Commissioners of Cabarrus and Rowan authorized to elect physician to jail, &c.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 111.

An act for the relief of J. K. Boone, clerk of the superior court of Haywood county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. K. Boone, clerk of the superior court of Haywood 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, from the sixteenth day of February, eighteen hundred and ninety-one, until the second day of March, eighteen hundred and ninety-one: *Provided, however,* he shall leave a competent deputy in his office during his absence: *Provided,* that nothing in this act shall be construed to relieve any such clerk from liability on his official bond to any person aggrieved by such absence.

J. K. Boone, clerk Haywood Superior Court, exempted from provisions of sections 114 and 115 of The Code, from Feb. 16 to March 2, 1891.

Proviso.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 112.

An act to regulate the fees of sheriffs and constables in cases of claim and delivery of personal property.

The General Assembly of North Carolina do enact :

Fees of sheriffs in actions of claim and delivery.

SECTION 1. That in cases of claim and delivery of personal property the fees of sheriffs and constables shall be, for serving the original papers in each case, sixty cents, and for taking the property claimed, one dollar, with the actual cost of keeping the same until discharged by law, to be paid on the affidavit of the returning officer.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 113.

An act to simplify the statutes of limitations.

The General Assembly of North Carolina do enact :

Code, secs. 136 and 137 repealed. (Provisions of Code making statutes of limitations not applicable to actions commenced or rights of action accrued before Aug. 24th, 1868, and that time between May 20, 1861, and Jan. 1, 1870, shall not be counted, repealed.) Act not applicable to action instituted before Jan. 1, 1893.

SECTION 1. That sections one hundred and thirty-six and one hundred and thirty-seven of The Code are hereby repealed.

SEC. 2. That this act shall not apply to any action instituted prior to the first day of January, eighteen hundred and ninety-three.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 114.

An act to amend section one thousand nine hundred and seventy-two of The Code.

The General Assembly of North Carolina do enact :

Code, sec. 1972, amended. Misdemeanor for person acting as brakeman on train to be intoxicated.

SECTION 1. That section one thousand nine hundred and seventy-two of The Code be amended by adding after the word "conductor" in line three of said section the words "or brakeman."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 115.

An act to amend chapter one hundred and twenty-seven of the laws of eighteen hundred and eighty-nine, in relation to improving certain streams in Rockingham county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1) of the acts of eighteen hundred and eighty-nine (1889), chapter one hundred and thirty-seven (137), be amended by striking out the word "and" in line two and insert the word "or."

Chapter '137, laws 1889, amended. Act applicable to owners of land on Benaja creek or Haw river.

SEC. 2. That section two of said act be amended by striking out the words "before a justice of the peace" in line third and the words "five" and "ten" in line four of said act, and insert the words "fifty" and "seventy-five."

Penalty for failure to carry out provisions of act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 116.

An act for the relief of L. Dillahunt, junior, Jones county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Jones county be and the same are hereby authorized and empowered to pass upon and accept the bond for the due execution and return of process, payment of fees and moneys collected, and the faithful execution of his office as sheriff (said bond to be in the sum of five thousand dollars) of the sheriff-elect, Lafayette Dillahunt, junior, of said Jones county, for the present term ending November thirtieth, eighteen hundred and ninety-three; said commissioners being authorized to induct him into office upon his giving said bond as aforesaid to be approved by them.

Commissioners of Jones county authorized to induct L. Dillahunt, Jr., into office of sheriff on his giving bond for \$5,000.

SEC. 2. That said board of county commissioners of said Jones county shall also be authorized and empowered to appoint a tax-collector for said Jones county, whose duty it shall be to collect and account for all public taxes as are now required by law of sheriffs: *Provided*, that sheriff-elect said L. Dillahunt, junior, shall be allowed to give bonds for the collection of taxes if he so desires.

Commissioners authorized to appoint tax-collector.

Proviso.

SEC. 3. That said sheriff and tax-collector shall perform all duties and shall be liable to all penalties as are now required of and imposed by law on sheriffs.

Duties of sheriff and tax-collector.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in force from and after its ratification, to be in force until the first day of December, eighteen hundred and ninety-three.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 117.

An act to create an additional justice of the peace for Buncombe county, in Asheville township.

The General Assembly of North Carolina do enact :

Additional justice for Asheville township.
R. C. Sales appointed.

SECTION 1. That an additional justice of the peace be and is hereby created for Asheville township in the county of Buncombe.

SEC. 2. That R. C. Sales of said township be and is hereby appointed a justice of the peace for said township to fill the position created by this act. His term of office shall begin with the ratification of this act, and shall continue for six years from the first day of August, eighteen hundred and ninety-one.

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

Ratified the 14th day of February, A. D. 1891.

Term.

CHAPTER 118.

An act to amend section six hundred and eighty-five of The Code.

The General Assembly of North Carolina do enact :

Code, section 685, amended.
Corporations empowered to convey lands, &c., by deed signed by the president or presiding member or trustee, and attested by the secretary of the company.

SECTION 1. That section six hundred and eighty-five of The Code be amended by striking out after the word "trustee" in line five (5) of said section the words "and two other members of the corporation and attested by witnesses," and insert in lieu thereof the words "and attested by the secretary of the company."

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 119.

An act to abolish the March term of the superior court of Columbus county.

The General Assembly of North Carolina do enact :

SECTION 1. That the March term of the superior court of Columbus county beginning the fourth (4) Monday after the first (1) Monday in March, in accordance with chapter two hundred and thirty-nine (239) acts of one thousand eight hundred and eighty-seven (1887) be and the same is hereby abolished, and the said act, so far as it is applicable to the March term of Columbus superior court, is hereby repealed. March term of Columbus Superior Court abolished.

SEC. 2. That this act shall take effect the first (1) day of June, eighteen hundred and ninety-one, so as not to interfere with the next ensuing March term. When act to take effect.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 120.

An act to amend section two hundred and eighteen of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That after paragraph five (5) of section two hundred and eighteen of The Code the following be added: "That when the place of residence is known and the same is made to appear by affidavit, that in lieu of publication in a newspaper it will be sufficient to mail a copy of the summons, notice or other process, accompanied by a statement as to the nature of the action or proceeding, to the sheriff or other process officer of the county and state where the defendant resides, who shall serve same according to its tenor." Code, section 218, amended. Personal service of summons on non-resident when place of residence is known.

SEC. 2. That there shall be attached to said summons or notice a form substantially as follows: Form of certificate of service.

State of

County of

I,, clerk of the court of county in the State of, which court is a court of record having a seal, which is hereto attached, do certify that to me well known as the sheriff of said county of, who being by me duly sworn, says that as such sheriff he has full power to serve any and

all legal processes issuing from the courts of said state, and that on the 189..., he served the accompanying summons hereto attached by reading and delivering a copy of same to the defendant therein named.

....., sheriff.

..... county.

State of

Sworn to and subscribed before me this day of, 189...

....., clerk court,

[L. S.]

County of

State of

Sufficiency of
service.
Proviso.

SEC. 3. That this shall be deemed a service complete as if made by a sheriff or other process officer of this state: *Provided*, that in case service cannot be made as herein specified, the party desirous of obtaining such service may have the right to make the same by publication as now provided by law.

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 121.

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

The General Assembly of North Carolina do enact:

Commissioners
of Perquimans,
with consent of
justices, author-
ized to levy
special tax to
repair public
buildings, &c.

SECTION 1. That the board of commissioners of Perquimans county are hereby authorized and empowered by and with the consent of a majority of the justices of the peace of said county at the regular meeting on the first Monday in June of the year eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three to levy a special tax upon the taxable property and polls of said county for the purpose of repairing the public buildings and float-bridges of said county.

Amount of levy.

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 fifteen cents on the hundred dollars' worth of property and forty-five cents on the poll, and the constitutional equation between property and poll shall be observed in making levies.

Collection of tax.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax-collector of said county in the same manner and under the same penalties prescribed for collection of other taxes in said county.

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 122.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and twenty-four of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by inserting in line three after the word "Graham" the word "Swain."

Chapter 124, laws 1889, amended. Unlawful to range or herd stock of non-residents in unimproved lands of Swain county.

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 123.

An act to require the owners of real estate along the several water-courses in Cleveland county to clear out the channels of the same.

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, bush or other obstruction calculated to check or impede the flow of waters in the channels of any and all water-courses in Cleveland county, or to let any such obstructions remain in the channels or on the banks that may be there it shall be unlawful, and each and every person owning real estate through which said water-courses shall flow are hereby required to keep all such obstructions removed from the channels and drift-wood from the banks of said streams.

Unlawful to obstruct water-courses in Cleveland county.

Adjoining land-owners to remove obstructions, &c.

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: *Provided, however,* that this shall not be construed to apply to owners of water-powers who have constructed or who may construct dams on any of the said water-courses for the purpose of running grist, saw or merchant mills or driving any other machinery.

Misdemeanor.

Proviso.

SEC. 3. This act shall be in force from and after the first day of September, eighteen hundred and ninety-one.

When act to take effect.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 124.

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

The General Assembly of North Carolina do enact :

Chapter 232, laws 1879, amended.

Unlawful to sell liquors within three miles of Centre Presbyterian church, Davidson township, Iredell county.

SECTION 1. That chapter two hundred and thirty-two of the acts of one thousand eight hundred and seventy-nine, section one and first line, on page three hundred and ninety-four, be amended by inserting between the word "Centre" and the word "church" the word "Presbyterian," and between the word "church" and the word "Iredell" the words "in Davidson township," so that said act will read: "Centre Presbyterian church in Davidson township, Iredell county."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 125.

An act to provide an alternative method of constructing and keeping in repair the public roads of Buncombe county.

The General Assembly of North Carolina do enact :

Commissioners of Buncombe authorized to provide fund for construction and repair of public roads.

Assessment.

Levy and collection of assessment.

Road fund.

Road hands.

Proviso.

SECTION 1. That the board of county commissioners and justices of the peace of Buncombe county at their regular meeting in June in the year one thousand eight hundred and ninety-one, and at each regular annual meeting thereafter, shall provide a fund for the construction and keeping in repair the public roads in said county by levying an assessment not exceeding fifteen cents on the hundred dollars' worth of property subject to taxation for state and county purposes.

SEC. 2. That said assessment shall be included in a separate column on the tax-books and shall be collected by the sheriff or other tax-collector as other taxes are collected; which assessment shall be collected and shall constitute when collected a county road fund to be expended on the construction and repairs of roads in said county.

SEC. 3. That all male persons between the ages of eighteen and forty-five shall work on the public roads of said county for four days in each year, under such rules and regulations as the board of commissioners shall prescribe: *Provided*, this act shall not take the power from the said commissioners to exempt any one from disability to work on said road.

SEC. 4. Every person who may be liable to work upon the public roads in said county, as in this act provided, may, when summoned to perform such labor, tender and pay to the supervisor in lieu of such labor a sum of money equal to not less than seventy-five cents for each day he may be required to work, and it shall be the duty of the supervisor to receive said sum and give a receipt therefor, which receipt when presented to the tax-collector shall be credited to the person so paying on the amount which may be due from him for that year for or on account of any assessment that may be due under the provision of this act, and every person so liable to work on said road shall for every day's labor by him performed be entitled to a deduction from the amount due from him, if any, because of the assessment against his property under this act to an amount equal to not less than seventy-five cents for each day's labor, and it shall be the duty of the supervisor to give to such person a certificate stating the amount to which he may be entitled because of such labor, and upon presentation of such certificate to the tax-collector it shall be his duty to deduct from the assessment, if any, against the person to whom certificate should have been given, the amount of the value of such labor as fixed by this act due and owing for that year.

Payment of money in lieu of work.

SEC. 5. That all persons confined in county jail either under a final sentence of the court for crime or imprisonment for the non-payment of fines and costs, or under final judgment in cases of bastardy or under the vagrant acts, and all persons sentenced to state prison for a term less than five years, shall be available to said county commissioners for the purpose of working said persons upon said public roads under the provisions of this act, and upon the application of said commissioners to the judge of the superior, inferior or criminal court for said county he shall assign such persons convicted in his court to said commissioners for said purposes.

Convicts liable to work on roads.

SEC. 6. That said commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads of said county not inconsistent with the provisions of this act, and may use said road fund and labor provided for in this act under such rules and regulations as they may prescribe.

Commissioners to adopt plan for keeping roads in repair.

SEC. 7. That the board of commissioners of said county may in their discretion purchase such improved road machines and other implements and tools as may be deemed necessary in constructing and keeping in repair said public roads.

Road machines, &c.

SEC. 8. That the said board of commissioners 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 in said county requiring more than an ordinary expenditure of money or labor.

Expenditure for keeping special places in road in repair.

SEC. 9. That the said board of county commissioners shall have power to relocate or change any part of any public road in said

Relocation of roads.

county, when, in their judgment, such relocation or change shall prove advantageous to travel, and such relocation or change shall be made in the manner now provided by law for laying out new roads or highways.

Government of road hands.

SEC. 10. That all persons who are subjects to the road under this act shall be governed by the laws now in operation in relation to fines and penalties for non-performance of road duty.

County superintendent of roads.

SEC. 11. That said board of county commissioners shall appoint a county superintendent of roads, who shall receive such compensation as the said board may prescribe to be paid out of said county road fund, and shall also appoint a township supervisor in each township, to serve under the direction of the said county superintendent of roads, said township supervisors to receive such compensation per diem as the said commissioners may decide to be reasonable and just for the days actually engaged in such service. It shall be the duty of said township supervisors to certify to the county superintendent the amount of work done by such person as may labor on said road, either as provided for in section four of this act or otherwise, and the amount due said person, if any, in accordance with the rules and regulations made by said board of county commissioners, and it shall be the duty of said county superintendent to file with the chairman of said county commissioners certificate of said township supervisor with his endorsement thereon if approved, or his reasons for disapproval, and when approved by said superintendent and found to comply with the rules and regulations as provided by law, the same shall be paid by the county commissioners out of said road fund or other funds in the county treasury not otherwise appropriated.

Township supervisors.

Duties.

Duty of superintendent.

SEC. 12. That this act shall go into effect from and after its ratification.

Ratified the 18th day of February, A. D. 1891.

CHAPTER 126.

An act to incorporate the Asheville and Thermal Belt Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Frank Reynolds, G. W. Lynch and J. S. Williams, and such other persons as 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 Asheville and Thermal Belt Railroad Company," and when organized as hereinafter provided said corporation may have and use a common seal, may

Corporate name.

Corporate powers.

sue and be sued, plead and be impleaded in all the courts of the state by and under its corporate name, shall be capable of acquiring, holding, leasing and conveying any property, real, personal or mixed, and may make and exercise such by-laws and regulations for its government as shall be deemed necessary and expedient, not inconsistent with the laws of the land.

SEC. 2. That said corporation is hereby authorized and empowered to build, construct, maintain and operate a railroad, with one or more tracks, to be run by electricity or steam, or both, from Asheville, North Carolina, to Rutherfordton, North Carolina, with the privilege of building and operating one or more branch roads not to exceed thirty-five miles in length.

Authorized to build road from Asheville to Rutherfordton.

Branch roads.

SEC. 3. That the capital stock of said corporation shall be seventy-five thousand dollars, with power to increase the same to three million dollars, in shares of one hundred dollars each. Said stock may be subscribed to be paid for in money, lands, labor, material, stock, securities, bonds, or in any other way agreed upon by the subscribers and said company.

Capital stock.

Subscriptions.

SEC. 4. That the aforementioned corporators, or a majority of them, shall cause books of subscription to the capital stock of said company to be opened, at such time and place as they may deem fit, within six months after the date of the ratification of this act, and after the sum of twenty-five thousand dollars has been subscribed to the capital stock of said railroad company and five per cent. thereof paid in, said corporators shall have power to call said subscribers together for the purpose of completing the organization of said company.

Books of subscription.

Organization.

SEC. 5. That said stockholders shall hold a meeting to organize the said company, and annually thereafter, at which meeting they shall elect seven directors, who shall hold office for one year and until their successors shall be elected. In all stockholders' meetings it shall be necessary that a majority of the stock be represented in person or by proxy. That said corporation shall have power to make such by-laws for their government as they may deem proper. The board of directors shall elect one of their number president of said company and shall elect such other officers as may be provided for in their by-laws, and shall fill all vacancies.

Stockholders' meetings.

Directors.

By-laws.

Officers.

SEC. 6. That said corporation shall have the right to take by donation and hold lands for its right-of-way, depots, grounds, station houses and electric plants and machine houses, and to have lands condemned for said purposes in accordance with and in the manner prescribed in the general laws on railroads.

Condemnation of land.

SEC. 7. That said company shall have the right to mortgage said road or any part of the same, and to issue mortgage bonds upon the same, and to borrow money for the purpose of constructing and operating said railroad or any of its branches.

Authorized to issue mortgage bonds, &c.

- Corporate powers. SEC. 8. That said company, when organized in accordance with this chapter, shall have all the rights, privileges and powers which appertain to it as a railroad corporation under the laws of North Carolina.
- Gauge. SEC. 9. That said company may adopt a gauge for said railroad and change the same at their pleasure.
- SEC. 10. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 127.

An act to incorporate the Carolina and Virginia Railway Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That H. R. Scott, W. N. Ruffin, Benj. E. Hicks, John G. Friend, James A. Walker, W. M. Watkins, H. K. Reid, A. J. Boyd, A. J. Burton, R. P. Richardson, Jr., A. H. Motley, Sr., F. R. Penn, Robert Harris, R. T. Williams, A. M. Whitsett, J. T. Pannell, David Settle, R. D. Reid, P. B. Johnston, W. N. Mebane, J. M. Gallo-way, J. M. Vaughn, Julius Johnston, B. S. Graves, George Williamson and such other persons and corporations as they may associate with them, and their successors and assigns, shall be and they are hereby constituted and ordained a body corporate and politic by the name of the Carolina and Virginia Railway Company, and by that name shall have all the powers, rights, privileges and franchises necessary and proper to locate, construct, maintain and operate a railroad from the town of Madison in Rockingham county, or some other point on the Cape Fear and Yadkin Valley Railroad or the Roanoke and Southern Railroad or from some point on the Virginia state line in Patrick or Henry county, thence crossing the Richmond and Danville Railroad at Reidsville, North Carolina, to some point on the Wilmington and Weldon Railroad, or on the Raleigh and Gaston Railroad, or to some point on a railroad connecting with one or the other of said roads.
- Corporate name. Corporate powers. Capital stock. ORGANIZATION. SEC. 2. The capital stock of the said company shall not be less than one hundred thousand dollars, nor more than two millions of dollars, to be divided into shares of one hundred dollars each, and whenever one hundred shares shall have been subscribed to, and the sum of ten thousand dollars paid in cash, the subscribers, under the direction of any five of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be neces-

sary for the control and management of the business and the affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this state. *Provided, however,* that unless the said company shall, within two years from and after the date of the passage of this act, actually commence the location and construction of a railroad within the limits of this state, as herein provided for, and shall complete the same within five years, this charter shall be forfeited.

Corporate powers.

When work to be commenced and completed.

SEC. 3. In all meetings of stockholders, each subscriber who shall have paid all calls on his stock theretofore made shall be entitled to one vote for each share of stock held and owned by such subscriber.

Stock vote.

SEC. 4. That the president and directors of said company may enact such by-laws, rules and regulations for the management of the affairs of said company as they may deem proper and expedient, the same being consistent with the constitution and laws of this state and the United States.

By-laws.

SEC. 5. That at any time after the passage of this act any three or more of the aforementioned corporators may open books, at such time and at such place or places as they may elect, for the purpose of securing and receiving subscriptions to the capital stock of this company, and it shall be lawful to receive such subscriptions to said stock from any connecting railroad company, or from any mining, manufacturing or real estate investment company, or from any township, town or city, county or counties in North Carolina that may be interested in the construction of said railroad, and the said company may receive subscriptions to the capital stock, or payment in parts or in whole of such subscriptions in any property, real or personal, and upon such terms, and at such rates and value as shall be agreed upon by a majority of the board of directors of the company, and the said company may acquire by purchase or grant mineral or other lands not exceeding one hundred thousand dollars in value at any point within twenty miles of its line of road, or any of its connecting roads, and may dispose of the same by deed or may develop and mine the same.

Books of subscription.

Subscriptions.

SEC. 6. It shall be lawful for any county, township, city or town through or near which said railroad may run, to subscribe for and hold stock in said company, or 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; and any township through or near which said railroad passes, so voting such subscription, shall be constituted a corporation with full power to subscribe to said capital stock as provided in 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

Subscriptions, by counties, townships, cities and towns on majority vote of qualified voters.

this act, 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.

Election on question of subscription by counties.

SEC. 7. That in case any county through or near which said road is located desires to subscribe for stock in said company, it shall be the duty of the board of commissioners of said county, upon the petition of not less than twenty-five freeholders and resident taxpayers of the county, to provide for the submission of the question of subscription to the qualified voters of such county, and in case the same is adopted by said voters then the bonds shall issue and taxes to pay the same shall be levied as is prescribed by the general laws as is contained in chapter forty-nine of The Code of North Carolina.

Election on question of subscription by townships, cities and towns.

SEC. 8. That upon the presentation of a petition, signed by at least twenty resident tax payers of any township, city or town through or near which said road shall have been located, to the board of county commissioners of any county wherein such township, city or town is situated, requesting said commissioners to submit to the vote of the qualified voters of their respective township, city or town, as the case may be, a proposition to subscribe a definite sum named in said petition to the capital stock of the Carolina and Virginia Railway Company, it shall be the duty of such 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 "Railroad" and those opposed shall vote "No railroad." In townships said elections shall be held, registrars, poll-holders and judges appointed and the registration of voters taken in the manner provided by law for the election of members of the General Assembly, and in cities and towns as provided by law for the election of commissioners or aldermen, except that in all said 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, disclose the result and cause the same to be entered on their minutes.

Subscription to be made on affirmative vote.

SEC. 9. That in case any township shall as herein provided authorize a subscription as provided in this act, the chairman of the board of county commissioners, and in case any city or town shall as herein provided authorize a subscription (as provided in this act), then the chairman of the board of town commissioners or aldermen shall within sixty days after said vote is ascertained subscribe the amount authorized by the vote of such township, city or town respectively in stock to said company, to be paid for in the bonds of such township, city or town respectively at their face value.

SEC. 10. To provide for the payment of such subscription made as provided in this act the board of county commissioners in case of township subscriptions, and the board of town commissioners or aldermen in case of city or town subscriptions, shall issue coupon bonds to the amount of the subscription so authorized, and the said bonds shall upon their face indicate on account of which township, city or town they are issued and the conditions upon which they are issued. Said bonds shall be in denominations of not less than fifty nor more than one thousand dollars, and shall run not exceeding forty years and bear interest not exceeding six per cent. per annum, payable annually or semi-annually, and payable at such time and place as may be therein directed ; such township bonds so authorized to be issued to be signed by the chairman of the board of county commissioners and countersigned by the register of deeds of the county, and such town or city bonds so authorized to be issued to be signed by the chairman of the board of town commissioners or aldermen of the town and countersigned by the treasurer of the town, provided there be such treasurer.

Issuance of
bonds.

SEC. 11. To provide for the payment of said township bonds issued under the authority of this act the board of commissioners of any county wherein a township issuing the same may be situate, and to provide for the payment of said town or city bonds issued under the authority of this act, the board of commissioners or aldermen of such city or town issuing the same 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, or at any other regular meeting, 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 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, if the taxes be levied upon the subjects of taxation in [the] township to pay township bonds, and by the tax-collector of a city or town to pay city or town bonds, and duly applied according to law to the payment of the interest and principal of the bonds provided for in this act, under the same rules and regulations and subject to the same penalties as are now applicable to sheriffs and other officers in the collection and disbursement of state and county taxes.

Special tax.

SEC. 12. That the stockholders in said company, whether private citizens or other corporations, shall be 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. 13. The said company is hereby authorized to subscribe to the

- Authorized to subscribe to capital stock of connecting road, &c. capital stock of any connecting railroad company which is not a parallel or competing line, or to any mining, manufacturing or real estate investment company situated on their own lines or contiguous thereto.
- Branch roads. SEC. 14. The said company shall have the power to construct, maintain, equip and operate such branch roads as the board of directors may determine to construct, maintain, equip and operate, running from some point on its main line in any direction: *Provided, however,* that no such branch road shall exceed twenty miles in length.
- Proviso.
- Board of directors. SEC. 15. The board of directors hereinbefore provided for shall consist of not less than five nor more than nine, who shall be elected from the stockholders, and shall be elected by the stockholders at their annual meeting to be held on such day as the stockholders in their first meeting may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of the office. And in case of the death, resignation or incapacity of any member of the board of directors during his term of office, the said board shall elect his successor for the unexpired term: and in case of the death, resignation or incapacity of the president during his term of office, then the said board of directors shall elect one of their number to fill the unexpired term and also to elect a member of their board as hereinbefore provided for to fill the vacancy occasioned by the election of the president.
- Vacancies.
- Authorized to borrow money on mortgage, &c. SEC. 16. The said company may from time to time borrow such sums of money as may be necessary for its purposes, and to secure such loans may issue its bonds bearing interest at a rate not exceeding six per centum per annum, and may sell, exchange and hypothecate said bonds on such terms as its president and board of directors may deem advisable, and may secure said bonds and the interest thereon by deeds of trust or mortgages conveying its property and franchises in whole or in part: *Provided, however,* that a lien of not more than forty thousand dollars per mile of single track on its main line and branches shall be created under the authority of this section, and said company may and is hereby authorized to consolidate its line with that of any other connecting railroad company, or lease its line to, or lease the lines of such connecting company whenever and upon such terms as a majority of its stockholders shall approve, and to this end full power and authority is hereby granted to such connecting road for that purpose: *Provided,* this company shall always remain a North Carolina corporation so far as the right of suing and being sued is concerned.
- Proviso.
- Consolidation with other roads, &c.
- Proviso.
- Principal office. SEC. 17. The principal office of said company shall be located in the town of Reidsville in the county of Rockingham, or such other place in the state of North Carolina as its board of directors may determine.

SEC. 18. The shares of the company shall be deemed personal property, and as such assignable and transferable on the books of said company under such rules and regulations as may be fixed and prescribed by the board of directors with the approval of a majority of the stockholders, who shall have power from time to time to increase the capital stock of said company, so that it shall not exceed two millions dollars as aforesaid. Transfer of shares, &c.
Increase of capital stock.

SEC. 19. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 128.

An act to empower the board of commissioners of New Hanover county to issue bonds for the erection of a court-house and for other purposes.

WHEREAS, The present court-house in the county of New Hanover is insufficient for the convenient and suitable accommodation of the county officers and for the care and preservation of the public records and books; therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of the county of New Hanover are hereby authorized and empowered to issue coupon bonds to an amount not exceeding fifty thousand dollars in denominations of not less than one hundred dollars nor more than five hundred dollars, with coupons attached calling for interest at the rate of five per cent. per annum, payable semi-annually on the first day of January and July in each and every year. The said bonds shall mature and be made payable as follows, to-wit: eight thousand dollars in ten years from the date of their issue, twelve thousand dollars in fifteen years, fifteen thousand dollars in twenty years and fifteen thousand dollars in twenty-five years, and shall each contain a provision that it may be called in and paid at any time after the expiration of five years from its date: they shall all be made payable at such place as the said board of commissioners may determine, and shall not be valid unless signed by the chairman of the said board, countersigned by the clerk of said board and sealed with the official seal of said county. The clerk of said board shall keep a record of the number and amount of each bond issued, the date of its issue, to whom payable and when and to whom paid. Commissioners of New Hanover authorized to issue bonds not exceeding \$50,000.

SEC. 2. The said bonds shall not be sold for less than par, and the

- Bonds not to be sold for less than par, and proceeds to be applied to building new court-house. moneys arising from the sale of the same shall be applied solely and exclusively to build and furnish a new court-house in said county and to purchase a new site for the same, if it shall be determined as hereinafter provided to purchase a new site.
- Coupons receivable for county taxes, &c. SEC. 3. The coupons on said bonds shall be receivable from and after their maturity in payment of any and all taxes or other indebtedness due and owing the said county of New Hanover.
- Payment of bonds. SEC. 4. The said board of commissioners shall have the right and power to call in and pay off the said bonds, or any of them, from time to time, and at any time after the expiration of five years from their respective dates, and when the said board shall determine so to call in and pay any of said bonds, it shall publish at least twice a week for four successive weeks in some newspaper of this state a notice giving the numbers, dates and amounts of the bonds to be so called in, and the day and place when and where they will be paid on presentation, which said day shall not be less than thirty days from the day of the first publication of the said notice, and all interest upon the bonds named and mentioned in any such notice so published shall cease and stop from and after the day set and appointed as aforesaid for the payment of the same.
- Sinking fund. SEC. 5. The said board of commissioners may in their discretion establish a sinking fund for the payment of the principal of said bonds, and may invest from time to time and keep invested the moneys belonging to the sinking fund when not available for the payment of the said bonds.
- Special tax. SEC. 6. To pay the interest upon the said bonds and to provide a sinking fund for the payment of the principal of the same, the said board of commissioners in joint session with the justices of the peace are hereby authorized and empowered to levy a special tax upon all the taxable property and polls in the said county for each and every year until all of the said bonds are paid, and the taxes so levied and collected by virtue hereof shall be set apart and solely applied to the payment of the said bonds and coupons and to create the said sinking fund.
- Purchase of site for court-house. SEC. 7. The said board of commissioners by and with the concurrence of a majority of the justices of the peace of said county sitting with said board at a meeting to be called by the chairman of said board at any time after the passage of this act upon ten days' notice, are authorized and empowered to purchase another site within the limits of the city of Wilmington upon which to build and erect the said court-house; but the selection of such site and the terms of the purchase of the same shall be determined by the said board, which is also hereby authorized and empowered to sell the building now used as a court-house and the lot of land on which it stands in such way and upon such terms as to the said board may seem best, and convey the same to the purchaser by deed signed by its chairman
- Sale of building now used as court-house.

and sealed with its official seal: and in the event of such sale the moneys arising therefrom shall be covered into and form a part of the sinking fund provided for by this act.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 129.

An act to dispose of the unclaimed dead bodies of convicts.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of aiding and promoting the study of anatomy in this state the board of directors of the penitentiary are hereby directed to turn over to the state medical school established at the University, or any other medical institution or college in this state, under such rules as they may prescribe, the dead bodies of all convicts, except such as shall die of small-pox or scarlet fever or any other contagious disease, and which are unclaimed by relatives after due notice.

Directors of penitentiary authorized to turn over to State Medical School, &c., bodies of dead convicts, &c.

SEC. 2. That the bodies so turned over to the state medical school shall be decently packed in boxes or barrels, and be delivered by the warden of the penitentiary upon the cars, directed to the professor of medicine at the University at Chapel Hill, or president of such medical institution or college, and said professor or president shall be notified at once of their shipment.

Bodies, how delivered.

SEC. 3. That all the expenses of packing and delivering said bodies upon the cars shall be refunded the board of directors of the penitentiary by the said professor.

Expenses.

SEC. 4. That all common carriers shall transport said boxes or barrels containing said dead bodies at the usual rates charged by said carriers for boxes or barrels of same weight.

Transportation of bodies.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 130.

An act to change the time of holding courts in the tenth judicial district.

The General Assembly of North Carolina do enact :

SECTION 1. That the superior courts for the counties composing the tenth judicial district shall be held at the time hereinafter designated, and shall continue for the time hereinafter provided unless the business be sooner disposed of.

Time of holding superior courts in 10th judicial district.

SPRING TERM.

Spring term McDowell county.	McDowell county : Shall begin on the first Monday in March and shall continue two weeks.
Burke county.	Burke county : Shall begin on the second Monday after the first Monday in March and shall continue two weeks.
Caldwell county.	Caldwell county : Shall begin on the fourth Monday after the first Monday in March and shall continue two weeks.
Ashe county.	Ashe county : Shall begin on the sixth Monday after the first Monday in March and shall continue two weeks.
Watauga county.	Watauga county : Shall begin on the eighth Monday after the first Monday in March and shall continue one week.
Mitchell county.	Mitchell county : Shall begin on the ninth Monday after the first Monday in March and shall continue two weeks.
Yancey county.	Yancey county : Shall begin on the eleventh Monday after the first Monday in March and shall continue one week.
Henderson county.	Henderson county : Shall begin on the twelfth Monday after the first Monday in March and shall continue two weeks.

FALL TERM.

Fall term, McDowell county.	McDowell county : Shall begin on the second Monday before the first Monday in September and shall continue two weeks.
Burke county.	Burke county : Shall begin on the first Monday in September and shall continue two weeks.
Caldwell county.	Caldwell county : Shall begin on the second Monday after the first Monday in September and shall continue one week.
Ashe county.	Ashe county : Shall begin on the third Monday after the first Monday in September and shall continue two weeks.
Watauga county.	Watauga county : Shall begin on the fifth Monday after the first Monday in September and shall continue one week.
Mitchell county.	Mitchell county : Shall begin on the sixth Monday after the first Monday in September and shall continue two weeks.
Yancey county.	Yancey county : Shall begin on the eighth Monday after the first Monday in September and shall continue two weeks.
Henderson county.	Henderson county : Shall begin on the tenth Monday after the first Monday in September and shall continue two weeks.
Process.	SEC. 2. That all process, whether original, <i>mesne</i> or final, and all summonses and recognizances, both in civil and criminal matters, returnable to any of the superior courts in said district shall under the operations of this act be returnable to the terms herein established : <i>Provided</i> , that under this act the courts of the spring terms of said counties for the year one thousand eight hundred and ninety-one (1891) shall in no way be affected except the county of Henderson and May term of the county of Ashe.
Proviso.	
Conflicting laws repealed.	SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification as to Henderson county and the May term of Ashe county, and from and after the thirtieth day of June, one thousand eight hundred and ninety-one, as to the other counties herein named.

Ratified the 18th day of February, A. D. 1891.

When act to take effect.

CHAPTER 131.

An act to change the time of holding courts in the ninth judicial district.

The General Assembly of North Carolina do enact :

SECTION 1. That the superior courts for the counties composing the ninth judicial district shall be held at the times hereinafter designated, and shall continue for the time hereinafter provided unless the business be sooner disposed of.

Time of holding superior courts, 9th judicial district.

SPRING TERM.

Spring term.

Rockingham county: Shall begin on the third Monday before the first Monday in March and shall continue two weeks.

Rockingham county.

Forsyth county: Shall begin on the first Monday before the first Monday in March and shall continue one week; and shall begin on the eleventh Monday after the first Monday in March and continue two weeks.

Forsyth county.

Surry county: Shall begin on the first Monday in March and shall continue two weeks.

Surry county.

Wilkes county: Shall begin on the second Monday after the first Monday in March and shall hold two weeks.

Wilkes county.

Alleghany county: Shall begin on the fourth Monday after the first Monday in March and shall continue one week.

Alleghany county.

Davie county: Shall begin on the fifth Monday after the first Monday in March and shall continue two weeks.

Davie county.

Stokes county: Shall begin on the seventh Monday after the first Monday in March and shall continue two weeks.

Stokes county.

Yadkin county: Shall begin on the ninth Monday after the first Monday in March and shall continue two weeks.

Yadkin county.

FALL TERM.

Fall term.

Rockingham county: Shall begin on the first Monday before the first Monday in September and shall continue one week; and shall begin on the tenth Monday after the first Monday in September and shall continue two weeks.

Rockingham county.

- Surry county. Surry county: Shall begin on the second Monday before the first Monday in September and shall continue two weeks.
- Wilkes county. Wilkes county: Shall begin on the first Monday in September and shall continue two weeks.
- Alleghany county. Alleghany county: Shall begin on the second Monday after the first Monday in September and shall continue one week.
- Yadkin county. Yadkin county: Shall begin on the fourth Monday after the first Monday in September and shall continue two weeks.
- Stokes county. Stokes county: Shall begin on the sixth Monday after the first Monday in September and shall continue two weeks.
- Davie county. Davie county: Shall begin on the eighth Monday after the first Monday in September and shall continue two weeks.
- Forsyth county. Forsyth county: Shall begin on the twelfth Monday after the first Monday in September and shall continue two weeks.
- Process. SEC. 2. That all process, whether original, *mesne* or final, and all summonses and recognizances, both in civil and criminal matters, returnable to any of the superior courts in said district, shall, under the operations of this act, be returnable to the terms herein established: *Provided*, that under this act the courts of the spring term of said counties for the year (1891) one thousand eight hundred and ninety-one shall in no way be affected.
- Proviso. SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.
- When act to take effect. SEC. 4. That this act shall be in force from and after the thirtieth day of June, one thousand eight hundred and ninety-one.
Ratified the 18th day of February, A. D. 1891.

CHAPTER 132.

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

The General Assembly of North Carolina do enact:

- Commissioners of Warren authorized to levy special tax to pay county indebtedness. SECTION 1. That the board of commissioners of Warren county be and the same are hereby authorized and empowered to levy a special tax of ten cents on each one hundred dollars worth of taxable property and thirty cents on each taxable poll for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two for the purpose of discharging the indebtedness of said Warren county, but for no other purpose.
- Tax, how levied. SEC. 2. 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.

SEC. 3. 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 as other taxes are accounted for by him. Tax, how collected.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 133.

An act to amend section two thousand one hundred and eleven of The Code, relative to dower.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand one hundred and eleven of The Code be amended by adding to the end thereof the following: Code, section 2111, amended.
 “And if the widow does not apply for the assignment of her dower within three months after the death of her husband, it shall be lawful for the heirs or devisees, or any one or more of them, to file a petition in like manner as the widow would be allowed to do, reciting the facts that the said widow is entitled to dower on certain lands and has not applied for it, and demand that her said dower be assigned to her. In such cases the widow and all heirs and devisees not plaintiffs shall be made parties defendant, and the court shall hear and pass upon the petition in like manner as it would upon a petition for dower filed by the widow.” Widow not applying for dower within three months, heirs or devisees authorized to file petition for assignment of dower, &c.

SEC. 2. That this act shall be in effect from its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 134.

An act to amend chapter two hundred and eighty-six, section one, of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and eighty-six of the laws of eighteen hundred and eighty-nine be and is hereby amended by striking out the words “Bath and Durham’s creek” and adding in lieu thereof the words “Stumpy point on the north side of the river and Mawl’s point on the south side.” Chapter 286, laws 1889, amended. Fishing with dutch nets, &c., permitted in Pamlico river between certain points.

How far dutch
nets, &c., shall
extend.

SEC. 2. That said section be further amended by adding at the end thereof the following: "That no dutch or pod-net shall extend more than one-eighth of the width of the stream from the beach, and the distance between the setting or placing down such nets shall not be less than one-half mile: *Provided*, that any person or persons violating said limit, either in the distance from the beach or between nets, or any person that set any dutch or pod net across the mouth or channel of any tributaries of Pamlico river shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars and cost of the action for every such offence, and every day that said nets are allowed to set in violation of this act after conviction shall count as an additional offence."

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 135.

An act to create a new township in Richmond county.

The General Assembly of North Carolina do enact :

New township
established in
Richmond
county.

SECTION 1. That a portion of Laurel Hill township and a portion of Stewartsville township, in the county of Richmond, designated and defined as follows, viz.: Beginning at McGrit's bridge, on Lumber river, and running with the road from said bridge to the Laurinburg road near Wooten's mills, thence with said road to Juniper swamp, thence up said Juniper swamp to Strausburg, thence with the road leading in the direction of Hoffman until it intersects the Beaver Dam township line, thence with said line to Lumber river, thence down said river to the beginning.

To be called
Spring Hill town-
ship.

SEC. 2. That the territory within the said boundary lines of section first of this act shall be called Spring Hill township, Richmond county.

Voting place.

SEC. 3. That the voting precinct of said township shall be at Spring Hill.

Justices.

SEC. 4. That all persons now acting as justices of the peace in and for said Spring Hill township, shall continue to act as such till their respective terms of office shall expire according to law.

Rights, powers,
&c.

SEC. 5. That said townships shall have all the rights, powers and privileges now granted to other townships by law.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 136.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Haywood county are hereby authorized, empowered and instructed to levy a special tax on the property and polls of the said county, observing the constitutional equation, for the purpose of building a bridge across the Pigeon river at or near the present site of Clyde; the levy to be made at the June session of the commissioners, eighteen hundred and ninety-two, and shall be under the same rules and regulations as are provided for the collection of other taxes.

Commissioners of Haywood authorized to levy special tax to build bridge,

SEC. 2. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 137.

An act to amend section five, chapter four hundred of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That section five of chapter 400 of the laws of eighteen hundred and eighty-seven be amended by adding thereto the following words, viz.: "*Provided, however,* that such employment shall be under the supervision of the board of education of said county, and no contract with any such teacher shall be of any binding force or effect until the same shall have been submitted to and ratified by said board of education."

Chapter 400, laws 1887, amended. Employment of teachers for Normal School in Robeson county.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 138.

An act to change the name of the county poor-houses of the state.*The General Assembly of North Carolina do enact :*

Name of county
poor-house
changed to
"home for the
aged and infirm."

SECTION 1. That the institutions in the several counties of this state commonly known and designated "the county poor-house," be and shall hereafter be designated and provided for as "the home for the aged and infirm."

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 139.

An act to establish a normal and industrial school for white girls.*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That there shall be established an institution for the white race under the corporate name of "The Normal and Industrial School," the board of directors of which, hereinafter provided for, shall be a body corporate and politic, with all the powers usually conferred upon such bodies enabling them to receive, protect and hold property, and do all things necessary for the purpose for which the corporation is created.

Corporate name.

Corporate powers.

Location.

SEC. 2. That the institution shall be located by the board of directors as elected by the general assembly of North Carolina, at some suitable place where the citizens thereof will furnish the necessary buildings or money sufficient to erect them.

Directors.

SEC. 3. That the institution shall be managed by a board of directors, and the first board shall be elected by the general assembly of North Carolina. Said board of directors shall consist of nine persons, one from each congressional district, whose regular term of office shall be six years from the first day of March next after their election. The state board of education shall divide the directors into classes of three each: the term of office of the first class shall be two years from the first day of March next after appointment, of the second four years, of the third six years. The state board of education, by and with the advice and consent of the senate, shall appoint directors to fill vacancies as they may occur by the expiration of the term of office. Vacancies that may occur by death or resignation shall be filled for the unexpired term by the state board of education. All directors shall take an oath faithfully to perform their duties as required in this act, and shall hold office until their successors shall be elected and qualified. The state super-

intendent of public instruction shall be an additional member of the board of directors and shall be its president. The board of directors shall report biennially before the meeting of each general assembly to the governor the operations of the institution.

SEC. 4. That as soon as the institution shall have been located and the directors appointed the president shall call a meeting of the directors, who shall make rules and regulations and provide for the opening and operation of the institution: *Provided*, that the board of directors shall make such regulations about the admission of pupils as will not discriminate against any county as to the number of pupils allowed it in case all applicants cannot be accommodated: *Provided further*, that each county shall have representation in proportion to its white school population if it desires it, and should any county fail to avail itself of its proportionate number the board of directors may recognize applicants from counties which already have their proportionate representation.

SEC. 5. The objects of the institution shall be (1) to give to young women such education as shall fit them for teaching, (2) to give instruction to young women in drawing, telegraphy, type-writing, stenography, and such other other industrial arts as may be suitable to their sex and conducive to their support and usefulness. Tuition shall be free to those who signify their intention to teach upon such conditions as may be prescribed by the board of directors.

SEC. 6. The institution shall be in regular session for at least thirty weeks per annum, and the instructors, in addition to their duties at the institution, shall be required to hold institutes in the various counties of the state, under such regulations as may be made by the directors, and without other compensation than their regular salaries at the institution. The directors and the faculty of the normal and industrial school, upon the completion of the prescribed course, shall grant certificates which shall entitle the holders to teach in any of the schools of the state, subject to the general school laws of the state as to character.

SEC. 7. That first grade certificates, upon requirements as nearly uniform as possible, shall be issued by the conductors of the respective county institutes provided for in this act, which certificates shall be good for three years, subject to the general school laws of the state as to character, and to examination upon branches that may be subsequently added to the public school course.

SEC. 8. That as soon as the buildings shall have been erected or furnished as provided for in this act, the four thousand dollars (\$4,000) now used for county institutes, and six thousand dollars (\$6,000) per annum from the general fund in the state treasury, be appropriated for the purpose of this act. Money appropriated in this act shall be drawn by warrant of the board of directors, or by such person as they shall designate as treasurer.

President.

Duties of directors.

Admission of pupils.

Representation of counties.

Objects of institution.

Sessions.

Instructors to hold institutes.

Certificate to teachers.

First grade certificates.

Appropriation.

Appropriation
by cities and
towns.

Election.

County superin-
tendents to assist
in holding insti-
tutes.

Building, &c. to
be provided.

Duties of faculty.

Location.

Matron's hall.

SEC. 9. That for the purpose of this act the authorities of any incorporated city or town may appropriate from their funds money to furnish the buildings for this institution; or they may, under the provisions of the general election law, and in accordance with section thirty-seven hundred and eighty-eight of The Code, order and hold an election and take the sense of the qualified voters upon "Subscription" or "No subscription" of a definite sum to be paid in money or bonds. And if a majority of the voters shall vote for "Subscription," the authorities shall have full power to make good the subscription in money or in bonds which they may issue, and for whose payment, principal and interest, they shall provide.

SEC. 10. When an institute is held in any county under the direction of the board of directors of the normal and industrial school established by this act, it shall be the duty of the county superintendent to assist in the exercises and it shall be the duty of the teachers to attend. The county board of education shall provide a suitable building and defray all expenses, except salary and traveling expenses, of the institute conductors.

SEC. 11. That it shall be the duty of the faculty of the normal and industrial school to extend its influence and usefulness as far as possible to persons who are unable to avail themselves of its advantages as resident students, having respect to the claims of each county in the State. To this end they shall arrange a course of reading and study which may be pursued by others than those resident at the institution. Upon application of any white person for examination upon this course at the institution, or at the county institutes provided for in this act, an examination shall be held, and if such examination proves satisfactory the regular certificate of the institution shall be granted.

SEC. 12. The institution shall be located at a place where low rates of board can be secured in families; and for the benefit of those who may desire to avail themselves of it a matron's hall shall be established at which board shall be furnished at actual cost not to exceed eight dollars per month. In case it is impracticable to secure a matron's hall otherwise, such part as may be necessary of the first year's appropriation of six thousand dollars made by this act may be used for that purpose, not to exceed three thousand dollars.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 140.

An act to verify pleadings.

The General Assembly of North Carolina do enact :

SECTION 1. That section two hundred and fifty-eight (258) of The Code be amended by inserting after the word "public" in line twenty-nine the words "in or out of the state." Code, section 258, amended. Pleading may be verified before notary public in or out of state.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 141.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and eighty-five of the laws of one thousand eight hundred and eighty-nine be repealed: *Provided*, that a petition signed by a majority of the voters of said township be filed before the county commissioners of Warren county on the first Monday in June, one thousand eight hundred and ninety-one, otherwise said chapter to remain in full force from and after the first day of January, one thousand eight hundred and ninety-two. Chapter 485, laws 1889, repealed. (Act making "act to prevent live stock from running at large in Halifax and Warren counties" not applicable to Roanoke township, Warren county, repealed.) This act not to be operative unless petition is filed by majority of voters in said township, &c

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 142.

An act to create the office of lumber inspector for the counties of Onslow, Jones, Craven, Carteret, Bertie, Cumberland, Harnett, Northampton, Pender, Pitt, Sampson and Swain.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of the several counties at any meeting of their respective boards upon petition of any three freeholders of a township may appoint one or more, not to exceed three, qualified electors of such township as inspectors and measurers of logs and timber in and for the county wherein said township is situate, who shall hold his office until the thirty-first day of the County commissioners empowered to appoint lumber inspectors.

- second December next after his appointment and qualification, or until his successor or successors may be qualified, whose duty it shall be upon request of the purchaser or seller of any logs and timber sold within the township wherein such inspector resides, to furnish, if requested so to do, the purchaser and seller each with a certificate of the result of such measurement and inspection. And said inspector shall keep in a suitably bound book a record of all logs and timber inspected or measured by him, together with the marks or brands, if any, and the names of the purchaser and seller, the number of feet and the date of such measurement and inspection, which record shall be open to the inspection of the public and preserved and delivered to his successors in office.
- Duties.**
- Oath.** SEC. 2. That the said inspector appointed under this act, before entering upon the discharge of his duties, shall take and subscribe to an oath, before the board of county commissioners appointing him, to faithfully and honestly discharge the duties of his office, and shall also enter into a bond with good and sufficient sureties in the sum of five hundred dollars, payable to the state of North Carolina, conditioned to be void if such inspector shall faithfully and honestly discharge the duties of his office, such oath and bond to be recorded in the office of the register of deeds of the county in a book to be kept for that purpose, for which recording the register shall receive a fee of twenty-five cents.
- Bond.**
- Inspection by others not valid.** SEC. 3. That no inspection or measurement of logs or timber by any person other than an officer created by this act shall be of any validity or binding force or effect in any sale of logs or timber unless prior to said sale the same shall be mutually agreed upon by the parties thereto.
- Compensation.** SEC. 4. That the inspector shall be allowed for his services five cents per thousand feet measured or inspected, to be paid one-half by each party to the sale: *Provided*, that no inspector shall receive more than three dollars for any one day's service.
- Proviso.** SEC. 5. That this act shall only apply to the counties of Onslow, Jones, Craven, Carteret, Bertie, Cumberland, Harnett, Northampton, Pender, Pitt, Sampson and Swain.
- Act applicable only to certain counties.** SEC. 6. That this act shall be in force thirty days after its ratification.
- Ratified the 20th day of February. A. D. 1891.

CHAPTER 143.

An act to amend section thirty-seven hundred and fifty-two of The Code in relation to the fees of sheriffs and constables in the service of road orders.

The General Assembly of North Carolina do enact :

SECTION 1. That lines one and two of section thirty-seven hundred and fifty-two of The Code be amended by adding after the words "sixty cents" the following: "*Provided*, the board of county commissioners may fix a less sum than sixty cents but not less than thirty cents for each road order." Code, section 3752, amended. Fee of sheriff for service of road order.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 144.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section seven hundred and nine of The Code be amended by adding the counties of Bertie, Northampton and Durham after "Halifax county" in the eighth line. Code, section 709, amended. Compensation of chairman of commissioners of Bertie, Northampton and Durham counties.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 145.

An act to allow a person to change his or her name under article two, section eleven (11) of the constitution.

The General Assembly of North Carolina do enact :

SECTION 1. That any person wishing, for good cause shown, to change his or her name, under the authority given by article two, section eleven of the constitution, may do so under the following rules and regulations: *Provided*, that no person shall be allowed to change his or her name but once, and in all applications under this act for a change of name the applicant shall set forth in the petition that his or her name has never been changed before by law. Person authorized to change name. *Provido*.

Application to be filed before superior court clerk.

SEC. 2. Said person shall file his or her application before the clerk of the superior court of the county in which he or she may live, first having given ten days' notice of said application by publication at the court-house door, and in said application shall state the true name of the applicant, the name desired to be adopted and the reasons why said change is desired.

Proof of character to be filed.

SEC. 3. Said applicant shall also file with said petition proof of his or her good character, which proof must be made by at least two citizens of said county who know the standing of said applicant.

Clerk to make order changing name.

SEC. 4. Upon said application being made upon the verified petition of the applicant and the proof of good character as above set forth, it shall be the duty of the clerk of the superior court, if he thinks good and sufficient reason exists for the change of name, to issue an order changing the name of the applicant from his or her true name to the name sought to be adopted, and when said order is made and the applicant's name changed said applicant shall be entitled to all the privileges and protection under said new name as he or she would have been under the old name.

Rights accruing.

Clerk to issue certificate.

SEC. 5. That the clerk shall issue to the applicant a certificate under his hand and seal of office, stating the change made in said applicant's name, and shall also record said application and order on the docket of special proceedings in his court.

Record.

SEC. 6. This act shall be in force and effect after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 146.

An act to incorporate the Wilmington and Southern Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That H. Gardener, C. A. Schumacher, James Lowndes, James A. Leak, jr., Theodore Marbury, J. Wm. Middendorf, Walter G. McRae, Wm. L. Smith, James Sprunt, G. W. Williams, their associates and assigns, are hereby constituted a body corporate by the name of the "Wilmington and Southern Railway Company," and as such shall have the general powers of corporation as set forth in section six hundred and sixty-three of The Code of North Carolina.

Corporate name.
Corporate powers.

Route.

SEC. 2. That the said corporation shall have the power to construct, maintain and operate a line of railway with one or more tracks from Wilmington in the county of New Hanover to Southport in the county of Brunswick, or to such point or points on the Atlantic ocean in the counties of New Hanover or Brunswick as said corporation may determine, and may fix the gauge of said railway and may change the same at their discretion.

Gauge.

SEC. 3. That the said corporation may purchase, lease, or charter such steamers, barges or other vessels as may be required in its business and all other necessary personal property, and it may acquire such lands and rights-of-way as may be necessary for its wharves, landings and roads in the manner prescribed in The Code of North Carolina in section sixteen hundred and ninety-eight to seventeen hundred and nine 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 nineteen hundred and fifty-seven of The Code of North Carolina. It may purchase and hold stock in other corporations, and it may purchase and hold and operate any other railroad or steamboat company's property and franchise, and any other corporation may purchase and hold stock in said corporation, or may purchase and hold and use the property and franchise of said corporation. Corporate powers

SEC. 4. That the capital stock of said corporation shall not be less than twenty thousand dollars (\$20,000) in shares of one hundred dollars (\$100) each, and may be increased to two hundred thousand dollars (\$200,000) whenever said corporation may deem expedient, and subscriptions to said capital stock may be paid in lands, money, lumber, material or money as may be agreed upon. Capital stock.

SEC. 5. That the corporators named, or any three of them, may open books of subscription to the capital stock of said company in the city of Wilmington within twenty (20) days after the ratification of this act, and as soon as ten thousand dollars (\$10,000) of the capital stock shall have been subscribed, the corporators above named, or any three of them, shall call a meeting of the subscribers and organize said corporation by the election of five (5) directors, who may do and perform all the other acts necessary to the complete organization and operation of said corporation and to carry into effect the objects of this charter. Books of subscription.

SEC. 6. That the said corporation shall have power and authority to build such branches and lateral roads and connecting lines of railway as may be deemed necessary and advantageous for the extension, completion and successful operation of said railway, and may make connections and lay down and use tracks through the city of Wilmington to reach the Cape Fear river or to make connection with the depot of said corporation within the city by and with the consent of the board of aldermen of said city, and upon such terms as they may prescribe; and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and may charge and collect such pay for messages or dispatches as said corporation may determine, and may lease, rent or sell this right and any telegraph or telephone lines constructed or owned by the corporation. Organization.

SEC. 7. That it shall and may be lawful for any county, township, Branch roads. &c.

Subscriptions by counties, townships, cities and towns. city or town interested in the said railroad to subscribe to the capital stock of said corporation such sum or sums in bonds as a majority of all its qualified voters may authorize, said bonds to bear six (6) per cent. interest per annum, to be payable twenty (20) years after date thereof, and to be of the denomination of five hundred dollars (\$500) each, interest payable semi-annually, the bonds to be received by the company at par.

Election upon question of subscription.

SEC. 8. That upon the petition in writing of twenty-five (25) resident tax-payers of any township interested in the construction of said railroad, or upon the petition of fifty (50) resident tax-payers of any city, town or county interested in the construction of the said railroad, specifying therein the amount they wish to subscribe, the board of commissioners of the county or the municipal authorities of the city or town shall order and provide for an election to be held within sixty (60) days in said county, township, city or town, of which a notice of at least thirty (30) days shall be given in some newspaper published or circulating in such county, township, city or town for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition; that said election, when held in and for a county or township, shall take place and be conducted in the manner prescribed by the law for electing members of the general assembly; that those who favor said subscription shall vote on a written or printed ballot "Subscription," and those opposing such subscription shall vote on a written or printed ballot "No subscription;" that the return of said election in the counties and townships shall be made to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result, and make a record thereof; that if a majority of all the qualified voters in the county, township, city or town shall vote "Subscription," then the chairman of the board of commissioners in all cases of county or township subscriptions shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township the sum which has been fixed and named in the said petition, and in case of city and town elections, if a majority of all the voters shall vote "Subscription" then the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of said city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscriptions, which subscription shall be made in coupon bonds bearing six (6) per cent. interest per annum as aforesaid, with interest payable semi-annually.

Subscription to be made on majority vote.

Special tax.

SEC. 9. That in order to make provision for the payment of interest of said bonds and their redemption at maturity the said board of commissioners and the said municipal authorities, as the case may

be, shall, in addition to the other taxes for each year, compute and levy on all property and polls in such county, township, city or town a sufficient tax to pay the interest on the bonds as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax-list as the "Wilmington and Southern Railway Tax," and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the fiftieth part of the principal of said bonds for a sinking fund, which amount shall be annually collected as other taxes and paid over to the treasurer of the county, city or town or other officer authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or below par, but in case such treasurer or other officer shall be unable to invest such sinking fund in said bonds at or below par he shall invest the same in such solvent bonds or securities as shall be selected and approved by the said county commissioners or corporate authorities.

Commissioners
of sinking fund.

SEC. 10. That upon delivery to the said railroad company of the bonds subscribed by any county, township, city or town the said company shall issue to said county, township, city or town the amount of its capital stock equal to par value of the said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act.

Company to issue
stock for sub-
scription, &c.

Application of
dividends.

SEC. 11. That all the townships along the line of the railroad or which are interested in its construction are hereby incorporated, and that the county commissioners of the counties in which the said townships are respectively situated are declared to be the corporate agents of the said townships.

Townships
incorporated.

SEC. 12. That whenever any township or townships shall subscribe its or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon the property and franchise of the company in the county in which the township or townships is or are situated shall be applied to the payment of the interest on the said bonds pro rata to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes; and the corporate taxes on the property and franchise of said company levied and collected in and for any city or town subscribing to the capital stock of said company shall be applied to the payment of the interest of the said bonds subscribed by said city or towns.

Application of
taxes collected in
townships.

SEC. 13. That in all conventions of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns or the county commissioners of the respective counties.

Representation
in stockholders'
meetings.

SEC. 14. That the construction of this railroad shall be begun within two (2) years from the date of this act.

When construc-
tion of road to
begin.

Corporate powers.

SEC. 15. That the said company may construct a part of the said road without building the entire line and may charge for transportation thereon, beginning said construction at either end of the projected line or at any point upon it; that it may build its road by such a route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream on its route: *Provided*, a draw sufficient not to impede navigation is placed in its bridges over such streams.

Proviso.

Exclusive right of transportation

SEC. 16. That said company shall have exclusive right to carry and transport freight and passengers over and along said road and upon all steamers, vessels and boats run in connection with the same, at rates made by its directors, subject to the law of the state.

SEC. 17. That this act take effect from and after its ratification.
Ratified the 20th day of February. A. D. 1891.

CHAPTER 147.

An act to pay witnesses summoned at coroner's courts.

The General Assembly of North Carolina do enact :

Fees of witnesses before coroner.

SECTION 1. That witnesses summoned before a coroner's court shall receive fifty cents for services performed, the same as witnesses are allowed at a magistrate's court in civil cases.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 20th day of February, A. D. 1891.

CHAPTER 148.

An act to amend chapter thirteen of the laws of eighteen hundred and eighty-nine in relation to a cotton weigher for the town of Salisbury.

The General Assembly of North Carolina do enact :

Chapter 13, laws 1889, amended. Cotton weigher to be paid ten cents for each bale of cotton sold in said town.

SECTION 1. That section four, chapter thirteen of the laws of eighteen hundred and eighty-nine be amended as follows: strike out in line five of said section the words "weighed by them" and insert in lieu thereof the words "sold in said town."

SEC. 2. That no other person than said cotton weigher shall weigh any baled cotton in said town under a penalty of ten dollars for each and every bale so weighed, said fine to be applied to the school

fund of Rowan county upon the conviction of the offender before any justice of the peace of said county: *Provided, however,* that the buyer by and with the consent of the seller may have baled cotton weighed by any other person. The buyer thereof shall pay said authorized cotton weigher the sum of ten cents for each and every bale of cotton bought by him, and upon refusal or failure to make such payment, said buyer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars or imprisoned [not] more than five days for each and every offence.

Penalty for other person weighing cotton,
Proviso.

Misdemeanor.

SEC. 3. Said cotton weigher shall be required to keep a record of all the cotton weighed by him, which shall show the name of the buyer, the name of the seller, date of sale, number and weight of bale or bales and shall furnish to the seller the weight of each bale under his official signature for the purpose of settling with the buyer.

Cotton weigher to keep record.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 149.

An act to require all dealers in sheep to adopt a brand and to cause the same to be registered.

The General Assembly of North Carolina do enact:

SECTION 1. That all regular dealers in sheep shall adopt a brand and shall cause the same to be registered in the office of the register of deeds of the county in which they reside or propose to deal and carry on the business of dealers in sheep.

Dealers in sheep to adopt brand and have it registered.

SEC. 2. That every register of deeds shall, upon the filing of a description of said brand by said dealer or dealers, register the same in a book to be kept for that purpose after the same shall have been ordered to registration by the clerk of the superior court, and for such services the clerk of the superior court shall receive a fee of ten cents and the register of deeds a fee of twenty-five cents on each brand so registered.

Duty of register.

Fee.

SEC. 3. That any person dealing in sheep failing to so record his brand shall pay a fine of ten dollars or be imprisoned in the county jail not exceeding thirty days.

Penalty for failure to register brand.

SEC. 4. That this act shall apply only to the county of Alleghany.

Act applicable only to Alleghany county.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 150.

An act to provide for the collection and apportionment of railroad taxes in certain townships in Rowan county and for other purposes.

Preamble.

WHEREAS, The townships of Salisbury, Gold Hill and Morgan, in the county of Rowan, have subscribed the sum of sixty thousand dollars to the capital stock of the Yadkin Railroad Company, made and ratified at an election held in said townships on the tenth day of September, A. D. eighteen hundred and eighty-nine, which said amount is evidenced by the fifty thousand dollars of the bonds of Salisbury township, the seven thousand dollars of the bonds of Gold Hill township and the three thousand dollars of the bonds of Morgan township ; therefore,

The General Assembly of North Carolina do enact :

Subscriptions of Salisbury, Gold Hill and Morgan townships, Rowan county, to Yadkin Railroad Co., validated.
Special tax.

SECTION 1. That the said several subscriptions and the said bonds issued in payment thereof are hereby ratified and confirmed as the lawful and valid action and subscriptions of said townships through proper authority, and binding accordingly.

Sinking fund.

SEC. 2. That to provide for the payment of the interest on said bonds the board of commissioners of Rowan county shall, in addition to other taxes, each year compute and levy upon the proper subjects of taxation in each of said townships a sufficient tax to pay the interest on its said bonds so long as the same shall accrue ; and they may provide for the establishment and accumulation of a sinking fund to pay the principal of said bonds at maturity.

Application of taxes on property of road.

SEC. 3. That the county and special railroad tax, except school taxes, which shall be levied and collected upon the property and franchises of the Yadkin Railroad Company in Rowan county shall be applied to the payment of the interest on said bonds so long as the same shall accrue, in such proportion to the credit of each of said townships as to the board of commissioners of Rowan county shall seem just.

Reimbursement to county of election expenses

SEC. 4. That out of the taxes so levied and collected on the property and franchises of said railroad the said board of commissioners of Rowan county shall reimburse the general fund of said county to the amount expended for holding said election in said county.

Payment of interest out of general county fund.

SEC. 5. That in order to preserve the credit of Rowan county the board of commissioners of said county may pay the interest accruing on said bonds out of the general funds of said county until the taxes hereinbefore mentioned shall be collected for the first year, when any amount so paid out of said general fund shall be reimbursed out of said taxes so levied and collected.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 151.

An act to appoint a cotton weigher for the town of Old Sparta in Edgecombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That there shall be appointed for the town of Old Sparta a public cotton weigher, who shall be appointed by the county commissioners of Edgecombe county at their regular meeting the first Monday in August, eighteen hundred and ninety-one, and every two years thereafter. Any vacancy occurring in said office shall be filled in like manner.

Commissioners of Edgecombe to appoint cotton weigher for town of old Sparta.

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

Duties of cotton weigher.

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

Oath.

SEC. 4. That said weigher shall give bond in the sum of two hundred dollars, payable to the state of North Carolina, conditioned upon the faithful performance of his duty as cotton weigher. Said bond shall be taken by the county commissioners and filed in the office of the register of deeds of said county. Said weigher shall be entitled to ten cents per bale for weighing, to be paid one-half by the purchaser and one-half by the seller.

Bond.

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

Penalty for other person weighing cotton.

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

Penalty for cotton weigher abusing trust.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 152.

**An act to enlarge the jurisdictions of justices of the peace and amend
The Code, section eight hundred and ninety-two.**

The General Assembly of North Carolina do enact :

Code, section 892,
amended.
Justices to have
jurisdiction of
assaults with
deadly weapon
where no serious
injury is done.

SECTION 1. That section eight hundred and ninety-two of The Code be amended by striking out all words in line three of said section between the word "where" and the word "no," so it shall read "where no serious damage is done."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 21st day of February, A. D. 1891.

CHAPTER 153.

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

Preamble.

WHEREAS, the building of a bridge across the Catawba river in Burke county is a necessary expense to be incurred by said county: now therefore,

The General Assembly of North Carolina do enact :

Commissioners
of Burke author-
ized to issue
bonds.

SECTION 1. That the board of commissioners of Burke county be and they are hereby authorized and directed to issue coupon bonds of the denominations of fifty, one hundred, and five hundred dollars, respectively, in the name of said county to an amount sufficient for the purpose hereinafter mentioned, not to exceed eight thousand dollars.

Description of
bonds, &c.

SEC. 2. That the said bonds shall run twenty years, to bear interest at a rate not to exceed six per centum per annum payable semi-annually, to be redeemable after five years from the date of their issue at the option of said board of commissioners, and the one-fifteenth part of the principal of said bonds shall be payable annually.

Proceeds of
bonds to be used
to build bridge
over Catawba
river.

SEC. 3. That the amount received from a sale of said bonds, which shall not be sold for less than their par value, shall be used by said board of commissioners in building an iron bridge across the Catawba river in Burke county at such place between the McDowell and Rocky fords on said river as the said board shall designate, and for no other purpose.

SEC. 4. That the said board of commissioners and the justices of Special tax. the peace for Burke county shall, at their regular meeting in June, eighteen hundred and ninety-one, and annually thereafter until said bonds are paid, levy a special tax sufficient to pay the interest annually accruing on said bonds and one-twentieth of the principal of said bonds still unpaid.

SEC. 5. That the said interest coupons shall be receivable in pay- Coupons receivable for county taxes. ment of all taxes due said county.

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

Ratified the 21st day of February, A. D. 1891.

CHAPTER 154.

An act to define and prescribe when lease of turpentine orchards shall expire in absence of special contract.

The General Assembly of North Carolina do enact :

SECTION 1. That all leases or contracts for the renting of turpentine trees or orchards in the absence of a special contract to the contrary shall fully end and terminate on the first day of April following the season during which said turpentine trees or orchards are to be worked, and the lessor and lessee shall be restored to their original and respective rights as such after the termination of the lease or contract as aforesaid. When leases, &c., of turpentine trees to end in absence of special contract.

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 25th day of February, A. D. 1891.

CHAPTER 155.

An act to require banks, banking institutions and bankers within the state of North Carolina to make stated reports to the state treasurer.

The General Assembly of North Carolina do enact :

SECTION 1. That all joint companies now organized, or that may hereafter be organized under the laws of this state for the purpose of conducting a banking business, whether savings 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 finan- State banks, &c., to make statements at same time as national banks.

Statements to be published.	cial condition 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
Form of statements, &c.	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 the bank. And in the case of private banks and bankers as herein set forth, shall be certified under oath by the president, manager or individual
Duty of state treasurer.	conducting said private bank, or the owner, manager or individual banker aforesaid. It shall be the duty of the state treasurer to call upon the banks, banking institution and bankers aforesaid for the statement 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 call- for statements are made by the state treasurer he shall forward to each bank, banking institution
Copies of statements to be filed, &c.	and banker in the state two blank statements, one copy of which, after being properly filled out and certified to by the bank, banking institution or banker 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 office of said bank, banking institution or banker as aforesaid; and
Special examination.	it shall be the duty of the state treasurer to appoint some one to make special examination in person into the condition, affairs and business of such banks, banking institutions and bankers as aforesaid, and in doing so to examine any of the officers, managers, individuals or agents thereof, and inspect all books and papers; who shall make a full and detailed report of the condition of said bank, banking institution or banker to the state treasurer; and if upon
When treasurer to institute suit to wind up bank, &c.	said report it shall appear to the state treasurer that such bank, banking institution or banker is insolvent or in imminent danger of insolvency, or is guilty of fraud, fraudulent practices or concealments, then said treasurer shall institute proceedings in the superior court of Wake county for the purpose of winding up and settling the affairs of the said bank, banking institution or banker and for the appointment of a receiver thereof according to law; such examinations to be made annually, at times unknown to any person except the state treasurer and the said examiner, and such examiner shall
When examinations to be made.	receive compensation for such examination as follows: for examining banks or banking institutions, savings or general, having a capital stock of twenty-five thousand dollars or less, fifteen dollars; those having a capital stock of more than twenty-five thousand dollars and not over fifty thousand dollars, twenty-five dollars; and those
Compensation of examiner.	

having a capital stock of over fifty thousand dollars, thirty dollars. Such banking institutions and private bankers as aforesaid having no capital or stock shall pay ten dollars. and the said fees or compensation to the examiner shall be paid by the said banks, banking institutions or bankers whose condition, affairs and business is so examined, to the state treasurer within thirty days after such examination, to be by him paid to the examiners, which fee or compensation shall be kept in a separate account by the state treasurer and not as a part of the general account. All expenses incurred in making such examinations and reports shall be borne by the bank, banking institution or banker so examined and paid directly to said examiner.

Expenses.

SEC. 2. Any bank, banking institution or bank[er] 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 two hundred and fifty dollars, to be recovered by motion in the superior court of Wake county, and should failure to render such statement continue for thirty days next succeeding said call from the state treasurer, then the said bank, banking institution or banker 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 it shall be the duty of the state treasurer to institute proceedings for the recovery of said fines in the said superior court of Wake county upon any failure to render said statement. And the officer of any bank or banking institution, or the owner, manager or individual banker aforesaid 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.

Penalty for failure of bank to comply with provisions of act.

Duty of treasurer.

Officer making false statement guilty of felony.

SEC. 3. That chapter one hundred and seventy-five of the laws of eighteen hundred and eighty-seven, and chapter four hundred and fifty-three of the laws of eighteen hundred and eighty-nine, and all other laws in conflict with this act, are hereby repealed.

Chapter 175, laws 1887, and chapter 453, laws 1889, and conflicting laws repealed.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 156.

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

The General Assembly of North Carolina do enact :

Commissioners of Harnett, with consent of justices, authorized to issue bonds not exceeding \$25,000, to fund county indebtedness.

SECTION 1. That in order to fund and pay the debt of Harnett county due by judgments to the estate of Henry Lilly, deceased, and other existing indebtedness, the board of commissioners of said county are hereby authorized and empowered, with the consent of a majority of the board of the justices of the peace of said county, to issue bonds of the county to an amount not exceeding twenty-five thousand dollars, in denominations of not less than fifty nor more than five hundred dollars, with interest coupons attached, calling for interest at the rate of five per centum per annum upon the principal of each bond, said interest coupons to be payable annually on the first day of January of each year, and at such place and 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 as of the first day of January next preceding the issue of said bonds, 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.

Special tax.

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 principal and interest of said bonds shall be fully paid, 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 ten cents nor less than eight cents on the one hundred dollars valuation of property, and not more than thirty cents and not less than twenty-four cents on each poll. Said taxes shall be collected in the same manner as other taxes are collected, and shall be applied exclusively to the payment of the interest accruing on and the principal of said bonds at maturity, or when called in for payment.

Surplus of taxes, how applied, &c.

SEC. 3. That if after the payment of the costs of collection and the interest accrued on the bonds issued, there shall be a surplus any year, the same shall be used in the purchase at not a greater price than par value or [of] any of said bonds outstanding, and in case none have been 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 shall be such surplus it shall be the duty of the county commissioners to advertise in some newspaper published in the county,

Duty of commissioners.

and also in one published in Fayetteville, North Carolina, for the purchase of said 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.

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 the administrators of Henry Lilly, deceased, or the personal representatives of any other deceased creditor of said county may take the said bonds at their par value in settlement of the debt due their intestate and pay and discharge with said bonds at their par value the share or portion which any distributee or legatee is or would be entitled to receive of the debt if collected in money instead of being funded and paid in bonds as also provided, and the executor or administrator of any deceased distributee or next of kin of said Henry Lilly, deceased, or of any other deceased creditor of said county shall, if the same be tendered, accept such bonds at their par value in payment or settlement of their share or portion to which his testator or intestate is entitled.

Administrators of deceased creditors authorized to take bonds in settlement of debt, &c.

Payment to distributees, &c.

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 county, and the said clerk shall keep in a book suitable for the purpose a complete record of the number and dates of issue and the amount of each bond and of the date of redemption or payment of each bond.

Bonds, how issued, &c.

SEC. 7. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 157.

An act to authorize the commissioners of Moore county to fund the county indebtedness, issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of enabling the board of commissioners of Moore county to fund the indebtedness of the county the said board of county commissioners are hereby authorized and empowered to issue bonds in a sum not exceeding fifteen thousand dollars, bearing interest at a rate not exceeding six per centum per annum.

Commissioners of Moore authorized to issue bonds, not exceeding \$15,000 to fund county indebtedness.

Bonds, how issued.

SEC. 2. That said bonds shall be signed by the chairman of the board of commissioners of Moore county, countersigned by the clerk of the superior court of said county, and authenticated by his seal, and shall express upon their face the purpose for which they were issued, and there shall be attached thereto coupons calling for interest thereon annually from the date of said bonds.

Denominations of bonds.

SEC. 3. That said bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, at the option of the said board of commissioners, and one thousand dollars of the principal of said bonds shall become due and payable on the first day of January, A. D. eighteen hundred and ninety-two, and one thousand dollars of the principal of said bonds shall become due and payable on the first day of January of each and every year thereafter until all said bonds be paid, and the times of payment shall be expressed on the face of said bonds, together with the place where the same shall be payable.

When bonds to become due.

Special tax.

SEC. 4. That said board of commissioners of Moore county and a majority of the justices of the peace are hereby authorized and empowered, at the time of levying other county taxes, to levy annually an additional special tax sufficient in amount to pay the interest on said bonds and so much of the principal of said debt as may fall due on the first day of January next succeeding the time of such levy, together with the cost and charges incident to said tax, upon polls and 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.

Collection of tax.

SEC. 5. That said taxes shall be collected by the sheriff of said county, whose official 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.

Duty and liability of treasurer.

SEC. 6. That said treasurer shall receipt for said taxes and be liable upon his official bond for the same as for other taxes, and shall use the same for the payment of such of said bonds and interest thereon as are due and payable, and the fund arising from said taxes over and above the cost and charges incident thereto shall be applied to no other use than the payment as aforesaid.

Commissioners to dispose of bonds.
Proviso.

SEC. 7. That the commissioners of said county may dispose of said bonds in any way which, in their discretion, they may deem best for the interest of the county: *Provided, however*, no bond shall be sold for less than its par value and accrued interest.

Coupons receivable for county taxes.

SEC. 8. That said coupons shall be receivable in payment for all county taxes.

Duties of clerk of commissioners.

SEC. 9. That the clerk of said board of county commissioners shall record upon the minute-book of said board the sale of said bonds, their number, amount and date of maturity, together with the name of the purchasers and their address. He shall also ascertain from

the treasurer of the county and record upon said minute-book the date of cancellation of said bonds.

SEC. 10 That as soon as said bonds are issued, signed and counter-signed as hereinbefore provided, said board of commissioners shall place the same, or such amount thereof as they may deem advisable, in the hands of the treasurer of said county, who shall deliver the same to the purchasers upon their complying with such terms as may be designated by said board of commissioners by an order directed to the treasurer, and said treasurer shall make out and return to the clerk of the said board of commissioners an accurate account of the number and denomination of said bonds and to whom sold and delivered; and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, and shall hold said proceeds subject to the order and direction of the board, and he and the sureties on his official bond shall be responsible for the custody and safe-keeping of said proceeds as provided by law.

Sale and delivery of bonds.

Liability of treasurer.

SEC. 11. That said board of commissioners are hereby authorized and empowered to take up and cancel county orders, bonds and other evidences of county indebtedness outstanding against said county with the lawful interest thereon accrued, and to deliver to the holders thereof in payment therefor bonds in a sum sufficient to cover said indebtedness: *Provided*, no bond shall be so used for less than its par value and accrued interest.

Cancellation of county debts.

Proviso.

SEC. 12. That the commissioners and a majority of the justices of the peace in lieu of issuing the aforesaid bonds, may and are hereby authorized, if they deem it practicable, to levy a special tax of not more than thirteen and one-third cents on the one hundred dollars' worth of property and forty cents on the poll annually for so many years as are necessary for the payment of the present indebtedness of Moore county; said taxes shall be collected as other taxes and shall be applied to the payment of the indebtedness of said county.

Special tax in lieu of issuance of bonds.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 158.

An act to authorize Alexander county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Alexander county, with the concurrence of a majority of the justices of the peace of said county sitting with them, are hereby authorized and empowered to levy a special tax of not exceeding fifteen cents on every one hundred dollars' worth of real and personal property and forty-five

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

cents on every taxable poll for any one year, to be levied and collected, observing the constitutional equation between property and poll, for the year eighteen hundred and ninety-one and annually thereafter as long as it may be necessary for the purpose of paying off the indebtedness of said county exclusive of her bonded debt.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 159.

An act to authorize the county commissioners of Pasquotank county to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners of Pasquotank authorized to issue bonds not to exceed \$5,000.

SECTION 1. That the county commissioners of Pasquotank county be and they are hereby authorized to issue coupon bonds of the said county not to exceed in amount the sum of five thousand dollars, to bear interest from the date of issue at the rate six per centum per annum and to mature at such times as may be determined upon by the said commissioners, not sooner than eighteen hundred and ninety-six, nor later than eighteen hundred and ninety-nine.

Sale of bonds and application of proceeds.

SEC. 2. That said commissioners be and they are hereby authorized to negotiate and sell the said bonds and apply the proceeds to the payment of the floating debt of the said county and for no other purpose.

Special tax.

SEC. 3. That the said commissioners and the justices of the peace of the said county shall meet together in joint session on any day after the ratification of this act that may be set and fixed upon by the said commissioners before the issuing of said bonds, and shall provide for the payment of the said bonds at their maturity, and they are authorized hereby to levy for that purpose, observing the constitutional equation of property and poll tax, such special tax as may be necessary for the payment of the said bonds, which special tax shall be collected in the same manner and at the times of collecting the general county taxes.

Collection.

SEC. 4. That none of said bonds shall be negotiated and sold at a price less than their par value.

Bonds not to be sold for less than par.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 160.

An act to amend section one thousand nine hundred and forty-six of The Code, in relation to the assessment of damages.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand nine hundred and forty-six of The Code be and the same is hereby amended by striking out all after the word "them" in line twenty-one of said section down to and including the word "railroad" in line twenty-four: "Provided, however, that in case the benefits to the land caused by the erection of such railroad be ascertained to exceed the damages to said land, then the said railroad company shall pay the costs of the proceeding and shall not have a judgment for the excess of benefits over the damages."

Code, section 1946, amended. In condemnation proceedings by railroad companies, benefits to land owners to be considered, but if benefits exceed damages, railroad to pay costs and not recover any judgment.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 161.

An act to authorize Swain county to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Swain county, in joint session with a majority of the justices of said county, upon approval of a majority of the commissioners and justices aforesaid, are hereby authorized and empowered to let to contract, upon such terms and specifications as they may approve and adopt, the building of an iron bridge across Tuckaseegee river in Bryson City at or near where the bridge now stands, and to issue the bonds of Swain county in payment for said bridge.

Commissioners and justices of Swain authorized to let to contract building of bridge across Tuckaseegee river, and issue bonds.

SEC. 2. The bonds issued under and by virtue of this act shall be in sums of not less than one hundred nor more than five hundred dollars, and shall bear a rate of interest not greater than six per cent. One-fifth of said bonds shall fall due on the first day of May, one thousand eight hundred and ninety-two, and one-fifth of the remainder of said bonds shall be due on the first day of May each succeeding year thereafter. They shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds, and shall not be sold for less than their par value. The register of deeds shall keep a record of each bond issued by said county commissioners, showing the amount, date, rate of interest and when due of each bond, and to whom the same was delivered.

Description of bonds.

How signed.

Not to be sold for less than par. Duty of register.

Special tax.

SEC. 3. That the board of county commissioners, together with a majority of the justices of the peace of Swain county, are hereby authorized and empowered to levy a special tax in the year one thousand eight hundred and ninety-one and each succeeding year thereafter for four years upon the property and polls of said county, not to exceed twenty cents upon each one hundred dollars' worth of real and personal property and sixty cents' upon each taxable poll, observing the constitutional equation between property and poll.

Levy and collection of tax.

SEC. 4. The taxes levied under and by virtue of this act shall be levied and collected as other state and county taxes, and shall be applied to the payment of the bonds and interest thereon due in the year next succeeding that in which said levy was made, and for no other purpose whatever.

Application.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 162.

An act to amend the stock law in Robeson county.

The General Assembly of North Carolina do enact :

Certain portions of Robeson county to be stock law territory.

SECTION 1. That all that portion of Robeson county embraced within the following boundaries, viz.: In Smith's township, Robeson county, beginning at the stock law line near J. D. McQueen's place on the road leading from Fayetteville to Maxton *via* Antioch, and running thence with the Blue Springs township line to Red Springs township line; thence down said line to Mrs. Flora McNeill's mill; thence to Spring branch on Lumberton road; thence up said road to Mount Zion church; thence with the stock law line to the beginning, be and the same is hereby declared to be stock law territory. That the territory granted by the county commissioners of Robeson county on the first Monday in January, eighteen hundred and ninety-one, to be included in the stock law, and also the stock law granted on the first Monday in February, eighteen hundred and ninety-one, and each to build the fence around the portion as granted by the county commissioners, and the taxes only to be collected to build the fence around their own part.

Misdemeanor to permit stock to run at large after April 1, 1891.

SEC. 2. That from and after the first day of April, eighteen hundred and ninety-one, it shall be unlawful for any stock to run at large in said territory, and any person wilfully violating this section shall be guilty of a misdemeanor.

SEC. 3. That it shall be unlawful for any stock to run at large within the bounds of any territory in Robeson county where the stock

law is now in force or shall hereafter be declared to be in force by the proper authorities under the provisions of this act, or under the act of eighteen hundred and eighty-five, chapter two hundred ninety-six, or under the provisions of both acts, and any person wilfully violating this section shall be guilty of a misdemeanor.

SEC. 4. That any person may take up any live stock running at large within the foregoing territory, or any other territory in Robeson county wherein the stock law shall be in force, and impound the same, and such impounder may demand fifty cents for each animal so taken up and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same with a right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid. Said damages to be ascertained by two disinterested freeholders to be selected by the owner and said impounder, said freeholders to select an umpire if they cannot agree, and their decision to be final: *Provided*, that if the owner should be unknown or refuses to select a man, the impounder shall select one freeholder and said freeholder so selected shall select a second freeholder to act as above provided.

SEC. 5. That sections twenty-eight hundred and seventeen, twenty-eight hundred and eighteen, twenty-eight hundred and nineteen, twenty-eight hundred and twenty, twenty-eight hundred and twenty-two, twenty-eight hundred and twenty-seven, twenty-eight hundred and twenty-eight, twenty-eight hundred and twenty-nine and twenty-eight hundred and thirty of The Code shall be applicable in all respects to the territory herein, or any other stock law territory in Robeson county.

SEC. 6. That this act, with the qualification of section two herein, shall be in force from and after its ratification.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Ratified the 25th day of February, A. D. 1891.

CHAPTER 163.

An act to amend section two thousand seven hundred and fifty-five (2755) of The Code, relative to unauthorized entries and grants.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand seven hundred and fifty-five (2755) of The Code be amended as follows: Add to said section the following paragraph: "And if any person or persons shall make any entry of any land in this state without first ascertaining by examina-

Misdemeanor to permit stock to run at large in any stock law territory in Robeson county.

Impounding of stock.

Proviso.

Certain sections of Code applicable to stock law territory, Robeson county.

Conflicting laws repealed.

Code, section 2755, amended.

Misdemeanor to make entry, &c., of land without ascertaining that land is vacant, &c.

Penalty.

Act applicable only to certain counties.

tion of the public records, both state and county, and by actual survey, if necessary, whether said land is vacant, unappropriated and subject to entry, or if any person or persons shall make any entry of any land, or obtain any grant for any land not herein authorized to be entered or granted, the person or persons so making such entry or obtaining such grant, shall be guilty of a misdemeanor and shall be also liable to a penalty of two hundred and fifty dollars and all costs and expenses of suit, to be recovered in the superior court of the county in which the land so entered or granted is situate, by suit in the name of the owner of said land or any part thereof, one half of said penalty to go to the owner of said land suing for the said penalty and one half thereof to go to the school fund of the said county: *Provided*, this act shall only apply to the counties of Craven, Haywood, Buncombe, Jackson and Swain.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 164.

An act to amend section two, chapter three hundred and fifty-five, laws of one thousand eight hundred and eighty-seven, relating to working convicts on public roads.

The General Assembly of North Carolina do enact :

Chapter 355, laws 1887, amended. County authorities empowered to work convicts on public works of county.

SECTION 1. That section two, chapter three hundred and fifty-five, laws of one thousand eight hundred and eighty-seven, be amended as follows: by adding after the words "swamps" in line eight of said section the words "and other public work of the county."

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 165.

An act to allow R. D. Jennings to register as a dentist.

The General Assembly of North Carolina do enact :

Clerk of Burke superior court authorized to register R. D. Jennings as a dentist. Proviso.

SECTION 1. That the clerk of the superior court of Burke county be and he is hereby authorized and empowered to register R. D. Jennings as a dentist within ninety days after the passage of this act: *Provided*, the said R. D. Jennings complies with or is entitled to register under chapter one hundred and seventy-eight of acts of eighteen hundred and eighty-seven, and other laws relative to the registration of dentists.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 166.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the dividing line between the counties of Wilkes and Alleghany be changed as follows: Beginning in the county line on top of the Blue Ridge at the Abe Brown place, near Francis Bryan's, running south with the Ridge road one mile, then westward to the top of Stony Knob, then south-west to the top of Buck Peak, then westward to Martin's lane gap, then by way of the little falls to the top of Stone mountain, then north to the Alleghany line; all that portion of Wilkes county cut off by the line herein established is hereby attached to the county of Alleghany and shall hereafter form a part of the said county of Alleghany.

Dividing line between Wilkes and Alleghany counties changed

Portion of Wilkes cut off to form part of Alleghany

SEC. 2. That the sheriff of Wilkes county shall be allowed to collect any taxes due him by the citizens of the territory herein detached from Wilkes.

Sheriff of Wilkes authorized to collect taxes in territory cut off.

SEC. 3. That nothing in this act shall be construed to relieve the territory herein attached to Alleghany from their equitable share of the railroad indebtedness due by Wilkes county, but said county shall be allowed to collect taxes out of this territory to pay said railroad indebtedness in the same manner as the railroad taxes are collected in Wilkes county.

Territory cut off liable for share of railroad indebtedness of Wilkes.

SEC. 4. That the territory herein attached to Alleghany county shall hereafter form a part of Cherry Lane township in Alleghany county.

Territory to form part of Cherry Lane township.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 167.

An act supplemental to an act passed at this session (eighteen hundred and ninety-one) amending chapter two hundred and eighty, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That the provision of the said act passed at this session (eighteen hundred and ninety-one) amending chapter two hundred and eighty, laws [of] eighteen hundred and eighty-nine, be supplemented by adding thereto before the word "Onslow" in section one of said act the word "Columbus."

Chapter 46, ante, amended. Provisions of law (chapter 280, laws 1889), prohibiting manufacturers, &c., from issuing non-transferable scrip applicable to Columbus county.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 168.

An act to amend section two thousand and fifty-three, chapter fifty of The Code.

The General Assembly of North Carolina do enact :

Code, section 2053, amended.
Counties erecting bridges to provide draws for convenient passage of timber rafts.
Width of draw.

SECTION 1. That section two thousand and fifty-three of The Code, chapter fifty, be amended by adding to the end of said section the words "and timber raft : *Provided*, that when any such draw shall be necessary to be erected for the passage of timber-rafts, said draw may not exceed twenty feet in width."

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 169.

An act to provide for the study of the nature of alcoholic drinks and narcotics, and of their effect upon the human system, in the public schools.

The General Assembly of North Carolina do enact :

Nature and effect of alcoholic drinks, &c., to be taught in public schools.

SECTION 1. That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools of the state of North Carolina, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils and orally in case of pupils unable to read, and shall be taught by all teachers and studied by all pupils in all schools in this state supported wholly or in part by public money.

Character of text-books to be used.

SEC. 2. That the text-books used for the instruction to be given in the preceding section for primary and intermediate grades shall give at least one-fourth of their space to the consideration of the nature and effect of alcoholic drinks and narcotics, and the text-books used in the highest grades of the public schools shall give at least twenty pages to the consideration of this subject.

Applicants for certificates to teach to pass examination on nature and effect of alcoholic drinks, &c.

SEC. 3. That no certificate to teach in the public schools in this state shall hereafter be granted to any applicant who has not passed a satisfactory examination in the study of the nature of alcoholic drinks and narcotics and of their effects upon the human system, in connection with the several divisions of the subject of relative physiology and hygiene.

SEC. 4. That it shall be the duty of the proper officers in control of

any school described in the first section of this act to enforce the provisions of this act, and any such officer, school-director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by this act for all pupils in each and every school under his control and supervision, shall be removed from office and the vacancy filled as in other cases.

Duties of school officers.

Officer, &c., failing to comply with requirements of act subject to removal.

SEC. 5. This act shall be in force and effect from and after the first day of August, eighteen hundred and ninety-one.

Ratified the 27th day of February, A. D. 1891.

CHAPTER 170.

An act to authorize the Wilmington, Onslow and East Carolina Railroad Company to change its name.

The General Assembly of North Carolina do enact :

SECTION 1. The Wilmington, Onslow and East Carolina Railroad Company is hereby authorized to change its name to any name which its board of directors may, by resolution approved by a majority of the stockholders, select and determine: *Provided, however,* that the said company shall cause the resolution changing its name to be first published three successive weeks in two newspapers of general circulation published in the city of Wilmington, and two newspapers of general circulation published in the city of Raleigh.

Wilmington, Onslow and East Carolina R. R. Co. authorized to change name. Proviso.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 171.

An act to incorporate the Belt Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That B. L. Duke, Leo. D. Heartt, J. J. Slaughter, jr., S. F. Tomlinson, W. W. Fuller and J. L. Fuller and their future associates, successors and assigns are hereby created a body politic and corporate with perpetual succession under the name and style of the Belt Railroad Company, with all the powers conferred upon railroad companies in chapter forty-nine of volume one of The Code and such as are hereinafter granted.

Body politic.

Corporate name. Corporate powers.

- Capital stock. SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each; but said company is hereby granted power to increase said capital at any time or from time to time to any amount not finally exceeding
- Location of road. five hundred thousand dollars; that said company may build, construct, maintain, equip and operate a railroad from any point in the town of Durham in said state or from any point west of said town and within a mile thereof to any point on the Durham and Northern Railway between the eastern limits of the town of Durham as now located and Ellerby creek in the county of Durham, and shall have power to construct and operate such branches thereof as it sees fit:
- Proviso. *Provided*, no such branch shall be more than five miles in length:
- Proviso. *Provided, however*, that nothing in this act shall permit said company in the construction and operation of its road to interfere with the property or corporate rights and privileges and franchises heretofore acquired and granted to the Durham Street Railway Company under its charter, chapter one hundred and fourteen, private laws of eighteen hundred and eighty-five, entitled "an act to incorporate the Durham Street Railway Company," ratified March eleventh, eighteen hundred and eighty-five, and held under existing contracts between said Durham Street Railway Company and the municipal authorities of the town of Durham: *Provided further*, that said Belt Railway Company shall not lay its track on any street in the town of Durham without first obtaining permission so to do from the board of commissioners of said town.
- Proviso.
- Condemnation of land. SEC. 3. That said company shall have power to acquire by condemnation such land and right-of-way as it deems necessary under the same rules and regulations as are prescribed for the condemnation of land by the North Carolina Railroad Company in its charter:
- Proviso. *Provided*, that it shall not acquire land of greater width than one hundred feet for the construction and maintenance of its roadway and that it shall not condemn for its right-of-way any part of the land between Roxboro street and the factory of W. Duke, Sons and Company, in the town of Durham, being the land claimed by the town of Durham as Peabody street and by the North Carolina Railroad Company and Oxford and Clarksville Railroad Company as a right-of-way, and now in litigation; and if said company shall occupy any line for a road-bed of the company for two years or longer it shall be conclusively presumed against all persons that the same was granted to said company by the owner or owners thereof, and this presumption shall extend to all the land within fifty feet on each side from the centre of the main track or road-bed of said company; and the same presumption applies to the main line of said road and all its branches.
- Organization. SEC. 4. That when ten thousand dollars of the capital of said company is subscribed said company may organize and proceed to the

business of its incorporation, and subscription to the capital stock of said company may be made in land, timber, work and labor, or any goods or material that said company may see fit to accept. That at its first meeting said company shall elect a board of directors, to consist of not less than three and not more than fifteen stockholders, and such board of directors shall elect such officers as they desire, prescribe their duties, compensation and terms of service. The stockholders shall not be individually or personally liable for any of the debts, contracts or torts of the company.

Subscriptions.

Directors.

Stockholders not individually liable for corporate debts.

SEC. 5. That said company may lease its road and franchises, property and effects to any other railroad or transportation company, or to any natural person or persons, and may, with consent of a majority of the stock, merge and consolidate its franchises and property with any other railroad company and change its name.

Authorized to lease, consolidate, &c.

SEC. 6. That said company is hereby granted power and authority to subscribe and take, pay for and hold stock in any land or improvement company, manufacturing, water or mining corporation whose property is situated or to be situated along or near to the line of said railroad, and it may issue its stock, if it so desire, in payment for stock of any of said companies.

Authorized to subscribe to stock in other companies.

SEC. 7. That such by-laws may be made by the stockholders as they see fit, if they are not inconsistent with the law.

By-laws.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 172.

An act for the protection of birds in certain counties.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall trap, net or hunt partridges or quails with gun or dogs on the lands of another in the counties of Rowan, Cabarrus, Catawba, Durham, Lincoln, Lenoir, Granville, Davidson, Alexander, Cleveland, Northampton and Mecklenburg without having obtained permission from the owner of said lands shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of said counties shall pay a fine of ten dollars, said fine to be applied to the public school fund of said counties, or imprisoned not more than five days for each offence.

Misdemeanor to hunt, &c., partridges or quail on land of another without permission in certain counties.

Application of fine.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 173.

An act to amend section six hundred and fifty-eight of The Code.

The General Assembly of North Carolina do enact :

Code, section 658.
amended.

SECTION 1. That section six hundred and fifty-eight of The Code be amended by adding after the word "duties" in the last line thereof the following words, to-wit: "and if at any time the sheriff of any county be interested in or a party to any proceeding in any court, and if there be no coroner in such county, or if the coroner be interested in any such proceeding, then the court from which such process issues, shall appoint some suitable person to act as special coroner to execute such process, and such special coroner shall be under the same rules, regulations and penalties as hereinabove provided for."

Service of process in action to which sheriff, &c., is a party when there is no coroner.
Special coroner.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 27th day of February, A. D. 1891.

CHAPTER 174.

An act to include Buncombe county under the stock law, except Black Mountain township.

The General Assembly of North Carolina do enact :

All of Buncombe county to be included in stock-law territory, except part of Black Mountain township.

SECTION 1. That all the sections now outside of the stock-law boundary in Buncombe county shall, after the ratification of this act, be and the same is hereby included in said territory except that portion of Black Mountain township in said county now outside of said stock-law territory.

Assessment to build fence.

SEC. 2. That the county commissioners and justices of the peace of said county shall, if necessary, levy an assessment sufficient to build a good fence around said boundaries.

Location of fence.

SEC. 3. That said county commissioners shall locate the said fence along said boundary line as in their judgment will be to the best interest of said county as to location and expense.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 27th day of February, A. D. 1891.

CHAPTER 175.

An act to apply the county taxes collected from the Atlantic, Henderson and Virginia Railroad Company among the townships and towns subscribing to the capital stock of said company.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and seven (207) of the laws of eighteen hundred and eighty-seven (1887), entitled "an act to incorporate the Atlantic, Henderson and Virginia Railroad Company," be and the same is hereby amended by adding to section fourteen the following: "That all the taxes collected for county purposes upon the capital stock, bonds, franchises, rolling stock and other property of the said Atlantic, Henderson and Virginia Railroad Company by any county through which said railroad shall pass be and the same are hereby directed to be applied to the payment of all subscriptions by any township or town within said county to the capital stock of said railroad company; said amount so levied to be divided pro rata among said townships and towns according to the per centum of the levy made by said subscribers each year for the payment of their subscriptions. That the treasurer of said counties shall keep all such taxes separate and apart from all other tax-money of said county and shall annually pay out the same in payment of the said bonds and interest as was elsewhere provided in said charter of said railroad company.

Chapter 207, laws 1887, amended.

County taxes collected from Atlantic, Henderson & Virginia R. R. Co. to be applied to payment of subscriptions by townships and towns.

Duty of county treasurer.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 176.

An act to prevent the spread of cattle distemper.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to drive oxen or other cattle from any portion of Henderson county where cattle are infected with distemper, where such cattle have remained in said distempered region for ten days time, to any point in Transylvania county during the month of July, August, September, October and November.

Unlawful to drive cattle from Henderson county where cattle have remained in distempered region for ten days, into Transylvania county during certain months. Misdemeanor.

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

SEC. 3. That this act shall be in force from and after the first day of July, one thousand eight hundred and ninety-one.

When act to take effect.

Ratified the 27th day of February, A. D. 1891.

CHAPTER 177.

An act to allow compensation to the sheriff of Mecklenburg county.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Mecklenburg and they are hereby empowered and allowed in their discretion to provide additional compensation for the sheriff of Mecklenburg county for his services as an officer of the courts of said county: *Provided*, said compensation shall not exceed the sum of four hundred dollars (\$400.00) in any one year.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

Commissioners of Mecklenburg allowed to give additional compensation to sheriff. Proviso.

CHAPTER 178.

An act to amend chapter ninety-eight of the laws of one thousand eight hundred and eighty-seven, in regard to the election of the cotton weigher for Cabarrus county.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, chapter ninety-eight of the laws of one thousand eight hundred and eighty-seven be amended by adding at the end of said section the following: "And any vacancy occurring in the office of cotton weigher by death, resignation or otherwise shall be filled by the board of county commissioners."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

Chapter 98, laws 1887, amended.

Vacancy in office of cotton weigher for Cabarrus county.

CHAPTER 179.

An act to prohibit stock from running at large in Colfax township in Rutherford county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons in Colfax township, Rutherford county, to allow their stock to run at large in said township: *Provided*, the citizens of said township shall enclose their boundary with a good and sufficient fence wherever it adjoins other territory that is not in stock law.

SEC. 2. That any person violating this act shall be subject to all the fines and penalties that are made and provided in the general stock law of the state.

SEC. 3. That this act shall be in force from and after the first Monday in August, one thousand eight hundred and ninety-one.

Ratified the 27th day of February, A. D. 1891.

Unlawful to allow stock to run at large in Colfax township, Rutherford county. Proviso.

Penalty.

CHAPTER 180.

An act to facilitate the cancellation of mortgages and deeds of trust.

The General Assembly of North Carolina do enact :

SECTION 1. That upon the exhibition of any mortgage, deed in trust or other instrument intended to secure the payment of money, accompanied with the bond or note, to the register of deeds where the same is registered, with the endorsement of payment and satisfaction appearing thereon by the payee, mortgagee, trustee or assignee of the same, the said register shall cancel the mortgage or other instrument by entry of "satisfaction" on the margin of the record; and the person so claiming to have satisfied the debt may retain possession of the bond and mortgage or other instrument: *Provided*, if the register shall require it he shall file a receipt to him showing by whose authority the mortgage or other instrument was cancelled. Cancellation of mortgages, &c., by register.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 181.

An act to amend chapter one hundred and thirty-four, laws of one thousand eight hundred and eighty-five, relating to roads and highways.

The General Assembly of North Carolina do enact :

SECTION 1. That section twelve (12), chapter one hundred and thirty-four (134), laws of one thousand eight hundred and eighty-five (1885), be amended as follows: by adding the words "the chairman of the board of road trustees of each township shall be the treasurer of the road fund of such township, and shall enter into a bond in double the amount apportioned for his township each year: *Provided*, this act shall apply only to Durham county." Chapter 134, laws 1885, amended.
Treasurer of township road fund, Durham county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 182.

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

Commissioners and justices of Yancey authorized to levy special tax.

SECTION 1. That the commissioners and board of magistrates of the county of Yancey are hereby authorized and empowered to levy a tax of thirty cents on each one hundred dollars' worth of taxable property and ninety cents on each poll in said county during the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, for the purpose of paying the indebtedness of said county and of building a house for the indigent poor of said county. The taxes herein authorized to be levied shall be collected and accounted for with like penalties in case of default as other county taxes are collected, and shall be applied to the payment of the said county debt and the building of the said house for the indigent poor, and no other use whatever.

Collection and application of tax.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 183.

An act to amend section seven hundred and nine of The Code, in relation to Pasquotank county.*The General Assembly of North Carolina do enact :*

Code, section 709, amended. Pasquotank stricken out of law allowing justices to allow chairman of commissioners extra compensation.

SECTION 1. That section seven hundred and nine of The Code be amended by striking out in said section "Pasquotank" in the proviso of said section.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 184.

An act to amend the school law of one thousand eight hundred and eighty-nine.*The General Assembly of North Carolina do enact :*

Chapter 199, laws 1889, amended. County board of education to require schools to be in session at same time.

SECTION 1. That section twenty-four of the school law of one thousand eight hundred and eighty-nine be amended by striking out in line two of said section all after the word "time" down to and including the word "year" in line three of said section.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 185.

An act to change the name of Stagg's Creek township, Ashe county, to "Clifton," and to change the voting place from Polly Miller's to the town of Clifton.

The General Assembly of North Carolina do enact :

SECTION 1. That the name of Stagg's Creek township, Ashe county, be changed to Clifton, and the voting place be changed from Polly Miller's to the town of Clifton. Name changed to Clifton.
Voting place.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 186.

An act to authorize the treasurer of Gaston county to pay a school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Gaston county be and he is hereby authorized and directed to pay F. P. Hall the sum of twenty dollars out of any moneys due school district number thirty-seven (37) for services as teacher for the white race in said district number thirty-seven (37) in Gaston county. Treasurer of Gaston county directed to pay F. P. Hall \$20.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 187.

An act to regulate the pay of jurors for the counties of Anson and Union.

The General Assembly of North Carolina do enact :

SECTION 1. That the fees of petit jurors for both the superior and criminal courts for the counties of Anson and Union shall be one dollar and fifty cents (\$1.50) per day and mileage, and the fees of tales jurors shall be one dollar (\$1.00) per day without mileage. Fees of petit and tales jurors in Anson and Union counties.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 188.

An act to amend section one thousand and fourteen of The Code in regard to embezzlement by public officers.

The General Assembly of North Carolina do enact :

Code, section 1014, amended.
Embezzlement of public officers punishable as larceny.

SECTION 1. That section one thousand and fourteen of the Code be and is hereby amended as follows: After the word "officer" in the first line of said section add the words "public officer, clerk of the superior or other court, sheriff or other person or officer exercising a public trust or holding public office."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 189.

An act to make the Tuckaseegee river in Jackson county a lawful fence.

The General Assembly of North Carolina do enact :

Tuckaseegee river, Jackson county, made a lawful fence between certain points.

SECTION 1. That the Tuckaseegee river in Jackson county be and the same is hereby declared to be a lawful fence from the Dillsboro township line west of the said town of Dillsboro to the county bridge across said river near Webster in said county.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 190.

An act to establish a new township in Robeson county.

The General Assembly of North Carolina do enact :

Saddle-tree township, Robeson county, established. Boundaries.

SECTION 1. A new township is hereby created and established in the county of Robeson by the name of Saddle-tree township, to be bounded as follows: Beginning at the bridge across Raft swamp at Mount Tabor and run with the road via of Wm. McNeill's to Ten-mile swamp; then with Ten-mile swamp to Company mills; then with the new road to the five (5) mile post; then to the five (5) mile post on the Fayetteville road; then to the six (6) mile post on Clybon-

ville road; then to the Raft swamp at the mouth of Richland swamp; thence up said swamp to Williams' bridge; then with Moss Neck road to Richland swamp; thence up said swamp to Panther ford; thence with the nearest traveled road to the beginning.

SEC. 2. That the voting place in said township be and the same is hereby established at Saddle-tree church. Voting place.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 191.

An act to amend an act entitled an act to incorporate the Wilmington, Onslow and East Carolina Railroad Company, being chapter two hundred and thirty-three of the laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. The Wilmington, Onslow and East Carolina Railroad Company may acquire by purchase or lease the railroad franchises and property of the East Carolina Land and Railway Company, or any other railroad company with which it may connect, upon such terms and conditions as may be agreed upon by a majority of the stockholders of each corporation entitled to vote at a stockholders' meeting, and in case of purchase the railroad franchises and property so purchased shall be held, owned and enjoyed as though the same had been originally constructed by the said Wilmington, Onslow and East Carolina Railroad Company, and it shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the railroad so purchased: *Provided*, that nothing herein contained shall be construed to exempt said railroad company, or any road it may lease or purchase, from any taxes imposed by any general law of the state upon railroad property or franchises; and if said railroad company shall lease or purchase any road whose property or franchises are now exempt from taxation said exemption shall cease, and all such property and franchises shall be subject to taxation in like manner as the property and franchises of companies whose charters do not exempt them from taxation. Authorized to purchase, &c., property, &c., of East Carolina Land and Railway Co., &c.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Provido. Conflicting laws repealed.

SEC. 3. This act shall take effect from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 192.

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

The General Assembly of North Carolina do enact :

Chapter 87, laws 1887, amended. Owner of land to file petition for damages within two years after condemnation or occupation.

Authorized to subscribe for, &c., stock in other companies.

Election in townships, &c., on question of subscription.

SECTION 1. That section fourteen (14) of said chapter be amended by striking out the words "and taken" in line eight (8) and inserting in lieu thereof the words "or occupied," and by striking out the word "and" between words "condemnation and occupation" and inserting in lieu thereof the word "or."

SEC. 2. That section seventeen (17) of said act be amended by adding after the end of said section the words, "and the said Roanoke and Southern Railway Company may subscribe for, purchase and hold stock in other companies within or out of the state of North Carolina."

SEC. 3. That section twenty-two (22) of said act be amended by inserting after the word "located" in line four (4) the words "or through or near which there is a proposition to locate the same."

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 193.

An act to pay the traveling expenses of the supreme and superior court judges.

The General Assembly of North Carolina do enact :

Judges of supreme and superior courts allowed \$250 per annum in lieu of traveling expenses.

SECTION 1. That after the thirty-first day of March, of the year one thousand eight hundred and ninety-one, the justices of the supreme court and the judges of the superior courts of North Carolina shall each receive, in addition to the compensation now allowed by law, the sum of two hundred and fifty dollars per annum in lieu of and in commutation for their traveling expenses incurred while engaged in the discharge of their official duties, to be paid quarterly as the salaries of said officers are now paid.

When act to take effect.

SEC. 2. This act shall be in force from and after the thirty-first day of March, one thousand eight hundred and ninety-one.

Ratified the 28th day of February, A. D. 1891.

CHAPTER 194.

An act to amend chapter two of the laws of eighteen hundred and eighty-nine, it being an act for the relief of Northampton county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter two of the laws of eighteen hundred and eighty-nine be amended by inserting the years of eighteen hundred and ninety-one and eighteen hundred and ninety-two in the last line of said section.

Chapter 2, laws 1889, amended. Commissioners of Northampton authorized to appoint special tax-collectors for 1891 and 1892.

SEC. 2. That section seven of said chapter be amended by striking out all of the said section after the words "year eighteen hundred and eighty-seven" in the seventeenth line.

SEC. 3. That section eight of said chapter be amended by striking out all of said section and substituting therefor the following words: "That in the advertisement and sale to be made by the collector of each township of the real estate in his respective township subject to sale, the township tax-collectors shall have all the powers enumerated in chapter one hundred and thirty-seven of the laws of eighteen hundred and eighty-seven, and given to general tax-collectors under its provisions in conducting such sale and making title to real estate sold."

Sale of land for taxes.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 195.

An act to amend section two thousand nine hundred and sixty-eight of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That the following be added to the end of section two thousand nine hundred and sixty-eight of The Code, viz.: "That in cases of conviction before a justice of the peace the clerk of the superior court of the county where the convicted person or persons confined for costs is, may administer the oath and do as directed in said section two thousand nine hundred and sixty-eight."

Code, section 2968, amended. Superior court clerk authorized to administer insolvent debtor's oath to persons confined upon conviction before justice.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 196.

An act to protect the fish in the head-waters of certain streams in Mitchell, Watauga and Caldwell counties.

The General Assembly of North Carolina do enact :

Unlawful to kill, &c., trout less than five inches long in certain streams.

SECTION 1. That for the purpose of preserving the mountain trout in the head-waters of the Banners Elk, Toe, Linville, John's and Watauga rivers, Wilson's creek, and in such other streams as are embraced within the boundaries of the region known as "Linville Park" (shown by the map made for the citizens of that section and copyrighted by Thomas E. Tregarden), and in all streams heading on the Grandfather mountain, within a distance of fifteen miles of their sources, it shall be unlawful to wilfully kill, to keep when caught, to sell, to receive or to buy any trout less than five inches in length.

Misdemeanor.

SEC. 2. That any person violating this law shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace or other court having jurisdiction shall be fined for each offence not less than two nor more than five dollars, half of which amount shall be devoted to the school fund of the county wherein the case is tried and the remainder to the person furnishing the information.

Penalty.

Duty of school committee.

SEC. 3. That in the event that no one has brought a prior suit and prosecuted the same in good faith for the penalty prescribed in the preceding section, it shall be the duty of the school committee of any township where the said offence shall have been committed to sue for the same, and the whole of their recovery shall be for the use of their school district.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 197.

An act to change the times for holding the fall terms of certain courts in the fifth judicial district.

The General Assembly of North Carolina do enact :

Fall terms of certain superior courts of fifth district, when held.

SECTION 1. Chapter three hundred and fifty-one of the laws of eighteen hundred and eighty-seven, chapter one hundred and thirteen of the laws of eighteen hundred and eighty-nine, and chapter seventy-six of the laws of eighteen hundred and eighty-nine, are amended so as to provide that the respective fall terms of the superior court for the counties herein named, shall be held at the times herein provided for, viz.:

Chatham : Third Monday after the first Monday in September and Chatham county.
to continue for two weeks.

Durham : Fifth Monday after the first Monday in September and Durham county.
to continue for two weeks.

Alamance : Seventh Monday after the first Monday in September Alamance
and to continue for one week. county.

Orange : Eighth Monday after the first Monday in September and Orange county.
to continue for one week.

SEC. 2. For the purposes of this act only those terms are designated What are con-
as fall terms as are provided by law to be held after the first Monday sidered fall terms
in September.

SEC. 3. This act shall be in force from and after July the first one When act to take
thousand eight hundred and ninety-one. effect.

Ratified the 28th day of February, A. D. 1891.

CHAPTER 198.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1) of chapter one hundred and eighty- Chapter 182, laws
two of the laws of eighteen hundred and eighty-nine be amended 1889, amended.
by striking out all after the word "hours" in the fourth (4) line of Unlawful to fish
said section down to and including the word "Wednesdays" in the with seine, &c.,
fifth (5) line thereof, and inserting in lieu thereof the following "of from 6 p. m. Sat-
six o'clock p. m. on Saturday and six o'clock p. m. on Monday." urday, to 6 p. m.
Monday on N. E.
branch Cape Fear
river, between
certain points.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 28th day of February, A. D. 1891.

CHAPTER 199.

An act to prevent the sale of liquor within two miles of Ray's school-
house in Madison county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for anyone to sell or other- Unlawful to sell,
wise dispose of intoxicating liquors within a radius of two miles of &c., liquor within
Ray's school-house in Madison county, North Carolina. two miles of
Ray's school-
house, Madison
county.

SEC. 2. That anyone violating the provisions of the above section
shall be guilty of a misdemeanor, and upon conviction thereof shall
be fined not more than fifty dollars nor less than twenty dollars or
imprisoned not more than thirty days.

Misdemeanor.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 28th day of February, A. D. 1891.

CHAPTER 200.

An act to perpetuate the landmarks of oyster grounds in Onslow county and to facilitate the catching of migratory fish.

The General Assembly of North Carolina do enact :

Shell-fish commissioners of Onslow county to locate triangulation points in surveys of oyster lands and to mark the same.

SECTION 1. That it shall be the duty of the shell-fish commissioners of Onslow county within six months from the ratification of this act to locate by metes and bounds all "triangulation" points named in any and all of the surveys of public or private oyster lands in said county, and to make such record of their several locations in their book of records as will enable any competent engineer to locate them, and it shall be the duty of said shell-fish commissioners to properly mark all of said triangulation points by suitable mounds, stone or other substantial material, which shall be paid for out of any money now in the hands of the county treasurer belonging to the oyster fund or which may come into his hands, and the said landmarks shall be maintained by the shell-fish commissioners at all times, and should the said shell-fish commissioners refuse or neglect to carry out the provisions of this section they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00).

Expenses, how paid.

Neglect of duty a misdemeanor.

Wilful defacing, &c., of triangulation points a misdemeanor.

SEC. 2. Any person or persons wilfully or feloniously defacing, pulling down or removing any of said triangulation points shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both at the discretion of the court.

Stakes on the dividing lines of oyster lands, when dispensed with.

SEC. 3. To facilitate the passage of boats and expedite the catching of migratory fish over private oyster grounds in Onslow county, it shall be lawful for two or more persons owning contiguous tracts of oyster land which are cultivated in common, or where any one person or persons shall have acquired by purchase, lease or gift two or more tracts of land contiguous to each other, to dispense with the stakes on the dividing lines of such several tracts if they or he so elect, but the other lines or boundaries of such several tracts must be marked by substantial stakes or buoys.

Ratified the 28th day of February, A. D. 1891.

CHAPTER 201.

An act for the relief of H. B. Ansell, clerk of the superior court of Currituck county.

The General Assembly of North Carolina do enact :

SECTION 1. That H. B. Ansell, clerk of the superior court of Currituck county, owing to physical disabilities, be allowed to absent himself from his office of clerk for three Mondays during the year eighteen hundred and ninety-one, and 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: *Provided*, said clerk shall not be absent during any term of the superior court to be held for said county, and during his absence he shall leave a competent deputy to perform all the duties authorized to be performed by said deputy.

H. B. Ansell, clerk Currituck superior court, allowed to absent himself from his office for three Mondays during 1891.

Proviso.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 202.

An act to fund the debt of Onslow county and to levy a special tax to pay the same.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of ascertaining the true and lawful indebtedness of Onslow county, the register of deeds for said county, immediately upon notice of the ratification of this act, shall advertise at the court-house door and in three public places in each township in said county, and in the *New Berne Journal* and *Wilmington Star* and *Messenger* for thirty days for all persons holding claims, warrants or judgments against said county due prior to the first day of January, one thousand eight hundred and eighty-seven, to present the same to him for registration in a book to be kept by him in his office for that purpose.

Register to advertise for creditors of county to present claims.

SEC. 2. That within twenty days after the expiration of the said thirty days, the board of county commissioners of said county shall meet at the office of said register of deeds, and shall carefully examine into the correctness and legality of all such claims, warrants and judgments as shall have been presented for registration as aforesaid; and such sums as they shall find true and lawful they shall divide into five equal installments and shall issue coupon bonds of said county in denominations of from ten dollars to one thousand dollars as the creditors may desire.

Commissioners to examine and audit claims.

Claims to be divided into installments and bonds issued therefor.

When bonds to mature.

SEC. 3. That said bonds shall mature and be payable annually at the office of the county treasurer of said county as follows, viz.: one fifth in one year, one fifth in two years, one fifth in three years, one fifth in four years and one fifth in five years from the first day of May, one thousand eight hundred and ninety-one, and shall bear interest from said first day of May one thousand eight hundred and ninety-one at the rate of six per cent. per annum; said interest shall be payable annually and receivable in payment of county taxes.

Interest.

Receivable for county taxes.

Bonds, how issued.

SEC. 4. That said bonds and coupons shall be issued and signed by the chairman of the board of county commissioners and countersigned by the register of deeds of the county and stamped with the official seal thereof, and said register of deeds shall keep a book in which he shall keep an account of the number and amount of each bond issued, when due and when paid and cancelled, so that upon inspection of said book the true state of the indebtedness of the county may be seen.

Duty of register.

Special tax.

SEC. 5. That for the purpose of paying said bonds and interest, the board of county commissioners and magistrates in joint board assembled are hereby authorized and instructed to levy a special tax annually at the time appointed by law for the levying of other county taxes, sufficient to pay said bonds and interest as they become due and payable as aforesaid and to apply said tax to that purpose and no other.

Chapter 43, laws 1887, repealed.

SEC. 6. That chapter forty-three of the laws of one thousand eight hundred and eighty-seven be and the same is hereby repealed.

Bonds to be issued by joint consent of commissioners and justices.

SEC. 7. That the coupon bonds mentioned in section two shall be issued by and with the consent of the joint board of commissioners and magistrates of said county; which joint board shall meet to decide upon this question at the time prescribed in section two for said commissioners to meet and issue said bonds.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 203.

An act to amend chapter sixty-seven of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 67, laws 1887, amended.

SECTION 1. That chapter sixty-seven of the laws of eighteen hundred and eighty-seven be amended by adding thereto a new section as follows :

Act for the protection of mechanics and laborers applicable to contracts made by railroad and other corporations.

Sec. 5. That the provisions of this act shall apply to all contracts and sub-contracts that may be made by any railroad company or other corporation or their authorized agents.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 204.

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

The General Assembly of North Carolina do enact :

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 eighteen hundred and ninety-one and eighteen hundred and ninety-two, 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.

Commissioners of Alleghany, with consent of justices, authorized to levy special tax.

SEC. 2. That the amount of tax 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 property and poll shall always be observed in making levies.

Amount of levy.

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 collection of other taxes in said county.

Collection of tax.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 205.

An act to define felony and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That a felony is a crime which is or may be punishable by either death or imprisonment in a state prison. Any other crime is a misdemeanor.

Definition of "felony" and "misdemeanor."

SEC. 2. That upon the trial of any indictment the prisoner may be convicted of the crime charged therein or of a lesser degree of the same crime, or of an attempt to commit the crime so charged, or of an attempt to commit a lesser degree of the same crime.

Of what prisoner may be convicted upon any indictment.

SEC. 3. That the provisions of this act shall not apply to any crime which shall have been committed prior to the ratification of this act.

To what crimes act applicable.

SEC. 4. That this act shall be in force thirty days after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 206.

An act to authorize the trustees of the Goldsboro Graded Schools to pay for their school building.

The General Assembly of North Carolina do enact :

Trustees of graded school, Goldsboro, authorized to issue bonds to pay for, &c., building of white graded school.

SECTION 1. That for the purpose of paying for and repairing the school buildings and grounds belonging to the trustees of the Goldsboro Graded Schools and used for the white race, the trustees of the Goldsboro Graded Schools shall have power and they are hereby authorized and empowered to issue bonds of the denomination of one hundred dollars to an amount not to exceed fifteen thousand dollars, bearing interest at a rate not to exceed six per centum per annum, payable semi-annually, to run for a period not to exceed thirty years.

Sale, &c., of bonds.

SEC. 2. That the trustees of the Goldsboro Graded Schools shall have power to sell said bonds for cash or to exchange them for the bonds now held against said trustees for the purchase price of said property at not less than their face value.

Payment of interest, how provided for.

SEC. 3. That for the purpose of paying the interest on said bonds the said trustees shall set apart yearly so much of the taxes levied for the support of said graded schools as may be necessary.

Sinking fund for payment of principal.

SEC. 4. That for the purpose of paying the principal of said bonds at maturity it shall be the duty of said trustees to set apart so much of the money coming into their hands for the support of said schools or from any other source as may be necessary to create a sinking fund sufficient to pay said bonds, and to lend out the same on such security as may by said board of trustees be deemed safe at a rate of interest not to exceed eight per centum per annum, payable annually.

Special tax.

SEC. 5. If the said board of trustees shall fail to provide for the payment of the interest or for the establishment of the sinking fund hereinbefore provided for, it shall be the duty of the board of county commissioners of Wayne county to levy a tax upon the property and polls in Goldsboro township in said county annually for the payment of said interest and the establishment of said sinking fund, said tax together with the tax levied for the support of said schools in no year to exceed one-third of one per centum on property and one dollar on the poll, as provided in section two of chapter three hundred and eighty-two of the laws of one thousand eight hundred and sixty-seven.

Mortgage.

SEC. 6. For a further security for the payment of said bonds and the interest thereon the said board of trustees are hereby authorized and empowered to execute a mortgage deed to some person named by them as trustee on said school property with full power of sale in case of failure to pay interest or principal of bonds and to apply

the proceeds to the payment thereof; the chairman of said board of trustees is hereby authorized to execute said mortgage in behalf of said board and to use his private seal and so signing said mortgage.

SEC. 7. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 207.

An act to repeal the Blue Ridge Railroad charter and the Rabun Gap Short Line.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty-four of laws of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one be and the same is hereby repealed and the charter granted by the provisions of said chapter be hereby declared forfeited.

Chapter 124, laws 1850-'1, repealed.

SEC. 2. That chapter one hundred and sixteen of the laws of one thousand eight hundred and seventy-two-three be and the same is hereby repealed and all the amendments thereto, and the charter granted by said chapter one hundred and sixteen be hereby declared to be forfeited.

Chapter 116, laws 1872-'3, and amendments, repealed.

SEC. 3. That the provisions of chapter eighty-eight, laws of one thousand eight hundred and eighty-seven, and all amendments thereto be and the same is re-enacted and extended.

Chapter 88, laws 1887, and amendments, re-enacted Act incorporating the Atlantic, Franklin and Knoxville Short Line R. R. Co.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 208.

An act to prohibit the manufacture and sale of spirituous liquors within two miles of the Methodist church in Whittier, Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to manufacture, sell or in any way dispose of as a beverage any spirituous, vinous or malt liquors in two miles of the Methodist church at Whittier, Swain county, North Carolina.

Unlawful to manufacture, &c., liquors in two miles of Methodist church, Whittier, Swain county.

Penalty.

SEC. 2. That any person found guilty of manufacturing any spirituous liquors within two miles of said church shall be fined not less than fifty dollars nor more than five hundred dollars, and any person found guilty of disposing of any spirituous, vinous or malt liquors as a beverage for profit shall be fined or imprisoned in the discretion of the court or both.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 209.

An act to prevent gambling at agricultural fairs.

The General Assembly of North Carolina do enact :

Games of chance, &c., at fairs prohibited.

SECTION 1. That all games of chance, wheels of fortune and gambling of all species at any fair are hereby forbidden.

Parties losing money to have right of action against officers of fair.

SEC. 2. That for the purpose of enforcing this act all parties who may lose money by gambling at any of these games of chance, wheels of fortune or other gambling devices at any fair chartered under the laws of North Carolina, shall have an action against the officers of said fair to receive [recover] the amount lost: *Provided*, that the officers licensed the gambling or knew that it was carried on; an equal amount and all costs shall also be received [recovered] for the public school fund upon presentment by the grand jury and conviction.

Proviso.

SEC. 3. That it shall be the duty of the grand jury to present the officers of such fairs whom they have reason to believe have violated this law. In all cases where the party or parties who have lost money by these gambling operations do not present or indict the officers of the fair and they are convicted, then the money collected from them shall all go to the public school fund.

Duty of grand jury.

Money collected in cases where parties fail to prosecute, to go to school fund.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 210.

An act to provide for working the public roads and highways of Anson county.

The General Assembly of North Carolina do enact :

Chapter 361, laws 1889, applicable to Anson county.

SECTION 1. That the provisions of an act entitled "an act to provide an alternative method of constructing and keeping in repair the public roads of this state," being chapter three hundred and sixty-one, public acts of eighteen hundred and eighty-nine, shall

apply and be in force in the several townships of Anson county, or such of said townships of said county as comply with the provisions of this act: *Provided*, that before said act shall take effect in any township of said county it shall be necessary for the justices of the peace of such township in regular meeting assembled, by a vote of a majority of the acting justices of the peace therein, to ratify and adopt the provisions of said act and certify their action in writing to the board of county commissioners of said county, whose duty it shall be to carry out the provisions of said act in the township so adopting the same.

Proviso.
Township justices to ratify act before it becomes operative.

SEC. 2. That upon the petition of tax-payers in any township of said county it shall be the duty of said board of county commissioners to publish notice for four weeks notify[ing] the justices of the peace in the township or townships so petitioning therefor to meet at some point in their said township or townships, to be stated in the notice, and decide such question as aforesaid.

County commissioners, upon petition, to notify justices to meet and decide question.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 211.

An act to reduce the official bond of register of deeds of Dare county.

The General Assembly of North Carolina do enact :

SECTION 1. That the official bond of the register of deeds of Dare county be and is hereby reduced from five thousand dollars to three thousand dollars.

Bond reduced.

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

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 212.

An act to authorize the board of county commissioners for Northampton county to issue bonds to raise money to build a jail and to levy taxes to pay the same.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of raising money to build a jail for the county of Northampton the board of county commissioners for said county are hereby authorized and empowered to issue coupon bonds to an amount not exceeding the sum of ten thousand dollars. Said bonds may bear interest at any rate fixed by said board of

Commissioners of Northampton authorized to issue bonds to build jail.

Bonds, how issued.

county commissioners not exceeding eight per centum per annum, and the interest shall be payable annually. The denomination of said bonds may be fixed by the said board of county commissioners, and half of them in amount shall be payable in the year one thousand nine hundred and sixteen, and the other half in the year one thousand nine hundred and twenty-one. Said bonds are to have coupons attached for the amount of interest due each year, and these coupons shall be received by the sheriff or tax-collector of said county in payment of county taxes at any time after the maturity of the same. Said bonds shall not be sold for less than their face or par value.

Coupons receivable for county taxes.

Bonds not to be sold for less than par.

Special tax.

SEC. 2. That it shall be the duty of said board of county commissioners to provide for the prompt payment of the bonds and coupons issued under this act as the same shall mature, and for this purpose they are hereby authorized and empowered and directed to levy a special tax annually which shall be sufficient to pay the coupons falling due each year; and in addition to such tax to pay such coupons in the year one thousand nine hundred and one, and every year thereafter until all of said bonds and coupons are paid off and discharged, said board of county commissioners are hereby authorized, empowered and directed to levy a special tax which shall be sufficient to raise annually the sum of one thousand dollars, to be set apart as a sinking fund with which to pay said bonds as the same shall fall due. The special taxes provided for in this section shall be collected at the same time and in the same manner as state and other county taxes are collected: *Provided*, that in the levy and collection of the same the said board of county commissioners shall observe the constitutional equation between the tax on property and on the poll.

Collection.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 213.

An act to confirm the incorporation and organization of the Egypt Railway Company.

Preamble.

WHEREAS, On the second day of June, eighteen hundred and ninety, Samuel A. Hensgey, Joseph G. Hensgey, Alexander Knight, K. K. Waite, J. J. Saekler, D. W. Slack and others filed in the office of the secretary of state of North Carolina, according to law and in due form, their articles of agreement and plan of incorporation under the name of "The Egypt Railway Company" upon the terms and

with the powers in said articles and plan set forth, which said articles and plan were duly endorsed by the secretary of state with the date of the filing thereof, and duly recorded in his said office; and whereas, the said incorporators have duly organized said company under said articles and plan; now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That said creation, incorporation and organization of said company under the name of "The Égypt Railway Company," for the purposes and upon the terms and conditions and with the rights, powers and privileges set forth in said articles of agreement and plan of incorporation and organization is hereby ratified, approved and confirmed.

Incorporation before secretary of state ratified.

SEC. 2. That said company, its successors and assigns shall have all the rights, powers and privileges and immunities set out in said articles of agreement and contained in chapter forty-nine, volume one, of the Code of North Carolina.

Corporate powers.

SEC. 3. That said company is hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state and operated in the counties of Moore or Chatham whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be consolidated shall and may form a continuous line of railroad with each other, and the said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and such other company or companies are hereby authorized to consolidate with this company upon the same terms and conditions.

Authorized to consolidate with other road, &c.

SEC. 4. That it shall and may be lawful for any railroad or transportation company created by the laws of this state or any other state, from time to time to subscribe to or purchase, or to hold the stock and bonds, or either, of this company or to guarantee or endorse such bonds or stock, or either of them, and it shall and may be lawful for any railroad or transportation company or companies created by the laws of this or any other state, to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such other company or companies as shall be parties to the contract; and it shall be lawful for this company to subscribe or to purchase and to hold the stock or bonds, or both, of any other railroad company or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property or franchises of any such railroad or transportation company: *Provided*, that the road or

Other companies authorized to subscribe to stock, &c., purchase road, &c.

Authorized to subscribe to stock of other companies, &c.

Proviso.

line of such company shall be directly connected with the road of this company.

Telegraph and
telephone lines.

SEC. 5. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephone along its line or lines of railway and to charge and collect such remuneration for messages or dispatches as the president and directors may determine; and said company may connect such lines of telegraph or telephone with the lines of any other company in this or an adjoining state, and may lease, rent or sell this right in any telegraph or telephone lines constructed by the company as in the judgment of the president and directors may be advantageous to the company.

SEC. 6. This act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 214.

An act to limit the time when county bonds shall be issued for railroad purposes, amending chapter four hundred and seventy-nine, laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 479, laws
1889, amended.

Subscriptions to
railroad compa-
nies by Macon
and Swain coun-
ties not to be
made unless
work begun in
three years, &c.

Commissioners
authorized to
contract to issue
bonds to person
or corporation
building road, &c.

SECTION 1. That chapter four hundred and seventy-nine of the laws of one thousand eight hundred and eighty-nine be amended by adding to the end of section two thereto [thereof] the following words: "*Provided*, that no subscription shall be made and no bonds issued in pursuance to any election held under the provisions of this act unless work on the line of road for which such subscription may be made or bonds issued shall be commenced in good faith within three years from the time of holding such election, and that the commissioners of Macon and Swain counties be and they are hereby authorized to negotiate with any person or corporation, and may contract to issue said bonds for the use of any person or corporation that may build said road according to contract that may be made between said commissioners and any one building said railroad."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of February, A. D. 1891.

CHAPTER 215.

An act to provide for the payment of interest on bonds of Mount Airy township.

WHEREAS, Mount Airy township in Surry county has subscribed twenty thousand dollars to the capital stock of the Cape Fear and Yadkin Valley Railway Company and has issued interest-bearing bonds therefor; and whereas the said bonds are still outstanding; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the county taxes which shall be levied and collected upon the property and franchise of the Cape Fear and Yadkin Valley Railway Company in the township of Mount Airy, Surry county, shall be applied in payment of the interest on the said bonds so long as the same shall accrue; that when the said interest shall cease to accrue by reason of the payment of the said bonds, the said taxes shall be applied to general county purposes.

Preamble.
County taxes collected in Mt. Airy township, Surry county, to be applied to payment of interest, &c., on bonds issued on subscription to Cape Fear & Yadkin Valley R. R. Co.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 216.

An act to amend sections twenty-eight hundred and thirty-one, twenty-eight hundred and thirty-two and twenty-eight hundred and thirty-four of The Code of North Carolina, so as to exempt Montgomery county from the operations of the same.

The General Assembly of North Carolina do enact :

SECTION 1. That sections twenty-eight hundred and thirty-one, twenty-eight hundred and thirty-two and twenty-eight hundred and thirty-four of The Code of North Carolina shall not apply to the county of Montgomery.

Sections 2831, 2832 and 2834 of The Code, not applicable to Montgomery county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 217.

An act in relation to lawful fences in Pamlico county.*The General Assembly of North Carolina do enact :*

A certain impenetrable glade in Pamlico county declared a lawful fence.

SECTION 1. That a certain impenetrable glade back of the farms of Festus Miller, C. N. Miller, J. B. Turner, Nathan Hooker and others in Pamlico county, extending from the M. Hahn line down said glade to the lands of W. H. Sawyer, a distance of about two miles, be and is hereby declared a lawful fence.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 218.

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

Chapter 363, laws 1889, amended.

Special tax road-law, Raleigh township, Wake county. Compensation of supervisor.

SECTION 1. That section seven of chapter three hundred and sixty-three of the laws of one thousand eight hundred and eighty-nine be amended by striking out the words "per cent." in line eight of said section and by inserting in lieu thereof the word "cents."

SEC. 2. That section twelve of chapter three hundred sixty-three of the laws of one thousand eight hundred and eighty-nine be amended by striking out the words "seven hundred and twenty" in line three of said section and by inserting in lieu thereof the words "twelve hundred."

SEC. 3. This act shall take effect from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 219.

An act to authorize the commissioners of Columbus county to compromise and settle with the sureties of Kenneth Haynes, late sheriff of said county.*The General Assembly of North Carolina do enact :*

Commissioners and justices of Columbus authorized to compromise with sureties of K. Haynes, late sheriff.

SECTION 1. That the county commissioners and a majority of the magistrates of the county of Columbus be and they are hereby fully authorized and empowered to compromise, commute and settle with the sureties of Kenneth Haynes, late sheriff of said county, by remitting and forgiving such part of either principal or interest,

finer and forfeitures of the indebtedness of the said Kenneth Haynes as such sheriff, as to said commissioners may seem equitable, just and proper.

SEC. 2. That said commissioners be and they are hereby fully authorized and empowered to accept from said sureties in full payment and discharge of said indebtedness, such sum or sums as may be agreed upon by said commissioners and said sureties.

Commissioners authorized to settle with sureties.

SEC. 3. That upon the payment to the county treasurer of said county of the amount so agreed upon by said commissioners, he is hereby fully authorized and empowered to give the said sureties full discharge and release from said indebtedness, and the said sureties upon the payment of said sum shall be forever so discharged.

County treasurer to discharge debt, &c.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 220.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section thirteen of chapter three hundred and sixty-one of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by inserting after the word "Duplin" the word "Swain,"

Chapter 361, laws 1889, amended. Swain county excepted from alternative road-law.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 221.

An act to amend chapter four hundred and twelve of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

That chapter four hundred and twelve, laws of eighteen hundred and eighty-seven, entitled "An act to encourage thrift and economy by the incorporation of institutions for savings and savings banks," be amended by the addition of the following sections:

Chapter 412, laws 1887, amended.

SEC. 29. All deposits amounting to less than one hundred dollars and standing in the name of any person deceased, may, in the discretion of the board of trustees or of the investment committee, be

Deposits to credit of deceased persons payable to certain persons.

paid in whole or in part to the next of kin or to the person or persons defraying or assuming the expenses of the last sickness and burial of the deceased depositor without any legal administration upon said sum, and all such payments shall be as valid as if made to or by the executor, administrator or other legal representative of said deceased.

Deposits to credit of married woman.

SEC. 30. Deposits made by or in the name of a married woman shall be paid only to her or on her order.

Savings banks organized under chapter 412, laws 1887, not required to make stated reports to state treasurer under chapter 453, laws 1889.
Proviso.

SEC. 31. The provisions of chapter four hundred and fifty-three of the public laws of eighteen hundred and eighty-nine shall not be construed to apply to savings banks organized under chapter four hundred and twelve of the public laws of eighteen hundred and eighty-seven, to which this act is amendatory: *Provided, however,* that the treasurers and state commissioners of all such savings banks shall render to the state treasurer reports similar to those required of other banks by chapter four hundred and fifty-three of the laws of eighteen hundred and eighty-nine.

SEC. 32. This act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 222.

An act to prevent the sale of spirituous liquors in Gaston county.

The General Assembly of North Carolina do enact :

Unlawful to sell, &c., liquor in Gaston county.
Proviso.

SECTION 1. That it shall be unlawful for any person, corporation or firm to sell or otherwise dispose of for gain any spirituous, vinous or malt liquors within the county of Gaston: *Provided,* this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors for sickness upon the written prescription of a regular practicing physician having such sick person under his charge.

Misdemeanor.

SEC. 2. That any person, corporation or firm violating this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, for each and every offence, at the discretion of the court.

Misdemeanor for physician, by prescription, to aid in purchase of liquor.

SEC. 3. Any physician who shall make any prescription for the purpose of aiding any person to purchase any intoxicating liquors contrary to the provisions of this act shall be guilty of a misdemeanor and fined at the discretion of the court.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 223.

An act to authorize the commissioners of Wake county to issue bonds to pay and fund its present bonded indebtedness at a lower rate of interest and for other purposes.

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 present bonded indebtedness of the county of Wake at or before the maturity thereof, the commissioners of the county of Wake are hereby authorized and empowered, with the approval of the board of justices of the peace first had and obtained, to issue its bonds to an amount not to exceed in the aggregate the sum of twenty-five thousand dollars (\$25,000.00) of denominations not less than twenty-five nor greater than one thousand dollars, with coupons attached calling for interest at a rate not greater than four and one-half per centum per annum on the principal of each bond, said coupons to be due and payable on the first day of April in each and every year.

Commissioners of Wake, with the approval of justices, authorized to issue bonds, not exceeding \$25,000, to fund county indebtedness.

Description of bonds.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and ninety-one, and shall be due thirty years after date, that is to say on the first day of April, one thousand nine hundred and twenty-one: *Provided*, that the commissioners of said county may pay any or all of said bonds at any time after the first day of April, one thousand eight hundred and ninety-two. Said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board of commissioners. Said clerk of the board shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and the name of the person to whom payable; he shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise cancelled, so by inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said books shall at all times be open to the inspection of any tax-payer of the county, and any clerk of the board, county officer or other person having custody of said books who shall refuse or wilfully neglect to afford such inspection shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the court.

Bonds, when due.

Proviso.

Bonds, how signed.

Duty of clerk.

Record book open to inspection.

Misdemeanor.

SEC. 3. 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 two hundred and fifteen of the laws of North Carolina passed at the

Bonds, to what purposes applied.

session of the general assembly of one thousand eight hundred and eighty-one.

Coupons receivable for county taxes.

SEC. 4. The bonds or the coupons provided for by this act shall be receivable in payment of all county taxes, which shall so be expressed on their face.

Bonds not to be sold for less than par.

SEC. 5. That none of the bonds issued under authority granted by this act shall be sold for less than par value.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 224.

An act in relation to obstructions in or on public roads, streets, lanes, alleys and squares.

The General Assembly of North Carolina do enact :

No person or corporation to acquire exclusive right by occupancy of public road, &c.

SECTION 1. That no person or corporation shall ever acquire any exclusive right to any part of any public road, street, lane, alley, square or public way of any kind by reason of any occupancy thereof or by encroaching upon or obstructing the same in any way, and in all actions, whether civil or criminal, against any person or corporation on account of any encroachment upon or obstruction of or occupancy of any public way it shall not be competent for any court to hold that such action is barred by any statute of limitations. That the provisions of this act shall not apply to or affect any existing suits and that the same shall only apply to obstructions and encroachments on public ways in cities and towns.

Plea of statute of limitations not to avail.

Act not to apply to existing suits.

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

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 225.

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

The General Assembly of North Carolina do enact :

Commissioners of Brunswick, with consent of justices, authorized to levy special tax

SECTION 1. That the commissioners of Brunswick county be and they are hereby authorized and empowered by and with the consent of a majority of the justices of the peace of said county in joint session to levy a special tax for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two.

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

SEC. 3. That said special tax shall be levied in the same manner and at the same time as other taxes are levied in said county, and shall not in any one year exceed the sum of fifteen cents on the one hundred dollars' worth of taxable property and forty-five cents on each poll. Levy of tax.

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 as other taxes are accounted for by him. Collection of tax.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 226.

An act to amend the charter of the Cabarrus and Stanly Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and six of the acts of one thousand eight hundred and eighty-five be and the same is hereby amended by striking out the words "Albemarle in Stanly county" in line four of said section and by adding the word "Yadkin" after the words "Cape Fear and Yadkin Valley" in line six of said section. Chapter 206, laws 1885, amended. Route.

SEC. 2. That section seven of said act be and the same is hereby amended by adding to said section the words "and the subscription of twenty-four thousand dollars subscribed to the capital stock of the Cabarrus and Stanly Railroad by the commissioners of the county of Cabarrus on the twenty-fourth day of September, Anno Domini eighteen hundred and eighty-nine, on behalf and in the name of Number Eight township, in pursuance of an election held in said Number Eight township on the twelfth day of September, Anno Domini eighteen hundred and eighty-nine, where and when a majority of the qualified voters of said Number Eight township voted 'For subscription,' be and the same is hereby declared valid; and that the following named persons voted for at the same time and place by a majority of qualified voters of said Number Eight township, viz.: R. W. Misenheimer, W. R. Kindley, Jonas Cook, E. Foil, E. D. Lentz, H. C. McAllister, M. A. Ludwig, C. G. Heilig, C. D. Barringer, A. Cline, J. A. Hohn, T. A. Maser and Ransom C. Blackwelder and their successors be and the same are hereby recognized Subscription of No. 8 township, of Cabarrus county, of \$25,000, validated. Directors of township to control subscription.

and constituted a board of directors of said Number Eight township, to control said subscription of twenty-four thousand dollars for the purpose for which said subscription was voted and subscribed. They shall organize by the election of a president, a secretary and treasurer and shall enjoy all the privileges conferred by said charter, and shall have power to fill all vacancies.”

Organization, &c.
County commis-
sioners to issue
bonds only by
consent of direct-
ors.

SEC. 3. That section eight of said act be and the same is hereby amended by adding to said section the words “and it shall not be lawful for the board of commissioners of the county of Cabarrus to issue any bonds on account of said Number Eight township, except by and with the advice and consent of the majority of said board of directors of Number Eight township.

Commissioners,
with consent of
directors, author-
ized to transfer
to township stock,
&c.

SEC. 4. That section ten of said act be and the same is hereby amended by adding to said section the words, “and the board of commissioners of the county of Cabarrus, by and with the advice and consent of the majority of said board of directors of said Number Eight township, shall transfer the stock subscribed on behalf and in the name of said Number Eight township, or any part thereof, to the capital stock of any other corporation, person or persons who shall construct and complete a railroad to or by Mt. Pleasant in Cabarrus county, North Carolina.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 227.

An act to amend section one thousand seven hundred and fifty of The Code, in relation to notice [to] terminate a tenant.

The General Assembly of North Carolina do enact :

Code, section 1750,
amended.
Tenancy from
year to year ter-
minated by one
month's notice
to quit; from
month to month
by seven days'
notice.

SECTION 1. That section one thousand seven hundred and fifty, chapter forty, volume one of The Code, be and the same is hereby amended by striking out in line two of said section the word “three” and insert in lieu thereof the word “one,” and strike out in line four the word “fourteen” and insert in lieu thereof the word “seven.”

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 228.

An act declaring the county of Rowan under the stock law.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any stock to run at large in the county of Rowan under the regulations and penalties prescribed in sections two thousand eight hundred and sixteen, two thousand eight hundred and seventeen, two thousand eight hundred and eighteen and two thousand eight hundred and nineteen of The Code.

Unlawful for stock to run at large in Rowan county.

SEC. 2. That all laws and parts 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 3d day of March, A. D. 1891.

CHAPTER 229.

An act to amend section six hundred and forty-seven of The Code, in relation to the registration of constables' bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That section six hundred and forty-seven of The Code be amended by striking out in line eighteen thereof the word "constable" and insert in lieu thereof the word "county."

Code, section 647, amended.

Fees for proving and registering constable's bond to be paid by county.

SEC. 2. That this act shall apply to the county of Stanly only.

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

Ratified the 3d day of March, A. D. 1891.

Act applicable only to Stanly county.

CHAPTER 230.

An act to provide for the support of the North Carolina Institution for the Deaf and Dumb and the Blind.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of forty thousand dollars be and the same is hereby appropriated for the support of the North Carolina Institution for the Deaf and Dumb and the Blind for and during the fiscal year beginning December the first, one thousand eight hundred and ninety and ending November the thirtieth, one thousand eight hundred and ninety-one, and the same amount is hereby appropriated

\$40,000 per annum appropriated.

for the support of said institution for the fiscal year beginning December the first, one thousand eight hundred and ninety-one and ending November the thirtieth, one thousand eight hundred and ninety-two.

Treasurer to pay on warrant of trustees or executive committee.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the sum appropriated by section one of this act out of any fund in the treasury not otherwise appropriated upon the warrant of the board of trustees of said institution or the executive committee thereof.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 231.

An act to repeal section three, chapter two hundred and four, laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact :

Chapter 204, laws 1879, amended. Law making it unlawful to take fish by hand seines in Limestone creek, Duplin county, repealed.

SECTION 1. That section three (3), chapter two hundred and four (204) of the laws of one thousand eight hundred and seventy-nine be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 232.

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

The General Assembly of North Carolina do enact :

Code, section 2834, amended. Doves stricken from law making it unlawful to kill certain birds within certain dates. Act applicable only to Edgecombe county.

SECTION 1. That section two thousand eight hundred and thirty-four of The Code be amended by striking out the word "doves" in line two of said section.

SEC. 2. That this act shall apply only to the county of Edgecombe.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 233.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand seven hundred and ninety-nine (2799) of The Code be amended by striking out in the second line of said section the word "five" (5) and insert in lieu thereof the words "four and a half" (4½). Code, section 2799, amended, Four and a half feet a lawful fence.

SEC. 2. That this act shall apply only to the counties of Alleghany, Davidson, Harnett, Henderson, Wake, Craven, Richmond, Davie, Bladen, Northampton, Washington, Randolph, Robeson, Wilkes, Tyrrell, Burke, McDowell and Lenoir. Act applicable only to certain counties.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 234.

An act to protect deer in the county of Wayne.

The General Assembly of North Carolina do enact :

SECTION 1. That any person who shall hunt with gun or chase with a dog or shall kill or destroy any deer running at will in the woods between the first day of February and the first day of November next thereafter ensuing, unless in an inclosure surrounded by a sufficient fence at least five feet high and when such person shall have a lawful right so to do, shall pay a penalty of fifty dollars for each offence to any person suing for the same, one-half for his use and the other for the use of the public school of the district wherein the offence is committed, and shall be guilty of a misdemeanor. Penalty for hunting, &c., deer between Feb. 1st, and Nov. 1st, unless in enclosure surrounded by a lawful fence, &c.
Suit for penalty.
Misdemeanor.

SEC. 2. In the event that no one has brought a prior suit and prosecuted the same in good faith for the penalty prescribed in the preceding section it shall be the duty of the school committee of any district where the said offence shall be committed to sue for the same, and the whole of the recovery shall be to themselves for the use of their school district, and they shall cause any person so offending to be prosecuted by indictment for such offence. Suit by school committee for penalty.

SEC. 3. That the provisions of this act shall only apply to the county of Wayne. Act applicable only to Wayne county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 235.

An act to authorize the board of commissioners of Stanly county to issue bonds to build a court-house.

The General Assembly of North Carolina do enact :

Commissioners of Stanly authorized to issue bonds not exceeding \$10,000 to build court-house

SECTION 1. That the county commissioners of Stanly county, for the purpose of building a new court-house at Albemarle in said county, are authorized and empowered to issue bonds bearing interest at the rate of six per centum per annum to an amount not to exceed ten thousand dollars, of the denominations of one hundred and 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 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.

Coupons receivable for county taxes.

Bonds, when to mature.

Bonds, how issued.

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 said board 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 for 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 the principal, the board of commissioners, [togetuer with a] majority of magistrates 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.

Purchase of bonds by commissioners.

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 one year 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 Stanly 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 the expiration of such public notice, then the holder shall not receive any interest subsequently accruing, and the sub-

stance of the foregoing conditions shall be expressed in the body of said 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 to be 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.

Clerk to keep record.

Bonds, when redeemed, to be destroyed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 236.

An act to amend chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-nine, in relation to the dividing line between Alleghany and Ashe counties.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty-six (256) of the public laws of eighteen hundred and eighty-nine be amended so as to read as follows: "That the dividing line between the counties of Alleghany and Ashe be changed as follows: beginning in the county line in the public road on top of Peach Bottom mountain north of A. M. Reeves', running a straight line to A. M. Reeves' barn; then southward a straight line to James C. Miller's, leaving him on the Alleghany side; then to James Williams' and southeast to Jesse Miller's, and then to Meadow Fork creek, and then up and with said creek to Jacob Miller's mill; and then southward to Felix Absher's, leaving him on the Alleghany side; and then southeast to the public road and with said public road to the forks of the road north of and near to Lewis Wyatt's; and then southward to the Wilkes line on top of the Blue Ridge, the line to be so run as to include H. M. Key, William Rose, T. F. Rose and Alex. Rose on the Alleghany side of the line.

Chapter 256, laws 1889, amended.

Dividing line between Alleghany and Ashe counties.

SEC. 2. That said line shall be the western boundary of Cranberry township, Alleghany county.

Line to be western boundary of Cranberry township, Alleghany county.

SEC. 3. That any portion of Ashe county indebtedness which was assumed by Alleghany county under the provisions of said chapter and which has not been paid, shall be deemed to be discharged and liquidated in consideration of the benefits derived by Ashe county under the provisions of this act.

Portion of Ashe county debt assumed by Alleghany county discharged.

SEC. 4. This act shall be in force from and after the thirty-first day of March, one thousand eight hundred and ninety-one.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 237.

An act to provide for the payment of interest on the bonds of Hotel township.

Preamble.

WHEREAS, Hotel township, in the county of Surry, has, by an election duly authorized, subscribed ten thousand dollars to the capital stock of the Northwestern North Carolina Railroad Company and has issued interest-bearing bonds therefor: and whereas, the said bonds are still outstanding: therefore,

The General Assembly of North Carolina do enact:

County taxes collected in Hotel township, Surry county, on property of Northwestern N. C. R. Co. applicable to payment of township bonds. Taxes, how applied after payment of bonds.

SECTION 1. That the county taxes which shall be levied of and collected upon the property and franchise of the Northwestern North Carolina Railroad Company in Hotel township, county of Surry shall be applied to the payment of the interest on the said bonds so long as such interest shall accrue.

SEC. 2. That when the said interest shall cease to accrue by reason of the payment of said bonds, then the said taxes shall be applied to the general county purposes.

Conflicting laws repealed.

SEC. 3. That all acts and clauses of acts conflicting be and the same are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 238.

An act to authorize the commissioners of Graham county to purchase the field notes of J. W. C. Piercy, deceased, for the benefit of Graham county.

The General Assembly of North Carolina do enact:

Commissioners of Graham authorized to purchase certain field notes of J. W. C. Piercy.

SECTION 1. That the board of commissioners of Graham county be and they are hereby authorized and empowered to purchase so much of the field notes of J. W. C. Piercy, deceased, as relate to Graham county, from any person who may have possession of the same, and copy the same, to be kept as a part of the public records of Graham county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 239.

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

SECTION 1. That the commissioners of Duplin county be and they are hereby authorized and empowered by and with the consent of the board of justices of the peace of said county assembled in joint meeting with said commissioners, to levy a special tax of two thousand dollars (\$2,000) for the year one thousand eight hundred and ninety-one (1891) for the purposes of meeting the expenses of building a jail; said tax shall be levied and collected as other taxes are levied and collected, observing the constitutional equation between property and polls.

Commissioners of Duplin, with consent of justices, authorized to levy special tax.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 240.

An act in regard to the registration of conditional sales.*The General Assembly of North Carolina do enact :*

SECTION 1. That all conditional sales of personal property in which the title is retained by the bargainor and which are required to be reduced to writing and registered by The Code, section twelve hundred and seventy-five, shall be registered in the county where the purchaser resides, or in case the purchaser shall reside out of the state, then in the county where the said personal estate or some part thereof is situated.

Conditional sales of personal property where to be registered.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 241.

An act to amend section one thousand and sixteen of The Code in relation to embezzlement.*The General Assembly of North Carolina do enact :*

SECTION 1. That section one thousand and sixteen, volume one of The Code, be amended by adding thereto the following: After the word "court" in the last line of said section, "If any clerk of the superior, inferior or criminal courts of the state, any sheriff, treasurer, register of deeds or other public officer of any county or town

Code, section 1016, amended.

Embezzlement by public officer a felony.

- of the state shall embezzle or wrongfully convert to his own use, or corruptly use, or shall misapply for any purpose other than that for which the same are held, or shall fail to pay over and deliver to the proper persons entitled to receive the same when lawfully required so to do, any moneys, funds, securities or other property which such officers shall have received by virtue or color of his office in trust for any person or corporation, such officer shall be guilty of a felony. That the provisions of this act shall apply to all persons who shall go out of office and fail or neglect to account to or deliver over to their successor in office or other persons lawfully entitled to receive the same all such moneys, funds and securities or property aforesaid.
- Act applicable to public officer going out of office and failing to pay over to successor, &c. The punishment shall be imprisonment in the penitentiary or county jail or fine, in the discretion of the court.
- Penalty. SEC. 2. That in all indictments under this act the provisions of section one thousand and twenty of The Code shall apply.
- Indictments. SEC. 3. This act shall be in force from and after its ratification. Ratified the 31 day of March, A. D. 1891.

CHAPTER 242.

An act to amend section one thousand two hundred and sixty-seven of The Code in regard to deeds, how made when sheriff who sells dies.

The General Assembly of North Carolina do enact :

Code, section 1267, amended.

Made applicable to conveyances of land sold for taxes.

Conveyances of land sold for taxes by sheriff since deceased, &c.

SECTION 1. That section twelve hundred and sixty-seven of The Code be amended by striking out the proviso at the end of said section.

SEC. 2. That said section be further amended by adding thereto, in lieu of said proviso which is hereby stricken out, the following words, viz.: "When a sheriff or tax-collector has made due sale of land for taxes and dies before executing a deed thereto; or when a sheriff or tax-collector dies, and in collecting taxes due on lists that were in his hands for collection his executor or administrator, or any one acting for the sureties on his bond, shall have made sale for taxes as contemplated by law in all such cases, his successor or the sheriff then in office shall be the proper person to execute a conveyance to the person entitled."

Conflicting laws repealed. Deeds heretofore executed validated. Proviso.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and all deeds heretofore executed in cases contemplated in this act and in accordance with its provisions are hereby made valid and of binding force: *Provided*, any tax-payer whose lands have hereto[fore] been sold may redeem the

same within twelve months from the passage of this act by paying the purchase price and such cost and charges as [are] now allowed by law or may accrue in such cases provided.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 243.

An act to authorize the board of commissioners of Yadkin county to sell certain lands belonging to said county and purchase land for said county, and for other purposes.

WHEREAS, all the timbers and fire-wood have been exhausted on the farm belonging to the county of Yadkin on which the poor-house and building thereunto belonging are situated,

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Yadkin county are hereby authorized and empowered to purchase within five miles of the town of Yadkinville a farm, and in their discretion to erect proper and suitable buildings thereon to be used as a poor-house or county home for the paupers of Yadkin county.

Commissioners of Yadkin authorized to purchase farm and erect buildings for poor house.

SEC. 2. That said board of commissioners are authorized and empowered to sell the tract of land now used by Yadkin county for the poor-house and known as the poor-house land, or so much thereof as they may deem proper, and apply the proceeds arising from such sale to the payment of any other land they may buy by virtue of this act.

Authorized to sell land now used for poor-house.

Application of proceeds.

SEC. 3. That said board of commissioners may divide up and sell said poor-house tract of land in such size lots as they may deem proper.

Authorized to divide land into convenient parcels for sale.

SEC. 4. That all deeds made and executed for lands purchased by said board of commissioners under this act shall be made to the board of commissioners of Yadkin county and their successors in office ; and all deeds made and executed for lands sold by said board of commissioners under this act shall be signed by the chairman of the board of commissioners of Yadkin county.

Deeds, how executed.

SEC. 5. That the said board of commissioners may apply any surplus funds or money now in the hands of the treasurer of Yadkin county arising or accruing from special taxes already levied and collected for said county of Yadkin to the purchase of the lands hereinbefore provided and to the erection of the proper buildings thereon.

Application of surplus funds, &c.

Application of surplus to common school fund.

SEC. 6. That said board of commissioners may apply any surplus that remains in the hands of the treasurer of Yadkin county arising and accruing from the special taxes of Yadkin county and not appropriated by them to the purposes provided for in section five of this act to the common school funds of Yadkin county, to be distributed as other school money.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 244.

An act to authorize the board of county commissioners to issue license to maimed Confederate soldiers to peddle goods, wares or merchandise.

The General Assembly of North Carolina do enact :

County Commissioners authorized to issue peddler's license without charge to maimed Confederate soldiers.

SECTION 1. That upon application the board of commissioners of any county in this State may, without charge, grant license to peddle goods, wares or merchandise, other than vinous, spirituous medicated bitters or malt liquors, to any maimed Confederate soldier who lost an arm or leg or was otherwise maimed so as to render him incompetent to do manual labor: *Provided*, any person obtaining a license under this act shall not transfer or assign the same, or permit the same to be used by any other person or persons under penalty of forfeiture of said license.

Proviso.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 245.

An act to authorize the commissioners of Pitt county to sell the present poor-house property in said county, and to purchase other lands and build a poor-house.

The General Assembly of North Carolina do enact :

Commissioners of Pitt authorized to sell land, &c., used for poor-house and buy other land, &c.

SECTION 1. That the board of commissioners of Pitt county are hereby invested with the power 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, and the said commissioners are authorized to expend such an amount as they may think proper, not to exceed the sum of five thousand dollars, to be paid out of the treasury of said county in excess of the amount they may receive from the sale of the present poor-house and land for the purpose of building a new poor-house and purchasing said land.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 246.

An act to appoint H. Cabaniss a justice of the peace.

The General Assembly of North Carolina do enact :

SECTION 1. That H. Cabaniss for Number Six township, Cleveland county, be and he is hereby appointed a justice of the peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

H. Cabaniss appointed justice for No. 6 township, Cleveland county.

SEC. 2. That section twenty-seven of The Code shall not be applicable to the said H. Cabaniss.

Code, section 27, not applicable to H. Cabaniss.

SEC. 3. That the appointment of the said H. Cabaniss and his acceptance and qualification as justice of the peace in and for said township and county shall in nowise affect his right to practice as attorney-at-law in the various courts of Cleveland county except on such cases as have been appealed from the court of the justice of the peace in which he presided or took part.

Right to practice law not affected.

Exception.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 247.

An act to incorporate the Danville and East Tennessee Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That T. W. M. Draper, Thomas Ewing, J. P. Harrison, L. C. Berkeley, Jr., R. M. Hughes, H. A. Hitchcock, Charles T. Trego, A. B. Hitchcock, George Smith, J. T. Morehead, E. B. Withers, J. F. Rison, Barton Myers, R. M. S. Wortley, and such other persons as may be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate under the name and style of the Danville and East Tennessee Railroad Company, for the purpose of constructing, equipping, maintaining and operating a railroad from Danville, Virginia, to some

Body politic.

Corporate name.

- Route. point on the Mississippi or Ohio river, through the states of Virginia, North Carolina, Tennessee and Kentucky, or either of said states.
- Capital stock. SEC. 2. The capital stock of said company shall be not less than one hundred thousand dollars, divided into shares of one hundred dollars each, and the board of directors may from time to time, at their discretion, increase said capital stock to an amount not exceeding twenty thousand dollars per mile of road actually constructed, and before this company shall be deemed to be fully organized at least ten thousand dollars shall be subscribed and twenty-five per centum thereof paid in; each share thereof shall entitle its holder to one vote in all meetings of the stockholders, and the company may receive real and personal property suitable for its business in payment of subscriptions to the capital stock at such valuations as may be agreed upon between the board of directors and the subscribers thereto.
- Subscriptions.
- Organization. SEC. 3. After the passage of this act the corporators heretofore mentioned, or any ten of them, may, after ten days' notice in the newspapers of Danville, Virginia, and Leaksville, N. C., meet together and organize the said company by electing a board of directors of not less than five nor more than nine, who shall hold office for one year and shall choose from their own number one who shall be president of the board and company. The board of directors may fill any vacancy in their own body or the office of president, whether such vacancy occur by death, resignation or otherwise, and shall elect such other officers as may be necessary to carry on the business of the company.
- When directors authorized to organize company. SEC. 4. As soon after the passage of this act as they may choose, the board of directors may meet together and take such steps as they may deem proper to secure subscriptions to the capital stock of the company, and as soon as the minimum amount of said capital stock shall have been subscribed and two per centum thereof paid, the board of directors may proceed to organize said company, adopt by-laws for the government of the company, and take such further action as the interests of the company may require; and thereupon the said company shall be deemed to be duly organized, and shall have all the general powers and be subject to such restrictions as are conferred and imposed upon corporations and chartered companies by the laws of North Carolina.
- When company to be deemed organized. Corporate powers. SEC. 5. The by-laws of the said company shall prescribe the times and places for the meetings of stockholders, and also the time and method of giving notification of such meetings; but the same may be changed at the discretion of the board of directors.
- What by-laws to prescribe. SEC. 6. The said company shall have power to borrow money for its purposes, and to secure the same by mortgage or mortgages, upon its works, franchises and income.
- Authorized to borrow money on mortgage. SEC. 7. It shall be lawful for the said company to construct and operate branch or lateral lines of railroad not exceeding fifty miles
- Corporate powers.

in length for each in this state, and to consolidate with any other railroad company heretofore incorporated or which shall be hereafter incorporated in or out of the state of North Carolina, whose line of road connects or will connect with the railroad hereby authorized to be constructed, and especially to consolidate with the Danville and East Tennessee Railroad Company, chartered and organized under the act of the legislature of Virginia, approved February eighteenth, eighteen hundred and eighty-eight; and it shall be lawful for the company hereby incorporated to lease or sell its works, property and franchises to any other such company; and it shall be lawful for said company to lease or purchase the works, property and franchises of any other railroad company heretofore incorporated or which shall be hereafter incorporated in or out of the state of North Carolina whose line connects or will connect with the lines of the railroad hereby authorized to be constructed; and any railroad heretofore incorporated or which shall be hereafter incorporated in the state of North Carolina is hereby authorized to consolidate with the said Danville and East Tennessee Railroad Company, or to sell or lease its works, property and franchises to the said Danville and East Tennessee Railroad Company, or to purchase or lease the works, property and franchises of the said Danville and East Tennessee Railroad Company, and which lies along the route of this company, so as to be used as a part of its main lines or which may be used in lieu of such lateral roads as this company is authorized by the general law of this state to construct: *Provided*, that the said company shall begin its work of constructing said road within two years and complete the same within eight years from the passage of this act.

When work to be begun and completed.

SEC. 8. That this act shall be in force from its ratification.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 248.

An act to define the authority of the official acts of notaries public in North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the power of all persons who are at present notaries public, or who may hereafter be appointed such, shall not be limited to any single county or specified portion of the state, but that the said notaries public shall have full power and authority to perform the function of their office in any and all counties of the

Powers of notaries public.

state, and that full faith and credit shall be given to any of their official acts wheresoever the same shall be made and done.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 249.

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

The General Assembly of North Carolina do enact :

Commissioners and justices of Pamlico authorized to levy special tax to build court-house and jail.

SECTION 1. That the commissioners of Pamlico county, together with the justices of the peace for said county, be and they are hereby authorized and empowered to levy a special tax at the same time with other levies upon all the taxable property and polls of the said county for the years one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892) and one thousand eight hundred and ninety-three (1893), the said special tax to be applied to the building a court-house and jail in the town of Bayboro in said county. The said special tax levy shall not exceed the sum of twenty-five cents on the one hundred dollars valuation of property in said county, and in the making said levy the said commissioners and justices of the peace shall observe the constitutional equation between the property and poll.

Limitation of tax.

Collection of tax.

SEC. 2. That the sheriff shall collect said taxes at the same time and under the same restrictions that other taxes are collected, and that said tax shall not be applied to any purpose except the purpose indicated in this act.

Application.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 250.

An act to authorize the treasurer of Surry county to pay school claim.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Surry county is hereby authorized and empowered to pay Mrs. Ellen S. Harrell the sum of seven dollars (\$7), the balance due her as teacher in district number nineteen (19) (white race), Surry county, for the year one thousand eight hundred and eighty-eight (1888), out of any school funds now due or may hereafter be due said district number nineteen (19).

Treasurer of
Surry county
authorized to pay
Ellen S. Harrell
\$7.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 251.

An act to amend chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty-seven, relating to dentistry.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and seventy-eight of the laws of eighteen hundred and eighty-seven be amended by striking out the proviso in said section.

Chapter 178, laws
1887, amended.
Law requiring
dentists to obtain
certificate from
board of exam-
iners applicable
to dentists hold-
ing diplomas, &c.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 252.

An act in relation to Hertford county.

The General Assembly of North Carolina do enact :

SECTION 1. That section four, chapter three hundred and thirteen (313), laws of one thousand eight hundred and eighty-seven (1887), be so amended as to include the county of Hertford within its provisions: *Provided*, the incorporated towns in said county be exempted from the provisions of this act.

Chapter 313, laws
1887, amended.
Law enacting
that no license
be granted to
sell liquor out-
side of incorpora-
ted towns, &c.
applicable to
Hertford county.
Incorporated
towns exempted.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 253.

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

The General Assembly of North Carolina do enact :

Chapter 149, laws 1885, amended.

Law to drain lowlands in Rowan, Davidson, Davie and Catawba counties.

Land-owner, working only his own lands, when released from other work, &c. Conflicting laws repealed.

SECTION 1. That chapter one hundred and forty-nine, section five, of the laws of eighteen hundred and eighty-five be amended by adding at the end of section five after the word "stream" the following: "*Provided further*, that any land-owner in a section may, by an agreement with the commissioners to work only on his own land under the supervision of the overseer of his section, be released from all the provisions of section five of this act."

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 3d day of March, A. D. 1891.

CHAPTER 254.

An act for the benefit of Madison town and township, Rockingham county, North Carolina.

The General Assembly of North Carolina do enact :

Commissioners of Rockingham on petition, to order election on question of railroad subscription of \$4,000 in Madison township.

Election on question of \$2,000 subscription.

Election, how conducted.

On affirmative vote, bonds to be issued, &c.

SECTION 1. That whenever citizens representing one-fourth the taxable property of Madison township, Rockingham county, North Carolina, shall so petition it shall be the duty of the board of commissioners of said county to order an election in said township on the question of voting a subscription not exceeding four thousand dollars (\$4,000) to the capital stock of any railroad approaching Madison town from the east.

SEC. 2. Under similar conditions an election shall be ordered for Madison town in a sum not exceeding two thousand dollars (\$2,000).

SEC. 3. Said election or elections shall be conducted as elections for the general assembly of the state of North Carolina; ballots printed or written, "Subscription" or "No subscription."

SEC. 4. If said subscription or subscriptions are voted, the amount shall be payable in thirty years; coupon bonds of the amount of one hundred dollars each or any multiple thereof, bearing interest at the rate of six per cent. per annum, payable annually on the first day of January of each and every year, shall be delivered to the railroad company, one-half when the road-bed is completely graded to Madi-

son town from its most easterly point, one-half when the road is in operation to the town of Madison from its most easterly terminus, the town or township receiving stock in the railroad to the amount of its subscription.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 255.

An act to amend chapter five hundred and one of the laws of eighteen hundred and eighty-nine, relating to working the roads in Guilford county.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter five hundred and one of the laws of eighteen hundred and eighty-nine be amended by adding at the end of said section the following, to-wit: "If the justices in any township refuse to adopt said road law when applied to in accordance with said section, the county commissioners, upon the petition of a majority of the qualified voters of such township, shall order an election under the same rules [and] regulations as elections are held for the election of members of the general assembly."

Chapter 501, laws 1889, amended.

Election in case township justices refuse to adopt road law.

SEC. 2. That the tickets to be voted shall have written or printed on them the words "Tax" or "No tax," and if a majority vote "Tax," the said justices shall adopt the said road law and carry out the provisions of chapter five hundred and one of the laws of eighteen hundred and eighty-nine, as though they had adopted said road law without its being voted on.

Ballots.

On majority vote, road law to be adopted, &c.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 256.

An act to prohibit the sale of spirituous liquors in the town of Burgaw.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell any spirituous, vinous, malt or intoxicating liquors within three miles of the court-house and present county seat of Pender county, in the town of Burgaw.

Unlawful to sell liquors within three miles of Burgaw.

Misdemeanor.

SEC. 2. That for each and every violation of the foregoing section the person so offending shall be guilty of a misdemeanor and upon conviction thereof before the mayor of the town of Burgaw or any justice of the peace of the county of Pender, shall be punished by a fine of not exceeding fifty dollars or by imprisonment in the county jail for a term not exceeding thirty days.

SEC. 3. That this act shall be in force from and after the thirtieth day of June, eighteen hundred and ninety-one.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 257.

An act to amend section six hundred and seventy-seven, chapter sixteen of the Code.

The General Assembly of North Carolina do enact:

Code, section 677,
amended.
Corporations
formed before
clerk; shares not
to be less than
five dollars each.

SECTION 1. That section six hundred and seventy-seven, line twenty, of The Code, be amended by striking out the word "fifty" and insert the word "five."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 258.

An act to prevent the killing of unmarked stock running in the range.

The General Assembly of North Carolina do enact:

Person not owner
of unmarked
cattle, killing un-
marked cattle, &c.

Larceny.

Misdemeanor.

Act applicable
only to Haywood
county.

SECTION 1. That if any person not being the owner of any unmarked neat cattle, sheep or hogs, shall kill any unmarked neat cattle, sheep or hogs in the range, such person shall, if the act be done with felonious intent, be guilty of larceny and punished as for the offence, and if not done with such intent shall be guilty of a misdemeanor: *Provided*, this act shall only apply to the county of Haywood.

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 259.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two of the laws of one thousand eight hundred and eighty-five be amended by inserting after the word "Hyde" in said section the word "Moore."

Chapter 201, laws 1885, amended. Lawful to kill doves and larks in Moore county between April 1 and October 15.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 260.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions of section one, chapter twenty-two of the laws of one thousand eight hundred and eighty-nine are hereby extended for the period of four years from and after the expiration of the year one thousand eight hundred and ninety-two. During the said period the commissioners of the county of Beaufort are hereby authorized to levy the special tax therein provided for annually, the proceeds thereof to be applied to the payment of the present outstanding indebtedness of the county, and, after that is paid, to the necessary expenses of the county.

Provisions of chapter 22, laws 1889, extended. Levy of special tax by commissioners of Beaufort to pay county indebtedness.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 261.

An act to amend chapter four hundred and eighty-four of the public laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and eighty-four of the public laws of eighteen hundred and eighty-nine, entitled "An act to supplement the public school in district number four, Guilford county, North Carolina, with a special tax," be amended as follows: That section one of said act be amended to read as follows, "That all

Chapter 484, laws 1889, amended.

Boundaries of school district, No. 4, Guilford county.

the territory embraced within the following boundaries, to-wit, commencing at the south-east corner of the present corporate limits of the city of Greensboro, running thence south one mile, thence west to the track of the Cape Fear and Yadkin Valley Railway, thence northward with said track to a point on said track one quarter of a mile distant in a straight line from the nearest point on the southern boundary of the city of Greensboro, thence west to a point due south of the south-west corner of the corporate limits of the city of Greensboro, thence north to said south-west corner, thence east with the southern boundary of the city of Greensboro to the beginning, shall be known as School District Number Four.

Limitation of special tax.

SEC. 2. That the words "twenty-five cents" in line eight of [section] three of said act be stricken out and the words "fifty cents" be inserted in lieu thereof.

If part of school district annexed to Greensboro, to be exempt from its act.

SEC. 3. That in the event of any portion of said school district number four being annexed to the city of Greensboro, then the territory so annexed shall cease to be a part of said school district and shall be thereafter exempt from all the provisions of this act.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 262.

An act to incorporate the West Asheville and Sulphur Springs Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That E. G. Carrier, J. D. Carrier, F. T. Meriwether, D. C. Waddell, W. W. Barnard, J. B. Bostic, J. T. Bostic, J. G. Merimon and T. H. Cobb and their associates and successors be and they are hereby created a body politic and corporate under the name

Corporate name.

and style of the "West Asheville and Sulphur Springs Railway Company," and by that name may sue and be sued, plead and be impleaded, and be capable of purchasing; holding in fee or for less estate, buying, selling, leasing and conveying real and personal property, with all the rights and powers granted to corporations in chapters sixteen and forty-nine of The Code of North Carolina, and as are granted to any and all such railway companies in this state, and in particular that of condemning, appropriating and using lands for railway purposes; and as such corporation they shall have a

Corporate powers.

Condemnation of land.

common seal, which they may break or alter at pleasure. The process and rights and remedies of condemning land for such purpose shall be as prescribed by said chapter forty-nine of The Code of

North Carolina, and that in estimating the damages of any land condemned for railroad purposes by virtue of this act the commissioners shall consider that benefit which is special to the land adjoining that condemned, and they shall also consider in such estimate all benefits which, in their discretion, enhances the value of the land adjoining that condemned, and that whether such benefit be common to the other lands or not. In determining the amount of such benefit they shall make such allowance or deduction on account of any real or supposed benefit which the parties in interest may derive from the construction of the proposed railway, whether special to the land so condemned or common to that and other lands.

SEC. 2. That the capital stock of said company shall be fifty 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 upon resolution of the board of directors of the corporation created by this act.

Capital stock.

Authorized to borrow money on mortgage, &c.

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 city of Asheville and the town of West Asheville, North Carolina, and to points within the vicinity of said city and town, and to erect such depots, stables, offices, engine-houses, sheds, shops and other necessary buildings as the board of directors may desire, and to demand and receive such sums of money for the carriage of passengers as the board of directors may think proper, and such compensation for the transportation of freight and parcels, if the directors shall see fit to carry the same, as they may fix, and to alter said rates at pleasure; and shall have the power and authority to eject from any of the cars, carriages or coaches of said railway any person or persons who do not pay their fare upon the demand of the conductor, or other person in charge of such car, carriage or coach, or who do not pay according to the rules and regulations of said company.

Authorized to build street railways in Asheville and vicinity, &c.

Ejection of passengers not paying fare.

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

By-laws.

Officers.

Proviso.

salaries: *Provided*, the same be not inconsistent with the constitution and laws of this State and the United States.

Misdemeanor to injure railway, &c.

SEC. 5. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the court.

Misdemeanor to throw stones, &c., at cars, &c.

SEC. 6. That any person or persons who shall cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, shot, pellet or other missile of any kind or nature, at, against, upon or 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 at or against any person or persons therein or thereon, or at or against 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 court.

Authority and powers of conductors and other employees.

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.

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 of railway, 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 to construct and operate lines of street railway through, in,

Directors.

Corporate powers.

over and under and along the streets and thoroughfares of the city of Asheville and the town of West Asheville, North Carolina, and to points in the vicinity of said two towns: *Provided*, work shall commence on some one of said lines within five years from the passage of this act. When work to commence.

SEC. 9. That all laws and clauses of laws in conflict with this act or in any manner interfering with the privileges herein granted are hereby repealed. Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 263.

An act to authorize and direct the county commissioners of Haywood county to reimburse certain townships for school funds.

WHEREAS, There was levied and collected out of the township of Crabtree the sum of two hundred dollars in the year eighteen hundred and seventy for school purposes; and whereas the township of Iron Duff was formed out of the said township of Crabtree; and whereas the money thus collected was used without authority of law for general county purposes— Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Haywood county be authorized and directed and are hereby authorized and directed to require the treasurer of said county to pay out of any money in the treasury of said county belonging to the general fund of said county the sum of two hundred dollars for the benefit of the school fund in the townships of Crabtree and Iron Duff to be appointed [apportioned] between said townships according to the school population of the same, deducting from the amount due either township aforesaid, such sum or sums as were used out of the said two hundred dollars collected from the township of Crabtree for the purpose of repairing any school building or buildings in either township. Commissioners of Haywood authorized to require county treasurer to pay \$200 to school fund of Crabtree and Iron Duff townships. Apportionment.

SEC. 2. That chapter four hundred and forty-five of the laws of eighteen hundred and eighty-nine be and the same is hereby repealed. Chapter 445, laws 1889, repealed. (Law requiring commissioners to reimburse Crabtree and Iron Duff townships repealed.)

SEC. 3. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 264.

An act to enable the penitentiary to continue its operations.

The General Assembly of North Carolina do enact :

Unexpended balance of years of 1889 and 1890, and earnings of penitentiary appropriated.

SECTION 1. That all of the appropriation to the penitentiary for the years eighteen hundred and eighty-nine and eighteen hundred and ninety unexpended, amounting to thirty-five thousand dollars (\$35,000.00), and earnings of the penitentiary during said years unexpended, amounting to thirty-eight thousand six hundred and forty-four and seventy-eight one-hundredths dollars (\$38,644.78), and the amount realized from bills due to the penitentiary prior to the first day of December, eighteen hundred and ninety, but collected and paid into the state treasury since that time, amounting to fifteen thousand two hundred and ten and ninety-four one-hundredths dollars (\$15,210.94), together with all earnings of the penitentiary since the first day of December, eighteen hundred and ninety, be appropriated to the penitentiary to enable it to continue its operations.

Special penitentiary fund.

SEC. 2. That the gross earnings of the penitentiary from the first day of December, eighteen hundred and ninety, and the earnings of all convicts which have been or may hereafter be sentenced thereto, shall be paid into the state treasury, and, together with the amounts specified in section first of this act, shall constitute a special penitentiary fund, which shall be kept separate and distinct from any and all other funds.

Expenditures of penitentiary authorities not restricted except to amount of earnings.

SEC. 3. That the penitentiary authorities shall not be restricted to the expenditure of the amounts mentioned in section first of this act, nor to the amount mentioned in section three of chapter four hundred and twenty-two of the laws of eighteen hundred and eighty-nine: *Provided*, the sum expended by them in excess of the sums hereinbefore appropriated shall be realized from the earnings of the penitentiary.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 265.

An act to establish a normal school for the colored race in the town of Elizabeth City, in the county of Pasquotank.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the state board of education to establish a normal school at Elizabeth City, in the county of Pasquotank, for the teaching and training of teachers of the colored race to teach in the common schools of the state. State board of education to establish colored normal school at Elizabeth City.

SEC. 2. That the sum of five hundred dollars from the Fayetteville normal school fund and the further sums of one hundred dollars each from the Salisbury, Franklinton, Goldsboro and Plymouth normal school funds are hereby appropriated for the payment of instructors in said normal school at Elizabeth City. Appropriation.

SEC. 3. That all laws and clauses of laws in conflict with [this] act are hereby repealed. Conflicting laws repealed.

SEC. 4. This act shall go into effect from and after the first day of January, eighteen hundred and ninety-two.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 266.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and sixty-six, laws of one thousand eight hundred and eighty-five be amended as follows: Add at the end of said chapter: "The board of commissioners of Bladen county shall appoint three disinterested freeholders whose duty it shall be to take and make a list of all the lands in said stock-law territory, and assess the same at its true cash value, and report to the commissioners within sixty days after their appointment the number of acres, the value thereof and the names of the owners of said lands. Said freeholders so appointed shall also ascertain and report to said board of commissioners the value of the work done on said fence, by whom done, and whether the same is still due and unpaid. Thereupon the said board of commissioners shall levy a sufficient tax on said lands to pay off and discharge all debts and liabilities incurred in building, constructing and repairing said fence. The said tax shall be collected by the sheriff of Bladen county and paid to the treasurer of said county, who shall pay it out to the parties

Chapter 366, laws 1885, amended.
Commissioners of Bladen to appoint three freeholders to assess lands in stock-law territory.
Duties of freeholders.
Special tax.
Collection of tax, &c.

entitled thereto on the order of the board of commissioners of said county.”

Commissions of sheriff and treasurer.

SEC. 2. The sheriff and treasurer shall be allowed the same commissions for collecting and disbursing said taxes as are allowed by law for collecting and disbursing other taxes. The sheriff shall collect said taxes as other taxes are collected [and] under the same penalties.

Persons to have credit for work done.

SEC. 3. Parties who have done work on said fence may be credited with the value thereof on their said taxes, said value of work to be ascertained by reference to the report of said freeholders, which shall be kept on file in the office of the register of deeds of said county.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 267.

An act to authorize the commissioners of Cherokee county to issue bonds.

The General Assembly of North Carolina do enact :

Commissioners of Cherokee authorized to issue bonds not exceeding \$30,000.

SECTION 1. That for the purpose of settling the indebtedness of Cherokee county contracted for the building of a court-house in said county, and any other outstanding debts, and to meet such indebtedness as shall be legally incurred by the board of county commissioners of said county for internal improvement, the board of commissioners of said county are hereby authorized and empowered to issue coupon bonds to an amount not exceeding thirty thousand dollars, in denominations of not less than one hundred dollars nor more than five hundred dollars, with coupons attached calling for interest at a rate not to exceed six per centum per annum on the principal of each bond, said coupons to be due and payable on the first day of April each year.

Bonds, how issued, &c.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and ninety-one, and shall be due thirty years after date: *Provided*, that the commissioners may retire any portion or all of said bonds at any time before maturity by consent of bondholder. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Said register of deeds shall keep a suitable book in which he shall keep an accurate account of the number of bonds issued, the amount of each bond and to whom payable; and he shall also keep an accurate account of the coupons and the bonds which shall be paid,

Register to keep record, &c.

taken, and otherwise cancelled, so that the true state of the bonded debt herein provided for can be readily seen and ascertained. Said books shall at all times be open to the inspection of any tax-payer of the county, and any register of deeds, or other county officer having the custody of said books, who shall refuse or shall wilfully neglect to afford such inspection shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than one month nor more than three months, in the discretion of the court.

Record book open to inspection.

Misdemeanor.

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

Coupons receivable for county taxes.

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

Bonds not to be sold for less than par.

SEC. 5. That for the purpose of paying the coupons and for creating a sinking fund for the payment of the bonds herein provided for, the board of commissioners for said county, with the consent of the justices of the peace first had, are hereby authorized and empowered to levy a special tax of twenty-five cents on the one hundred dollars' worth of property, personal and real, observing the constitutional equation between the property and the poll, for the period not to exceed thirty years, or when the said bonds are retired, as provided for in this act. Said special taxes shall be collected as other taxes are collected and applied only as set forth in this section.

Special tax to pay interest and create sinking fund.

Collection.

SEC. 6. That should the county commissioners fail to issue bonds under the provisions of this act, then in that case the said commissioners, with the consent of the justices of the peace, are authorized and empowered to levy a special tax of twenty-five cents on the one hundred dollars' worth of property, personal and real, observing the constitutional equation between the property and poll, until forbidden by law, for the purpose of paying the interest on that part of the county indebtedness which is or shall become interest-bearing and which is not otherwise provided for by law. Said taxes shall be collected as other taxes and accounted for as other taxes.

If commissioners do not issue bonds, special tax to be levied.

Collection.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 268.

An act to drain Lyon swamp, in Pender county.

The General Assembly of North Carolina do enact :

SECTION 1. That B. F. Keith, junior, Andrew Moore, G. W. Corbett, W. C. Keith, G. W. Smith be appointed commissioners, whose duty it shall be as soon as practicable to lay off Lyon swamp, in the county of Pender, from Lyon Landing or Wilson's Mill, as to said commissioners may seem best, to the Bladen county line into sections of convenient

Commissioners.

To lay off Lyon swamp, Pender county.

To appoint overseers.	length, if the said commissioners shall deem proper, and appoint one overseer to each section, who shall hold office for a term of two years, who shall be a freeholder.
Chairman.	SEC. 2. That a majority of said commissioners shall have authority and power to appoint one of their number chairman, one treasurer, who shall give bond in an amount to be fixed by said commissioners, and to fill any vacancy within their own number or in that of treasurer or overseer in case they fail or refuse to act.
Vacancies.	
Duties of commissioners.	SEC. 3. That said commissioners shall estimate the number of acres of swamp land to be benefited and improved by the canal herein required to be cut and constructed in the aforesaid Lyon swamp and its tributaries, and shall furnish each overseer with a copy of the estimated acreage of his section in which said land lies, and upon notice of seven days by said overseer given to each owner of the land in said section, each aforesaid owner shall furnish one hand with appropriate tools as required by the overseer for every twenty-five acres of land or fraction thereof, to work upon, excavate and cut a canal up or near the run of said Lyon swamp from Wilson's Mill or other point, to the Bladen county line as described in section one of this act, of such depth and dimensions and under [such] rules, regulations and requirements as the said commissioners may prescribe, and on failing so to do such owner of said lands, after thirty days' default, shall forfeit and pay to the treasurer of said commissioners a sum to be fixed by said commissioners not exceeding one dollar per day for each day's default to supply such hand or hands for such time as said commissioners may direct the overseer to require the said work to continue; and any and all such sums due and unpaid by any aforesaid land-owners, whether adults, minors or married women, shall be a lien on and against the said land of such owner, and may be recovered by action before a justice of the peace of the said county in the name of the treasurer of said commissioners, who shall be styled "Treasurer of the Lyon Swamp Drainage Commissioners," and that judgment obtained before such justice shall be only against said land to be drained by this act, enforceable by sale under execution issued after thirty days from the date of such judgment by such justice, in the same manner as personal property is saleable by law under executions from such justices, and any deed made by the sheriff of said county to the purchaser at such sale shall be evidence <i>prima facie</i> that all the requirements of this statute have been complied with: <i>Provided</i> , that advertisement of such sale shall be first made for thirty days at the court-house door and three other public places in the county.
Hands to be furnished overseers on notice.	
Penalty for failure.	
How recovered.	
Sheriff's deed to be <i>prima facie</i> evidence, &c. Proviso.	
Continuance of lien.	SEC. 4. That if said commissioners shall see fit to postpone suit or action against any of the owners of said land hereinbefore set forth until the completion of any section of said canal, said lien herein

given shall exist and continue, and said lien shall be then enforceable in the same manner as is provided for in section three of this act.

SEC. 5. That said commissioners shall have power in their discretion to order one or all the overseers, with their respective hands, when deemed necessary, to work at any point of said canal.

Commissioners authorized to require overseers to work at any point.

SEC. 6. That after the completion of said canal the said commissioners and their successors shall have authority to cause the canal cut under the provisions of this act to be kept open and cleaned out in the same manner as they are empowered under the provisions hereof to cut and open said canal in the first instance.

Canal to be kept open, &c.

SEC. 7. That any person who shall wilfully and knowingly obstruct said canal or do any other injury thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding fifty dollars or imprisonment not more than thirty days.

Wilful obstruction of canal a misdemeanor.

SEC. 8. That any overseer failing or neglecting his duty herein imposed shall be guilty of a misdemeanor and on conviction shall be punished by fine not exceeding fifty dollars, or imprisonment not more than thirty days.

Failure of overseer to perform duty a misdemeanor.

SEC. 9. That should the land-owners in any section of said canal request the said commissioners, the said commissioners shall, if they think it expedient, secure a loan of such an amount as the owners of said land in said section shall agree upon to do the work provided in this act, and any and all such sums so borrowed shall be assessed against said land and become a lien thereon, and be enforced, if the amount does not exceed two hundred dollars, before a justice of the peace of the county where said land lies in the manner as is provided in section three of this act, and if exceeding, in the superior court of said county.

When commissioners authorized to borrow money.

Assessment.

SEC. 10. That should the owners of any land in said Lyon swamp in Bladen county above the canal cut under the provisions of this act desire to drain into said canal the said commissioners are hereby authorized and empowered, before said owners shall be allowed to do so, to assess against each of the owners of said land in Bladen county such a sum per acre of the lands in said Bladen county to be benefited by this drainage not less than one-half of the cost per acre to which may have been expended by the owner of the said land in Pender county, in the proportion of their respective acreage in said swamp land, and such sum shall be an assessment against said land in Bladen county and a lien thereon, and the payment of the same shall be enforced in the same manner before a justice of the peace or superior court of Bladen county and by the sheriff or other lawful officer thereof as is provided in the act for the enforcement of assessments set forth in section three (3) of this act; and said sum paid to said owners of the land in Pender county shall be in addition to the cost of the canal which the said owners in Bladen

Drainage into canal.

county may be required to expend by said commissioners in the construction of said canal in Bladen county.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 269.

An act to enable the commissioners of Cleveland county to build a jail and for other purposes.

The General Assembly of North Carolina do enact :

Commissioners and justices of Cleveland authorized to issue bonds.

SECTION 1. That the commissioners of Cleveland county and the board of magistrates, for the purpose of building a jail in Shelby, in the said county, are authorized and empowered to issue bonds bearing interest at the rate of six per centum per annum to the amount of ten thousand dollars of the denomination of one hundred dollars, to each and everyone 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 one hundred, and the coupons shall bear the number corresponding to the bonds to which they are attached, and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment of all county taxes. The bonds shall run for a period of ten years from their issue.

Issue and sale of bonds.

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, or so many of [the] same as the board of commissioners in their discretion may direct, at a sum not less than their par value.

Not to be sold for less than par. Special tax.

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 one hundred dollars' worth of property and thirty cents on the poll.

Annual purchase of bonds by commissioners.

SEC. 4. That in order that the commissioners of Cleveland county may use the excess of the fund raised by taxation under this act

after paying the annual interest accrued on said bonds they are authorized and empowered to purchase annually one-tenth of such bonds so issued at a sum not exceeding their par value, and in case no one shall offer to sell one-tenth of said bonds at par then the said commissioners are authorized to designate such bonds not exceeding one-tenth of the whole number issued as they may desire to purchase, and after the designation of said bonds and a notice thereof given through a newspaper published in Cleveland county, if the holder of the bonds shall refuse to surrender the same and receive their par value with the 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. Proviso.

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 of the bond purchased. They shall also cause to be kept a record of the bonds an 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. Clerk to keep record.

SEC. 6. That the commissioners of said county are authorized and empowered to dispose of the property known as the jail property of Cleveland county by selling same either at public out-cry to the highest bidder at the court-house door in the town of Shelby after thirty days' notice in some newspaper circulated in the county of Cleveland or privately upon such terms as they may deem best. Commissioners authorized to sell jail property.

SEC. 7. 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 of said county. Conveyance to purchaser.

SEC. 8. That said commissioners, out of the amount realized by the sale of the present jail property, shall have the right to purchase a suitable site for a new jail. They shall have the right to select said site and to apply any surplus which may exist after paying for same from the funds arising from the sale of the present jail property to the cost of the construction of the new jail. Commissioners authorized to purchase site for new jail.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 270.

An act to regulate the collection of taxes in the counties of Wayne and Mecklenburg.

The General Assembly of North Carolina do enact :

Sheriffs of Wayne and Mecklenburg to collect taxes under schedules B and C. SECTION 1. That the sheriffs of the counties of Wayne and Mecklenburg shall collect the taxes known as Schedule B and Schedule C taxes, and shall give such bonds and receive such compensation and be subject to the same duties and penalties as are now provided by law for sheriffs collecting like taxes.

Election for tax-collectors. SEC. 2. That on Tuesday next after the first Monday in November, Anno Domini eighteen hundred and ninety-two, and on said day every two years thereafter, an election shall be held in the counties of Wayne and Mecklenburg for the offices of tax-collectors.

Each township to have tax collector. SEC. 3. That each township in said counties shall have a tax-collector, who shall be elected at such elections, and who shall be a *bona fide* resident and elector of such township; but such tax-collectors shall at such elections be elected by the duly qualified electors of the whole of said counties, and shall hold office for the term now provided by law for sheriffs.

Term of office. Elections, how held. SEC. 4. That such elections shall be held under the same rules and regulations as are now prescribed by law for elections of the members of the general assembly; and said tax-collectors shall be voted for upon the same ballot with the county officers.

Ballots. Tax collectors to execute bond, &c. SEC. 5. That said tax-collectors shall each execute two several bonds payable to the state of North Carolina as follows: one conditioned for the collection, payment and settlement of the county, poor, school and special taxes, other than Schedule B and Schedule C taxes, in a sum double the amount of said taxes for the township for which he is elected for the previous year; and one for the collection, payment and settlement of the public taxes, as required by law, other than Schedule B and Schedule C taxes, in a sum double the amount of the said taxes of the township for which he is elected for the previous year, which bonds shall be subject to the approval of the board of commissioners of said counties as is now provided by law for like bonds of sheriffs; and upon failure to give such bond or bonds, the said board of commissioners shall declare the office of him so failing vacant, and shall proceed to fill the same according to law as it now exists when sheriffs fail to file their bonds for the collection of taxes.

On failure to give bond, commissioners to declare vacancy, &c. SEC. 6. That such tax-collectors shall have the same rights and powers and be subject to the same duties and penalties as are now provided by law for other officers charged with the collection of taxes, and shall receive as their compensation three per centum upon the amount collected.

Rights and duties of tax-collectors.

Compensation.

SEC. 7. That the several township tax-collectors shall account for and pay over to the sheriff the public taxes collected by them on or before the first Monday in January, and the sheriff shall settle with the state treasurer under the provisions of existing law, and he shall receive as compensation one per centum upon the amount of taxes so passing through his hands; but before the sheriff shall receive any part of such public taxes he shall execute a justified bond, to be approved by the board of commissioners of the county, in a sum not less than the amount of such public taxes, conditioned for the faithful accounting for and paying over of the same.

Tax-collectors to pay over taxes to sheriff, &c. Duties, &c., of sheriff.

Sheriff to give bond.

SEC. 8. That chapter one hundred and seventy-three of the laws of eighteen hundred and eighty-seven, and all laws and parts of laws in conflict with this act, are hereby repealed.

Chapter 173, laws 1887 (election of tax-collectors in said counties), and conflicting laws repealed.

SEC. 9. That this act shall take effect and be in force from and after the first day of November, Anno Domini eighteen hundred and ninety-two.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 271.

An act to prohibit the manufacture and sale of spirituous and malt liquors within two miles of the center of the town of Apex, Wake county.

The General Assembly of North Carolina do enact :

SECTION 1. That the making and selling of spirituous and malt liquors shall be prohibited within two miles of the center of the town of Apex, Wake county: *Provided*, wine from grapes, berries, etc., not mixed with distilled spirits, may be made and sold as the laws of the state now provide: *Provided further*, this section shall not prohibit druggists from selling under the laws of this state upon the prescription of a practicing physician.

Manufacture, &c., of liquor within two miles of Apex prohibited.

Proviso.

SEC. 2. That all persons violating this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding fifty dollars or imprisonment not exceeding thirty days.

Misdemeanor.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 272.

An act regulating the sale of spirits, wines and cider in the county of Greene.*The General Assembly of North Carolina do enact :*

Chapter 313, laws 1887, amended.

Sale of wines, &c., by manufacturer at place of manufacture.

Act applicable only to Greene county.

SECTION 1. That section one, chapter three hundred and thirteen, laws of eighteen hundred and eighty-seven, be amended by adding to the end of said section the following: "That nothing in this section contained shall prevent any person or persons from selling wines, cider or brandy not distilled from grain, of his own manufacture, at the place of manufacture, the produce of his own farm, in quantities of not less than one quart without license: *Provided*, this act shall only apply to the county of Greene."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 273.

An act to prevent the obstruction of passage of fish in Little river.*The General Assembly of North Carolina do enact :*

Unlawful to obstruct Little River more than one-third, &c., between certain points.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person to construct any hedge, dam or any other obstruction to the passage of fish extending more than one-third across the ordinary channel of Little river from its mouth to the Johnston county line, and any person so offending shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

This act not to conflict with act to protect Goldsboro water supply. Chapter 126, laws 1870-'71, not repealed.

SEC. 2. That nothing in this act shall be taken to conflict with the provisions of an act passed at the present session entitled an act to protect the Goldsboro water supply: *Provided*, that nothing in this act shall be construed as repealing chapter one hundred and twenty-six of the laws of eighteen hundred and seventy and eighteen hundred and seventy-one.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 274.

An act to incorporate the Norfolk, Wilmington and Charleston Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Thos. J. Jarvis, Greenville, North Carolina; Thomas S. Kenan, Kenansville, North Carolina; R. Duncan Harris, New York; Ralph H. Waggoner, New York; John I. Hoyt, New York; Jeremiah Prescott, Boston, Massachusetts; George C. Hill, Boston; James M. Stone, Maine; Thos. B. Harned, Camden, New Jersey; John L. Johnson, Newark, New Jersey; John L. Delano, Mt. Vernon, Ohio; M. B. Cowden, Harrisburg, Pennsylvania; Thomas A. Hugumin, Charleston, South Carolina; Henry E. Young, Charleston, South Carolina; Thos. Pinckney, Richmond, Virginia; A. J. Hoddar, New York; Chas. A. Hall, Boston; John H. Small, Washington, North Carolina; F. W. Winston, Windsor, North Carolina; Marsden Bellamy, Wilmington, North Carolina; Jas. S. Mitchell, Winston, North Carolina; Anthony Davis, Pink Hill, North Carolina; Valentine Smith, Brunswick county, North Carolina; James E. Moore, Williamston, North Carolina; T. J. West, Cornlane, Virginia; W. L. Daughtrey, Suffolk, Virginia; V. D. Grome, Norfolk, Virginia; W. D. Pender, Norfolk, Virginia; Park L. Poindexter, Norfolk, Virginia; J. G. Wallace, Wilbareton, Virginia; J. C. McNaughton, Philadelphia, Pennsylvania; A. J. Cadwallader, Yardley, Pennsylvania; E. A. Weaver, Philadelphia, Pennsylvania; M. J. Ramsey, Philadelphia, Pennsylvania; Jas. Runk, Philadelphia, Pennsylvania; C. Henry Kimball, Boston; Jas. McKenna, Philadelphia, Pennsylvania; George F. Edmonston, Philadelphia, Pennsylvania; Ludwig Vollers, Point Casselman, North Carolina; D. P. High, Whiteville, North Carolina; H. Cannon Smith and Jonathan Gore, Columbus county, North Carolina; W. L. Wiginton, Norfolk, Virginia, and their associates, successors and assigns, be and are hereby made and declared a body politic and corporate by the name and style of the Norfolk, Wilmington and Charleston Railroad Company, for the purpose of locating, constructing, equipping, maintaining and operating a railroad for the transportation of freight and passengers from some point on the line between the states of South Carolina and North Carolina to some point on the line between the states of Virginia and North Carolina, and for the same purpose build and operate ferries and ferry boats, steamboats, steamships, sailing vessels, boats and barges.

SEC. 2. That said railroad company may build its railroads by such route as may be deemed most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route: *Provided*, and subject however to the laws of the United States and the laws of the state of North Carolina governing the navigations of

Body politic.

Corporate name.

Termini.

Ferries, &c.

Proviso.

Rights of transportation.

the navigable streams of the states of Virginia and North Carolina, and also the right to transport freight of all kinds that can be transported by rail and collect freight rates and other charges for transporting and handling the same; to carry passengers and collect fares for transporting the same, to carry and transport all manner of goods as express matters, charge and collect all express rates and charges for carrying the same; to carry the United States mail, charge and collect all charges for transporting the same.

Right to cross other roads.

SEC. 3. That said company shall have the right to cross at, grade over or under, intersect, join or unite its railway or railroad with any railroad now built or constructed, or to be hereafter built or constructed within the state of North Carolina, at any point in its route with the necessary turn-outs, sidings, switches and other conveniences in furtherance of the objects of its construction.

Extension into other states.

SEC. 4. That said Norfolk, Wilmington and Charleston Railroad Company may, with the consent of the authorities of the states of Virginia, South Carolina, Georgia, Florida or any other state, extend the said railroad to such points within such states as it may elect.

Capital stock.

SEC. 5. That the capital stock of said Norfolk, Wilmington and Charleston Railroad Company shall be six millions of dollars (\$6,000,000) and may be issued in preferred or common stock or both in shares of one hundred dollars (\$100.00) each. The capital stock may be subscribed and paid for by subscriptions on the part of individuals, counties, townships, municipal or other corporations in money, land bonds, land, timber, labor, or otherwise as may be stipulated.

Subscriptions.

SEC. 6. That any seven or more persons named in the first section of this act, or such of their number and those associated with them hereafter as they may designate, shall constitute a board of commissioners to open books of subscriptions at such time and at such places, either in the state of North Carolina or in any other state as they may see fit, for subscriptions to the capital stock of said railroad company, and when one hundred thousand dollars (\$100,000) shall have been subscribed and ten per cent. thereon paid in, the commissioners named in the above section shall call the subscribers together in such manner and at such time and place as they may deem proper to perfect the organization of said railroad company, and the organization of the said railroad company shall be perfected by the election of a board of directors and such other officers in such manner as the stockholders shall determine.

Commissioners to open books of subscription.

Organization.

Condemnation of land.

SEC. 7. That when any right-of-way or other land or ground may be required by the said railroad company for the purpose of constructing their railroad, and for want of agreement for any cause it cannot be purchased from the owner, the same may be taken at a valuation to be assessed by three commissioners, or a majority of them, who shall be freeholders, to be appointed by the clerk of the superior court of the county wherein the land over which the right

of-way sought is situated, upon petition in writing by any officer of the said railroad company, and after five days' notice to the party owning the land, and the service of this notice shall be made in accordance as the case may be, with subdivisions one, two, three, four, five, six and seven, under section nineteen hundred and forty-four in chapter forty-nine of The Code of North Carolina, volume one, one thousand eight hundred and eighty-three, and in making the valuation the commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right-of-way being surrendered. And the said railroad company or the land-owner, if dissatisfied, may appeal to the superior court of the county wherein the land or any part thereof may be in the same manner as appeals are taken from a judgment of a justice of the peace to the superior court. The proceedings of the commissioners, accompanied with a full description of the land over which the right-of-way is desired, shall be returned over their signatures and the seals of the commissioners, or a majority of them, to the clerk of the court from whom the commission issued, there to remain a matter of record. The title to the land over which the right-of-way is sought shall rest in the said railroad company so soon as the valuation shall be paid or when tendered and refused, and so long as the same shall be used for the purposes of said railroad, and the right of the said railroad company to condemn land as aforesaid shall extend to the condemnation of fifty feet wide or less on each side of the centre line of the main track of the said railroad; measuring from the centre of the main track; and the said railroad company shall have the power to condemn and appropriate lands in like manner for the building and erection thereon of passenger stations, depots, warehouses, shops and houses for servants, employees and for other purposes not exceeding two acres in any one lot or place. And it shall be lawful for any officer, agent, surveyor, engineer or employee of the said railroad company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing anything necessary or proper for laying out the said railroad and locating the same, and to erect all necessary works and buildings required in this behalf, paying for all the injury to private property. The commissioners provided for in this section shall, before proceeding to act, be sworn by some person authorized to administer an oath to perform their duties faithfully, speedily and justly to all parties concerned; and their oath, witnessed by the person administering it, shall be filed with their report, and all claims and demands.

Right of entry.

Oath of commissioners.

SEC. 8. That upon the presentation of a petition in writing, signed by at least one-fourth of the freeholders to the board of commissioners of any county requesting said commissioners to submit to the qualified voters of the county or township* where said petitioners may reside a proposition to subscribe a definite sum, named in said

Election in counties and townships on question of subscription.

petition, to the capital stock of said Norfolk, Wilmington and Charleston Railroad Company, the board of commissioners within thirty days shall order an election to be held at the various polling places of said county or township and submit to the qualified voters thereof the question of subscribing to the capital stock of said railroad company the amount specified in said petition, at which election those in favor of said subscription shall vote "For subscription," and those opposed thereto shall vote "Against subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the state of North Carolina.

Ballots.

Election, how conducted.

On affirmative vote county commissioners to issue bonds.

SEC. 9. That to provide for the payment of said subscriptions the board of commissioners of any county voting said subscription, or wherein is located any township voting for subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall, upon their face, indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for twenty-five years and bear interest at the rate of five per centum per annum, payable semi-annually at some suitable depository designated by the board of commissioners issuing said bonds.

Special tax.

SEC. 10. That the counties' authorities legally empowered to levy taxes in any county voting for said subscription, or in which there is a township voting for subscription for the payment of which bonds have been issued as provided for in this act, shall, in addition with the other taxes levied upon such county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes, a sufficient tax upon the property and polls of said county and township, to regularly and promptly pay the interest on the bonds of said county and township issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said county or township equal to one twenty-fifth of said bonds for a sinking fund to provide for the retiring of said bonds at maturity, and the taxes levied as above shall be annually collected as other taxes are collected and paid over by the sheriff or other authorized collecting officer to the county treasurer or such other officer as the county commissioners issuing said bonds may designate, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes, and the taxes levied and collected for these purposes shall be kept sacred and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds, to pay the principal for which it was levied and col-

Collection of tax.

To be kept distinct from other taxes.

Sinking fund.

lected if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds; and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of said bonds.

SEC. 11. That any board of county commissioners issuing bonds under this act are authorized and empowered to transfer the stock subscribed by their county or townships therein to Norfolk, Wilmington and Charleston Railroad Company, or any other corporation or person for the completion of said Railroad. Transfer of stock.

SEC. 12. That the Norfolk, Wilmington and Charleston Railroad Company may make a mortgage upon all its property, franchises, or any part thereof, and execute first and second mortgage bonds in such denomination as may be deemed best. Authorized to execute mortgage.

SEC. 13. That said company is hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, privileges and property with those of any railroad company or companies chartered by and organized under the laws of this or any other state, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be consolidated shall and may form a continuous line of railroads with each other, by means of intervening road or roads, and the said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and such other company or companies are hereby authorized to consolidate with this company upon the same terms and conditions. Consolidation with other roads.

SEC. 14. That if work on said railroad be not commenced in two, and completed in ten years after the ratification of this act, then this charter shall be void. When work to be begun and completed.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 275.

An act to regulate fishing in Great swamp and Nahunta swamp in Wayne county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to fish with any seine, net or trap, or by the process known as "muddying," in Great swamp from its mouth on Black creek in Wilson county to Sasser's mill in Wayne county, or in Nahunta swamp from its mouth on Contentnea creek to its source. Unlawful to fish with seines, &c., in Great Swamp or Nahunta Swamp, between certain points. Misdemeanor.

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 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 3d day of March, A. D. 1891.

CHAPTER 276.

An act to prohibit the sale of cigarettes to minors.

The General Assembly of North Carolina do enact :

Unlawful to sell, &c., cigarettes, &c., to minor under age of seventeen.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of, directly or indirectly, cigarettes or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, to any minor under the age of seventeen years, and any one violating the provisions of this act, or any person or persons aiding, assisting or abetting the violations thereof shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment in the discretion of the court.

Misdemeanor.

Misdemeanor to aid minor to obtain cigarettes, &c.

SEC. 2. That any person who shall or may aid or assist any such minor child in obtaining the possession of cigarettes or tobacco in any form used as a substitute therefor, by whatsoever name it may be called, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 277.

An act to regulate the superior courts of Moore county.

The General Assembly of North Carolina do enact :

Moore superior court, when held.

SECTION 1. That the superior courts of the county of Moore shall be held at the following times, to-wit: On the first Monday of March, to continue two weeks, the first week to be devoted to the trial of criminal actions only, and the second week thereof to the trial of civil actions only. On the third Monday before the first

Monday in September, to continue for three weeks, the first week thereof to be devoted to the trial of criminal actions only, and the other two weeks to the trial of civil actions only. On the fourteenth Monday after the first Monday in September, to continue two weeks, and the first three days of the first week to be devoted to the trial of criminal actions only and the remainder of the term to be devoted to the trial of civil actions only.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall go into force from and after the first day of June, eighteen hundred and ninety-one.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 278.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners, with a concurrence of the justices of the peace of Franklin county, be and they are hereby authorized and empowered to levy a special tax on all the taxable property and polls of said county for the year eighteen hundred and ninety-one and the year eighteen hundred and ninety-two and the year eighteen hundred and ninety-three, not exceeding for either of said years four cents on each one hundred dollars' worth of property and twelve cents on each poll. Commissioners of Franklin, with concurrence of justices, authorized to levy special tax.

SEC. 2. That said taxes shall be collected as other county taxes, and the funds arising therefore [therefrom] shall be used to discharge any indebtedness which has been incurred for the purpose of refitting and repairing the cells of the county jail or to replace any part of the general county funds which have already been used to discharge said indebtedness, or which, in the discretion of the county commissioners, it shall be necessary to use in discharge of the same before said taxes shall have been collected. Collection and application of tax.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 279.

An act to abolish the second week of the April and November terms of the superior courts of Bertie county.

The General Assembly of North Carolina do enact :

Second weeks of April and November terms Bertie superior court abolished.

SECTION 1. That the second week of the superior courts of Bertie county, North Carolina, of the April and November terms as now constituted, are hereby abolished, and the courts of said county for April and November of each year as now created shall only be for one (the first) week, and the purpose of this act is only to abolish the second week of said courts, and not to interfere with the first week of said courts as now constituted and established, but they are to be held as formerly for one (the first) week as now.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 280.

An act to authorize the commissioners of Person county to issue bonds to pay indebtedness of the county.

The General Assembly of North Carolina do enact :

Commissioners of Person authorized to issue bonds not exceeding \$10,000.

SECTION 1. That the county commissioners of Person county, for the purpose of paying the indebtedness of the county created by the building of a new court-house and jail, and other necessary expenses, are authorized and empowered to issue bonds bearing interest at the rate of six per centum per annum, to an amount sufficient to pay the county indebtedness not to exceed the sum of ten thousand dollars of the denominations of two and 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 on the first day of January and July of each year, 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 ten to twenty years, at the discretion of said commissioners.

Coupons receivable for county taxes.

Bonds, how signed.

SEC. 2. That said bonds when issued shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of the superior court of Person county and attested by his official seal, who shall be paid for said work and seal not exceeding five dollars per day for time engaged in said work, and the board of

Compensation of superior court clerk.

commissioners of said county shall sell said bonds at not less than their par value.

SEC. 3. That after the principal of said bonds fall due the commissioners, with the approval of the justices of the peace for said county, may 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 ten cents on the one hundred dollars' worth of property and thirty cents on the poll. Special tax.

SEC. 4. That upon an order made by said board of commissioners to issue said bonds they shall cause advertisement to be made in some newspaper published in Person county for four successive weeks notifying all persons who hold county scrip to file their said orders with the clerk of this board on or before a day therein named, and any person holding such scrip failing to comply with said notice shall not have or collect any interest accumulating after such notice : Notice to persons holding county scrip.
Provided, the holder be a resident of the county and able to read intelligently. Person failing to present scrip not to collect interest. Proviso.

SEC. 5. That the commissioners may, after ten years from the date of said bonds, purchase said bonds or any part thereof at par value with accrued interest, and upon an offer to purchase personally or otherwise given to any holder of any such bonds the same shall not bear interest after such notice, and the substance of this condition shall be stated in the body of said bonds. Purchase of bonds by commissioners.

SEC. 6. That the commissioners shall provide a record, which shall be kept by [the] clerk and a copy by the treasurer of the county, in which shall be entered the name of any 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 and under their direction, and the treasurer and sheriff each shall be notified of such redemption. Record,
Destruction of bonds redeemed.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 281.

An act for the relief of J. R. Beaman, county treasurer of Sampson county, and J. B. Troy, county treasurer of Cumberland county.

WHEREAS, One D. C. Hill did on June eighteenth, eighteen hundred and ninety, by means of forging the names of the county superintendent of public education and the school committee of number eleven (white) school district of Sampson county, State of North Preamble.

Carolina, and other fraudulent representations, fraudulently obtained from J. R. Beaman, sr., county treasurer of said county, the sum of one hundred and eight dollars, and by similar misrepresentation and forgery obtained from J. B. Troy, county treasurer of Cumberland county, the sum of ninety dollars: therefore,

The General Assembly of North Carolina do enact :

County boards of education of Sampson and Cumberland empowered, in their discretion, to reimburse J. R. Beaman and J. B. Troy, county treasurers, for moneys fraudulently obtained from them by D. C. Hill.

SECTION 1. That the county board of education of Sampson county and the county board of education of Cumberland county are hereby empowered to refund said amounts of one hundred and eight dollars and ninety dollars, or any part thereof, out of the public school sinking fund on hand or out of the general school fund for the counties of Sampson and Cumberland, respectively, before their next apportionment, if in their sound discretion it shall appear to said boards of education advisable.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 282.

An act to provide for the office of tax-collector in the several counties of the state.

The General Assembly of North Carolina do enact :

Commissioners and justices of certain counties empowered to elect tax-collector.

SECTION 1. That whenever, in any county in this state, the state and county taxes for any year shall be or exceed the sum of fifty thousand dollars, the commissioners and justices of the peace of said county may, at their joint session held in June prior to the expiration of office or term of the sheriff of said county, elect a tax-collector for said county, whose term shall continue for two years, whose duties, obligations, liabilities, pains [and] penalties shall be the same as now or may be prescribed by law for tax-collectors. He shall give the bond now required by law to be given by tax-collectors, and shall be subject to all the laws now in force as to bonds, liabilities, pains and penalties of sheriffs and tax-collectors in this state: *Provided*, this act shall only apply to Buncombe county.

Term of office, duties, &c.

Act applicable only to Buncombe county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 283.

An act to prevent the destruction of public gates in Lenoir county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Lenoir county are authorized and they are hereby empowered to put a guard at such of the gates across the public roads in said county as they may deem necessary for the comfort of the travelling public, said guard to be at the gate from sunrise to sunset of each day and shall open and shut the gates for persons passing through. Commissioners of Lenoir authorized to put guard at gates across public roads.

SEC. 2. The said commissioners shall pay the expenses of said guard out of any funds on hand belonging to the territory inclosed by such gates. Expenses, how paid.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 284.

An act to regulate fishing with seines in the waters of the Roanoke river.

The General Assembly of North Carolina do enact :

SECTION 1. That section first, chapter three hundred and forty-four of the laws of one thousand eight hundred and eighty-nine be amended as follows: by adding to section first of said act "that it shall be unlawful for any person or persons to use more than one seine on any beach within four hundred yards of any other seine." Chapter 344, laws 1889, amended. Unlawful to use more than one seine within four hundred yards of another seine in Roanoke river.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 285.

An act to establish graded schools in the town of Concord, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners for the town of Concord, Cabarrus county, shall, on the first Monday of the month of May next ensuing, submit to the qualified voters of said town the question of establishing graded schools in said town, and shall give thirty days' notice of said election in the newspapers published in said town. Election on question of graded school in Concord. Notice of election

Election, how and when held.

SEC. 2. That said election shall be held by the inspectors and judges hereafter to be appointed by said board of commissioners to hold the election for mayor and commissioners as provided in the charter of said town on said first Monday of May next, and the qualified voters of said town shall vote at said election tickets on which shall be written or printed the words "For school" or "Against school," and on said tickets "For school" shall be written or printed the names of four persons, one from each ward of said town, and also the names of two other persons who shall represent said town at large, and said votes shall be canvassed in the manner provided in the charter of said town for canvassing the votes for mayor and commissioners; and said six persons who shall receive the highest number of votes cast at said election shall constitute the board of school commissioners, and shall have the care and direction in all things pertaining to the establishment and control of said graded schools, and shall be a body corporate under the name of the "Graded School Board," with power to sue, to be sued, to plead and be impleaded for all the purposes of this act, and said election for said school commissioners shall be held annually thereafter in the manner prescribed in this section.

Ballots.

Board of school commissioners.

Body corporate.

Corporate name,
Corporate powers.

Special tax.

SEC. 3. That if a majority of said qualified voters shall vote at said election in favor of establishing said graded schools, it shall be the duty of the board of commissioners for said town, and their successors, to levy annually a special tax not exceeding twenty cents on the hundred dollars' valuation of all the taxable property of said town and upon the poll not exceeding sixty cents, and said tax shall be collected annually by the tax-collector as other taxes are collected.

Taxes to be paid over to town treasurer, &c.

SEC. 4. That said taxes shall be paid over by the tax-collector of said town, after deducting a commission of two and one-half per centum for the collection of the same, to the treasurer of said town, which officers shall give sufficient bonds, the former for the collection and the latter for the safe keeping and proper disbursement of said special taxes and other funds that may come into his hands for the use of said graded schools, and said treasurer shall keep said funds separate and apart from all other moneys, and shall pay out the same only upon the warrant or order, for the use of said graded school, signed by a majority of said board of school commissioners and countersigned by the mayor of said town.

Duties of treasurer.

Application of public school funds.

SEC. 5. That all public school funds derived from the state and said county for the use and benefit of the public school districts of said town shall be paid to said town treasurer by the treasurer of said county for the use and benefit of said graded schools; and the property, both real and personal, of said public school districts shall become the property of said graded schools and shall be vested in the said "graded school board" in trust for said graded schools, and the said "graded school board" may sell the same and apply the

Property of public school districts, how vested, &c.

proceeds to said graded schools: *Provided*, that in the event of the discontinuance of said graded schools, all of the property thereto belonging shall revert to and become the property of said public school districts of said town: *Provided further*, that the said property belonging to or used for the graded schools for white children shall revert to the public school districts for white children, and said property belonging to or used for the graded schools for colored children shall revert to the public school districts for colored children.

Proviso.

Proviso.

SEC. 6. That it shall be the duty of said board of school commissioners to establish a graded school for white children and one for the colored children of said town, and apportion the funds derived from said special taxes, or from any other source whatsoever, between said graded schools for white and colored children, so as to equalize school facilities between the two races.

School commissioners to establish white and colored graded schools. Apportionment of funds.

SEC. 7. That in the event of the issue of bonds during the present or succeeding year by the board of commissioners for said town by legislative authority or otherwise, it shall be the duty of said board to appropriate out of the proceeds of the sale of said bonds the sum of thirty-five hundred dollars to be applied to the erection of suitable buildings for graded schools, under the direction [of] said board of school commissioners.

Appropriation for school buildings if town commissioners issue bonds.

SEC. 8. That it shall be the duty of said board of school commissioners to make annually a full and complete report of the operations of said graded schools, together with such reports as are required by the general law from school commissioners, to the mayor and commissioners of said town, and publish the same in the newspapers published in said town.

Annual reports.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 286.

An act to incorporate the Concord Southern Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. A. Smith, W. G. Means, John C. Wadsworth, Charles McDonald, George M. Love, W. J. Swink, P. B. Fetzer, J. M. Odell, W. R. Odell, Martin Boger, D. F. Cannon, J. W. Cannon, D. P. Boger, Robert F. Phifer, D. B. Coltrane, D. W. Flowe, J. P. Allison, Monroe Melcher, C. G. Montgomery, W. H. Lilly, M. L. Brown, Elam King, W. J. Montgomery, J. H. Long and W. M. Smith, of Cabarrus county, and such other persons as they may hereafter associate with them, or their assigns and their successors, are

Body politic.

- Corporate name. hereby constituted a body corporate by the name of "The Concord Southern Railroad Company," and by such name they [or] their assigns
- Corporate powers. may sue and be sued, plead and be impleaded in all the courts of this state and the United States, have a common seal, with the right to alter same at pleasure, make all by-laws and regulations expedient or necessary for the purpose of incorporation, purchase, lease, hold and convey all property, real and personal, proper or requisite for their corporate purposes, and may have and enjoy all the rights powers, franchises and immunities granted by the general laws of the state not inconsistent with this act.
- Termini. SEC. 2. That said company is hereby authorized and empowered to construct, maintain, equip and use a railroad with one or [more] tracks from Concord, Cabarrus county, to any point on the Carolina Central Railroad, and to lease, to consolidate or connect with any other railroad: *Provided*, that the company shall only have the right to consolidate with a road or company at one of its terminal points.
- Consolidation, &c. Proviso. SEC. 3. That the capital stock of said company shall be not less than one hundred thousand dollars and not more than one million dollars in shares of fifty dollars each, and may be created by subscriptions on the part of individuals, counties, townships and municipal or other corporations, and paid in money, land, timber, work or otherwise, as may be stipulated.
- Capital stock. SEC. 4. That the persons named in the first section of this act, or such of their number and those associated with them hereafter as they may designate, shall constitute a board of commissioners to open books at such times and places as they see fit for subscription to the capital stock of said company, and when five thousand dollars shall have been subscribed the commissioners named under this section shall call the stockholders together in such manner and at such time and place as they deem proper to perfect the organization of said company, and the organization of the company shall be perfected by the election of a board of directors and such other officers in such manner as the stockholders shall determine, and the mode of managing, controlling and conducting the business and affairs of the company in all their details shall be as prescribed in the by-laws and regulations hereinbefore provided for.
- Commissioners to open books of subscription. SEC. 5. That when any right-of-way may be required by the company for the purpose of constructing their road, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned and taken as provided for in section one thousand nine hundred and forty-six of The Code of eighteen hundred and eighty-three, and the right of the company to condemn land as aforesaid shall extend to the condemning of fifty feet on each side of the main track of the railroad, measuring from the centre of the same, and the company shall have power to condemn and appropriate land, in like manner for the building and erection thereon of
- Organization.
- Condemnation of land.

depots, warehouses, shops and houses for servants, employees, and other purposes, not exceeding two acres in any one lot or place; and it shall be lawful for any officer, agent, surveyor, engineer or employee of the company to enter at all times upon all lands or water for the purpose of exploring, leveling or doing anything necessary or proper for laying out the route of said railroad and locating the same, and to erect all necessary works and buildings required in this behalf, doing no unnecessary injury to private property. The commissioners provided for in this section shall, before proceeding to act, be sworn by some person authorized to administer an oath, to perform their duties faithfully, speedily and justly to all parties concerned, and their oath, witnessed by the person administering it, shall be filed with their report, and all claims or demands for damages for lands or rights-of-way condemned under this act shall be forever barred from collection unless an action for their recovery shall be commenced within two years from the date of the condemnation of said land or right-of-way.

SEC. 6. That upon presentation of a petition in writing, signed by at least "one-fifth of the qualified voters of the said county or township" to the board of commissioners of either of said counties, requesting said commissioners to submit to the qualified voters of the county or township where said petitioners reside a proposition to subscribe a definite sum named in said petition to the capital stock of said Concord 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 of said county or township, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in said petition, at which election those in favor of said subscription shall vote "For subscription" and those opposed thereto shall vote "Against subscription," and the election for this purpose shall be conducted in the same manner and [be] subject to the same rules and regulations as are provided for the election of county officers by the general law of the state, as near as practicable.

SEC. 7. That if a majority of the qualified voters of any county or township shall vote for said subscription the board of commissioners of said county thus voting, or wherein is located the township thus voting, shall, within twenty days after the ascertainment of the result of said vote, subscribe, on behalf and in the name of said county or township, to the capital stock of the Concord Southern Railroad Company the amount specified in the petition or petitions on which said election was ordered; and any township may at said election vote for a separate and distinct township subscription in addition to the county subscription at the same time it votes for the latter subscription.

Right of entry.

Election in counties and townships on question of subscription.

Ballots.
Election, how conducted.

County commissioners to make subscription on majority vote.

Separate township subscription

County commissioners to issue bonds for counties and townships.

SEC. 8. That to provide for the payment of said subscription the board of commissioners of the county voting said subscription or wherein is located any township voting subscription shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred and not more than one thousand dollars, and shall run for twenty years and bear interest at the rate of six per centum per annum payable semi-annually at the First National Bank of Charlotte, North Carolina.

Description of bonds.

Special tax.

SEC. 9. That the county authorities legally empowered to levy taxes in any county voting for said subscription or in which is a township voting for subscription for payment of which bonds have [been] issued as provided for in this act, shall, in addition to the other taxes levied upon said county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said county or township to regularly and promptly pay the interest on the bonds of said county or township issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said county or township equal to one-twentieth of said bonds for a sinking fund to pay the principal of said bonds, and the taxes for payment of the principal and interest aforesaid shall

Collection of tax.

be annually collected as other taxes are collected and paid over by the sheriff or other collecting officer to the county treasurer or

Treasurer to give bond.

such other officer as the county commissioners issuing said bonds shall designate, which officer shall give a good and sufficient qualified bond for the safe keeping and proper disbursements of said taxes,

Tax to be kept separate.

and the taxes levied and collected for these purposes shall be kept sacred and separate and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing

Sinking fund, how used, &c.

the identical bonds to pay the principal of which it was levied and collected if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds, and the tax for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

Transfer of stock.

SEC. 10. That the board of county commissioners of either of said counties issuing bonds under this act are authorized and empowered to transfer the stock subscribed by their county or any township therein to the Concord Southern Railroad Company or any other corporation or person for the completion of said railroad.

SEC. 11. That the Concord Southern Railroad Company may make

a mortgage upon its property and execute first mortgage bonds in such denominations as they deem best, to run for thirty years, bearing not more than six per centum interest per annum, at the rate of not more than twenty thousand dollars per mile.

Authorized to execute mortgage.

SEC. 12. That if work on said railroad shall not be commenced within four years after the ratification of this act and completed within eight years, then this charter shall be void.

When work to be begun and completed.

SEC. 13. That none of the stock in said company shall be assessable, nor shall the owners thereof be liable, for the obligations, indebtedness, or any liability whatever of said corporation.

Stock non assessable. Stockholders not liable for corporate debts.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 287.

An act relating to the sale of baled cotton.

The General Assembly of North Carolina do enact :

SECTION 1. That all buyers of baled cotton shall be and they are hereby required to inspect all baled cotton where purchased and before the same is delivered, and no deduction shall be made by the buyer from the price agreed to be paid for such cotton on account of any inspection made by the buyer after the delivery of the same.

Buyer of baled cotton to inspect before delivery.

No deduction in price on account of inspection after delivery. Wilful disregard of this act a misdemeanor.

SEC. 2. That any person who shall wilfully disregard or violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That this act shall apply only to the counties of Stanly, Cabarrus, Montgomery, Anson, Catawba, Richmond and Rowan.

Act applicable only to certain counties.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 288.

An act to prevent obstructions being placed in town Creek in the county of Edgecombe.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to put or place obstructions in Town creek, between the points where said creek empties into Tar river, then up the creek to the forks of the same just below Fanner's old mill in the county of Wilson.

Unlawful to obstruct Town creek between certain points.

Misdemeanor.

SEC. 2. That every person violating this act shall be guilty of a misdemeanor and tried therefor before a justice of the peace and imprisoned not exceeding thirty (30) days or fined a sum not exceeding fifty dollars (§50).

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 289.

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

The General Assembly of North Carolina do enact :

Commissioners
of McDowell
authorized to
levy special tax.

SECTION 1. That the board of county commissioners of McDowell county be and they are hereby authorized and empowered, if they think necessary, to levy a special tax in the year one thousand eight hundred and ninety-one or one thousand eight hundred and ninety-two, or in each of said years, at the same time with the other levies on all subjects of taxation in said county, the special tax to be applied to the erection of a bridge across the Catawba river at some point near the Erwin ford, on the road leading from Marion to Bakersville. The said special tax shall not exceed five thousand dollars whether in one of the aforesaid years or divided between the years, and shall be collected and accounted for by the sheriff or other collecting officers in the same manner and under the same penalties and within the same time as the other taxes levied in said county : *Provided*, the constitutional equation between property and poll shall be observed in the levy of said tax.

Application of
tax.

Limitation of tax

Collection of tax.

Proviso.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 290.

An act to require railroads to redeem unused tickets.

The General Assembly of North Carolina do enact :

Unlawful for
person, other
than railroad
agent, to deal in
railroad tickets.

SECTION 1. That it shall be unlawful for any person to sell or deal in tickets issued by any railroad company unless he is a duly authorized agent of said railroad company, and it shall be the duty of said agent to exhibit his authority to sell or deal in said tickets, and the company whose agent he is shall be responsible for his acts as such agent. That any violation of this law shall be a misdemeanor.

SEC. 2. That when any round-trip ticket is sold by any railroad company it shall be the duty of said company to redeem the unused portion of such ticket by allowing to the legal holder thereof the difference between the cost thereof and the price of a one-way ticket between the stations for which the said round-trip ticket was sold.

Railroad companies to redeem unused portions of round-trip tickets.

SEC. 3. That when any one-way or regular ticket is sold by any railroad company and when unused by the purchaser thereof it shall be the duty of the railroad company selling the ticket to redeem said ticket at the same price paid for it.

Railroad companies to redeem unused tickets.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 291.

An act to change the superior courts of Greene 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 be amended by striking out Greene county from the subdivision headed "Third District," and by adding Greene county to the subdivision headed "Sixth District," so as thereby to transfer Greene county from the third judicial district and make it one of the counties of the sixth judicial district.

Chapter 180, law 1885, amended. Greene county transferred from third to sixth judicial district.

SEC. 2. 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 clause headed "Duplin," be amended by striking out the word "twelfth" and inserting instead thereof the word "thirteenth" in the second line of said clause, and by striking out the word "each" and inserting instead thereof the words "the first term," so as to make the fall term of Duplin superior court one week later and a term for one week only.

Fall term of Duplin superior courts, when held

SEC. 3. That the times for holding the superior courts of Greene county be as follows: the seventh Monday before the first Monday in March; fifth Monday after the first Monday in March; twelfth Monday after the first Monday in September.

To continue one week. Greene superior courts, when held

SEC. 4. That this act shall take effect and be in force from and after the first day of June, one thousand eight hundred and ninety-one.

When act to take effect.

Ratified the 4th day of March, A. D. 1891.

CHAPTER 292.

An act to amend the charter of the Atlanta, Asheville and Baltimore
Railway Company .

The General Assembly of North Carolina do enact :

Chapter 70, laws
1887, amended.

SECTION 1. That section two (2), chapter seventy (70) of the laws of one thousand eight hundred and eighty-seven be amended by adding at the end of said section the following: "And that said company shall have the right to build, construct and operate one or more branch roads to such point or points from the main line as they shall deem advantageous to their business, subject to all the restrictions, rules and regulations, rights and privileges of every character and kind imposed or given to the main line, and, in addition, may consolidate any or all of their lines with any railroad or railroads, either within this state or other state or states adjacent."

Branch roads.

Consolidation
with other roads.

Subscriptions by
counties, cities,
towns and town-
ships.

SEC. 2. That section four (4) of said chapter be amended so as to read as follows: "SEC. 4. That the counties, cities, towns and townships through which said road shall pass, are severally empowered to subscribe to the capital stock of said corporation in such several amounts as may be authorized by a majority of the qualified voters of the said counties, cities, towns or townships at the election or elections to be held in accordance with the provisions hereinafter made."

Election on ques-
tion of subscrip-
tion by counties,
cities, towns and
townships.

SEC. 3. That section five (5) of said chapter be amended so as to read as follows: "SEC. 5. That upon petition of one-tenth of the qualified voters of any county, city, town or township through which said road shall pass, setting forth that they desire that such county, city, town or township shall subscribe to the capital stock of said company, and also setting forth the amount they desire to be so subscribed, the board of county commissioners of such county, or of the county in which such city, town or township is located, shall order an election to be held in such county, city, town or township on a day to be fixed by them, not exceeding ninety (90) days from the date of filing said petition, to ascertain whether a subscription to the amount named in the petition shall be made by such county, city, town or township to the capital stock of said company, and such election, when so ordered, shall be held and the returns made under the same rules and regulations as are prescribed for holding elections for members of the general assembly so far as the same may be applicable, except as herein modified. Any qualified voter allowed to vote for members of the general assembly shall have the right to vote at such election in the place where he is allowed to vote at elections for members of the general assembly, and every such voter who [shall] favor such subscription by the county, city, town or township shall vote a ticket on which shall be written or printed the word

Election, how
held, &c.

'Subscription,' and every such voter who shall disapprove of such subscription shall vote a ticket on which shall be written or printed the words 'No subscription.' If a majority of all the qualified voters in any county, city, town or township shall have voted for subscription, then it shall be the duty of the board of county commissioners of such county or of the county in which such city, town or township is located, to subscribe the amount so authorized to the capital stock of said company and to issue coupon bonds of the denomination of one hundred (\$100) dollars each, bearing interest at the rate of six per centum, for the amount of said subscription, payable within thirty (30) years from their date, to be paid by such counties, cities, towns or townships; and it is further provided that any two or more townships in any county through which the main line or any of its branches may be located, or through which it may be deemed advisable by said company to locate, may jointly and together, as hereinbefore provided for a single township, petition the board of county commissioners setting forth the amount they desire submitted to be voted upon, and in that event an election shall be ordered by said board in each of said townships on the same day as hereinbefore provided, and the result shall be determined in like manner; and the liabilities of the several townships shall be in proportion to the taxable values in each of said townships, and likewise the stock shall be owned by the several townships in proportion to the liabilities thus assumed by each: *Provided*, that in case of townships thus voting together, the result of the election shall be determined by counting the vote of all the townships together, and a majority of the qualified voters of all the townships thus voting shall be required to subject such townships to the liabilities contemplated by this act: *Provided, however*, that if an election is petitioned for in any city or town having a mayor and board of aldermen or other body of like character the petition shall be made to such mayor and board of aldermen or other body of like character, and said mayor and board of aldermen or other body of like character shall, in lieu of the board of commissioners of the county, perform all the duties with reference to the election to be held in said city or town and subscribe to the capital stock of said company and issue the bonds herein provided for, and do and perform all the acts with reference to such city or town subscription hereinbefore imposed upon the board of commissioners of the county."

Ballots.

On affirmative vote, county commissioners to make subscription and issue bonds.

Joint election in two or more townships.

How result determined.

Petition for election in cities and towns, &c.

SEC. 4. And that section six (6) of said chapter be amended to read as follows: "That it shall be the duty of the board of county commissioners, or of the board of aldermen in cases of cities or towns having such, where subscriptions have been made as aforesaid, to levy annually out of the taxable property of such county, city, town or township or townships a tax to pay the interest on said bonds as it shall accrue, and to create a sinking fund for the purpose of

Special tax.

paying off and discharging the principal thereof when it shall become due.”

Authorized to condemn yard or garden.

Surrender of stock by stockholder.

On surrender of majority of stock, new books of subscription to be opened, &c.

Reorganization.

SEC. 5. And that section eleven of said chapter be amended by striking out the words “yard or garden” in the line next to the last line of said section; and that the following section be inserted after section sixteen in said act: “SEC. 17. That any stockholder or subscriber to the stock of said company may, within sixty days from the ratification of this act, surrender his stock or right to the same by notifying the president of said company in writing of his desire in this regard, and in that event said stockholder or subscriber to the stock of said company shall be forever released from any and every liability or right on account of his said subscription to said company, except such liability as he may be under on account of debts already incurred by said company, and when a majority of the stock heretofore subscribed shall be surrendered as aforesaid, then it shall be the duty of the president of said company to open new books of subscription and when there shall have been subscribed the amount of one hundred thousand dollars by solvent subscribers, including the old and new subscription, then it shall be the duty of the president to call a meeting of all the stock of said company after five days’ notice in writing to each of such subscribers, and when the stockholders or a majority of them shall assemble as aforesaid they shall then proceed to reorganize said company *de novo* under the provisions of section eight of this act, and said new organization shall have all the rights and privileges and be subjected to all the responsibilities originally contemplated by this act.”

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 293.

An act to transfer certain records and documents from the county of Forsyth to the county of Stokes.

The General Assembly of North Carolina do enact:

Clerk of Stokes superior court to apply for, and clerk of Forsyth superior court to deliver records, &c., of old county of Stokes, in his possession, under chapter 24, laws 1848-9.

SECTION 1. That it shall be the duty of the clerk of the superior court of Stokes county to apply to and receive from the clerk of the superior court of Forsyth county (whose duty it shall likewise be upon said application being made to him), to deliver to said clerk of the superior court of Stokes county all of the public records and documents of the old county of Stokes, which have or shall thereafter come into

his possession from any source by virtue of, or according to the provisions of, or in consequence of chapter twenty-four of the acts of eighteen hundred and forty-eight and eighteen hundred and forty-nine of the laws of North Carolina, and all such public records and documents, when so delivered to the clerk of the superior court of Stokes county, shall remain in the custody of said last-named clerk under the same rules and regulations governing the custody of the public records and documents of Stokes county now in his possession.

SEC. 2. That the actual and necessary expenses of transferring and carrying the said records and documents from the custody of [the] clerk of Forsyth county into the custody of the clerk of Stokes county shall be paid by the county of Stokes.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

Records, &c., to remain in custody of clerk of Stokes superior court.

Expenses to be paid by Stokes county.

CHAPTER 294.

An act to amend an act ratified by the present general assembly the sixth day of February, eighteen hundred and ninety-one, amendatory of section two thousand eight hundred and thirty-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of said act be amended by adding at the end of line eight, after the word "November," the following: "Provided, that this act shall not include Davidson and Richmond counties."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

Chapter 79, ante, amended, Unlawful to kill, &c., certain birds in Davidson and Richmond counties between April 1 and October 15.

CHAPTER 295.

An act declaring the Virginia line a lawful fence.

The General Assembly of North Carolina do enact :

SECTION 1. That the Virginia and North Carolina line from a point at the Rockingham county line to the Alleghany county line, shall be and is hereby constituted a lawful fence, and all stock running across said line upon the lands of the citizens of Stokes and Surry counties shall be subject to seizure and impounded for the payment of any damage that any such land-owner may have sustained; that in addition to actual damage that may be recovered there shall also

Virginia and North Carolina line between certain points a lawful fence. Stock running into Stokes and Surry counties subject to seizure and impounding, &c.

be a fine of twenty-five cents on each horse and each head of cattle, sheep and hogs for seizing and confining same, and each day that such horse, cattle, sheep or hogs are kept by any such party seizing, he shall receive an amount not exceeding fifty cents per diem for each head for cost of keeping, and shall be liable for any damage that such stock may receive while in his possession or custody, and that any party having stock seized may select one freeholder and the party seizing such stock, or any party who may be damaged by any such stock running loose, may select any [an]other, and these two may choose another not interested in the matter in dispute, which these freeholders shall determine the damage done.

Commissioners
of Stokes and
Surry to give
notice.

SEC. 2. That before such Virginia line shall be declared a lawful fence, the county commissioners of Stokes and Surry counties shall post at least one dozen notices at different points along said line, setting forth the fact that in thirty days from the date in which such notice is posted the Virginia line shall be declared a lawful fence.

When and how
fence to be built
along line of
Patrick and
Carroll counties,
Virginia.

SEC. 3. That if such Virginia line shall be deemed to be impracticable or inexpedient as a lawful fence, or work a hardship upon the citizens of Patrick and Carroll counties, Virginia, to that extent that such citizens would prefer aiding in the building of a fence along said line, then it shall be lawful for the county commissioners of Stokes and Surry counties, together with one or more justices of the peace from each township in said Stokes and Surry counties, to adopt any plan that they may deem most advisable to carry out the end desired by this act, and may call a meeting of the justices of the peace to act with them at any time they may deem proper.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 296.

An act to incorporate the Mount Olive Railroad and Lumber Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That David J. Aaron, Willis P. Hall, Julius D. Aaron and G. A. Griswold, their associates, successors and assigns be and they are hereby constituted a body politic and corporate under the name of the Mount Olive Railroad and Lumber Company, and under that name and style they, and their successors and assigns, shall have power under 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

●orporate name.

they, their successors and assigns, be 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.

Corporate powers.

SEC. 2. That the said company be and is hereby authorized and empowered to lay out, construct and equip, maintain and operate a railway in this state with one or more tracks from the town of Mount Olive, through the counties of Wayne, Duplin and Onslow to Jacksonville, thence to Swansboro, and from the town of Mount Olive through Wayne, Sampson and Cumberland to Fayetteville. 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, and may operate the same with any power they may think proper.

Route of road.

Authorized to build part of road.

Gauge, &c.

SEC. 3. That the capital stock of said company shall be twenty thousand dollars, with the privilege and power to increase 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.

Capital stock.

Subscriptions. how made.

SEC. 4. That the corporation herein named, or a majority in interest 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 time after the sum of ten 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.

Books of subscription.

Organization.

SEC. 5. That at the time of said organization and annually thereafter such stockholders or subscribers, or a majority in interest thereof, shall select from this [their] number not less than three or 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 elect one of their number as president of said company, also a secretary and treasurer and such other officers as may be provided for in the

Directors.

Officers.

- by-laws of said company, who shall hold their office one year and until their successors shall be elected and qualified, and shall fill any vacancy that shall occur in any of the said offices by death, resignation or otherwise ; that in all elections 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 of the stockholders and directors shall take place at such times and places as may be provided for in said by-laws.
- Stock vote.
- Stockholders' meetings.
- Transfer 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.
- Subscriptions, &c., by townships.
- Proviso. 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 hereafter provided.
- Election in townships on question of subscription or donation. SEC. 8. That the board of commissioners of the counties through which said railway may pass are respectively authorized, empowered and required, upon written petition of one-fourth 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 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 election, and said returns shall be canvassed by said board. If a majority of the qualified voters of said township be
- Ballots.
- Elections, how held, &c.

"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.

Duty of chairman of county commissioners.

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 eight per centum 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 bonds to pay donation or subscription.

SEC. 10. That to provide for the payment of the interest on said bonds and for the [their] 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 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 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 for by law for the faithful collection and paying over of the state and county taxes.

Special tax.

Sinking fund.

Collection of tax.

SEC. 11. That the 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

Condemnation of land.

Authorized to sell, &c.

authority to sell or lease its road-bed, property and franchises to any other corporation or person.

Branch roads.

SEC. 12. That said company shall have authority to build and contract branches of said railway from such places or points on the main line in the judgment of the directors they may elect as necessary and expedient for said company's interest and provide for under the same rights and privileges as the main line.

Authorized to borrow money on mortgage.

SEC. 13. That the said company shall have right to borrow money and to make, to issue, negotiate and sell its bonds in such sums and to such amounts, not to exceed 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 interest at 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 said 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.

Conflicting laws repealed.

SEC. 14. That all laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Ratified the 4th day of March, A. D. 1891.

CHAPTER 297.

An act to amend sections two and four of chapter four hundred and twenty-five of the laws of eighteen hundred and eighty-seven, entitled "An act to incorporate the C. E. Graham Manufacturing Company."

The General Assembly of North Carolina do enact :

Chapter 425, laws 1887, amended.

SECTION 1. That section two of chapter four hundred and twenty-five of the laws of eighteen hundred and eighty-seven be stricken out and in lieu thereof the following inserted: "SEC. 2. The capital stock of said company shall not be less than fifty thousand dollars, but the same may be increased from time to time under such regulations as the by-laws may prescribe to any sum that may be deemed proper, not exceeding five hundred thousand dollars, the said stock to be paid for either in money, real estate, leases or machinery."

Capital stock.

SEC. 2. That section four of said act is hereby stricken out and the following in lieu thereof is inserted: "SEC. 4. The stockholders shall not be individually liable for the debts of said company."

Section four stricken out. Stockholders not individually liable for corporate debts.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 298.

An act in relation to water-fences in Pamlico county.

The General Assembly of North Carolina do enact :

SECTION 1. That Tarkiln creek and Dawson's creek are hereby declared a lawful fence from a point one-half mile up said Tarkiln creek down said creek to said Dawson's creek and down said Dawson's creek to Neuse river, in Pamlico county.

Tarkiln and Dawson's creek, Pamlico county, lawful fences between certain points.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 299.

An act to locate the state line between Graham county, North Carolina, and the state of Tennessee.

WHEREAS, There is a discontent and an uncertainty as to the location of the line between North Carolina and Tennessee, and believing it greatly to the interest of North Carolina to locate said line : therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the governor appoint the county surveyor of Graham county, with a recommendation or request to the governor of Tennessee to appoint a man, and they to proceed to establish, locate and mark the state line between the county of Graham and the Tennessee line, a distance of about fifteen miles, and that said surveyor be paid the sum of three dollars per day for the time actually employed, with all necessary expenses incurred in making said survey added, and that the state auditor give to him a warrant on [and] the said treasurer be and is hereby directed to pay the same : *Provided*, that the cost of said survey shall not exceed one hundred dollars (\$100.00), and that no money be paid on account thereof until the chairman of the board of commissioners of Graham county shall certify that the work is properly done.

Governor to appoint county surveyor of Graham, and to request Governor of Tennessee to appoint a man to survey line between Graham county and Tennessee. Compensation of surveyor.

Proviso.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 300.

An act supplemental to an act to create Salem township, Granville county.

The General Assembly of North Carolina do enact :

Chapter 63, *ante*,
amended.

SECTION 1. That the act passed at the present session of the general assembly creating and establishing the township of Salem out of a part of Oxford township, in Granville county, be amended as follows: That the boundaries of said Salem township shall be as follows, and not otherwise: Beginning at the point where Oxford and Sassafras Fork township lines meet on the Vance county line, thence with said Vance county line to a point two miles north of the corner of Fishing Creek township, thence due west to Tabb's creek, thence down the meanders of said creek to the Oxford and Henderson road at D. T. Cheatham's mill, thence with said road to Fishing creek, thence up the meanders of said Fishing creek to the public road leading from Oxford to Clarksville, thence with said public road to the Sassafras Fork township line, thence with said township line to the beginning.

Boundaries.

Where road
hands to work.

SEC. 2. That the hands heretofore liable to work on the Oxford and Henderson road and cut off into Salem township, shall work said road from D. T. Cheatham's mill to the cross-roads of the Williamsboro and Banks' Chapel road, and said Oxford and Henderson road from said cross-roads to Fishing creek shall be worked by the hands living in Oxford township.

Part of Oxford
and Clarksville
road divided into
sections.
Where road
hands to work.

SEC. 3. That said Oxford and Clarksville road from Fishing creek to the Sassafras Fork township line shall be divided into four equal sections, beginning at Fishing creek, and the hands living in Oxford township shall work sections one and three, and the hands living in Salem township shall work sections two and four.

Justices for
Salem township.

SEC. 4. That C. F. Crews and Amos Dean are hereby elected justices of the peace in Salem township from the ratification of this act until the first Monday of August, eighteen hundred and ninety-one, and from said day of August, eighteen hundred and ninety-one, for six and four years respectively.

Justices for
Salem township.

SEC. 5. That Joseph B. Parham and Albert L. Gooch are hereby elected justices of the peace for said Salem township from the ratification of this act until the first Monday in August, eighteen hundred and ninety-one, and from said day of August, eighteen hundred and ninety-one, for the term of two years each.

Portion of Oxford
township, in-
cluded in Salem
township, not
released from
liability for debt
of Oxford town-
ship.

SEC. 6. That that portion of the citizens and taxable property taken from the township of Oxford and erected and constituted into the township of Salem shall not be released from their proportion of the outstanding public debt of the said township of Oxford contracted prior to the passage of this act or the original act creating Salem

township, but shall be responsible for and pay their proportion of said debt as heretofore.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 301.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter four hundred and fifty-nine of the laws of North Carolina of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out all after the word "Carolina" in the twelfth line of said section, and inserting in lieu thereof the words "to some point on the Virginia line near Blue Wing, and also to some point in North Carolina east of Roxboro, which may be selected by the majority of said incorporators."

Chapter 459, laws 1889, amended.

Termini of Greensboro, Roxboro and Eastern railroad.

SEC. 2. That section two of said chapter four hundred and fifty-nine is hereby amended by striking out the words "eastern terminus" where they occur in the fourth line thereof, and inserting in lieu thereof the words "eastern and western termini."

Subscription by counties, &c., along line of road.

SEC. 3. That said chapter four hundred and fifty-nine is hereby amended by striking out the words "Greensboro, Roxboro and Eastern" where they occur in said chapter and inserting in lieu thereof the words "Greensboro and Norfolk Midland."

Name of Greensboro, Roxboro and Eastern Railroad Co. changed to Greensboro and Norfolk Midland Railroad Co. Corporate powers.

SEC. 4. That the Greensboro and Norfolk Midland Railroad Company shall have power to construct, equip and operate its road from Greensboro, North Carolina, westwardly to any point on the boundary line of South Carolina, Georgia or Tennessee.

SEC. 5. That section nine, chapter four hundred and fifty-nine, laws of one thousand eight hundred and eighty-nine be amended by striking out all after the word "upon" in line five, and insert in lieu thereof "it by the general laws of North Carolina."

Condemnation of land.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 302.

An act to define the words "swamp lands" as the same are employed in the statutes of this state in respect to the entry and grant of lands and the lands appropriated and belonging to the state board of education.

The General Assembly of North Carolina do enact :

Definition of
"marsh and
swamp lands" in
section 2751 of
The Code, &c.

SECTION 1. That the words "marsh and swamp land" employed in section twenty-seven hundred and fifty-one (2751) [of] The Code, and the words "swamp lands" employed in the statutes creating the literary fund and literary board of North Carolina and the state board of education of North Carolina, or in any act in relation thereto, shall be construed to include all those lands which have been or may now be known and called "swamp" or "marsh" lands, "pocosin bay," "briary bay" and "savanna," and all lands which may be covered by the waters of any lake or pond.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 303.

An act to incorporate Pilgrim Church, in Davidson county.

The General Assembly of North Carolina do enact :

Unlawful to sell,
&c., liquor within
two miles of Pil-
grim church,
Davidson county
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to dispose of or sell spirituous, vinous or malt liquors within two miles of Pilgrim Church near Lexington, in Davidson county.

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 imprisonment for more than thirty days.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 304.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Chowan county in joint session with the board of justices of said county be and they are hereby authorized and empowered to levy a special tax during the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, not exceeding one thousand dollars per year.

Commissioners and justices of Chowan, in joint session, authorized to levy special tax.

SEC. 2. That said taxes shall be levied on the real estate, personal property and taxable polls of said county, observing the constitutional equation between property and poll, the same to be collected and accounted for as other taxes are collected and accounted for, and shall be used for the purpose of paying off the indebtedness of said county and for no other purpose.

Levy of tax.

Collection and appropriation of taxes.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 305.

An act to incorporate the Wilson and Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That F. A. Woodard, Edwin Barnes, W. F. Woodard, F. W. Barnes, W. P. Simpson, W. W. Farmer, E. M. Nadal, Geo. D. Green, Jno. D. Wells, Wm. Woodard, Jr., 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 Wilson and Carolina 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 the laws of the state or of the United States.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the said railroad company is hereby authorized and

Termini.

empowered to build, construct, maintain and operate a railroad with one or more tracks from Wilson, in Wilson county, to Kinston, from Wilson to Ridgeway, from Wilson to Tarboro, from Wilson to Washington, North Carolina, from Wilson to Weldon, and with privilege of building branch roads not exceeding fifty miles in length.

Capital stock.

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 one hundred dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations, and the said company may receive donations or assignments of property or securities as well as contributions of labor, and subscriptions may be paid in money, labor, land, material, stocks, bonds, or in any way that may be agreed upon between the company and the subscribers.

Subscriptions,
how paid.

Books of sub-
scription.

SEC. 4. That the books of subscription to the capital stock of said company shall be opened by the corporators aforesaid, 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.

Organization.

Stockholders'
meetings.
Directors.

SEC. 5. That the 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.

Stock vote.

Officers.

By-laws.

Transfer of stock.

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.

Subscriptions by
counties and
townships.

SEC. 7. That the commissioners of Wilson county and of any other county or any township through which said railroad may pass, shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the respective counties or township 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 town respectively; and the authorities of any other corporation

By cities and
towns.

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 herein provided.

By other corporations.

SEC. 8. That for the purpose of determining the amount of such subscription or donations, it shall be the duty of the county commissioners 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, city or township 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 commissioners 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.

Election on question of subscription by counties, townships, cities and towns.

Notice of election.

Ballots.

SEC. 9. That the commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint judges, etc., as provided in other elections.

Special registration.

SEC. 10. 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 located 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

Taxes collected in townships on property of company, how applied.

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.

County commis-
sioners to issue
bonds to pay
township sub-
scription.

SEC. 11. That in payment of any subscription or donation made as provided in section eight, 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 at such time as may be determined by the county commissioners or the authorities of such incorporated towns, interest payable on the first day of January on [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.

Special tax.

SEC. 12. That to provide for the payment of the 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 a certain amount of the amount of the principal

Collection of tax.

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.

Application of
tax.

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 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 his duties herein before required of the treasurer, which duties he shall perform instead of the treasurer.

Proviso.

Bonds, how
signed, &c.

SEC. 13. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township shall be signed by the chairman of the board of county commissioners of the county in which said township is situated and by the clerk of said board. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town.

Condemnation of
land.

SEC. 14. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the

Authorized to
sell, consolidate,
&c.

bonds or stock of any other railroad in the state, or to consolidate with any connecting line of railroads.

SEC. 15. That said company shall be authorized to begin the construction of said railroad 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.

Authorized to begin construction at any point, &c.

SEC. 16. That said road or company shall have [the] 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.

Branch roads.

SEC. 17. That said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue bonds for the amount so borrowed and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

Authorized to borrow money on mortgage.

SEC. 18. That said company shall be further authorized and empowered to extend the line of their road from Wilson 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. 19. That the work on this road may begin within two years.

SEC. 20. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

When work may begin. Conflicting laws repealed.

SEC. 21. That this act shall take effect from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 306.

An act to levy a special tax in the stock-law territory of Nash county.

The General Assembly of North Carolina do enact :

SECTION 1. The county commissioners of Nash county are authorized, in their discretion, to levy a special tax for the purpose of paying for the fence surrounding the territory described as follows, and which has adopted by a vote of the inhabitants the operations of the stock law, of not exceeding one dollar upon the real estate situated with[in] the boundaries, viz.: beginning at the gate below the Dortch place, thence up the Hilliardston road to Driving branch, thence up said branch to Hilliard's line, thence along the line of the said Hilliard's land to Lawson Knott's land, thence down Knott's line to Swift creek, thence down said creek to a point opposite T. P. Braswell's line, thence nearly east a direct line to W. H. Hilliard's

Commissioners of Nash authorized, in their discretion, to levy special tax to pay for fence around stock-law territory.

Boundaries.

land, thence joining on to the old stock-law line, being a part of
 ●collection of tax. Stony Creek and Whitaker's townships, Nash county. That the
 taxes levied under the provisions of this act shall be collected by the
 sheriff of Nash county as other taxes are collected, and shall be
 applied by the said county commissioners to the payment of the
 above described fence, and when said fence shall have been paid for,
 it shall hereafter be kept up by an assessment under the general law
 upon the lands of all the persons residing in the stock-law territory
 in Nash county, both within the above-mentioned boundaries and
 the contiguous stock-law territory.

Application of
 tax.
 Fence when paid
 for, how to be
 kept up.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 307.

An act to annex a portion of the territory of Beaufort county to the county of Pamlico.

The General Assembly of North Carolina do enact :

Certain portion
 of Beaufort
 county annexed
 to Pamlico.

SECTION 1. That all that portion of the county of Beaufort lying within the following boundaries, viz.: beginning at the mouth of Durham's creek and running up the creek to its head, thence south to the dividing line between Beaufort and Pamlico counties, with said dividing line to Goose creek, thence down Goose creek to Pamlico river, thence up said river to the mouth of Durham's creek, the beginning, be and is hereby annexed to the county of Pamlico.

Annexed terri-
 tory to assume
 just proportion
 of debt of Beau-
 fort county.
 How ascertained.

SEC. 2. That the territory of Beaufort annexed by this act to Pamlico county shall assume its just proportion of the indebtedness of Beaufort county, to be ascertained upon the basis of the assessed value of the taxable property within the annexed territory compared with the assessed value of the taxable property within the balance of the county of Beaufort, according to the tax-lists of Beaufort county for the year eighteen hundred and ninety : *Provided*, that the territory annexed by this act to Pamlico county shall not be liable for any portion of the existing debt of the present county of Pamlico.

Proviso.

Act not to take
 effect until ap-
 proved by quali-
 fied voters in an-
 nexed territory.

SEC. 3. That this act shall not go into effect until it shall have been submitted to and ratified by the qualified voters residing within the territory annexed. And to this end an election shall be held in said territory on the first Thursday in May, eighteen hundred and ninety-one, and at such election those favoring annexation shall vote a written or printed ballot containing the words "For annexation," and those opposed shall vote such ballot containing the words "Against annexation." If a majority of the votes cast at this elec-

Election.

tion shall be in favor of annexation, then this act shall be in full force and effect: *Provided*, that said territory shall become a part of Pamlico county only upon the assent of a majority of the joint board of the county commissioners and justices of the peace of Pamlico county at their regular meeting on the first Monday in June, eighteen hundred and ninety-one; and if a majority shall favor it then the said territory shall become a part of Pamlico county to all intents and purposes according to this act.

SEC. 4. That said election shall be held in the same manner and under the same regulations, as far as applicable, as provided for the election of members of the general assembly, and the board of commissioners of Beaufort county at their meeting the first Monday in April, eighteen hundred and ninety-one, shall appoint registrars and judges of election and shall also establish for the purposes of this election such new polling place as may be necessary or convenient. The registrar and judges of election for each voting place shall appoint one of their number, and the person so appointed shall meet at Aurora on the Saturday after the election and canvass the returns and declare the result of the election and certify the same to the board of commissioners of the counties of Beaufort and Pamlico.

SEC. 5. That the justices of the peace residing in the annexed territory shall continue to hold their offices and act as justices of the peace in the county of Pamlico until their successors are duly elected and qualified.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 308.

An act authorizing the board of county commissioners of Pitt county to make an appropriation for building a road or highway near Greenville.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners and justices of the peace of Pitt county be and the same are hereby authorized and empowered to appropriate from the funds belonging to said county a sum not exceeding one thousand dollars for the purpose of building and raising 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 the travelling public.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 309.

An act to continue in force chapter one hundred and eighty-five of the laws of eighteen hundred and eighty-three, and to extend the time within which the incorporation of the Hoffman and Troy Railroad Company may organize the company and carry into effect the intent of said act, and for other purposes.

The General Assembly of North Carolina do enact :

Incorporators of Hoffman and Troy R. R. Co. to have additional time to organize company.

SECTION 1. That the persons mentioned in chapter one hundred and eighty-five, laws of eighteen hundred and eighty-three, as incorporators of the "Hoffman and Troy Railroad Company," shall have until January first, eighteen hundred and ninety-three, within which to organize the company and carry into effect the intent of said act.

Chapter 185, laws 1883, amended.

SEC. 2. That section five of said chapter one hundred and eighty-five of the laws of eighteen hundred and eighty-three be amended by inserting between the word "subscriptions" and the word "to" in line two of said section, and between the word "dollars" and the word "of" in line four of said section, the words "in any kind of property."

Subscriptions, how made.

Corporate powers.

SEC. 3. That section nine of said chapter one hundred and eighty-five of the laws of eighteen hundred and eighty-three be amended by inserting between the word "borrowed" and the word "and" in line five of said section the words "to have, hold and own for itself, its successors and assigns, any kind of property conveyed or transferred to it in payment of subscription to its capital stock, and to bargain, sell, and convey the same in fee-simple.

Authorized to buy, &c., trees and lumber.

SEC. 4. That the incorporators of the said "The Hoffman and Troy Railroad Company," may have the power and are hereby authorized, under any name and style they may select, to buy, sell, manufacture and in any manner deal in trees and lumber of any and all kinds.

Authorized to rent rails, &c.

SEC. 5. That the said "The Hoffman and Troy Railroad Company," its successors and assigns, may have or otherwise rent or hire for use on said road or the branches thereof rails from any person, firm or corporation for such time and upon such terms as may be agreed upon by the contracting parties, and such rails may be mortgaged or otherwise pledged as security for the payment of the purchase price of said rails, and upon the termination of the lease, renting or hiring by expiration, forfeiture or surrender, or in case the said "The Hoffman and Troy Railroad Company" shall fail to pay for the same, the said rails may be taken possession of, taken up and removed by the person, firm or corporation leasing, renting, hiring or selling the same to the said "The Hoffman and Troy Railroad Company," as if they had never been laid: *Provided*, it shall be so stipulated in the contract or lease; and it shall be lawful for the said "The Hoffman and Troy Railroad

Mortgage.

Proviso.

Company," its successors and assigns, to take up and remove any rails owned by it or them whenever the said company shall see fit to do so, subject to the foregoing provisions.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 310.

An act to incorporate the Little Bluff, Raemont and Maxton Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That S. W. Parham, A. J. Cottingham, W. E. Croom, Murdock McRae and John H. Inglis, their associates, successors and assigns, be and the same are hereby made and declared a body politic and corporate by the name and style of the Little Bluff, Raemont and Maxton Railway Company, for the purpose of locating, constructing, maintaining, equipping and operating a railway from Raemont, a point on the line between North and South Carolina, to Maxton.

SEC. 2. That the said company shall have power to build its road by such route as it may deem most advantageous and expedient, and to be secure in the exclusive right and title to its right-of-way for its own proper use and behoof, and against the right, claim or use of any other person or persons whatsoever claiming the privilege of using the same without the consent of said company.

SEC. 3. That the said The Little Bluff, Raemont and Maxton Railway Company shall have a common seal, which it may renew or alter at pleasure, and is hereby invested as a corporation with all rights, powers and privileges and subject to all the duties and liabilities incident at common law or conferred or imposed by the statutes of North Carolina.

SEC. 4. That the said company shall have power to acquire, either by subscription to the capital stock or by donation or by both, lands, moneys, bonds, labor, work, material or other means available for its purposes, and to receive subscriptions from individuals; and the said company shall also have power to sell, lease or otherwise dispose of any lands or properties acquired under this section.

SEC. 5. That the said company shall have power to run, use, operate and control, by lease or otherwise, any railroad or other transportation company at either terminus upon such terms as may be agreed upon with the company or companies owning the same, and such company

Body politic.

Corporate name.

Termini.

Route.

Exclusive right of way.

Corporate powers.

Corporate powers.

Authorized to lease, &c., other roads.

- Subscription by other companies and by cities, towns and counties. shall furthermore be lawful for any transportation company chartered by the laws of this or other states, or for any city, town or county, to aid in the construction of said railways, and for that purpose may subscribe to the capital stock or may acquire the lands of said company.
- Capital stock. SEC. 6. That the capital stock of said company shall be one hundred and sixty thousand dollars, divided into shares of one hundred dollars each; that in all meetings of stockholders each share shall be entitled to one vote, and that said company may, with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount necessary for constructing and operating its railway, not to exceed five hundred thousand dollars, such increase to be made at a regular meeting or at a meeting called for that purpose at such place or places and upon such notice as may be necessary and proper in order that two-thirds in value of all the stock shall be represented at such meeting.
- Stock vote.
- Increase of capital stock.
- Authorized to borrow money on mortgage. SEC. 7. That the said The Little Bluff, Raemont and Maxton Railway Company shall have power to borrow money to such amount as it may deem proper or necessary, and to issue for any loan debentures or bonds of the company bearing interest at such rate per annum as the company may determine, not to exceed the legal rate of interest in this state; and to secure the payment of such loan or loans, said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal and mixed, its charter, rights, franchises and income.
- Organization. SEC. 8. That the corporators herein mentioned shall have the power and authority of a president and board of directors for the purpose of the organization of said company and for all other purposes until a president and board of directors shall be selected at a stockholders' meeting, and such meeting shall be held after such notice as the said corporators may deem proper. Whenever ten thousand dollars (\$10,000.00) of the capital stock of said company have been subscribed the said corporators may elect one of their number chairman, and he shall have the power and authority of president of said company, and in all matters a majority of said corporators shall control.
- When work to be commenced and completed. SEC. 9. That the said The Little Bluff, Raemont and Maxton Railway Company shall commence the work under this act within two years and complete the same within ten years from the passage of this act, otherwise this act shall be null and void.
- Act to be deemed a public act. SEC. 10. That this act shall be deemed and taken a public act, and shall go into effect immediately upon and after its passage and continue in force for thirty years.
- Authorized to connect with certain other roads. SEC. 11. That the said The Little Bluff, Raemont and Maxton Railway Company may, if it should be deemed advantageous and

expedient, connect with or tap the Cape Fear and Yadkin Valley Railroad or the Carolina Central Railroad not more than two or two and one-half miles from the town of Maxton.

SEC. 12. That this act shall be in force from and after its ratification.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 311.

An act to authorize the board of county commissioners of Anson county to issue bonds to complete and repair the court-house and repair the jail.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Anson county, for the purpose of completing and repairing the court-house and repairing the jail of their said county, are authorized and empowered to issue bonds, bearing interest at the rate of five per centum per annum, to the amount of fifteen thousand dollars, of the denomination of five 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 May of every year until the bonds shall become due. The bonds so issued by said board of commissioners shall be numbered consecutively from one to thirty, and the coupons shall bear the numbers corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment of all county taxes; the bonds shall run for periods of five, ten and fifteen years.

Commissioners of Anson authorized to issue bonds to complete court-house, &c.

SEC. 2. That said bonds shall be issued under the signature of the chairman of the said board of county commissioners, and shall be attested by the official seal of the clerk of the superior court of said county, and the said chairman of the board of county commissioners shall, under the direction of the board of county commissioners, dispose of said bonds as the necessity for the prosecution of the work may require at a sum not less than their par value.

Coupons receivable for county taxes.

Bonds, how issued and disposed of

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 board of county commissioners to levy and cause to be collected annually as other county taxes are levied and collected a tax upon all real and personal property, rights and credits of said county subject to taxation for general purposes and upon all taxable polls, not exceeding ten cents on the hundred dollars' worth of property and thirty cents on the poll.

Special tax.

Commissioners
to appoint
trustee of fund.

SEC. 4. The board of county commissioners shall appoint some suitable person as trustee of this fund, to receive, pay out and invest all moneys raised by this act under and in obedience to the order and direction of the board of county commissioners. Said trustee shall keep a record of all bonds sold, the name of the purchaser and date of sale, and all coupons and bonds presented for payment, the date of presenting the same, the name of the person or persons presenting the same and the time when the same shall be paid. Said trustee shall receive and receipt for all taxes raised by this act from the sheriff and tax-collector of the county, and the sheriff or tax-collector shall pay over all moneys raised by or collected under this act to said trustee and shall settle with said trustee at the times and in the manner and under the penalties prescribed for said sheriffs or tax-collectors settling with the county treasurer.

Duties of trustee.

Bond.

Said trustee shall execute a bond payable to the state of North Carolina for the faithful performance of the duties of his trust in a sum not exceeding ten thousand dollars, in the discretion of the board of county commissioners, to be approved by the board of county commissioners, and to be recorded as other official bonds, which said bonds shall be renewed as often and at such times as the board of county commissioners shall by their order direct. Said trustee shall settle with said board of commissioners in the manner and under the same penalties as are prescribed for settling with the county treasurer and as often as the board of commissioners shall require, and said trustee shall turn over to the board of county commissioners all coupons and bonds paid by him, which said board of commissioners shall cause to be recorded on the minutes by their clerk and then destroyed by fire in their presence. Said trustee may be removed at any time by order of the board of county commissioners, and upon removal shall deliver and turn over all books, coupons and moneys in his hands connected with his trust to said commissioners or his successor. Said trustee shall receive as compensation for his services out of the moneys paid over to him by the sheriff or tax-collector such sum or sums as shall be allowed by the board of county commissioners, not exceeding the compensation now allowed or [that] may be allowed under the general laws to the county treasurer for like services.

Removal.

Compensation.

Bonds to be presented for payment at maturity.

SEC. 5. That the holders of the bonds and coupons issued under this act shall present the same to the county trustee for payment upon maturity of such bonds and coupons, and should said trustee refuse or fail to pay such matured bonds and coupons so presented for payment, then such matured bonds and coupons so presented for payment shall draw or bear interest after maturity at the rate of six per centum per annum, and unless such bonds and coupons are so presented at maturity for payment and payment thereof is refused, such bonds and coupons shall bear or draw no interest whatever after

maturity. The said trustee upon presentation of any such bonds or coupons for payment after maturity thereof on his failure to pay the same shall write on the face of each bond and coupon so presented the word "Presented," and subscribe his name as county trustee, with the date of presentation of the same for payments, and upon the face of all bonds and coupons paid by said trustee he shall write the word "Paid," together with the date of paying the same.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 312.

An act to authorize county commissioners of Alamance county to sell poor-house property.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners and magistrates of Alamance county in joint session are hereby authorized to sell the present poor-house property and buy elsewhere should they by a majority vote deem it wise and best for the good of the county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

Commissioners and justices of Alamance authorized to sell poor-house property and buy elsewhere.

CHAPTER 313.

An act to levy a special tax for Rutherford county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Rutherford county be and are hereby authorized and empowered to levy a special tax for the sum of four thousand dollars, one half of said sum to be levied on all subjects of taxation and the poll in said county in the year eighteen hundred and ninety-one, and the other half to be levied in the like manner in the year eighteen hundred and ninety-two.

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

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

Commissioners of Rutherford authorized to levy special tax.

Application of tax.

Levy of tax.

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

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 314.

An act for the relief of H. C. Kearney, sheriff of Franklin county.

Preamble.

WHEREAS, H. C. Kearney, sheriff of Franklin county, had deposited to his credit as such sheriff in the State National Bank of Raleigh, North Carolina, five hundred and ninety-two and ninety-eight one-hundredths dollars of fund belonging to said county on March twenty-sixth, one thousand eight hundred and eighty-eight, when said bank failed; and whereas, he has fully accounted for and paid over the whole of said [sum] so deposited to the county treasurer of the said county; and whereas further, the said H. C. Kearney, sheriff as aforesaid, has received from the receiver of said bank in part payment on said accounts the aggregate of two hundred and ninety-six and forty-five one-hundredth dollars, leaving a balance of two hundred and ninety-six and forty-five one-hundredths dollars,

The General Assembly of North Carolina do enact:

Commissioners and justices of Franklin authorized to relieve H. C. Kearney, sheriff, from loss of county funds by reason of failure of State National Bank.

SECTION 1. That the board of commissioners of Franklin county, in joint session with a majority of the board of magistrates of said county, be and they are hereby authorized by a majority vote to relieve the said H. C. Kearney against any and all loss of county funds by reason of the failure of said bank, and that if the said board of commissioners shall by their vote relieve the said H. C. Kearney of said loss the said Kearney shall be entitled to a credit upon a future settlement with the commissioners of said county for the said loss of two hundred and ninety-six and fifty-three one-hundredths dollars, subject, however, to any reduction which may be made by a payment by the receiver of said bank.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 315.

An act to incorporate the Oxford and Coast Line Railroad Company.

The General Assembly of North Carolina do enact :

- SECTION 1. That Dr. H. C. Herndon, R. R. Roberts, A. W. Graham, W. C. Reid, W. A. Davis, B. A. Capeheart, J. V. Rice, R. W. Lassiter, Spotswood Burwell, W. H. Hunt, H. D. Egleton, F. S. Spruell, J. T. Yancey, J. A. Long, W. W. Kitchen, G. G. Moore, Willie Ward, Van B. Bachelor, Thos. B. Keogh, H. R. Scott, their associates and successors, be and they are hereby created a body politic and corporate under the name and style of the Oxford and Coast Line Railroad Company, with all the powers and privileges conferred upon railroad companies in chapter forty-nine (49) of The Code, entitled "Railroad Companies," together with power to construct and operate such branch roads from Oxford or Springhope, or any intermediate point as the board of directors may desire. Body politic.
Corporate name.
Corporate powers.
- SEC. 2. That in order to carry into effect the purposes and objects of this act the said railroad company may survey one or more routes for such railroad as they deem practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and its branches at the width of one hundred feet, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary for the construction and operation of said railway and its branches under the same rules and terms as are prescribed for the acquisition and condemnation of land by the charter of the North Carolina Railroad Company, and shall [have] authority to transport passengers, freight and merchandise over said railway, its branches, or that [of] any railway it may lease, upon such terms and conditions as may be determined by the board of directors of said company. Survey of routes.
Condemnation of land.
Transportation of passengers, &c.
- SEC. 3. That the railway company hereby created is hereby vested with power to construct a line or lines of railway, with one or more tracks of such gauge as the board of directors thereof may agree upon, to Wilson in the county of Wilson, or Spring Hope in the county of Nash, or Raleigh in the county of Wake, or Roxboro in the county of Person, or Reidsville in the county of Rockingham, or Greensboro in the county of Guilford, from Oxford in the county of Granville, or to any one or all of said points, with power and authority to continue said road to some point on the Wilmington and Weldon Railroad between Weldon and Goldsboro, or some point on the Raleigh and Gaston Railroad between Weldon and Raleigh, or any one of its branches. Route.
- SEC. 4. That the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same from time to time as the stockholders may determine to one million dollars; the same to be divided up into shares of fifty dollars each. Capital stock.

Books of subscription.

SEC. 5. That the corporators named in this act, or any one or more 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 receive subscriptions to said capital stock, and when five thousand dollars of said stock shall have been subscribed for, the subscribers thereto shall elect a board of directors to consist of not less than five, who shall serve until the next annual meeting or until their successors are elected and qualified, and upon the subscription of said sum of five thousand dollars and the election of said directors, said company shall be deemed and held fully organized for all intents and purposes and may proceed to carry out the objects of their charter.

Organization.

Corporate powers.

SEC. 6. That the said company shall have power to consolidate 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.

Directors.

SEC. 7. The management of said company shall be vested in the board of directors to be elected annually at such time and place as the stockholders may designate, and they may have the power to make such by-laws, rules and regulations for the management of said corporation and create and appoint such officers as may be necessary for the transaction of its business and as may be consistent with the constitution and laws of the United States and of this state.

By-laws.

Officers.

Other railroad companies authorized to subscribe to stock, lend money, &c.

SEC. 8. Any railroad company, whether incorporated under this or the laws of any other state, is hereby authorized to subscribe to the capital stock of said railroad company, or to lend money to or endorse the bonds or other evidences of debt of the same, and may pay for their subscription to the capital stock of said Oxford and Coast Line Railroad Company in cash or by the issue of their bonds or otherwise, and said Oxford and Coast Line Railroad Company may mortgage its road-bed, rolling-stock and franchises, and may issue bonds as the directors thereof may determine, and may provide for the conversion of such bonds into the capital stock of said company.

Authorized to execute mortgage, &c.

Authorized to buy, &c., lands.

SEC. 9. That said railroad company may buy, sell, lease, exchange, hold and convey, use, operate and work any and all lands and mines along and near the main and branch lines of said railroad.

Taxes on property of road collected in counties, &c., making subscriptions, how applied.

SEC. 10. That whenever any county, city, town or township shall issue bonds to aid in building said Oxford and Coast Line Railroad, the money derived from taxation of said railroad within said county shall be applied to the payment of the interest on said bonds so long as they shall remain outstanding, and in the event that two or more cities, towns or townships in any county shall issue bonds as afore-

said, then the money derived from the taxation of said railroad within said county shall be applied to the interest on said bonds in proportion to the amount of bonds so issued by said cities, towns or townships as aforesaid.

SEC. 11. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 316.

An act to regulate the sale of seed cotton in Mecklenburg county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to buy, sell, deliver, or receive for a price or for any reserved valuation any cotton in the seed where the quantity is less than what is usually baled, except as hereinafter provided for. Unlawful to buy, &c., seed cotton in quantity less than that usually baled. Exception.

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

I hereby sell and deliver to of county pounds of seed cotton at cents per pound. This day of, 18...
In our presence. Form of bill of sale.

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

SEC. 3. Any person buying or receiving seed cotton contrary to the provisions of this act, and any person buying or receiving seed cotton who shall fail, neglect or refuse for ten days thereafter to carry and deliver the written bill of sale as hereinbefore required to the nearest justice of the peace in said county shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days, two-thirds of any fine so imposed to inure to the benefit of the common school fund of said county and the remaining one-third to Misdemeanor. Fine, how divided.

Act applicable only to Mecklenburg county.

When act to take effect.

the informant: *Provided*, that this act shall only apply to the county of Mecklenburg.

SEC. 4. This act shall be in force from and after the first day of September, eighteen hundred and ninety-one.

Ratified the 5th day of March, A. D. 1891.

CHAPTER 317.

An act to improve the method of grading public roads in Rutherford county.

The General Assembly of North Carolina do enact :

Code, section 2040, amended.

Roads to be laid out by jury of three freeholders. Road surveyor.

SECTION 1. That the word "five" in line one of section two thousand and forty of The Code of North Carolina be stricken out and the word "three" (3) be inserted in lieu thereof, and at the end of said section add the following: "The county commissioners may, if they see proper, employ a road surveyor at a salary not to exceed two dollars per day to lay off new roads; said surveyor shall furnish without extra charge to the county commissioners a profile giving grade and distance of road laid out."

Section 2011 amended.

Employment of road surveyor by petitioner for road. Act applicable only to Rutherford county.

SEC. 2. That after the word "condition" in lines three and four of section two thousand and forty-one of The Code be inserted the words "if they see proper may require said person at his expense to employ a road surveyor whose salary and duties shall be the same as provided for in section one of this act: *Provided, however*, that this act shall apply only to the county of Rutherford."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 318.

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

The General Assembly of North Carolina do enact :

Commissioners and justices of Carteret, in joint session, authorized to levy special tax.

SECTION 1. That the board of county commissioners, in joint session with a majority of the magistrates of the county of Carteret, be and are hereby authorized and empowered to levy a special tax not to exceed twenty cents on the one hundred dollars' worth of real and

personal property, rights and credits, and sixty cents on the poll in said county for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

SEC. 2. That said taxes shall be levied at the same time other state and county taxes are levied, and shall be collected and accounted for as other taxes are collected and accounted for, and shall be expended under the direction of the board of commissioners of said county in the completion of the turnpike road from the head of North run to Adams creek, for building and repairing bridges and for paying the local indebtedness of said county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 319.

An act to incorporate the Norwood and Rockingham Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Ingram, F. T. Baldwin, J. M. Hines, James T. LeGrand, J. P. Little, J. Chappell and J. G. Skinner, W. I. Everett and their associates, successors and assigns are hereby created a body politic and corporate under the name of The Norwood and Rockingham Railroad Company, with the same corporate powers and franchises that are conferred by the laws of North Carolina upon other railroad companies in this state: *Provided*, that nothing in this act shall be construed to exempt this road from taxation.

SEC. 2. The railroad company hereby created shall have power to construct a railroad of such gauge as may be determined by the board of directors from Norwood in Stanly county to Rockingham in Richmond county, together with the right to construct such branches of railway as may be desired by the board of directors of said company.

SEC. 3. That in order to carry into effect the purposes and objects of this act the railroad company hereby created may survey one or more routes for such railway as they deem practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and branches to the width of sixty feet on each side from centre of said railroad, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, under the same conditions and rules and in the same manner as is provided in the charter of [the] North Carolina Railroad Company for the condemnation of land, and shall have authority to transport passengers, freight and merchandise over their own railway and its

Levy and collection of tax.

How expended.

Body politic.

Corporate name.
Corporate powers.

Proviso.

Termini.

Branch roads.

Condemnation of land.

Transportation of passengers, &c.

branches, or that of any railway it may lease, upon such terms as may be fixed by the board of directors of the company.

Capital stock.

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

Books of subscription.

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

Organization.

Corporate powers.

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

Directors.

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

Other railroad companies authorized to subscribe to stock, &c.

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

Authorized to borrow money on mortgage.

SEC. 9. The Norwood and Rockingham Railroad company shall have power, from time to time, to borrow such money as may be necessary to construct and equip and operate the road, and to issue and dispose of bonds for any amount not exceeding two hundred thousand dollars, and to mortgage their corporate property and purchases to secure the payment of any debt contracted by the company for the purpose aforesaid.

Authorized to lease rails, &c.

SEC. 10. The railroad company hereby created shall have power to lease iron rails from any railroad company whose road connects with

its road, and such other railroad company shall have power to lease iron rails to the Norwood and Rockingham Railroad Company, and such other railroad company from which said iron rails are leased shall have the right to remove said rails from the track of the company hereby incorporated at the expiration of said lease, or upon the failure of the Norwood and Rockingham Railroad Company to comply with the terms of the lease as may be agreed between the two companies.

SEC. 11. That the construction of this road must be commenced and prosecuted in good faith within three years from the date of the passage of this act. When work to be begun.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 320.

An act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies doing business in the state of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be three commissioners elected by the general assembly to carry out the provisions of this act, and no member of this general assembly shall be eligible for the position of railroad commissioner. The term of office of said commissioners shall begin on the first day of April next after their election and shall continue for six years, but the terms of office of the commissioners first elected, which shall be by the general assembly, shall be as follows: one for two years, one for four years and one for six years. The general assembly next preceding the expiration of the term of office of any of said commissioners shall elect his successor. In case of vacancy the governor shall appoint to such vacancy, and his appointee shall hold until the qualification of his successor, who shall be elected by the general assembly that convenes next after the vacancy has taken place, and the person then chosen shall hold the office for the unexpired term. The said commissioners, in addition to the oath to support the constitution and laws of the United States and the constitution and laws of the state of North Carolina, shall take, to be administered by one of the judges of the superior or supreme court, the following oath of office, which oath shall be signed by said commissioners and attested by said judge and recorded in the office of the secretary of state: "I do solemnly swear (or affirm) that I am not the owner of any steamboat or of any

General assembly to elect three commissioners.
Member of general assembly ineligible.
Term of office.

Vacancies.

Oath.

stock or bond of any railroad or other transportation company, express or telegraph company, or the agent or attorney or employee of such company; that I have no interest in any way in any such company, and that I will well and faithfully execute the duties of my office of railroad commissioner to the best of my knowledge and ability, without fear, favor or malice, or reward or the hope of reward: so help me God." Said commissioners shall not jointly, or severally, or in any way be the holder of any stock or bonds, or be the agent or attorney or employee of any such company, or have any interest in any way in such company, and shall so continue during the term of his office, and in case any commissioner shall, as distributee or legatee or in any other way, have or become entitled to any stock or bonds or interest therein of any such company he shall at once dispose of the same; and in case any commissioner shall fail in this, or in case any one of them shall become disqualified to act, then it shall be the duty of the governor to suspend him from office and to report the fact of his suspension, together with the reason therefor, to the next general assembly, and the question of his removal from office shall be determined by a majority of the general assembly in joint session. In any case of suspension the governor shall fill the vacancy, and if the general assembly shall determine that the commissioner suspended shall be removed, then the appointee of the governor shall hold until his successor is elected and qualified as hereinbefore provided, but if the general assembly shall determine that the suspended commissioner shall not be removed from his office, then the effect shall be to reinstate him in said office. The person discharging the duties of said office shall be entitled to the salary for the time he is so engaged, but a commissioner who is suspended shall be allowed the salary during his suspension in case he should be reinstated by the next general assembly: *Provided*, that no person is eligible as such commissioner who shall have been an attorney of any such company within twelve months next preceding his election to such office.

SEC. 2. That the salary of the commissioners shall be two thousand dollars per annum, payable quarterly by the public treasurer on the warrant of the auditor, and they may employ a clerk whose salary shall be twelve hundred dollars, which shall be paid quarterly on the warrant of the auditor out of any funds not otherwise appropriated. The office of said commissioners shall be kept in Raleigh, and they shall be furnished with an office, necessary furniture and stationery, which shall be paid for by the public treasurer on the warrant of the auditor. Any one of said commissioners shall have power to administer an oath or affirmation in any and all matters relating to their official duties. The general assembly shall designate the chairman of said commissioners, and in the event of the vacancy or the absence of the chairman, the board of commissioners shall fill the vacancy *pro tem*. Any two commissioners shall constitute a quorum for the transaction of business.

Qualifications of commissioner.

Suspension from office by governor.

Vacancy.

General assembly to determine question of suspension.

Reinstatement.

Salary during term of suspension.

Attorneys of companies ineligible.

Salary of commissioners.

Clerk.

Office to be in Raleigh.

Commissioners authorized to administer oaths. General assembly to designate chairman.

Quorum.

SEC. 3. That from and after the passage of this act if any railroad doing business in this state, or any such company organized under the laws of any other state and doing business in this state, shall charge, collect, demand or receive more than a fair and reasonable rate of toll or compensation for the transportation of passengers or freight of any description, or for the use and transportation of any railroad car upon its track, or any of the branches thereof, or upon any railroad in this state which has the right, license or permission to use, operate or control the same, shall be deemed guilty of extortion and upon conviction thereof shall be fined not less than five hundred nor more than five thousand dollars, to be recovered as provided for in section seven of this act.

Railroad company charging unreasonable rates, &c., guilty of extortion.

Penalty,

SEC. 4. That if any common carrier subject to the provisions of this act shall directly or indirectly, by any special rate, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property subject to the provisions of this act than it charges, demands or collects or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular description of traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, and any person, persons, company or corporation violating the provisions of this section shall be, upon conviction thereof, fined not less than one thousand nor more than five thousand dollars for each and every such offence.

Common carriers demanding, &c., greater or less compensation for transportation from one person than another guilty of unjust discrimination.

Unlawful to give undue preference, &c.

Penalty.

SEC. 5. That the said commissioners appointed as hereinbefore provided shall, as hereinafter provided, make reasonable and just rates of freight and passenger tariffs or cause the same to be furnished by any railroad company, and the same when approved by said commissioners shall be observed by such company or companies doing business in this state; and in making said rates they shall, unless such railroad company or companies shall fail to furnish the needed information, consider, as far as practicable, the actual value of the employed capital of the corporation, the earnings of the railroad and the cost of operating the same, the competition of rival lines of water or railroad transportation companies within the state, and any and all other matters proper to be considered by them; shall make

Commissioners to make rates of freight and passenger tariff, &c.

What to consider in making rates.

To make rules as to charges for handling freight.	reasonable and just rules and regulations to be observed by all railroad companies doing business in this state as to charges at any and all stations for the necessary handling and delivering of freight;
As to unjust discriminations.	shall make such just and reasonable rules and regulations as may be necessary for preventing unjust discrimination in the transportation of freight and passengers on the railroads in the state;
As to charges for carrying freight and passengers.	shall make reasonable and just rates of charges for use of railroad cars carrying any and all kinds of freight and passengers on said railroad, no matter by whom owned or carried; and shall make just and reasonable rules and regulations to be observed by said railroad companies on said railroads to prevent the giving, paying or receiving of any rebate or bonus directly or indirectly, and from misleading or deceiving the public in any manner as to the real rates charged for freight or passengers; and may make or cause to be furnished by the several roads joint through rates upon the railroads of the state.
To prevent giving rebate, &c.	
Joint through rates.	
Unlawful to charge more for shorter than longer distance, &c.	SEC. 6. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: <i>Provided, however,</i> that upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act: <i>Provided,</i> that nothing in this act contained shall be taken as in any manner abridging or controlling the rates of freight charged by any railroad in this state for conveying freight which comes from or goes beyond the boundaries of the state and on which freight less than local rates on any railroad carrying the same are charged by such railroads, but said railroad companies, shall possess the same power and right to charge such rates for carrying such freight as they possessed before the passage of this act: <i>Provided further, however,</i> that upon the complaint of any person or persons, corporation or corporations, to said commissioners of any unjust discrimination in carrying freight which comes from or goes beyond the boundaries of the state by any railroad company whether organized under the laws of this state, or organized under the laws of another state and doing business in this state, the said commissioners shall investigate said complaint and if the same be sustained it shall be the duty of said commissioners to
Not to charge as much for short as long distances.	
Special cases.	
Relief from operation of this section.	
Interstate transportation of freight.	
To investigate complaints as to interstate rates of freight, and bring to attention of interstate commerce commission.	

bring said complaint before the inter-state commission for redress in accordance with the provisions of the act of congress establishing said inter-state commerce commission: *Provided further*, that the railroad commissioners conjointly with such companies shall have authority to make special rates for the purpose of developing all manufacturing, mining, milling and internal improvements in the state: *Provided further*, that nothing in this act shall prohibit railroad or steamboat companies from making special passenger rates with excursion or other parties, also rates on such freights as are necessary for the comfort of such parties, subject to the approval of the commissioners.

SEC. 7. That the said commissioners are hereby authorized and required to make for each of the said companies doing business in this state, as soon as practicable, just and reasonable rates of charges for transportation of passengers and freights and cars on each of the railroads, or cause the same to be made by said companies, and the schedule containing said rates shall, in suits brought against any such company wherein is involved the charges of any such company for the transportation of any passenger or freight or cars or unjust discrimination in relation thereto, to be taken in all courts of this state as *prima facie* evidence that the rates therein fixed are just and reasonable rates of charges for the transportation of passengers and freights and cars upon the railroads; and said commissioners shall from time to time and as often as circumstances may require, change and revise or cause to be changed and revised said schedules. When any schedule shall have been made or revised as aforesaid it shall be the duty of all such companies to post at all their respective stations in a conspicuous place a copy of said schedule for the information of the people. All such schedules as aforesaid shall be received and held in all such suits as *prima facie* evidence the schedules of said commissioners without further proof than the production of the schedules desired to be used as evidence with a certificate of the commissioners that the same is a true copy of the schedule prepared or approved by them for the railroad company or corporation therein named: *Provided*, that any company may appeal to the judge of the superior court in term time and thence to the supreme court from any determination of the board fixing or refusing to change the rate of freight or fare; but before such company shall be allowed to exercise this right of appeal it shall, within ten days after notice of the rates fixed by the commissioners, file with the board exceptions to the particulars that it objects to and the grounds thereof, and within ten days after filing such exception the commissioners shall hear the same, and if they shall overrule any one of said exceptions, then such corporation, if it desires to appeal to said superior court, shall, within ten days thereafter, give notice of appeal to said superior court, and the said

Special rates for development of manufacturing, &c., improvements.

Special excursion rates, &c.

Commissioners to make rates of charges for transportation of passengers and freight.

Schedule to be *prima facie* evidence of justice and reasonableness of rates.

Change of schedules.

Companies to post schedules at stations.

Schedules to be *prima facie* evidence, &c.

Appeal by company.

Exceptions to be filed.

Notice of appeal.

Commissioners to transmit record, &c. †	commissioners shall thereupon transmit to the superior court of some county most convenient to all parties interested in said appeal a record of their determinations of the rates of said corporation with the exception of the company and their decisions thereon and all the papers and evidence considered by them in making their
Appeal to have precedence.	decision. The said cause shall be placed on the civil issue docket of said court and shall have precedence of other civil actions, and shall
How tried.	be tried under the same rules and regulations as are prescribed for the trial of other civil causes except that the rates fixed by the
Appeals heard in chambers by consent.	commissioners shall be <i>prima facie</i> just and fair: <i>Provided</i> , the appeal may, by consent of the commissioners and the company, be heard and determined in chambers before any judge of a district through or into which the railroad may extend, or any judge holding court therein. The cause shall be entitled State of North Carolina on the relation of the Railroad Commissioners against such Company.
Title of cause.	Either party may appeal to the supreme court from the judgment of the superior court under the same rules and regulations as prescribed by law for appeal, except that the state of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any
Appeal to supreme court.	deposits to secure the cost of such appeal; and such court may advance the cause on their docket so as to give the same a speedy
Advancement of cause on docket.	hearing: <i>Provided</i> , that the rates of freight and fare fixed by the commissioners shall be and remain the established rates, and shall be
Rates fixed by commissioners to remain until reversed on appeal, unless company files undertaking, &c.	so observed and regarded by such corporations until the same shall be changed, reversed or modified by the judgment of the superior court, unless the railroad company shall, within fifteen days, file with said commissioners a justified undertaking (in a sum to be fixed by said commissioners) conditioned to pay into the treasury of North Carolina the difference between the aggregate freights charged or received and those fixed by said commissioners, and to make a report of the freights charged or received every three months during the pendency of such appeal, and whenever the aforesaid difference in freights equal or exceed the penalty of such undertaking or undertakings said commissioners may require another to be executed and filed with them. From the time the undertaking first mentioned is filed as aforesaid the judgment appealed from shall be vacated, but a failure for ten days to file any additional undertaking required as aforesaid by said commissioners shall <i>eo instanti</i> revive such judgment. Out of the funds paid into said treasury under this section shall be refunded to shippers the overpaid freight ascertained by the final determination of the appeal, on the recommendation of said commissioners: <i>Provided</i> , application therefor is made within one year from such final determination. Said undertaking shall be payable to the state of North Carolina and sued on as other undertakings which are payable to said state: <i>And provided further</i> , that
Additional undertaking.	
Judgment vacated on filing of undertaking.	
Judgment revived on failure to file additional undertaking. Refunding to shippers.	
Proviso.	
Suit on undertaking.	

such rates fixed by the commissioners, when approved or confirmed by the judgment of the superior court, shall be and remain the established rates and shall be so observed and regarded by such corporation until the same shall be changed, revised or modified by the final judgment of the supreme court if there shall be an appeal thereto. No judge shall grant an injunction, restraining order or other process staying or affecting, during the pending of such appeal, the enforcement of any such determination of the said board fixing rates or fares without requiring as a condition precedent the executing and filing with said board a justified undertaking in the sum of not less than twenty-five thousand dollars for all companies whose road is of less length than fifty miles and fifty thousand dollars for companies whose road is over fifty miles in length, conditioned that the company will make and file with said board a sworn statement every three months, during the pending of said appeal, of the items of freight, with names of shippers, carried over said company's road within the preceding ninety days, showing the freight charged and those fixed by said board, and that in the event the determination of said board appealed from is affirmed in part or in whole the said company shall within thirty days pay into the treasury of North Carolina the aggregate difference between the freights collected and those fixed by the final determination of the matter appealed. Whenever the aggregate difference between the freights collected and those fixed by the board shall equal or exceed the sum specified in said undertaking, the said board shall notify the appellant or appellants that another justified undertaking in like sum and with the same conditions as aforesaid is required to be executed and filed with said board. A failure to file with said board the sworn statement provided for in this section or any one of them when more than one is required or asked for, or a failure to give an additional undertaking when required within fifteen days from notice so to do, shall vacate and render null and void any restraining order, injunction or other process to stay the enforcement of any determination of said board as to schedules of rates, etc. When any of the conditions of such undertaking or undertakings are broken the said undertaking or undertakings may be sued on and enforced in the name of the state of North Carolina on the relation of the attorney general by summons returnable to the superior court of any county in the state at a regular term thereof. In cases where the sworn statements herein required to be made are not made the whole penalty of the undertaking or undertakings shall be enforced and paid into the state treasury. The sums paid into the treasury under the provisions of this section shall be used to reimburse the shippers of freights for the excess of freights paid over what should have been paid, such reimbursements to be made on recommendation of said board: *Provided*, application therefor is made within one year after the determination

Rates, when approved on appeal to superior court, to be established rates, until reversed on appeal to supreme court.

No judge to grant injunction unless requiring undertaking to be filed with commissioners, &c.

Conditions of undertaking.

Additional undertaking.

When injunction to be deemed vacated, &c.

Action on undertaking.

Reimbursement of shippers.

Proviso.

Application of recovery on undertaking.

Solicitor to prosecute action.

Attorney general to prosecute on appeal to supreme court.

Companies to file schedule of rates with commissioners within thirty days after organization.

Commissioners to publish.

Duties of commissioners.

Empowered to examine officers, &c., under oath, &c.

Contracts between railroad companies as to rates, to be submitted to commissioners, &c.

Arrangements, &c., for division of earnings to be submitted, &c.

Commissioners to make necessary rules, &c.

of the appeal in which the undertaking or undertakings were given. The recovery in each undertaking shall be applied as aforesaid to such excess of freights as is paid during the period covered by such undertaking. The solicitor of the district shall prosecute the action in his court on behalf of the state, and shall be allowed such fees, to be taxed in the bill of costs, as the court may order; and the attorney general shall prosecute on appeal to the supreme court on behalf of the state and shall be allowed such fees, to be taxed in the bill of costs, as the court shall allow. Each railroad corporation or other company as hereinbefore named shall, within thirty days after the organization of the commissioners, file with said commissioners a schedule of their rates of charges for freight and passenger tariffs, and the said commissioners are authorized and required to publish the said rates or a summary thereof in some convenient form for the information of the public and quarterly thereafter the changes made in said schedules if they deem it advisable.

SEC. 8. That it shall be the duty of said commissioners in the discharge of their duties under this act to investigate the books and papers of all the railroad companies doing business in the state, to ascertain if the rules and regulations aforesaid have been complied with and to make personal visitations of railroad offices, stations and other places of business for the purposes of examination and to make rules and regulations concerning such examinations, which rules and regulations shall be observed and obeyed as other rules and regulations. Said commissioners shall have full power and authority to examine all officers, agents and employees of said railroad companies and other persons, under oath or otherwise, in order to procure the necessary information to make just and reasonable rates of freight and passenger tariffs and to ascertain if such rules and regulations are observed or violated, and to make necessary and proper rules and regulations concerning such examinations, and which rules and regulations herein provided for shall be obeyed and enforced as all other rules and regulations provided for in this act.

SEC. 9. That all contracts and agreements between railroad companies doing business in this state as to rates of freight and passenger tariffs shall be submitted to said commissioners for inspection and correction that it may be seen whether or not they are a violation of law or of the provisions of this act, or of the rules and regulations of said commissioners; and all arrangements and agreements whatever as to the division of earnings of any kind by competing railroad companies doing business in this state shall be submitted to said commissioners for inspection and approval in so far as they affect rules and regulations made by said commissioners to secure to all persons doing business with said companies just and reasonable rates of freight and passenger tariffs, and said commissioners may make such rules and regulations as to such contracts and agreements as may

then be deemed necessary and proper, and any such agreements not approved by such commissioners, or by virtue of which rates shall be charged exceeding the rates fixed for freight and passengers, shall be deemed, held and taken to be violations of this act and shall be illegal and void.

SEC. 10. That if any railroad company doing business in this state by its agents or employees shall be guilty of a violation of the rules and regulations provided and prescribed by said commissioners, and if, after due notice of such violation, given to the principal officer thereof, if residing in the state, and if not, to the manager, or superintendent, or secretary, or treasurer, if residing in the state, and if not, then to any local agent thereof, ample and full recompense for the wrong or injury done thereby to any person or corporation as may be directed by said commissioners shall not be made within thirty days from the time of such notice such company shall incur a penalty for each offence of not less than fifty dollars nor more than five thousand dollars, to be fixed by the judge of the court in which such action shall be tried. An action for the recovery of such penalties shall lie in any county in the state where such violation has occurred or wrong has been perpetrated, and shall be in the name of the State of North Carolina. The commissioners shall institute such action through the attorney general or solicitor of the judicial district in which violation has occurred, whose fees shall be fixed by the judge of the court in which said action shall be determined, and said fees shall be taxed in the bill of costs.

SEC. 11. That if any railroad company doing business in this state shall, in violation of any rule or regulation provided by the commissioners aforesaid, inflict any wrong or injury on any person, such person shall have a right of action and recovery for such wrong or injury in the county where the same was done or where the plaintiff resides, in any court having jurisdiction thereof, and the damages to be recovered shall be the same as an action between individuals, except that in case of wilful violation of law such railroad companies shall be liable to exemplary damages: *Provided*, that all suits under this act shall be brought within twelve months after the commission of the alleged wrong or injury: *Provided further*, that if an individual is killed the time during which there is no administration shall not be counted: *Provided*, letters of administration are taken out within one year from the killing.

SEC. 12. That in all cases under the provisions of this act the rules of evidence shall be the same as in civil actions except as provided by this act. All fines recovered under the provisions of this act shall be paid into the state treasury to be used for such purposes as the general assembly may provide. The remedies hereby given the persons injured shall be regarded as cumulative to the remedies now

Agreement not approved by commissioners, to be deemed violation of this act.

Penalty against company violating rules, and failing to make recompense.

Action to recover penalty.

Commissioners to institute action.

Fees of attorney general or solicitor.

Action by person injured by violation by railroad company of rules provided by commissioners.

Exemplary damages. Suits to be brought within twelve months. If person killed, time when no administration not to be counted, if letters of administration taken out in one year. Rules of evidence. Fines payable into state treasury. Remedies cumulative.

No statutes giving remedies against railroads repealed. Meaning of "such companies" and "railroad company."

given or may be given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedies.

SEC. 13. That the terms "such companies" or "railroad company" contained in this act shall be deemed and taken to mean all corporations, companies or individuals now owning or operating, or which may hereafter own or operate, any railroad, steamboat, canal, express business or telegraph line, in whole or in part in this state, and the provisions of this act shall apply as far as applicable to all persons, firms and companies, and to all associations or persons, whether incorporated or otherwise, that shall do business as common carriers in this state (street railways excepted) the same as railroad corporations hereinbefore mentioned.

To whom provisions of this act applicable.

Railroad companies to give duplicate freight receipts. What to contain.

SEC. 14. That all railroad companies in this state shall, on demand, issue duplicate freight receipts to shippers in which shall be stated the class or classes of freight shipped, the freight charges over the road giving the receipt, and, so far as practicable, shall state the freight charges over the roads that carry such freight. When the consignee presents the railroad receipt to the agent of the railroad that delivers such freight such agent shall deliver the articles shipped upon payment of the rate charged for the class of freights mentioned in the receipt. If any railroad company shall violate the provisions of this statute, not otherwise provided for, such railroad company shall incur a penalty to be fixed and collected as provided in section ten of this act.

To deliver freight shipped.

Penalty for violation of this section.

Commissioners to make annual reports to governor.

SEC. 15. That it shall be the duty of the commissioners herein provided for to make to the governor annual reports of the transactions of their office and to recommend from time to time such legislation as they may deem advisable under the provisions of this act, and the governor shall have one thousand copies of such report printed for distribution.

One thousand copies to be printed.

Commissioners empowered to subpoena witnesses.

SEC. 16. That said railroad commissioners in making any examination for the purpose of obtaining information pursuant to this act shall have power to issue subpoenas for the attendance of witnesses by such rules as they may prescribe; and said witnesses shall receive for such attendance two dollars per day and five cents per mile traveled by the nearest practicable route in going to and returning from the place of meeting of said commissioners, to be ordered paid by the governor upon presentation of subpoenas sworn to by the witnesses as to the number of days served and miles traveled, before the clerk of said commissioners, who is hereby authorized to administer oaths. In case any person shall wilfully fail or refuse to obey such subpoenas, the commissioners shall have power to issue an attachment for such witness and compel him to attend before the commissioners and give his testimony upon such matters as shall be lawfully required by such commissioners; and said commissioners shall have

Witness fees.

How paid.

Attachment against witness failing to attend.

power to punish for contempt as in other cases of refusal to obey the process and order of any court. The clerk of said commissioners may serve any notice issued by them and his return thereof shall be evidence of said service; and it shall be the duty of the sheriffs in the state to serve any process, subpoenas and notices issued by said commissioners, and they shall be entitled therefor to the same fees as are prescribed or may be prescribed for serving summons issuing from the superior court, and they shall be liable to the same fines and penalties for failure to discharge their duties on that behalf.

SEC. 17. That every officer, agent or employee of any railroad company who shall wilfully neglect or refuse to make and furnish any report required by the commissioners for the purpose of this act, or who shall wilfully or unlawfully hinder, delay or obstruct said commissioners in the discharge of the duties hereby imposed upon them shall forfeit and pay a sum not less than one hundred and not more than five thousand dollars for each offence, to be recovered in an action in the name of the state. A delay of ten days to make and furnish such report shall raise the presumption that the same was wilful.

SEC. 18. That section one thousand nine hundred and sixty-one of The Code be amended by striking out all after the word "road" in the third line thereof, and all other laws and parts of laws which allow any railroad to charge [a greater] rate for freight or fare than shall be fixed by the said commissioners are hereby repealed, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 19. The commissioners, whenever in their judgment any corporation has violated or neglected in any respect to comply with the terms of the act by which it was created or with the provisions of any law of the state not provided for in this act, shall give notice thereof in writing to such corporations, and if the violation or neglect is continued after such notice, shall forthwith present the facts to the attorney general who shall take such proceedings thereon as he may deem expedient.

SEC. 20. The commissioners, whenever they deem that repairs are necessary upon any railroad, or an addition to or change of its station or station houses is reasonable and expedient in order to promote the security, convenience and accommodation of the public, shall in writing inform the corporation of the improvement and changes which it considers to be proper, and upon the failure or refusal of said corporation to comply with said requirement the said corporation shall be liable to the penalty of not less than fifty dollars nor more than two thousand dollars, in the discretion of said commissioners.

SEC. 21. A railroad corporation which has established and main-

Punishment for contempt.
Service of notices by clerk.

Duty of sheriffs to serve process.

Fees.

Liability to fines, &c.

Penalty against officer, &c., of railroad company wilfully failing to make report, &c.

How recovered.

Presumption of wilful failure.

Code, section 1961, amended.

Law prohibiting reduction of rates reducing profits to less than six per cent. repealed
All laws allowing railroads to charge other rates than those fixed by commissioners repealed.
Conflicting laws repealed.
Commissioners to notify companies violating, &c., terms of this act, to present facts to attorney general.

Commissioners to notify companies in writing of necessary repairs, change of station, &c.

Penalty for failure to comply.

Railroad not to abandon station, &c., established for a year, &c., without consent of majority of commissioners. Railroad may relocate station, &c., with written approval of commissioners. Commissioners may require separate and equal accommodations for white and colored.

Penalty for failure.

Common carriers to afford facilities for interchange of traffic, &c.

Connecting lines to make close connection.

To obey rules relating to trackage.

Penalty for violation of this section.

Carriage, &c., of property free or at reduced rates for United States, State, &c., not prohibited.

Mileage tickets, &c. Reduced rates to certain persons.

Free carriage to own officers, &c.

Interchange of passes.

tained for a year a passenger station or freight depot at a point upon its road shall not abandon such station or depot nor substantially diminish the accommodation furnished by the stopping of trains except by a consent of a majority of the commissioners.

SEC. 22. A railroad corporation may relocate passenger stations or freight depots with the approval in writing of the commissioners.

SEC. 23. That said commissioners shall have power, whenever they deem it expedient and practicable, to require any railroad corporation operating a railroad or part of a railroad in this state to provide separate and equal accommodations for the white and colored races on the passenger trains and also at the passenger stations or waiting rooms in this state, and for failure to comply with the orders of said commissioners made under this section the penalty prescribed in section twenty of this act shall be imposed.

SEC. 24. All common carriers subject to the provisions of this act shall, according to their powers, afford all reasonable, proper and equal facilities for the interchange of traffic between their respective lines and for the forwarding and delivering of passengers and freights to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges against such connecting lines, and connecting lines shall be required to make as close connection as practicable for the convenience of the traveling public. And said common carriers shall obey all rules and regulations made by said commissioners relating to trackage. Any violation of the provisions of this section shall be punished at the discretion of said commissioners by a fine of not less than five hundred dollars or exceeding five thousand dollars for each and every offence.

SEC. 25. That nothing in this act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States, state or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies and the necessary agents employed in such transportation, or the issuance of mileage, excursion or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' orphan homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and

nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, that the commissioners shall have power to suspend any or all the provisions of this section after thirty days' notice to any company.

SEC. 26. That said commissioners are hereby authorized and required to make or cause to be made just and reasonable rates of charges for the transportation of packages by any express company or companies doing business in the state; also make or cause to be made just and reasonable rates of charges for the transmission of messages by any telegraph line or lines doing business in the state, and any such express or telegraph companies charging a higher rate than that fixed or approved by said commissioners shall incur a penalty for each offence of not less than fifty dollars nor more than five hundred dollars for each offence, and actions for the recovery of such penalties be brought as provided for in section seven of this act, with reference to penalties incurred by railroad companies; that the provisions of section seven of this act in relation to the publication of schedules, the regulations governing the right of appeal, the regulations as to evidence with reference to railroad companies shall apply to express and telegraph companies.

SEC. 27. That all subpoenas for witnesses to appear before said commissioners or before any one or more of said commissioners and notice to persons or corporations shall be issued by one of said commissioners and be directed to any sheriff, constable, or marshal of any city or town who shall execute the same in his bailiwick and make due return thereof as directed therein under the penalties prescribed by law for a failure to execute and return the process of any court; and if any person duly summoned to appear and testify before said commissioners shall fail or refuse to testify without a lawful excuse, or shall refuse to answer any proper question propounded to him by said commissioners in the discharge of duty, or shall conduct himself in a rude, disrespectful or disorderly manner before said commissioners, or any of them, deliberating in the discharge of duty, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than one thousand dollars.

SEC. 28. That all the expenses of the commissioners except as hereinbefore provided, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation, or upon official business, or for any other purposes necessary for carrying out the provisions of this act shall be allowed and the auditor shall issue his warrant upon presentation of itemized vouchers therefor approved by the chairman of the commission: *Provided*, that the expenses allowed under this section shall not exceed two thousand dollars annually.

Remedies at common law or by statute not abridged.

Commissioners empowered to suspend this section, &c.

Commissioners to make rates for transportation of packages by express companies.

To make rates for transmission of messages by telegraph lines.

Penalty for charging higher rates.

Action to recover penalty.

Provisions of section 7 applicable to express and telegraph companies.

Subpoenas and notices, how issued and served.

Misdemeanor to fail to appear when summoned, &c., &c.

Penalty.

Expenses of commissioners, how paid.

Not to exceed \$2,000 annually.

- Fiscal year. SEC. 29. That the fiscal year to which all reports shall be made which may be required of any railroad or transportation company by the commissioners under this act shall be the thirtieth of June, as now fixed by law by the interstate commission of the United States:
- Right of appeal. *Provided*, that from all decisions or determinations arising under the operation or enforcement of this act the party or corporation affected thereby shall be entitled to appeal therefrom as in other cases of appeal where no appeal has heretofore been provided for as now provided by law.
- Commissioners authorized to investigate causes of railroad accidents. SEC. 30. The commissioners may investigate the causes of any accident on a railroad resulting in the loss of life, and of any accident not so resulting which they may deem to require investigation.
- Arbitration of controversies by commissioners. SEC. 31. Whenever any company or corporation embraced in this act has a controversy or controversies with another such company or corporation or person or persons, and all the parties to such controversy agree in writing to submit such controversy to the railroad commissioners aforesaid as arbitrators, said commissioners shall act as such, and after due notice to all the parties interested shall proceed to hear the same, and their award shall be final. Said award, in cases where land or an interest in land is concerned, shall immediately be certified to the clerk of the superior court of the county in which said land is situated and shall by such clerk be docketed in the judgment docket for said county, and from such docketing shall be a judgment of the superior court of such county. Before such arbitrators parties may appear in person or by attorney.
- Award to be final. To be docketed and have force of judgment. SEC. 32. That all laws and clauses of [laws] inconsistent with the provisions of this act are hereby repealed.
- Parties to arbitration may appear by attorney. SEC. 33. That this act shall go into effect on and after the first day of April, eighteen hundred and ninety-one.
- Inconsistent laws repealed. Ratified the 5th day of March, A. D. 1891.
- When act to take effect.

CHAPTER 321.

An act to protect stock in the vicinity of Greenville.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any live stock to run at large between the boundaries hereinafter set out and Tar river. The boundaries [are] as follows : Commencing on the Tar river east of Greenville at a point immediately on the said river in the line dividing the lands of Mrs. Annie Thomas and Dr. W. M. B. Brown, thence running with said line to the Smith's run, thence up the said run to the junction of the said run with Hardy's run to the old plank road, thence with the old plank road to the line dividing the lands of James W. Patrick, deceased, and Warren Tucker, thence with the said line to the Stantonburg road, thence with the said road to the ravine, the dividing line of Mrs. Nannie Anderson and Marcellus Moore's and Ben Brown's land and thence with the said ravine to Tar river. That any person owning land on the outside of the line mentioned above in this section shall have the privilege of bringing his or her lands within the provisions of this act by building and extending the fence in the manner they may desire : *Provided*, that such person or persons shall pay the extra expense that shall be caused for widening or extending the fence territory or shall construct the fence without cost to any of the parties living within the boundary mentioned above ; but when the fence is constructed it shall come within the purview of this act, and the outward line of the fence as so extended shall be repaired under the general provisions of this act : *Provided*, the extension aforesaid shall be only applicable to lands that are adjacent to the line specified in section one and that this fence territory shall not be constructed or construed so as to include any land the owner of which does not voluntarily desire to come within its provisions : *And provided further*, that the outward line shall never be permitted to go or to be extended beyond two miles from the corporate limits of the town of Greenville.

Unlawful for live stock to run at large within certain boundaries.

Persons owning land outside boundaries authorized to bring lands within by extending fence.

SEC. 2. That this act shall not be in force within said territory until a good and lawful fence has been erected on the line fully set out in section one, with gates on all the public roads passing through said boundary.

When act to take effect.

SEC. 3. That if the owner of any land shall object to the building of the fence herein allowed a sufficient width of his land shall be condemned for the fence-way as land is now condemned for railroads : *Provided*, that no fence shall divide a tract of land against the owner's consent, but may follow the boundary line thereof. The county commissioners shall have exclusive control of erecting the fences and gates herein provided for and the appointment of such keepers and repairers as they may deem proper, and they are hereby

Condemnation of land for fence.

Proviso.

County commissioners to control building of fence, &c.

granted full powers for that purpose, to be exercised according to their best discretion.

Special tax.

SEC. 4. That for the purpose of the next preceding section it shall be lawful for the county commissioners, if it shall appear to be necessary to them, to assess and collect a special tax for the building and repairing of said fence on all real property within the boundaries of said fence and on real property within the town of Greenville and the corporate limits thereof, as provided in chapter twenty (20), sections two thousand eight hundred and twenty-four and two thousand eight hundred and twenty-five of The Code: *Provided*, that the citizens living outside of the town of Greenville shall have the privilege to keep up the fence upon the line aforesaid, and showing to the commissioners such has been done they shall not levy any tax.

Proviso.

Person wilfully permitting live stock to run at large guilty of misdemeanor.

SEC. 5. That any person wilfully permitting his or her live stock to run at large within the aforesaid boundaries shall be guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days.

Person wilfully tearing down fence, &c., guilty of misdemeanor.

SEC. 6. That any person wilfully tearing down, or in any manner breaking a fence or any gate established pursuant to this act, or wilfully breaking any enclosure within any boundary where this act is in force and wherein any stock is confined, so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days.

Meaning of "stock."

SEC. 7. That the word "stock" in this act shall be construed to mean horses, mules, colts, calves, cows, sheep, goats, jennets and all neat cattle and swine: *Provided*, that all levies made under section four, the constitutional equation herein in property and poll shall be observed.

In levy of tax, constitutional equation to be observed.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 322.

An act to amend section thirty-three hundred and eighty-three (3383) of The Code.

The General Assembly of North Carolina do enact:

Code, section 3383, amended. Setting of nets in Batchelor's bay between certain points not prohibited.

SECTION 1. That section thirty-three hundred and eighty-three (3383) of The Code be amended by adding thereto: "That nothing in this section shall prevent the setting of said nets in Batchelor's bay

pointing on that portion of the Bertie shore lying between the mouths of Spring branch and Morgan's swamps."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 323.

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 and collection of taxes.
Application to expenses of state government, charitable and penal institutions, specific appropriations and interest.

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 the 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.
Exemptions.
Applied to education and the poor.

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.
Twenty-five cents.
Subjects of taxation.
Restrictions upon municipal taxation.

SEC. 4. The taxes imposed for state purposes upon the shares of stock in any bank or banking association (whether state or national) in this state shall be paid by the cashier of such bank or banking association directly to the state treasurer within thirty days after the

Tax on bank stock.
To be paid by cashier.

Upon failure, treasurer to institute action.
In what county.

County commissioners to assess county and school tax.

No national bank stock of non-residents to be assessed.

In state banks non-residents' stocks not assessed.

Tax on incomes derived from property not taxed, one per cent.

Incomes from salaries or fees one-half per cent.

All exemptions from taxation of corporations repealed.

Exceptions as to public property, churches, schools, benevolent institutions.

Cemeteries.

Investment by Railroad companies in stock, &c., of other corporations, to be taxed upon value of whole investment.

Taxes in this schedule to be license tax.

For twelve months.

Tax on hall used for theatres, etc.

Graded according to population of town.

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 deductions shall be made in the case of banks organized under the laws of this state.

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.

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, educational, literary or benevolent institutions or orders, and also cemeteries: *Provided*, that property held for investment, speculation, or for rent shall not be exempt; any and all investments made by any railroad company in the stock, bonds, or other securities of other corporations shall be taxable upon the amount of the value of such investments, irrespective of the market or other value of a single share of such stock.

SCHEDULE B.

SEC. 7. The taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in the schedule contained shall be construed to relieve any person from the payment of the ad valorem tax on his property as required in the preceding schedule. The licenses issued under this schedule shall be for twelve months, unless otherwise specially provided in any section imposing a tax.

SEC. 8. On each room or hall used as a theatre or opera-house, where public exhibitions or performances are given for profit, in a city or town having more than ten thousand inhabitants two hundred dollars per annum; less than ten thousand inhabitants and over five thousand one hundred dollars; under five thousand inhabitants

and not less than twenty-five hundred, fifty dollars; less than twenty-five hundred inhabitants and over one thousand, twenty-five dollars; less than one thousand inhabitants, fifteen dollars. The licenses under this section shall be issued by the sheriff, and said halls shall not be liable to any other license tax by the county; but the said tax shall be divided, and one half paid to the state and one-half to the county. Companies or individuals performing or exhibiting in halls licensed in this section shall not be required to pay either state or county tax.

Sheriff to issue licenses.
No other license required.
Tax divided between state and county.
Companies exhibiting not required to pay tax.

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, and the owner of the hall shall be responsible for said tax.

Theatrical companies in unlicensed hall.
Owner liable for tax.

SEC. 10. On each concert or musical entertainment for profit, not given in a hall licensed as provided in section eight of this act, unless the same be given for the sole benefit of religious, charitable or educational purposes, three dollars, and the owner of the hall shall be responsible for said tax.

Concerts.

Exemptions if for charity.

SEC. 11. On each lecture for reward, three dollars, unless the same be given for the sole benefit of religious, charitable or educational purposes, or in a licensed hall, and the owner of the hall shall be responsible for said tax.

Lecture.

Exemptions.

SEC. 12. On museums, wax-works, or curiosities of any kind, natural or artificial, on each day's or night's exhibition, three dollars, unless given for the sole benefit of religious, charitable or educational purposes, and the owner of the hall shall be responsible for said tax.

Museums.
Wax-works.

Exemptions.

SEC. 13. On every exhibition of a circus or menagerie, for each day or part of a day, one hundred dollars, and each side-show fifty dollars; and on every show given under canvass in which animals 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.

Circus or menagerie.
Side shows.
Shows under canvass.

County tax not to be less.

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 sole 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.

Other entertainments.

Exemptions.

Spirit mediums not exempted.

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, ten dollars; on any lottery, whether known as a beneficial association, gift concert or

Gift enterprise.

Lotteries.

- Itinerant dealers in prize photographs. 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.
- No license given by this section to violate law. 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.
- Billiard tables for public use. SEC. 17. On each bowling alley or alley of a like kind, skating rink, bagatelle table, pool table, or stand or place for any other game or play with or without a name (unless used for private amusement or exercise alone), whether kept in connection with or separate from any place where liquor is sold, twenty dollars.
- Bowling alleys. SEC. 18. On every public ferry, bridge and toll-gate across high-ways, five dollars and one-half of one per centum on gross receipts, and any person or company operating any such ferry, bridge or toll-gate, shall make return of receipts to the register of deeds within ten days after the first day of January, and at the same time pay to the sheriff the tax herein imposed.
- Skating rinks, bagatelle tables, Other tables or games. SEC. 19. On every person who keeps horses or mules for hire or to let, with or without vehicles, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall, on the first day of January and July of 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 or tax-collector: *Provided*, that this section shall not apply to draymen who drive their own team.
- Public ferries, bridges, toll-gates. 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 or 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.
- Returns to be made to register of deeds. SEC. 21. On every commission merchant, broker or dealer buying or selling for another, one per centum on his commissions.
- Tax paid to Sheriff. SEC. 22. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name or description not specially-taxed elsewhere in this act, shall, in addition to his ad valorem tax on his stock, pay as a license one tenth of one per centum on the total amount of purchases in or
- Livery stables.
- Sworn statement to be furnished.
- Not to apply to draymen with their own team.
- Itinerant dentists, optician, doctor, portrait painter, photographer, etc.
- Half to state and half to county.
- State license.
- Commission merchants, brokers.
- Merchants, jeweler, grocer, druggist, etc.
- License tax.

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 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. 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 or imprisoned not more than thirty days. It shall further be the duty of the chairman of the board of county commissioners to prosecute every merchant or dealer refusing as aforesaid, to the end of obtaining such information and compelling payment of the proper tax. For the services required of the clerk of the board of county commissioners in this section he shall receive a fee of twenty-five cents from each person on making his first return of purchases for each year, also a fee of fifteen cents for the second return of each year, which last mentioned fee 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 *ad valorem* tax on his stock, pay as a license tax one per centum on the

Sworn statement to register.

Transient dealers required to furnish statements.
Duties of sheriff.

Duties of agents and commission merchants to make statement for principal.
Proviso.

Duties of register to keep list.

Duty of sheriff to collect.

Powers of commissioners to require production of books.
To examine witnesses.

Penalty for failing to render list.

Duty of chairman of county commissioners to prosecute.

Fee of clerk of board of commissioners.

Fee for second return.

Liquor dealers to pay one per cent. on purchaser.

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.

Peddlers to take out license.

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, five dollars for every county; each peddler with one horse or mule, with or without a vehicle, fifteen dollars for every county; each peddler with two or more horses or mules, with or without vehicle, twenty dollars for every 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 twenty-five 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.

Amount of tax.

Itinerant salesmen.

Peddlers to apply in advance for license.

Discretionary with commissioners to issue or refuse licenses.

License to be countersigned by clerk of board.

Exemptions. Salt, vegetables, nuts or products of farm, oysters or books, &c., may be sold without license. Duty of peddler to exhibit license on demand of officer.

Effect of failure to exhibit.

Duty of constable or justice to arrest.

Penalty.

Penalty for transferring a license.

Commissioners may exempt poor and infirm person.

Fee of clerk of board.

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, printed music or articles of his own manufacture. 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 charge of misdemeanor, and upon conviction shall be punished as prescribed in section thirty-five of this act, and any person who shall transfer or assign a license shall be subject to like punishment. 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.

- 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 shall be paid by every person, company or manufacturer for every class or style of machine having a separate or distinct name sold by him or them. 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 class of machine 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 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 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.
- Dealers in sewing machines.
- Tax of \$250 to be paid to state treasurer.
- License to be countersigned by state auditor.
- Duty of treasurer.
- Separate tax for each class of machine with distinct name.
- Each company may employ unlimited number of agents.
- Not to be taxed by county or town.
- Penalty for sale without license.
- Additional penalty to be paid to officer making arrest.
- Duty of officers to prosecute.
- Gypsies or fortune-tellers.
- Not to exempt from indictment.
- Itinerant lightning-rod dealers.
- Clock and stove peddlers. On wagons.
- On agents.

Insurance companies.

Two per cent. on gross receipts.

If one-half of receipts are invested in state, one per cent. on gross receipts.

No county or municipal tax.

To be paid to secretary of state. Banks, brokers, &c.

License tax according to capital.

Tax on agencies.

Penalty.

Auctioneers.

One per cent. on sales.

Liquor dealers.

License tax semi-annually. Five gallons or less.

For public schools. More than five gallons.

Malt liquors.

SEC. 29. The fee for license issued to any insurance company to do business in this state shall be one hundred 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.

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.

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."

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

<p>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 is specified in said license. Nothing in this section shall prevent any person selling wines of his own manufacture at the place of manufacture in quantities of not less than one quart, or spirits in quantities of not less than one gallon. 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 character of the applicants, issue an order to the sheriff to grant such license, except in territory where the sale of liquors is prohibited by law: <i>Provided</i>, 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 the [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 after the first day of January or the first of July shall pay the whole amount of tax for the six months ending the thirty-first day of December or the thirtieth day of June, as the case may be, after the date of the license.</p>	<p>Applied to schools.</p> <p>Exemptions as to person selling wines of his own manufacture.</p> <p>To apply for license to county commissioners. License, how issued.</p> <p>Not to be given in territory where sale is prohibited. Proviso. As to county tax.</p> <p>License to be posted.</p> <p>Treasurer to prescribe form.</p> <p>Penalty for failure to post.</p> <p>Fee of sheriff and register.</p> <p>Time of payment.</p>
<p>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.</p>	<p>Tobacco warehouses</p> <p>Sworn statement of sales.</p> <p>Sheriff to collect tax.</p>
<p>SEC. 34. Every person required in this act to pay a tax on purchasers [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</p>	<p>Purchase and sales to be tested on oath to clerk of commissioners</p> <p>Clerk to keep record.</p>

<p>Sheriff's duty.</p> <p>Penalty for failing to list.</p> <p>Duty of sheriff to report delinquents.</p> <p>Powers of board of commissioners to compel production of books, etc.</p> <p>Penalties.</p> <p>To practice trade or profession without license, made a misdemeanor.</p> <p>Penalty.</p> <p>Duty of sheriff.</p>	<p>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-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 for refusal on the part of any person referred to in this section to submit his books for inspection when demanded.</p> <p>SEC. 35. Every person who shall practice any trade or profession, or use any franchise taxed by the laws of North Carolina without having paid the tax and obtained a license as required in this act, 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 for the benefit of the school fund of the county.</p>
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SCHEDULE C.

<p>Taxes under schedule C to be a privilege tax.</p> <p>Railroads, steamboats and canals. To what companies applicable.</p> <p>One per centum on gross receipts. Semi-annual payments.</p> <p>Duty of treasurer to render statement to state treasurer.</p> <p>Penalty for refusal.</p> <p>Ten per cent. to be added.</p> <p>Proviso as to railroad lying in two states.</p> <p>Proportionate part.</p>	<p>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.</p> <p>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 returns 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: <i>Provided</i>, 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</p>
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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 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.

SEC. 38. Upon each share of the capital stock of the Seaboard and Roanoke Railroad Company a tax of twenty cents per share is hereby imposed for each of the years 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891 and 1892 and thereafter, which said tax is imposed under and by virtue of the provisions of the charter of the said Seaboard and Roanoke Railroad Company, and shall be payable to the state treasurer by the said Seaboard and Roanoke Railroad Company. Upon each share of the capital stock of the Raleigh and Gaston Railroad Company a tax of twenty-five cents per share is hereby imposed for each of the years 1891 and 1892, and thereafter, which said tax is imposed under and by virtue of the provisions of the charter of said Raleigh and Gaston Railroad Company, and shall be payable to the state treasurer by the said Raleigh and Gaston Railroad Company.

SEC. 39. When a railroad is operated in this state by a corporation, person or persons by virtue of a lease or 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 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. 40. Every express, telegraph or 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 this [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.

No railroad or canal company liable to this tax if its property is taxed.

If real estate is exempt, tax of one half of one per cent. on gross receipts.

Upon each share of stock Seaboard and Roanoke R. R. Co., 20 cents per share for each year from 1862 to 1892, inclusive.

Upon each share of Raleigh and Gaston R. R. Co. a tax of 25 cents.

If railroad is leased tax to be paid by lessee.

How collected.

Express, telegraph and telephone companies Officers to make returns to state treasurer.

Payable to state treasurer. Duty of sheriff.

Penalty for default.

Sleeping or parlor cars.

SEC. 41. Every person or company running sleeping or parlor cars upon railroads in this state shall pay to the state treasurer on the first day of January annually fifty dollars for each and every car so run, and every such person or company shall make return upon oath of the number of cars so run.

Fifty dollars for each car.
Returns on oath.

Tax on seals.

SEC. 42. Whenever the seal of the state, of the treasury department, or other public officer required by law to keep a seal, not including clerks of courts, other county officers and notaries public, shall be fixed to any paper, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the state on any commission, one dollar, except judges' and magistrates' commissions, which shall be without fee, to be collected and paid into the treasury by the private secretary of the governor, and no other tax or fee shall be charged on such commission; for the seal of the state department, fifty cents, to be collected by the secretary of state and paid by him into the treasury; for the seal of the state treasurer, to be collected by him and accounted for as other public moneys, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. 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.

Not to include clerks superior court, notaries public, etc.
Great seal on commissions.
Exceptions.

How collected.

Seal of state department.

Officers to keep account.

Exemptions,

Officers may retain five per cent. commission.

Penalty.

The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the auditor. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required shall be fined not more than five hundred dollars or imprisoned, in the discretion of the court.

Marriage licenses

Duty of register of deeds.

Duty of sheriff.

Duty of officer collecting license tax to pay over.

To whom payable.

SEC. 43. On each marriage license, one dollar. The tax on marriage licenses shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff during the second week of the month of November sworn statements in detail of taxes received by him under this section and at the same time pay him the money thus received, and thereupon the sheriff shall file the statement of the register of deeds with the clerk of the superior court.

SEC. 44. 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.

SEC. 45. Any officer convicted of violating the preceding section, or of appropriating to his own use the state, county, school, city or town taxes shall be guilty of embezzlement, and may be punished not exceeding five years in the state prison at the discretion of the court.

Penalty for failure to pay over.

SEC. 46. All laws imposing taxes the subjects of which are revised in this act are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any laws so far as they relate to the taxes listed, or which ought to or would have been listed or which may be due previous to the ratification of this act.

All prior laws imposing taxes repealed.

Exceptions.

SEC. 47. The auditor of this state shall not make or cause to be made any headings or blanks to or on the forms which he is required to supply to the several counties of this state other than such as are required and are indispensably necessary under the provisions of this act or as may be hereafter required by law; nor shall any taxes be levied directly or indirectly by the said auditor, any law heretofore passed to the contrary notwithstanding, and if the auditor shall be guilty of any violation of this section he shall on conviction be punished in the discretion of the court.

Duty of auditor in regard to blanks.

No tax to be levied by auditor.

Penalty.

SEC. 48. 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.

Duty of auditor to reject returns, when.

May send for persons and papers.

SEC. 49. 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.

Appropriation to treasurer to secure prompt collection.

SEC. 50. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 324.

An act to establish a scale of fees for the register of deeds of the county of Pitt.

The General Assembly of North Carolina do enact :

Fees of register of deeds, Pitt county.

SECTION 1. That the register of deeds of Pitt county shall be allowed while and when acting a [as] clerk to the board of commissioners such per diem as the several boards may respectively allow, not exceeding two dollars; registering any deed or other writing authorized to be registered or recorded by them with certificate of probate or acknowledgment and private examination of married women containing not more than three copy sheets, sixty cents, and for every additional copy sheet ten cents; for copy of any record or any paper in their office, like fees as for registering the same; for issuing each notice required by the county commissioners, including subpoenas for witnesses, ten cents; recording each order of commissioners, seven cents, if over one copy sheet, for every one over, seven cents; making out original tax-list, one and one-half cents for each name thereon; for each name or each copy required to be made, one and one-half cents; issuing marriage license, seventy-five cents.

Conflicting laws repealed.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 325.

An act to allow compensation to the sheriff of Wayne county.

The General Assembly of North Carolina do enact :

Commissioners of Wayne authorized to pay sheriff additional compensation.

SECTION 1. That the county commissioners of Wayne county be and they are hereby empowered and allowed in their discretion to provide during the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two additional compensation for the sheriff of Wayne county for his services as an officer of the courts of said county: *Provided*, such compensation shall not exceed the sum of four hundred (\$400.00) dollars in any one year.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 326.

An act to provide for the assessment of property and the collection of taxes.

The General Assembly of North Carolina do enact :

POLL-TAX.

SECTION 1. The board of commissioners of the several counties shall have power to exempt any person from the payment of a poll-tax on account of both poverty and infirmity, and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list-taker shall annually enter in the column intended for the poll the word "exempt," and the poll shall not be charged in computing the list. If any poll-tax or other tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

Exemption from poll-tax.

Certificate.

Duty of list-takers on exhibition of certificate.

Collection of poll-tax by attachment.

"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 attachment.

.... 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 assessors.

SEC. 2. The board of commissioners of each county shall, at their session held in the month of April, one thousand eight hundred and ninety-one, 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 during the four years preceding a re-assessment or until altered as provided by this act by reason of structures erected or destroyed.

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. The board shall have power to appoint three assessors and list-takers for each ward in any city or town in their respective counties.

List-takers and assessors for wards.

Joint meeting of commissioners with list-takers and assessors.

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, and for such service each list-taker and assessor shall receive two dollars per day not exceeding two days.

Adjournment from day to day.

Compensation.

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.

SEC. 6. The board of list-takers and assessors shall make a complete return of their assessments, embracing an abstract of the taxable property of 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."

Returns of assessments to be made on or before first Monday in July.

Affidavit.

SEC. 7. The board of county commissioners and the chairman of the board of list-takers and assessors of the several townships and wards of cities and towns, shall constitute 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:

County board of equalization.

(1.) 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.

Increase of valuation.

(2.) 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.

Reduction of valuation.

Real property.

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

Compensation of list-takers.

Compensation of board of equalization.

- 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.
- How paid.**
- List-takers in years when there is no assessment.**
- Proviso.**
- Compensation.**
- Account of list-takers and assessors, how made out.**
- When entitled to compensation.**
- Proviso.**
- Township list-takers to give notice to tax-payers.**
- To attend at two or more places, &c.**
- Tax-payer to make verified statement of taxable property.**
- SEC. 9. The board of county commissioners shall annually at their session in the month of April, except in the year when there shall be an assessment of property, appoint one competent person in each township to list the lands therein at the valuation previously assessed on the same, and all personal property in said township : *Provided*, said board of county commissioners may appoint a list-taker for the purposes mentioned in this section for each ward in any city or town in their respective counties. Said board of commissioners shall allow the list-takers such compensation for their services as the board shall deem just and proper, and the same shall be paid by the county treasurer.
- 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 the 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.
- SEC. 11. 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.
- SEC. 12. 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 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. In all cases where a guardian, executor or administrator resides in a city or incorporated town, all personal property in the hands of such guardian, executor or administrator shall be listed for taxation only where their wards resided on the first day of June, and where the deceased persons resided at the date of their death unless such wards or deceased persons were non-residents of the state on the first day of June or at the date of death, in which case the guardian, executor or administrator shall list the said property where he resides on the first day of June: *Provided*, the guardian shall be exempt from municipal taxation on the personal property of his ward where the ward resides outside of the corporate limits of the city or town: *Provided*, that anyone who, to evade the payment of taxes, surrenders or exchanges his certificates of deposit in any bank in this state or elsewhere for non-taxpaying securities and after the date for listing property has passed takes said certificates back and gives up such non-paying securities shall be guilty of a misdemeanor.

SEC. 13. 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: *Provided*, that the cashier of every bank in North Carolina shall furnish to the board of county commissioners of each county wherein any of its stockholders reside the number of shares and market value of such shares held by each stockholder.

SEC. 14. 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. Stock which shall be grazing in a county other than that in which the owner resides, shall be listed in the county where the owner resides 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, quarry or timber therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests respectively. In listing mineral, quarry or timber interests the owner thereof shall describe in his list, together with the separate value of the same on each separate tract or parcel of land in or on which the same shall be situated or located,

Personal property held by non-resident trustee, how listed, &c.

Personal property held by guardian, &c., where listed, &c.

Exemption from municipal taxation in certain cases.

Misdemeanor to surrender certificate of deposit, &c., to evade payment of taxes.

When and by whom list to be given in. Agents.

Property of corporation.

Bank cashiers to furnish list of shares held in each county, value of shares, &c.

Real property, farming stock, &c., when listed.

Separate entries where ownership of soil is in one and mineral rights in another.

Mineral, &c., rights, how listed.

Separate timber interest.	and the list-taker shall be particular to enter the same on the tax-list according to the return. An owner of separate timber interest shall list the same whether the timber shall be attached to or detached from the soil.
Polls and personal property, when listed.	SEC. 15. All taxable polls and all personal property, except such shares of capital stock and other property as are directed to be listed otherwise in this act, shall be listed 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.
Residence of corporation, &c.	
Shares of stock in corporations, how listed.	
Banks excepted. How tax payable, Branch banks.	
Tax-payer to list property on oath. Form of oath.	SEC. 16. At the time and place appointed by the list-taker the tax-payer shall attend and shall file with the list-taker on a blank to be prepared and furnished by the state treasurer, a verified statement of all the property of every kind and description owned by the tax-payer. The tax-payer shall also swear to the true value of his property and choses in action except land, which oath shall be in the following form, to-wit: "I, -----, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief: so help me, God." Any person making a false return shall be deemed guilty of perjury.
Form of oath.	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 list.
Perjury. Trust property, how listed.	SEC. 17. The list shall state all the property of the person giving in and also the age of the party, with reference to his liability to a poll-tax, and shall refer to the first day of June in that year:
What tax-list shall state.	(1.) The quantity of land owned in the township, and the land shall be described by name if it has one, otherwise in such way that it may be identified.
Land.	(2.) The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof.
Live stock.	(3.) Farming utensils, tools of mechanics, household and kitchen
Farming utensils, furniture, &c.	

furniture, provisions, fire-arms, libraries and scientific instruments, specifying the articles separately at the true value thereof.

(4.) Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever. Money on hand.

(5.) The amount of 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, 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 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 his credits owing to him the amount of collectible debts owing by him as principal debtor. Solvent credits.
Deductions.

(6.) Money, investments and stocks elsewhere mentioned in this act. Investments, &c.

(7.) All other personal property whatever, including therein all cotton in seed or lint, tobacco, either in leaf or manufactured, turpentine, rosin, tar, brandy, whiskey, musical instruments, goods, wares and merchandise of all kinds, plated and silver-ware, and the watches and jewelry possessed by the party, his wife or any minor child, at their value. Other personal property.

(8.) The net income of the party the twelve months next preceding the first day of June in the current year, with a statement of the source or sources from which it was derived. Net income.

(9.) If the party be a non-resident of the county and owns lands therein, the list shall state his address and may name any agent in the county to whom notice may be given respecting his taxes. Non-resident owner of land.

SEC. 18. 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 taxpayer on oath, &c.
Commissioners to consult treasurer as to doubtful questions.
Duty of treasurer.

SEC. 19. 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 a fine not exceeding fifty dol- Refusal of taxpayer to answer questions a misdemeanor.

Duty of list-taker to prosecute.

Authorized to send for persons and papers.

Correction of assessments of real estate on which buildings have been erected or destroyed.

Exemptions.

Public property.

University, colleges, benevolent orders, schools, churches, &c.

Proviso.

Grave-yards, &c.

\$25 dollars of personal property.

Auditor to provide forms, &c.

How often furnished.

List-takers to return tax-list; and a list of unlisted property and polls.

lars 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.

SEC. 20. 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.

SEC. 21. The property mentioned in this section shall be exempt from taxation, to-wit:

(1.) That belonging to the United States or this state, or to any county or incorporated town and used for public purposes.

(2.) The property belonging to and set apart and exclusively used for the University, colleges, institutions of learning, academies, the Masonic Fraternity, Order of Odd Fellows, Knights of Pythias, Independent Order of Mechanics, Good Templars and Friends of Temperance, Knights of Honor, Good Samaritans and Brothers and Sisters of Love and Charity, Royal Arcanum, Hibernian Benevolent Society of Wilmington, the Israel and Priscilla Tent of Wilmington, schools for the education of the youth or support of the poor and afflicted, orphan asylums, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the gospel, or used as parsonages, the same being the property of any religious denomination or society: *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.

(3.) 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.

(4.) Twenty-five dollars of personal property of each individual tax-payer.

SEC. 22. The auditor of the state shall prepare forms to be used in assessing and listing property for taxation by the assessors and list-takers. He shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of May, and the clerk shall deliver to each board of list-takers and assessors the necessary number of the forms for their respective use. The assessors' forms shall be furnished every fourth year and the list-takers' forms annually.

SEC. 23. The list-takers shall, on or before the first Monday in July in each year, return the tax-lists to the clerk of the board of commissioners. He shall also return a list of the property in the township not given in for taxation, with a description and valuation

thereof made by himself, and the names of the occupant and supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

Returns open to inspection.

SEC. 24. The list-taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any other officer authorized to administer oaths: "I, -----, list-taker of -----, in the county of -----, do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned as set forth in 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." Any list-taker making a false return as aforesaid shall be deemed guilty of perjury.

Oath of list-taker.

Perjury.

SEC. 25. The board of commissioners of each county, after notice in one newspaper, or by posters put up, shall meet on the second Monday in July and revise the tax-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

Commissioners to revise tax-list after notice.

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.

Tax-payer may list before commissioners.

Increase of tax.

Complaints of over-valuation or excessive taxation.

SEC. 26. If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witnesses 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. 27. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the state and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief shall direct the clerk to record on the record book the cause of complaint and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners and deliver it to the 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.

Reimbursement of sheriff paying to treasurer more taxes than are properly chargeable against him.

SEC. 28. If a sheriff or tax-collector shall, in consequence of an error in the abstracts of taxes sent to the auditor, or otherwise, be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the treasurer of the state, the auditor shall, upon the certificate of the board of county commissioners setting forth the nature of such error, give his warrant upon the treasurer of the state for the amount so paid in excess, and the treasurer shall pay the same.

SEC. 29. 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 change 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.

Double tax on unlisted property and polls.

Wilful failure to list, &c., a misdemeanor.

Duty of list-taker.

SEC. 30. 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.

Unlisted land.

Back taxes.

Assessment.

SEC. 31. The board of commissioners shall cause to be made out two copies of the tax-list for 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. 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 real and personal property of the person charged in such list. In

Copies of revised tax-list to be made out by commissioners.

Order of collection to be endorsed on copy given to sheriff.

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 :

Form of order of collection.

STATE OF NORTH CAROLINA, COUNTY,
OFFICE BOARD OF COMMISSIONERS COUNTY.

To the Sheriff of County :

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal day of 18...

.....,
Clerk of Board of Commissioners.

Lien in favor of agent, &c., paying tax.

SEC. 32. 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. 33. 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. 34. 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 of taxes received under schedules B and C of an act to raise revenue, and a copy of the settlement of state tax account between the board of county commissioners and the sheriff or tax-collector, made, sworn to and subscribed, 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

Duty of auditor.

Duty of superior court clerk.

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 eight of this act. The register of deeds shall transmit to the auditor annually a copy of the bond of the clerk of the superior court.

Duty of register.

SEC. 35. In case within the interval between the regular periods for the valuation of lands or real property any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days' notice to the other part owners, apply to the commissioners for an apportionment of valuation, which shall be allowed as may be just, and all persons having tax-lists are required to amend the same according to the assessment of said board on the production of a certified copy thereof: *Provided*, that no amendment made after a tax on the land has become due shall operate to affect that tax.

How valuation of land apportioned in case of division.

Proviso.

SEC. 36. All taxes shall be due on the first Monday in September in each year. When paid the sheriff or tax-collector shall note on the tax-list against the name of the party the date of payment and the amount paid. He shall also give 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 bond 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.

Taxes, when due. Sheriff to give receipts when paid, &c.

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.

SEC. 37. The sheriff, or his deputy or tax-collector, shall attend at the court-house or his office in the county town during the months

- of September and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of October at some one or more places in each township of which fifteen days' notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county:
- Notice. *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 on real or personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties, or their regularly authorized deputies, shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township, for the purpose of collecting the taxes which still remain unpaid, of which ten days' notice shall be given by advertisement at three or more public places, and in a newspaper, if one is published in the county. No costs shall accrue or fees be collected by the sheriffs of said counties, except in cases of actual levy, or advertisement and sale of property as prescribed in this proviso.
- Proviso.
- Fees.
- When sheriffs to levy in counties mentioned in chapter 150, laws 1883.
- When to attend for collection of taxes, &c.
- Costs, &c.
- How sheriff to collect.
- Sale of personal property.
- Insolvent taxes, when and how allowed sheriff.
- Sheriff to publish list of insolvents, &c., at court-house door, &c.
- SEC. 38. 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 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 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 unpaid, and that the persons contained in the lists 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.
- SEC. 39. 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. Misdemeanor.

SEC. 40. Every person or company engaged in the business of receiving property in pledge, or as security for money or other thing advanced to the pawner or pledger, shall be held to be a pawnbroker, and shall at the time required by this chapter return under oath the value of all property pledged and held by him as a pawnbroker on hand on the first of June annually, and taxes shall be charged upon the fair cash value of such property to such pawnbroker the same as other property. Pawnbrokers, &c., to return value of property pledged, &c.

LISTING PROPERTY OF CORPORATIONS.

SEC. 41. 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: Corporations to furnish statement of capital stock, &c.

- (1.) The name of the location of company or association. What statement to show.
- (2.) The amount of capital stock authorized, and the number of shares into which such capital stock is divided.
- (3.) The amount of capital stock paid up.
- (4.) The market value, or if no market value, then the actual value, of the shares of stock.
- (5.) The assessed valuation of all its real and personal property (which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this chapter).

The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the list-taker in the name of such company or corporation as capital stock thereof. In all cases of failure, or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the list-taker to make such return or statement from the best information which he can obtain. How listed.

STATE AND NATIONAL BANKS.

Stockholders in banks, where taxed.

Stock, how listed.

Rate of taxation.

How listed for county and school taxation.

SEC. 42. 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.

PRIVATE BANKS AND BANKERS.

Private banks, &c., to furnish sworn statement.

SEC. 43. Every bank (not incorporated), banker, broker or stock jobber shall, at the times 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 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 proper 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.

SEC. 44. The commissioners elected from time to time under the authority of "An act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies doing business in the State of North Carolina," shall constitute a board of appraisers and assessors for railroad companies.

Railroad commissioners to constitute board of appraisers for railroads.

SEC. 45. The president, secretary, superintendent, or other principal accounting officer within this state of every railroad company, whether incorporated by any law of this state or not, shall return to the said commissioners, for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation on the first day of June of each year within this state, viz.: the number of miles of such railroad lines in each county in this state and the total number of miles in the state, including the road-bed, right-of-way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, rolling stock and personal property necessary for the construction, repairs or successful operation of such railroad lines: *Provided, however,* that all machine and repair shops, general office buildings, store-houses, 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. It shall be the duty of the

President or other officer to make returns to board.

What property to be listed.

What property to be listed with county list-takers.

List-takers, if required, to send statement to board.

To send statement to auditor.

To send local rate of taxation and other information to board.

Mayors to send local rate of taxation to board
Rolling stock, when and how listed.

Schedule.

Board to prescribe instructions and forms.

Method of valuation by board.

list-takers, if required so to do by the said commissioners, to certify and send to the commissioners, on or before the third Monday in June in each year, a statement giving the description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof. The list-taker shall also, on or before the same day, send to the auditor of state a like certificate of the assessed valuation and character of said property. The list-takers and assessors shall also certify to the commissioners the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said commissioners shall require of them, and the mayor of each city or town shall cause to be sent to the said commissioners the local rate of taxation for municipal purposes.

SEC. 46. 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 commissioners, 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, 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:

- (1.) The amount of capital stock authorized and the number of shares into which such capital stock is divided.
- (2.) The amount of capital stock paid up.
- (3.) The market value, or if no market value, then the actual value, of the shares of stock.
- (4.) The length of line operated in each county and the total in the state.
- (5.) 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 commissioners and with reference to amounts and values on the first day of June of the year for which the return is made.

SEC. 47. The said commissioners shall first determine the value of railroad track, as defined in section forty-five, and then the value of rolling stock. The aggregate value of the capital stock and the value of the franchises shall then be determined, from which shall be deducted the total assessed value of all real and personal property, "railroad track," and "rolling stock" and the proportion of such stock after such deductions held by non-residents or by said company as a sinking fund to meet its indebtedness. The aggregate value of "railroad track," "rolling stock," "franchise" and "shares of capital stock" as

thus determined, shall be apportioned in the same proportion that the length of such road in each county bears to the entire length thereof, and the commissioners 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 commissioners shall make and forward a like certificate, together with all the reports of the various railroad officers or copies thereof, and other papers and evidence which formed the basis of the valuation, to the auditor of the state. 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 day 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 and pensions.

Duty of board.

Taxes due state, how paid.

Suit by treasurer.

What taxes to be assessed by county commissioners.

SEC. 48. When any railroad has part of its road in this state and part thereof in any other state, the commissioners shall ascertain the value of railroad track, rolling stock and shares of capital stock of such company, and divide it in the proportion the length of such road in this state bears to the whole length of such road, and determine the value of such railroad track, rolling stock and shares of capital stock in this state accordingly.

Railroad partly in this state and partly in another, how assessed.

SEC. 49. 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 commissioners 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. After the first Monday in July the commissioners shall give a hearing to all companies interested touching the valuation and assessment of their property. The commissioners may, if they see fit, require all arguments and communications to be presented in writing.

Railroads claiming exemption from taxation, to make returns, &c.

Duty of board to investigate.

Board to give companies a hearing, &c.

SEC. 50. If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property

Leased roads, how assessed.

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.

Board empowered to summon witnesses, &c.

SEC. 51. The commissioners shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad property. 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 commissioners when required to do so, or refuse to submit to the inspection of said commissioners 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 commissioners or 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 costs, and any president, secretary, receiver, [ac]counting officer, servant or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such commissioners and may be fined [confined] by order of said commissioners in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Misdemeanor to refuse to attend when summoned, &c.

Penalty.

Proceeding for contempt.

Canal company, how assessed.

SEC. 52. 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 commissioners 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.

On failure of officer to return, board to assess, &c.

SALE OF REAL ESTATE FOR TAXES.

Notice of sale to be given by sheriff.

SEC. 53. Before real estate shall be sold for taxes the sheriff or tax-collector shall give notice to the delinquent tax-payers through the mail of such sale as well as 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 courthouse 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. 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 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 and town lots so advertised the sum of twenty cents to defray the expenses of advertising, which sum shall be added to the amount due on said land or town lots for taxes due, collected in the same manner as the taxes.

What notice to contain.

Expenses of advertisement, how paid.

SEC. 54. 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.

Purchaser to pay taxes and costs forthwith.

SEC. 55. The sheriff shall keep a sale book showing the land sold, the name of the purchaser, and the sum 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.

Sheriff to keep sale book.

To file returns with clerk of commissioners.

SEC. 56. 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 not to be subject to taxation, or that the taxes for which the same is sold have been paid, or shall knowingly and wilfully sell or assist in selling any real property for payment of taxes to defraud the owner of such real property, or shall knowingly or wilfully execute a deed for property so sold, he shall be liable to a fine of not less than one thousand nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment and to pay the injured party all damages sustained by any such wrongful act, and all such sales shall be void.

Sheriff failing to attend sale guilty of misdemeanor. Penalty.

Penalty for knowingly selling real estate not subject to taxation, &c.

SEC. 57. 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.

How tax on personal property charged against real estate.

SEC. 58. 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 [such] personal property tax is charged.

Purchaser entitled to certificate.

SEC. 59. 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 certificates 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 taxes." If any person shall become the purchaser of more than one parcel of property he may have the whole included in one certificate, but each parcel shall be separately described, and the amount paid may be entered in gross in said certificate. Such certificate shall be substantially in the following form, to-wit :

Presumptive evidence.

Lien on land.

Tax receipt.

Purchaser of more than one parcel of land.

CERTIFICATE OF SALE.

Form of certificate.

STATE OF NORTH CAROLINA, COUNTY.

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 estate in the manner provided by law, the said, heirs or assigns, will be entitled to a deed therefor on and after the day of, A. D. 18...., on surrender of this certificate.

In witness whereof I have hereunto set my hand this day of, A. D.

.....,
Sheriff.

SEC. 60. The certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee or his legal representative all the right and title of the original purchaser, and the statement in the sheriff's deed of the fact of the assignment shall be presumptive evidence of such assignment.

Certificate assignable.

Statement in sheriff's deed presumptive evidence.

SEC. 61. The sheriff is authorized to demand fifty cents for each deed or certificate made by him on such sale, but any number of parcels of land bought by any one person may be included in one deed as may be desired by the purchaser; and whenever the sheriff makes a deed to any land sold for taxes he shall enter an account thereof in the sale book opposite the description of the land conveyed.

Sheriff's fees.

Sheriff to make memorandum of deed in sale book.

SEC. 62. 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 inure 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.

Redemption of land sold for taxes.

Sheriff to make memorandum of redemption, &c. Fee.

Redemption of land of infants, &c.

To whose benefit redemption to inure.

SEC. 63. If any purchaser of real estate sold for taxes under the provisions of this act shall suffer the same to be again sold for taxes before the expiration of the last day of the annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of such sale, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this chapter; but the person redeeming shall 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

Effect of second sale of real estate for taxes.

paid by him with interest as provided in the preceding section, and unless paid by the first purchaser he shall forfeit his rights to a deed for said land.

Partial redemption by person claiming an undivided interest.

SEC. 64. 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.

Effect of partial redemption.

SEC. 65. 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.

When deed to be executed by sheriff to purchaser.

SEC. 66. 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.

TAX DEEDS AND RIGHTS OF PURCHASERS.

Registration and effect of deed.

SEC. 67. 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:

Form 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: Now, therefore, know ye that I,, sheriff of said county of, in consideration of the premises and by virtue of the statutes of North Carolina in such cases provided, do hereby grant and convey unto, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and seal this day of, Anno Domini 18....

.....,
Sheriff.

SEC. 68. 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 :

Deed to be presumptive evidence of certain 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 following facts:

To be conclusive evidence of certain 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 pre-requisites of the law were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purporting to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive, and that all things whatsoever required by law to make a good and valid sale and to vest the title in the purchaser were done, except in regard to the points named in this section wherein the deed shall be presumptive evidence only.

And in all controversies and suits involving the title to real property claimed and held under and by virtue of a deed made substantially as aforesaid by the sheriff, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the said real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of this act, and that such redemption was had or made for the use and benefit of persons having the right of redemption under the laws of this state, or that there had been an entire omission to list or assess the property, or to levy the taxes, or to sell the property; but no person shall be permitted to question the title acquired by a sheriff's deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title as aforesaid: *Provided*, that in any case where a person has paid his taxes and, through mistake in the entry made

In controversies concerning title, what person claiming adversely required to prove.

Proviso.

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.

County to hold purchaser harmless in certain cases.

SEC. 69. 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.

Liability of sheriff, &c.

SEC. 70. 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.

County to have credit for amount of state taxes paid to purchaser. Duty of sheriff when land not subject to taxation, &c., is sold.

SEC. 71. 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 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.

Action for land sold for taxes to be brought within three years. Proviso.

Acts of officers *de facto*.

SEC. 72. 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 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. 73. 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 a rightful owner, if the said property be in other respects sufficiently described.

SEC. 74. 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.

Sale, &c., proved by records, &c.

SEC. 75. 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 due taxes thereon, nor in any manner invalidate the tax levied on any property or charged against any person.

Sale not invalidated by irregularities in assessments, &c.

SEC. 76. 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, and 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

Certain defects, omissions, &c., to be deemed mere irregularities.

or property liable to be taxed, including in an assessment a tax for an illegal purpose.

DELINQUENT CORPORATIONS.

Corporations failing to pay taxes.

Sheriff to notify officer to pay over moneys in his hands.

Failure to pay a misdemeanor.

Penalty.

Forfeiture of charter, &c.

SEC. 77. 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.

INJUNCTION, WHEN GRANTED, AND SUIT TO RECOVER TAXES.

Injunction to restrain collection of taxes, when granted.

When action for claim and delivery will lie against sheriff.

Duty to pay tax claimed to be invalid and afterwards sue for same.

SEC. 78. No injunction shall be granted by any court or judge in the 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 invalid, or that the valuation of the 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.

Judgment, how collected, &c.

SEC. 79. 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 this act, nor to interfere with the powers of any officers or board sitting as a board from the equalization of taxes.

Counties, &c., not authorized to remit, &c., taxes.

Action against board of commissioners.

Exception.

TAXES STRICKEN FROM LIST.

SEC. 80. 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 to [it] be impossible to collect such taxes, it shall be the duty of the county commissioners to cause the same, after the expiration of two years, in which time the sheriff shall use due diligence to collect the same, to be stricken from the tax list, and the clerk of the board of county commissioners shall certify the amount due the state so stricken off [to] the auditor who shall credit the county therewith for the taxes due the state, and upon his warrant the same shall be paid by the state treasurer.

Taxes on personal property not collectible, stricken from tax list.

Auditor to give credit and treasurer to pay.

SEC. 81. 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 [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.

Owner of certificate of tax sale authorized to bring action to foreclose.

SEC. 82. 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 or [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 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.

Proviso.

Certificate invalid if owner fail to demand deed or bring action within two years.

SEC. 83. 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 the title adverse thereto, and all other persons, and as against the state, county and all other municipal subdivisions thereof.

Interest.

SEC. 84. 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 sales 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 [decree] shall draw interest as in other cases.

DEFINITIONS.

Definitions.

SEC. 85. 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.

(2.) *Collector—Collectors.*—County and deputy collectors, including “Collector.” sheriffs.

(3.) *List-takers and Assessors.*—Have all authority conferred upon “List-taker.” list-takers in this act.

(4.) *Credits.*—Every claim or demand for money, labor, interest or “Credits.” other valuable thing due or to become due, including money on deposit.

(5.) *He.*—Male, female, company, corporation, firm, society, singular “He.” or plural number.

(6.) *Real Property—Real Estate—Land—Tract—Lot.*—Not only the “Real property.” 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.

(7.) *Shares of Stock—Shares of Capital Stock.*—The shares into “Shares of stock.” which the capital or stock of every incorporated company or association may be divided.

(8.) *Tax—Taxes.*—Any tax, special assessments or costs, interest or “Tax.” penalty imposed upon property.

MISTAKES IN ASSESSMENTS.

SEC. 86. 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 proceedings to correct error to be instituted.

PURCHASE AT TAX SALE BY MUNICIPAL OFFICERS.

Commissioners authorized to purchase real estate sold for taxes for use of county.

Sheriff to issue certificate.

Assignment of certificate.

When commissioners may sell and assign tax certificates, &c.

Lots in cities.

Mayors of cities, &c., authorized to purchase, &c.

Assignment of certificates.

Exception.

When and how sheriff required to account to state treasurer for taxes on real estate purchased by county.

SEC. 87. 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.

SEC. 88. Whenever the county commissioners of any county in this state have purchased any real estate in two successive years for delinquent taxes, or when there are three years or more of delinquent taxes due on any real estate, and the county commissioners have purchased the same for the delinquent taxes due thereon at a single sale, they may sell and assign the tax certificates issued upon such purchase for an amount not less than fifty per centum of the amount expressed in such certificates: *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.

SEC. 89. 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 eighty-seven 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.

SEC. 90. 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.

SEC. 91. 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.

When and how mayor to assign certificates.

FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

SEC. 92. 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 certificates 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 of liens for the amount therein expressed, together with such subsequent and prior taxes due thereon, and that at such [sale the] county commissioners may, if they deem best, purchase in the name of their respective counties such real estate.

County commissioners authorized to bring suits to foreclose.

Commissioners may purchase for county.

SEC. 93. 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.

Action to enforce lien on real estate for taxes by foreclosure.

SEC. 94. 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.

Holders of certificates of purchase entitled to foreclose.

SEC. 95. 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.

Proviso.

PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

Lien of taxes upon railroads.

SEC. 96. That taxes upon any and all railroads in this state, including road-bed, right-of-way, depots, side tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of June in each current year against all claims or demands whatsoever of all persons or bodies corporate except the United States and this state, and the above described property or any part thereof may be taken and held for the payment of all the taxes assessed against said railroad company in the several counties in this state.

Road-bed, &c., declared personal property.

SEC. 97. 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 removing personal property to avoid listment.

SEC. 98. Any person who shall remove personal property, or cause the same to be removed from the precinct of his or her residence or usual place of use or business or place of keeping or deposit of the same, for the purpose of avoiding listment of said personal property for taxation, or any person who shall fail or refuse to list such personal property as required by law, when the same shall be temporarily removed from the precinct, place of residence of the owner or other place where the same shall usually be kept or used, said owner, or agent of said owner, or either of them, or in case of a corporation the manager or other person in charge or possession of such property, shall on conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Construction of "person" and "his or her" as affecting corporations.

SEC. 99. 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.

SEC. 100. 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.

Liability for taxes of life-tenants, &c.

SEC. 101. 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 neglected as aforesaid may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes within one year after such forfeiture; and moreover, the person so neglecting as aforesaid shall be liable in action to the person next in title to the estate for all damages such persons may have sustained by such neglect.

Failure of life-tenant, &c., to pay.

Sale of land.

Estate forfeited to remainderman, &c.

Remainderman, &c., may redeem.

Action for damages.

SEC. 102. And [Any] person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall from the time of payment operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Person having a lien on land authorized to pay taxes.

SEC. 103. 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 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

Payment of proportionate parts of tax on land by joint tenants, partners and tenants 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.

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.

SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

Sheriff to keep record of taxes collected on unlisted property.

To make annual statement on oath to commissioners.

Clerk to record statement and send abstract to auditor.

To post copy.

When and how sheriff to settle state taxes.

Duty of commissioners.

Duty of treasurer.

SEC. 104. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds, and under schedule "B" of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in December in each year shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners, and attested by him that the statement is correct, and that no receipts have been omitted, and the clerk shall record the same in a book to be kept for that purpose, and shall, by the second Monday in December, send an abstract of said statement, with the affidavit, to the auditor of the state, on a blank to be furnished by the auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court-house until the first of January next ensuing.

SEC. 105. 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 settlements as aforesaid, shall file with the commissioners a duplicate of the list required in section one hundred and four of this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The auditor shall give to each sheriff or tax-collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax-collector shall deposit with the clerk of the commissioners of his county for public inspection.

How sheriff to be charged.

Duty of auditor.

SEC. 106. The auditor, in making the settlement of the amount due from the sheriff or tax-collector aforesaid, shall deduct from the lists returned :

Deductions.

(1.) Taxes on personal property certified by the clerk of the commissioners of the county by order of the commissioners, to be insolvent and uncollectible.

Insolvent taxes on personal property.

(2.) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables.

Overpayments in former settlements.

(3.) Five per centum commissions on the amount collected.

Commissions.

SEC. 107. For his settlement with the state treasurer the sheriff or tax-collector shall be paid three dollars for each day he may be actually and necessarily engaged therein with the commissioners at the county seat and ten cents per mile by the usual route of travel for twice the distance between the court-house and the place designated by the state treasurer, to be paid by him on the warrant of the auditor upon the certificate of the sheriff or tax-collector, duly verified before the board of commissioners.

Compensation of sheriff for settlement with treasurer.

SEC. 108. 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

Failure of sheriff to settle.

Duty of auditor.

Summary judgment.

Superior court clerks to furnish copy of sheriff's bonds to auditor.

- 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 contrary under section eighty-seven 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. 109. 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 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.
- SEC. 110. 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 when deemed necessary to secure the payment of the public dues.
- SEC. 111. 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 insolvents 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
- 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.
- State treasurer authorized, with approval of attorney general, to grant indulgences.
- Account of sheriff for county taxes, how stated.
- Extension of time.

not to extend beyond the first of May in the year following that in which 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 county 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 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.

Penalty for exhibiting in account money not derived from taxes.

Penalty for using taxes otherwise than as directed by law.

SEC. 112. The board of county commissioners at their last regular or subsequent meeting in each year shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle the accounts of the county treasurer and of all other county officers authorized to receive or disburse county funds. The accounts so audited shall be reported to the board of commissioners, and when approved by them shall be filed with the clerk and recorded on his book and shall be *prima facie* evidence of their correctness and impeachable only for fraud or special error: *Provided*, the compensation allowed such 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.

Commissioners to appoint committee to assist at settlement of sheriff.

Accounts, when audited, to be reported and filed.

Compensation of committee.

SEC. 113. 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 eight of this act.

Penalty for failure of sheriff to settle.

Action on bond.

Penalty for fraudulent failure to account.

SEC. 114. 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

When and how other county officers to settle.

Misdemeanor.
Accounts to be reported and filed.

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.

Duties of tax-collector.

SEC. 115. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax-collector has been or may be appointed it shall be incumbent upon the tax-collector to perform the said office instead of the sheriff, and such tax-collector shall collect all taxes, have all the emoluments and be subject to all the penalties as provided in the case of sheriffs in this act; and it shall be the duty of all persons having tax-moneys in hand to account for and settle with said tax-collector.

Compensation and penalties.

Persons having tax-moneys, to settle with tax-collector.
Sureties to collect in case sheriff dies.

SEC. 116. If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose shall have all the powers and means for collecting the same from the collectors and tax-payers as the sheriff would have had, and shall be subject to all the remedies for collection and settlement of the taxes on their bond or otherwise, as might have been had against the sheriff if he had lived.

Powers and liabilities.

Time in which taxes to be collected.

SEC. 117. 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 revenue act printed for distribution.

SEC. 118. 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 the 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. 119. 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. 120. 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. 121. 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. 132. This act shall be in force from its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 327.

An act to prohibit the sale of spirituous liquors within certain localities.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of with a view to remuneration any spirituous liquors or substance that produces or may produce intoxication within two (2) miles of the following places :

Sale of liquor prohibited within certain localities. Within two miles.

Alamance.—Newlin's chapel in Thompson township.

Alexander.—Baptist church of Taylorsville, Harrington school-house in district number thirty-six, Mt. Olive and Lebanon Baptist churches, Harrison's school-house.

Alleghany.—Baptist and Methodist churches in Sparta, Mount Zion Methodist, New Hope Baptist and Zion Primitive Baptist church and Union Primitive Baptist church.

Ashe.—Helton M. E. church, Peak Creek school-house and church, school district number fifty-five.

Bladen.—School-house in district number twenty-three, Mount Pleasant church, New Hope Baptist church (colored), White Plains Presbyterian church, Paradise Missionary Baptist church.

Brunswick.—African Methodist church and factory of the Navassa Guano Company.

Burke.—Bethel church.

Cabarrus.—New Gilead Reform church, Mount Carmel M. E. church.

Caldwell.—Mountain Grove Baptist and Trinity Lutheran churches, churches in Freedman.

Caswell.—Lea Bethel church in Hightower's township, Grier's Presbyterian church.

Chatham.—Hickory Mountain Methodist church.

Chowan.—Warwick Baptist church, academy near Gliden.

Cleveland.—Patterson Springs Methodist church, Fallston high-school, Mount Sinai Baptist church, Sharon M. E. church.

Columbus.—Iron Hill, Mount Sinai, Mill Branch and Bethsaida churches.

Within two miles.

Craven.—Methodist, Baptist and Episcopal churches in Vanceboro.

Cumberland.—Friendship Presbyterian church.

Currituck.—Moyock, Christian Home B. church, Poplar Branch M. E. church, Narrow Shore M. E. church.

Davidson.—Poplar Springs M. E. church.

Duplin.—Warsaw high-school; not to go into effect as to this place till July first, eighteen hundred and ninety-one.

Durham.—Mount Bethel M. E. church, Duke's chapel.

Franklin.—Wesley's chapel.

Gaston.—South Point Methodist church, Snow Hill Methodist church.

Granville.—Mount Olivet Methodist church in Tally-Ho township, Hebron Methodist church, Oak Hill Presbyterian church, Brassfields church, Shady Grove Methodist church, Reedy branch public school-house, Fellowship Baptist church.

Halifax.—Whitaker's, Hawkins' and Weaver's chapels, Corinth M. P. church.

Harnett.—Mount Pisgah Presbyterian, Meadow Branch, Non-sectarian and Union Grove (colored Methodist) churches, Mount Moriah Baptist church.

Henderson.—Pleasant Hill Baptist churches.

Hertford.—Ahoskie Baptist church.

Iredell.—Fulbright school-house, district number fifty-four, in Shiloh township; Pleasant Grove school-house in district number seventy-five; Moss M. E. church in Union Grove township; Bethany Presbyterian church.

Johnston.—Elizabeth M. E. church, St. John's church.

Lenoir.—Taylor's Free-Will Baptist church.

Lincoln.—Triangle school-house, Macedonia church, Ebenezer church, all the school-houses in Lincolnton township.

Madison.—Union church at Marshall, and Transmountain church on Sandy Mush, each two miles; and North Fork Baptist church on Big Pine creek, one mile.

Martin.—Weir's chapel.

McDowell.—Sylvan Presbyterian church, Greenlee academy.

Montgomery.—Rocky Mount Baptist church, Edinboro academy.

Moore.—Turner's chapel, Mount Union church, Winder Christian church.

Nash.—Hickory Missionary Baptist church.

Orange.—Mount Zion Christian church, Walnut Grove M. E. church.

Onslow.—Swansboro, Turkey post-office.

Perquimans.—New Hope church.

Pamlico.—Male and Female institute.

Pasquotank.—Newbegun M. E. church.

Polk.—White Oak, Bethlehem, Beulah, churches in Mills Spring

township; Silver Creek, Cooper Gap, Rock Spring Baptist church, ^{Within two miles.} Maness chapel, Lebanon Methodist church.

Randolph.—Bethany Methodist church, Gray's chapel, Mount Shepherd M. E., South, Macedonia Christian church, Presbyterian church in Asheboro.

Richmond.—Pleasant Grove Baptist, St. Paul's and Mizpah Methodist churches, public school-house in district number thirty-five for whites in Sewartsville township.

Rockingham.—Happy Home church.

Robeson.—Bloomington Baptist church and high-school, Back Swamp Baptist church, White Pond Baptist church, Hog Swamp Baptist church.

Rutherford.—Wall's, Mt. Lebanon and Concord Baptist churches, Oak Grove Methodist church, Forest City, Salem M. E. church, Tanner's Grove, Pleasant Grove M. E. church, Bill's Creek Baptist church, Camp Creek, Chimney Rock, Head of First Broad, Rock Spring.

Stanly.—Morris' school-house in Harris' township.

Stokes.—Court-house in Danbury.

Surry.—Church at White Plains, Rockford Baptist church, Fisher's Gap Primitive Baptist church, Stanford's church.

Union.—Monroe high-school.

Wake.—New Bethel Baptist church, Mount Pleasant academy, New Hill Baptist and Christian churches, Falls of Neuse river, Green Level church, Fellowship church.

Wayne.—Mount Olive high-school.

Warren.—Bethany church, New Hope Protestant Methodist church.

Watauga.—Snow A. F. & M. Lodge, number three hundred and sixty-three; Snow I. O. O. F. number one hundred and thirty-four.

Yadkin.—Friends' church and Baptist church.

SEC. 2. It shall be unlawful to sell or dispose of any spiritous ^{Within three miles.} liquors with a view to remuneration within three (3) miles of the following places :

Anson.—New Hope Methodist church.

Bladen.—Beth Car Presbyterian church, Purdiss M. church, Singletary's M. church, Bethel and Centre Roads Baptist churches, Baker's Creek Union A. M. E. church.

Brunswick.—Friendship, Beulah and Long Branch Baptist churches, Andrews' chapel M. church, Soldier Bay (Baptist) and Union chapel (Methodist) churches.

Burke.—Pleasant Hill Baptist church, Gilboa, Providence, Salem, Bethel and Zion Methodist churches, Hopewell Baptist church, Obeth and Oak Grove churches.

B. and Caldwell.—North Catawba Baptist church.

Within three miles.

Cabarrus.—Chaney's Hill Baptist church.

Caldwell.—Mulberry and Union churches, Pisgah and Blair's Fork Baptist churches.

Catawba.—Mount Olive Lutheran church in Hickory township, Prospect Methodist and Baptist churches at Starr Town.

Chatham.—Buckhorn M. E. church.

Cherokee.—Bethel M. E. church, Cooper Springs school-house, Macedonia Baptist church

Cleveland.—Capernaem Baptist church at Waco, St. Paul's M. church.

Columbus.—New Hope Baptist church.

Durham.—Berea and Yates Baptist churches.

Graham.—Lone Oak Baptist church.

Gaston.—Mount Zion Baptist church.

Granville.—Concord Baptist church, Bullock's and Stem M. E. church, Barbecue Presbyterian church.

Halifax.—Harriss chapel, Brinkleyville township.

Harnett.—Cokesbury Methodist church, Waynesville academy.

Haywood.—Pleasant Hill Baptist church, Clyde academy, Hemp-hill school-house.

Henderson.—Church at Holly Spring.

Iredell.—School-house in district number one hundred and four, Coddle Creek township, Oak Ridge school-house in district number sixty-eight, Rocky Mount Methodist church.

Macon.—Gillespie's chapel (M. E. church).

Mecklenburg.—Wilson Grove Baptist church.

Pamlico.—Good Hope and New Bethlehem churches.

Pender.—Burgaw, Moore's Creek Baptist church (colored).

Pitt.—Antioch church.

Vance.—Brookston Baptist church.

Wake.—New Light Baptist church, Wake Chapel Christian church, Mount Vernon Baptist church, Soapstone M. E. Church, South, Andrew's chapel M. E. Church, South, Pleasant Grove M. E. Church South.

Within two and a half miles.

SEC. 3. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within two and one-half of the following places :

Ashe.—Apple Grove, Sugar Grove, Little House Creek, Pleasant Grove, Sabbath Home, Mount Zion, Little Laurel, Big Laurel school-house, Pleasant Hill, Rich Hill, Rye Cove, Pond Mountain.

Iredell.—Olin Methodist church.

Mecklenburg.—Flint Hill Baptist church.

Rutherford.—Factory school-house.

Within one and a half miles.

SEC. 4. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within one and one-half miles of the following places :

Davidson.—Halloway Missionary Baptist church.

Camden.—Shiloh Missionary Baptist church.

Granville.—Adoniram Masonic Lodge.

Hyde.—Juniper Bay school-house.

Yadkin.—M. E. church in Jonesville.

SEC. 5. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within one mile of the following places :

Alamance.—Bellemont M. E. church.

Cabarrus.—Bell's Mission church.

Currituck.—Providence Baptist and Perkins Methodist churches.

Forsyth.—Mount Pleasant and Morris chapel churches, Macedonia Baptist church, in Old Richmond township.

Henderson.—Holly Springs.

Haywood.—Morning Star M. E. church.

Madison.—North Fork church.

Orange.—Caldwell Institute.

Polk.—Big Level and Green River Baptist churches, Columbus Baptist church, Saluda Baptist church.

Sampson.—Turkey precinct and post-office, Black River chapel.

Wilkes.—Orange Chapel Methodist church, Mount Pleasant and Yellow Hill Baptist churches.

Yancey.—Banks Creek church (colored).

Wayne.—Colored Disciples' church at Greenleaf : *Provided*, one-half a mile shall be the corporate limits as to this church.

SEC. 6. *Chatham*.—It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within four miles of Wesley Chapel Methodist church in Chatham county.

Craven.—Within four miles of the town of Dover in Craven county.

SEC. 7. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within five (5) miles of the following places:

Columbus.—Bee Bluff.

Mitchell.—Free-Will Baptist church at Spring Creek, Big Rock Missionary Baptist church.

Onslow.—Swansboro Methodist church.

Robeson.—Magnolia, Saddle-Tree, Ten-Mile, Raft Swamp and Mount Elim Baptist churches, Barker's, Regan, Bethesada and Maxton M. E. churches, Big Branch Missionary Baptist church, Long Branch Baptist church.

SEC. 8. 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 at the discretion of the court.

Sections 3111 and 3112 not applicable to this act.

SEC. 9. That none of the provisions or requirements of sections three thousand one hundred and eleven and three thousand one hundred and twelve of Code that may not have been complied with in this act shall be so construed as to invalidate any of the provisions herein contained and that the provisions of said sections shall not apply to this act.

Conflicting laws repealed.

SEC. 10. That all laws in conflict with this act are hereby repealed.
SEC. 11. This act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 328.

An act for the relief of G. A. McRae, late treasurer of Moore county.

The General Assembly of North Carolina do enact :

Commissioners of Moore authorized to satisfy judgment against G. A. McRae, late county treasurer.

SECTION 1. That the board of commissioners of Moore county be and they are hereby empowered to release and satisfy a judgment of the said county against G. A. McRae, late treasurer of said county, for the sum of two hundred and thirty-three dollars and thirty-four cents (\$233.34), being the balance now due said county by said G. A. McRae.

Chairman of commissioners to mark judgment paid.

SEC. 2. That as soon as practicable after this act is ratified the chairman of the board of commissioners of Moore county shall mark said judgment paid, and any and all liens created by said judgment shall be forthwith discharged.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 329.

An act to authorize and empower the county commissioners and justices of the peace of Stokes county to levy special taxes.

The General Assembly of North Carolina do enact :

Commissioners and justices of Stokes, in joint session, authorized to levy special tax to pay county indebtedness.

SECTION 1. That the board of county commissioners of Stokes county, in joint session with a majority of the justices of the peace of said county to be held on the first Monday in June, in the year one thousand eight hundred and ninety-one and one thousand eight

hundred and ninety-two, are hereby authorized and empowered 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.

SEC. 2. That the amount of taxes to be levied and collected by virtue and authority of this act for any one year shall not exceed twenty (20) cents on the one hundred dollars value of taxable property and sixty (60) cents on the poll, observing strictly the constitutional equation between property and poll taxes.

Limitation of tax.

SEC. 3. That the amount of outstanding indebtedness of said county shall be ascertained and determined on or before the first Monday in May, one thousand eight hundred and ninety-one, by the said board of county commissioners in joint session with Dr. Elias Fulp and Martin Mabe, citizens of said county, at the office of the board of commissioners, which citizens are hereby appointed and vested, and when sworn to perform their duty as such, possess equal power and authority to the same number of commissioners in determining the amount of said county indebtedness, which oath shall be administered by the clerk of the board of commissioners.

How amount of indebtedness to be ascertained.

SEC. 4. That the said Dr. Elias Fulp and Martin Mabe shall receive for their attendance on and in their association with said boards the same per diem and mileage as is now allowed by law to members of the board of county commissioners, to be paid by the county treasurer on the order of the clerk of the board of county commissioners; and if from any cause each or either said Dr. Elias Fulp or Martin Mabe shall fail to attend with said board as provided by this act it shall be the duty of the commissioners to select other person or persons, citizens of the county, to fill vacancy.

Compensation of Elias Fulp and M. Mabe.

Vacancies.

SEC. 5. That it shall be the duty of the clerk of said board to issue a notice to the persons as provided for in this act to attend with said board for the purpose set forth in this act, setting forth the time of such meeting, which notice [is] to be executed by the sheriff of the county, the regular fees for which service to be paid from the treasury of the county.

Notice to Elias Fulp and M. Mabe.

SEC. 6. That said special taxes shall be collected by the sheriff or tax-collector of the county at the time the general taxes are collected, and accounted for in the same manner as is provided by law for the collection of general taxes.

Collection of tax.

SEC. 7. And when so collected and accounted for the county treasurer or other disbursing officer shall, upon demand of any and all persons holding properly authenticated claims against said county created prior to the passage of this act, pay to such claimants upon their claim or claims such amount pro rata as such claim bears to the whole amount of said special tax collected for one year.

To be used to pay creditors.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 330.

An act to establish a graded school in district number one in Cherokee county, North Carolina.

The General Assembly of North Carolina do enact:

Election in white school district No. 1, Cherokee county, on question of special tax.	SECTION 1. That the board of education of the county of Cherokee, state of North Carolina, shall and they are hereby authorized to submit to the qualified voters of school district number one for the white race under such rules and regulations and at such time within twelve months after the ratification of this act as the board may prescribe, whether a tax shall be annually levied for the support of the school of said district provided for by this act at the election held under the provisions of this act. Those who favor the levying of such tax shall vote on written or printed ballots without device the words "For school," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words "Against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the general assembly. The county board of education shall give at least thirty days' notice of the time of holding said election in one or more newspapers published in said district.
Ballots.	
Penalties for illegal, &c., voting.	
Notice of election.	
Returns of election.	SEC. 2. The inspectors of said election shall on the day following the election certify the number of votes cast and counted for and against school to the county board of education, who shall proceed to declare at once the result of the election. And if a majority of the votes cast shall be in favor of such tax the same shall be levied by the county commissioners and collected by the sheriff under the same rules and regulations under which other school taxes are levied and collected, and the sheriff shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other school taxes, and shall receive as compensation for such services two per centum commission: <i>Provided</i> , the special taxes so levied and collected shall not be less than twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll, nor exceeding forty cents on the one hundred dollars' valuation of property and one dollar and twenty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the establishment and maintenance of the public schools in said district, and the school committee whose appointment is hereinafter provided for may establish one or more graded public schools in said district, and the taxes levied and collected under this act shall not be appropriated or expended for any other purposes.
County commissioners to levy tax on affirmative vote.	
Collection of tax.	
Amount of tax.	
Application of tax.	
Graded schools may be established.	
School committee.	SEC. 3. If this act shall be ratified at the election authorized to be held under it, the school committee of said district shall consist of six members instead of three, as required by the general school law

of the state, to be appointed by the county board of education at their next meeting held after the election provided for in this act. The said school committee shall be divided by the said county board of education at the time of their appointment into three classes of two each. The terms of office of the first class shall expire at the end of two years from the first Monday in June, eighteen hundred and ninety-one, and the terms of office of the second class shall expire at the end of four years from the first Monday in June, eighteen hundred and ninety-one, and the terms of office of the third class shall expire at the end of six years from the first Monday in June, eighteen hundred and ninety-one. Whenever the terms of office of any class shall expire as above provided their successors shall be appointed for a term of six years by the said county board of education. Whenever any vacancy occurs in said committee except by expiration of the terms of office the vacancy for the unexpired terms of the member or members shall be filled by the said committee. Vacancies.

SEC. 4. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensations of officers and teachers of the public schools or graded public schools, subject to removal by the said committee, shall make an accurate census of the school population of the district as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said district: *Provided*, all the children resident in said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges: *Provided further*, the admission of pay students shall be under the direction of the committee. Powers and duties of school committee. Proviso. Proviso.

SEC. 5. The school committee created by this act shall elect annually a superintendent of the schools established under this act, who shall be the principal of the graded schools for white children if the same be established. The superintendent of said schools shall examine all applicants for teachers' positions in the said schools and issue certificates to the same, which certificates shall be valid for one year from date, and shall do and perform such other duties as may be prescribed by said committee. Superintendent of graded schools. Duties.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the state to said public school district, and moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, also the proceeds of any taxes imposed on licenses to retailers of wines, cordials or spirituous liquors in said district, which taxes shall be collected by the sheriff or tax-collector as other taxes levied under this Certain funds to be applicable to graded schools.

County treasurer to be <i>ex officio</i> treasurer of school committee.	act, shall be receivable by the treasurer of the county of Cherokee, North Carolina, who shall be <i>ex officio</i> treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the county board of education a statement in writing of his receipts and disbursements of the school money properly and duly credited and approved by the chairman and secretary of the school committee: <i>Provided</i> , the accounts, books and vouchers of the said treasurer shall be open for the inspection of the school committee at any time.
Duties.	
Annual statement.	
Proviso.	
Bond of treasurer.	SEC. 7. The bond now required of the treasurer of the county to protect public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding two per centum on the funds received from the special taxes levied, collected and disbursed under this act.
Compensation.	
Apportionment of school fund in district.	SEC. 8. The school committee provided by this act shall apportion the money raised or received for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.
Annual report of school committee.	SEC. 9. That the said committee shall make to the board of education annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the district, showing the work done and money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state and a copy to the superintendent of public instruction in the county of Cherokee. The beginning and ending of the school year shall be fixed by the committee.
School year.	
School committee to be a body corporate. Corporate name. Corporate powers.	SEC. 10. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of District Number One, Murphy, North Carolina," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the

same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school committee shall be to them and to their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed to be sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 331.

An act to protect seed-buyers in North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That any person or persons doing business in this state who shall sell seed, or offer for sale any vegetable or garden seed that are not plainly marked upon each package or bag containing such seed the year in which said seed were grown, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars or more than fifty dollars, or imprisoned not more than thirty days for each and every offence: *Provided*, that the provisions of this act shall not apply to farmers selling seed in open bulk to other farmers or gardeners. Misdemeanor to sell vegetable or garden seed in packages not marked with year in which seed were grown.
Proviso.

SEC. 2. That any person or persons who shall, with intention to deceive, wrongly mark or label, as to date, any package or bag containing garden or vegetable seed shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days. Misdemeanor to wrongly label packages with intent to deceive.

SEC. 3. That this act shall be in force from and after the first day of September, one thousand eight hundred and ninety-one. When act to take effect.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 332.

An act to authorize the county commissioners, in joint session with the magistrates, to levy a special tax in Lenoir county.

The General Assembly of North Carolina do enact :

Commissioners and justices of Lenoir, in joint session, authorized to levy special tax.

SECTION 1. That the county commissioners, in joint session with a majority of the magistrates of the county of Lenoir, are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two at the same time other taxes are levied and in the same manner upon the taxable property, rights and credits and polls in said county, the whole amount not to exceed the sum of five thousand dollars for the two years, observing the constitutional equation between the property and polls.

Collection of tax.

SEC. 2. Said taxes shall be collected and accounted for as other state and county taxes are collected and accounted for: *Provided*, not more than twenty-five hundred dollars shall be levied and collected in either year and shall be used in paying off the outstanding indebtedness of said county and in building and repairing bridges, and for no other purpose.

Application of tax.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 333.

An act for the better drainage of certain lands in Tyrrell county.

The General Assembly of North Carolina do enact :

Certain adjoining land-owners required to widen, clean out, &c., Rider's creek canal, Tyrrell county.

SECTION 1. That Reddie Alexander, J. W. Swain, W. E. Spencer, W. F. Reynolds, C. W. Swain, Benjamin Reynolds, T. L. Jones, trustees, and such others as may be associated with them owning lands contiguous to and lying upon the canal known as the Rider's Creek canal in Tyrrell county, beginning at a point four feet north-east of a pine, J. W. Swain's and Reddie Alexander's corner, and running thence northwardly and westwardly through the lands of W. E. Spencer, Annie Litchford, Ab. Alexander and others to Rider's creek, 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 dig, widen, clean out and keep in repair said canal, so as to give sufficient passage of water for the better draining of the lands of all parties interested, and thereby render the same fit for cultivation, and keep

the same cleaned out and repaired from year to year or as often as the same may be necessary: *Provided*, that no land-owner shall be required to dig, clean out or keep in repair only his or her apportionate part of said canal: *And provided further*, that if any of the lands of the parties aforesaid, or any others who may become parties, shall, by purchase or descent, be transferred to any other person or persons, such person taking the same by descent or otherwise shall be subject to the provisions of this act.

SEC. 2. That if in the opinion of any of said canal-owners or subsequent owners as provided for in section one any other of said owners at any time shall fail or refuse to perform the duties required of him by this act, in that case he or she may apply in writing to any justice of the peace in Tyrrell, 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 review the premises complained of and ascertain whether the cause complained of be true, and render judgment according to the findings in writing, a copy of which shall be filed by said justice with the superior court clerk of the county within ten days after judgment is rendered; if the judgment be in favor of the complainant, then the owners of said canal, 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 costs and expense to be estimated by said justice and two disinterested land-holders, 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*, the cost of the proceedings, 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 the judgment shall be given.

SEC. 3. That it shall be unlawful for any person or persons to cut any ditch or drain or obstruct in any way said canal which would prove injurious to the owners thereof or any adjacent owners. Any such person or persons violating the provisions of this act shall be guilty of a misdemeanor, and for each and every offence to be fined not more than fifty dollars or imprisoned not to exceed thirty days.

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

Ratified the 5th day of March, A. D. 1891.

Proviso.

Proviso.

Proceeding against land-owner failing to perform duties required by this act.

Lien.

Obstruction, &c., of canal, a misdemeanor.

CHAPTER 334.

An act to amend chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-nine, concerning pensions.

The General Assembly of North Carolina do enact :

Chapter 198, laws 1889, amended. County advisory board of pensions established.

Of whom to consist.

County board of pensions to refer applications to advisory board for inquiry, &c.

Applications presented first Monday in July, to be considered first Monday in August, and immediately forwarded to auditor.

Advisory board to sit with county board.

Proviso.

When applications to be forwarded.

After original application allowed, certificate to be there after annually filed to be endorsed by advisory board.

SECTION 1. That to section four of said chapter add the following: "In order that the county board of pensions may be assisted in its work of determining the justness of the claim of applicants for pension as called for in this section, the auditor of the state shall establish in each county a board to be known as 'The County Advisory Board of Pensions,' which board shall consist of the executive committee of the County Confederate Veterans' Association established under act of general assembly, chapter ninety-seven, laws of one thousand eight hundred and eighty-nine, where such association exists, or where such association does not exist then the said board shall be composed of five ex-Confederate soldiers who were actively engaged in the late war between the states. To this advisory board of pensions the county board shall refer all applications for pensions immediately upon their presentation, and the said county advisory board shall proceed at once to inquire into the justness of each claim and be prepared to furnish all necessary information to the county board of pensions at its meeting one month succeeding the date at which the applications were first presented before the said county board for consideration: *Provided*, that applications presented on the first Monday in July of each year may be duly inquired into and considered by the county advisory board as herein provided for, and shall be acted on by the county board of pensions on the first Monday in August following and forwarded by the clerk of the superior court immediately to the auditor of the state to be filed and considered by the state board of pensions the same as applications acted on and filed prior to the first Monday in July, and the said county advisory board of pensions, constituted as aforesaid, shall 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 pension are justly entitled to the same: *Provided further*, that the said county advisory board shall render free of charge the services herein set forth."

SEC. 2. That in the fifth line of section five of said act between the words "in every year thereafter" and the words "the application and proof," insert the words "subject, however, to the provisions of the foregoing section."

SEC. 3. That in the fifth line of section six of the said act between the words "originally filed" and the words "setting forth," insert the following: "endorsed by the county advisory board of pensions."

SEC. 4. That to section twelve of the said act the following words shall be added: "All warrants issued by the auditor to pensioners whose names appear on the certified lists from the counties, but who die before the warrants are received, shall be regarded as assets of said deceased pensioners and shall be paid accordingly, in manner as prescribed by the state treasurer." Warrants issued by auditor to pensioners dying before they are received, to be regarded as assets of deceased and paid by treasurer.

SEC. 5. That after section nineteen of the aforesaid act, the following section shall be added: "A sum not to exceed three hundred dollars annually is hereby appropriated out of the pension fund to be expended by the auditor of the state as he may deem best and necessary in order to the more certainly carrying into effect this act according to its true intent and purpose." \$300 appropriated to carry act into effect.

SEC. 6. This act shall be in force from and after its ratification.
 Ratified the 5th day of March, A. D. 1891.

CHAPTER 335.

An act to incorporate the Carolina, Greenville and Northern Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That A. N. Shown, John McCampell, D. C. McMillian, Body politic.
 A. S. Johnson, W. Gohagan, B. F. Gohagan and J. C. Pritchard, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Carolina, Greenville and Northern Railroad [Company], and by that name and style they and their successors and assigns shall have succession for ninety-nine Corporate name.
 years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this state or elsewhere, shall have a common seal, which it may use and break at pleasure, and they and their successors and assigns by the same corporate name and style shall have the power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and objects of this corporation. That they shall have power to make such by-laws and regulations consistent with the laws of this state and the United States for their own government and for the due and orderly conducting of their affairs and the management of their property. Corporate powers.

SEC. 2. That the said company shall have the right to maintain Termini.
 and construct a railroad with one or more tracks to be used and operated by steam from Hot Springs, North Carolina, to the Tennes-

- Authorized to operate part of road. see state line on the Allen's Stand road *via* Gohagan's and Allen's Stand. The said company may in its discretion construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge for said road as they may think proper.
- Gauge.
- Capital stock. SEC. 3. That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to one million dollars. It shall be divided into shares of one hundred dollars each and be transferable upon the books of the said company as the law may direct.
- Books of subscription. SEC. 4. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine, and to that end any two of said corporators may, by twenty days' notice, cause a meeting of the said corporators to be held in the town of Hot Springs, North Carolina.
- Organization. SEC. 5. That as soon as the sum of twenty-five thousand dollars shall have been subscribed by solvent subscribers to the capital stock of said company, then it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act and to elect a president and vice-president, and not less than four nor more than fifteen directors, a majority of whom shall be necessary for the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified; and the directors chosen at said meeting and annually thereafter shall elect a treasurer and secretary and such other officers as may be necessary, who shall hold their offices during the pleasure of the said board of directors, subject to such rules and by-laws as may be adopted for the government of the said company; that in case of the death or resignation of the president, vice-president or any director, such vacancy may be filled for the remainder of the year, whenever it may happen, by the said board of directors, or a majority of them; that in all elections for president, vice-president and directors, each share of stock represented in person or by proxy shall be entitled to one vote; the meetings of stockholders shall take place as provided for in the said by laws.
- President, &c.
- Officers.
- Vacancies.
- Stock vote.
- Location of road. SEC. 6. That the board of directors shall, as soon after the organization as possible, proceed to locate and have constructed the said railroad on the route they may find most practicable by the route as aforesaid.
- Entry on land. SEC. 7. That it shall be lawful for the president and directors, their agent, superintendents, engineers or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling or laying out of the route of said railroad and locating the same, and to do and erect all necessary 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 secretary of state, then it shall be lawful for the said company by the officers, agents, engineers, superintendents, contractors and others in their employ, to enter upon, take possession of, hold, use and excavate any such land, and to erect all the work necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided always*, that the payment, or tender of payment, of all damages for the occupancy of all land through which the said road may be laid out be made before the said company shall enter upon, or break ground upon the premises, except for surveying or laying out said road, under [and] the consent of the owners thereof be first had and obtained. Proviso.

SEC. 8. That when any land or right-of-way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owners, the same may be taken at a valuation of five commissioners, or a majority of them, to be appointed by the clerk of the superior court of the county where some part of the right-of-way is located: *Provided, nevertheless*, that if any person or persons over whose lands the road may pass or the company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county where the valuation has been made, subject to the same restrictions, rules and regulations as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right-of-way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued and there to remain a matter of record, and the land or right-of-way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered in case of refusal: *Provided*, that upon application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if they cannot be found, then that such notice of such application has been published for at least thirty days in some newspaper printed as convenient as may be to the court-house in the county in which the application is made: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any Condemnation of land.

Proviso.

Proviso.

clerk of the court and justice of the peace : *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove the dwelling-house, yard or garden or burial ground of any individual without his or her consent.

Powers of directors.

SEC. 9. That the directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freight, produce and merchandise as may be authorized and fixed by the said company not inconsistent with the laws of this state, and may lease and farm out such right to any person whatsoever. That the said company shall prorate for freights and travel upon mutually reciprocal terms with the company, owners or operators of any other railroad in this state which may connect with said company's road, subject to the railroad commission law of this state.

Authorized to issue mortgage bonds.

SEC. 10. That the said company is hereby authorized, if it becomes necessary for the construction, improvement or keeping in repair of said road, to issue coupon bonds of such denominations and value at such rates of interest as they may see fit, and payable at such times and places as the president and board of directors may determine, and such other evidences of indebtedness as the president and board of directors may determine; and to secure the payment of these bonds and other evidences of debt issued as aforesaid, and the interest thereon, the Carolina, Greenville and Northern Railroad Company may execute and deliver mortgage deed or deed in trust, signed by the president and countersigned by the secretary of said company, conveying its franchise and property, including its road-bed, superstructure, choses in action and real and personal estate of whatever kind to the holder of said bonds, or to such persons as the president and directors may elect in trust for them, and the deed so executed and registered only in the county of Madison shall have priority over all other liens upon said road and property.

Registration of mortgage deed.

SEC. 11. That the said railroad company shall have the right to construct its railroad across other railroads and other roads at convenient points in such way as to do the least damage and occasion the least inconvenience.

Authorized to build across other roads.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 336.

An act to incorporate the South Carolina, Seaboard and Western Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of building and operating a railroad from the Southern [South] Carolina line at a point in either Transylvania or Jackson county to such point on the Tennessee line in the direction of Knoxville as shall be found most desirable through the counties of Transylvania, Jackson, Cherokee, Macon, Swain, Graham, Henderson, Buncombe, Clay and Haywood or any of them, M. C. Butler, I. Q. Marshall; T. J. Rosser, Jas. G. Gibbs, M. L. Bonham, T. S. Verner, W. G. Childs, Bradley T. Johnson, Thos. J. Rosser, junior, M. C. King, W. H. McClure, C. D. Smith, E. R. Hampton, Alden Howell, and such other persons as they may associate with them, be and the same are hereby incorporated into a body politic, under the name of the South Carolina, Seaboard and Western Railroad Company, and that the said corporators and their successors and assigns under said corporate name shall have a corporate existence and as such may exercise the powers granted herein 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 of the state of North Carolina.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time to any sum not to exceed five millions of dollars, and may be created by subscription on the part of individuals, municipal, county 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 for the construction of said railroad in such manner and on such terms as may be agreed on by the president and directors of said company.

SEC. 3. That for the purpose of creating the 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 said corporators.

Route.

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Subscriptions, how made.

Books of subscription.

Organization.

SEC. 4. 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 five of them may act) to call a general meeting of the stockholders of said company, of which meeting due public notice shall be given for at least twenty days prior thereto, specifying the day and place of meeting, at which a majority of the stock subscribed shall be represented in person or by proxy, at which meeting said stockholders shall proceed to elect a board of directors of not less than seven nor more than fifteen, and said directors shall proceed to elect one of their number president and provide such by-laws and regulations as may be necessary for the complete and effectual organization of the company.

By-laws.

Authorized to issue mortgage bonds.

SEC. 5. That said company shall have power to borrow money and issue bonds and secure the payment of the same by mortgage or deed of trust upon its property and franchises or any part thereof.

Condemnation of land.

SEC. 6. Whenever any land or right-of-way may be needed by said company for the construction of its road or any of its branches and the same cannot from any cause be obtained from the owner or owners by private negotiations upon satisfactory terms 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 one thousand eight hundred and seventy-three and four, incorporating the Seaboard and Raleigh Railroad Company.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 337.

An act in relation to the establishment of children's homes in the several counties of the state and the maintenance thereof.

The General Assembly of North Carolina do enact :

County commissioners authorized to establish indigent children's homes.

SECTION 1. That the board of commission[er]s of any county of the state may, in their discretion, establish and maintain by taxation one or more children's homes for the purpose of supporting, reclaiming and educating indigent children of such county, and when any such institution shall be established and organized as herein provided, the same shall be a body politic and corporate under such name and style as the board of commissioners shall designate, and shall be under the management of a board of five directors, at least two of whom shall be ladies, who shall be biennially appointed by the board

Body politic.

Directors.

of commissioners, and shall hold for two years and until their successors are appointed, and shall serve without reward, save their traveling expenses necessarily incurred in the discharge of their official duties: *Provided*, that three of the directors first appointed after the establishment of such institution shall hold for only one year, but when their terms shall expire their successors shall be appointed for two years.

Proviso.

SEC. 2. The board of directors shall organize by electing one of their number president and one secretary, and shall meet at stated times not less than once in each month [and] at such other times as they may deem necessary.

Organization and meetings of directors.

SEC. 3. The powers of each of said corporations when so established and organized shall only be exercised by its board of directors, and all actions or proceedings by or against the same shall be in the name of the said board.

Corporate powers to be exercised by directors.

SEC. 4. The board of directors of each of said corporations shall direct and manage the affairs of their institution, and shall for its purposes have power to adopt a common seal, receive, hold, manage, convey or otherwise dispose of in the name of their institution all such property or estate as may be given, devised, bequeathed or otherwise conveyed to their corporation, and also to erect all necessary buildings, make improvements, or in general do all matters and things which may be beneficial to the good government and proper conduct of the institution, and to this end may make by-laws for the government of the same consistent with the laws of the state.

Powers of directors.

SEC. 5. The board of directors of each of said corporations shall annually elect a superintendent of their institution, and such assistants as may be necessary, and prescribe their respective duties, and with the advice and consent of the board of commissioners of the county shall fix their salaries and compensation.

Directors to elect superintendent, &c.

SEC. 6. The board of directors shall have power to remove the superintendent or any assistant or employees of their institution for immorality, neglect of duty, cruelty to or neglect of inmates, or any other good and sufficient cause, and to fill all vacancies which may occur for any cause.

Removal of superintendent, &c.

SEC. 7. The county treasurer of the county in which any such institution shall be established shall be *ex officio* treasurer of said institution, and shall report to the board of directors and the board of county commissioners at such times as either of said boards may call on him, showing the amount received on account of the institutions, amount paid out and the amount on hand.

County treasurer to be treasurer.

Report.

SEC. 8. The board of directors of each of said institutions shall make a report to the board of commissioners of their county at least once in every three months, showing the number of inmates, how employed, their health and condition, the expenses incurred, and the condition of the institution in its various departments, and at the

Directors to make report to commissioners and superior court clerk.

same time shall make a like report to the clerk of the superior court of said county, and shall, from time to time, give any information either the board of commissioners or the clerk of the superior court may require.

Commissioners and clerk to visit institution.

SEC. 9. Said institution shall at all times be open to the visitation of the board of commissioners and the clerk of the superior court of the county by which the same may be established or maintained, and it shall be the duty of said board of commissioners and clerk of the superior court to visit the same at least once in every three months.

Special tax.

SEC. 10. The board of commissioners of any county of the state in which an industrial school or children's home has been or hereafter may be established and put into successful operation for the exclusive purpose of supporting, reclaiming and educating indigent children of such county, may provide by taxation and appropriate from the county treasury a sufficient sum of money to pay in full or in part such reasonable and necessary expenses as may be approved by the said board of commissioners for the maintenance of such industrial school or children's home: *Provided*, that such industrial school or children's home shall be open to the visitation of the board of commissioners and the clerk of the superior court of said county:

Appropriation from county treasury.

Proviso.

And provided further, that the directors, trustees or managers of such institution shall make report to the said board of commissioners and the clerk of the superior court, as required by this act in case of such institutions as may be established under the provisions of this act by the board of commissioners of any county: *And provided further*, that the provisions of this section of this act shall in no case apply to any industrial school or children's home which is sectarian in its character or conducted by or in the interest of any religious sect or denomination.

Proviso.

Proviso.

SEC. 11. Indigent children within the meaning of this act shall include: first, all orphans whose estates are of so small value that no person will maintain or educate them for the same or the income therefrom; second, any poor child who is or may be chargeable to the county, or shall of necessity beg alms; third, any child whose father has deserted his family leaving them without sufficient support; fourth, any child whose father shall become an habitual drunkard and shall neglect to provide for his family sufficient support and the mother is unable to provide such support or neglects to provide the same; fifth, any child who has no father and whose 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; sixth, any child whose parents have no visible means of support and do not habitually employ their time in some honest, industrious occupation and suffer their children to grow up in idleness and vagrancy.

Meaning of "indigent children."

SEC. 12. The directors of any institution which may be established by the board of commissioners of any county under the provisions

What indigent children to be received by directors into institution.

of the first section of this act, or the directors, trustees, or managers of any industrial school or children's home to which the board of commissioners of any county may lend aid, under the provisions of the tenth section of this act, shall take under their guardianship and receive into their institution, if the same shall afford sufficient accommodations for them, all indigent children of such county under the age of fourteen years who may be committed to their care and custody in either of the following modes: *First.* Children who may be committed to such institution by the board of commissioners of the county by which the same may be established or aided on the ground that they are chargeable to the county. *Second.* Children who, upon the application of the directors, trustees or managers of such institution or of any two respectable citizens of the county, may be committed to the care and custody of the directors, trustees or managers of such institution by the clerk of the superior court of such county as hereinafter provided on the ground that the same are indigent within the meaning of this act.

SEC. 13. On application of any person to have a child committed to any such institution it shall be the duty of the clerk of the superior court to inform himself of the circumstances of the case, and for this purpose he shall cite before [him] one or more of the directors, trustees or managers of such institution and also the parents, parent or guardian or next friend or other person having the custody of such child, and shall carefully by affirmation examine such persons as he may deem proper as may be offered as witnesses, and the evidence taken by him he shall commit to writing and shall file the same, together with his findings of facts and his adjudication thereon, as a record of said court, and shall record his final judgment or order in the case in a book to be kept by him for that purpose. If he shall adjudge such child to be indigent within the meaning of this act he may issue to the directors, trustees or managers of such institution under the seal of said court a commitment of said child to their care and custody, and such commitment shall be received in all courts of this state as proof of the guardianship of said directors, trustees or managers over said child and their right to retain the said child in their custody under this law: *Provided*, that no white child shall be committed to any such institution established or maintained for colored children, and no colored child shall be committed to any such institution established or maintained for white children: *And provided further*, that no child shall be committed to any such institution unless such child shall have acquired a legal settlement in the county by which such institution is maintained or aided as is now required in case of paupers.

SEC. 14. Any party to such proceeding before the clerk of the superior court of any county may appeal from the decision of the

Proceedings before superior court clerk on application for committal of child into institution.

Proviso.

Proviso.

Appeal from decision of clerk.

clerk on any issue of law or legal inference to the judge of said court as now provided by law for appeals from the clerk in other cases.

Directors, &c., to have custody of children.

SEC. 15. The directors, trustees or managers of each institution shall have the custody and guardianship of such children as shall be committed to them in the manner herein prescribed till such male children shall attain the age of twenty-one, and such female children the age of eighteen years, and may appear before the clerk of the superior court of the county in which such institution is located and consent that any of said children may be apprenticed by indenture in the name of said clerk, as now provided by law for apprenticing indigent children, and may also consent to the adoption of any such child or children by any person as fully and completely as the parents or guardians of any such child or children could do were they present and capable to consent thereto, and if for any cause the indenture by which such child or children shall be apprenticed shall be cancelled, the said directors, trustees or managers shall resume the custody and management of such child or children, and shall have the same powers and authority over it or them as before the indenture was executed: *Provided*, that the said trustees, directors or managers may, with the consent of the clerk of the superior court, return any child committed to their custody and guardianship to its parents when in their judgment the best interests of the child will be subserved thereby, or they may discharge it to care for itself when they shall deem it capable of doing so.

How children apprenticed.

Adoption of children.

If apprentice indenture cancelled, custody of child to be resumed.

Proviso.

Directors to keep record of children

SEC. 16. The trustees, directors or managers of any institution established under the provisions of this act or to which the board of commissioners of any county may lend aid under such provisions shall cause to be entered in a book to be provided by them for that purpose, the age, parentage, place of residence and present condition of every child received into such institution, and also the time when, the place where and the persons to whom any of the inmates of such institution have been placed or indentured or caused to be adopted, at the time when and the reasons why discharged from such institution.

Directors, &c., to make institution as self supporting as possible.

SEC. 17. The board of directors, trustees or managers of such institutions shall so manage and conduct the same as to make them as nearly self-supporting as is consistent with the purposes of their creation, and for this purpose shall have power to employ the inmates thereof for such time as they may deem proper in any respectable and useful occupation, art or trade, and shall as often as [is] expedient cause the inmates to be apprenticed as hereinbefore provided to some tradesman of a useful art or mystery.

Act applicable only to Buncombe county.

SEC. 18. That this act shall only apply to Buncombe county.

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 338.

An act to promote and protect the oyster interests of the state.

The General Assembly of North Carolina do enact :

- SECTION 1. It shall be unlawful for any person to use or cause to be used any drag, scrape, dredge, patent tongs, or other instrument, except hand tongs, for the purpose of catching or taking oysters from the public oyster grounds of the state. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned not less than one year in the state prison, and shall furthermore forfeit the boat used for such unlawful purpose, together with all its appliances and appurtenances thereto belonging. Said boat, its appliances and appurtenances to be advertised for thirty (30) days at the court-house door by the sheriff of the county wherein the arrest and seizure was made and sold by him at public auction, and the proceeds of said sale shall be applied to the oyster fund of the state. Whenever any such instrument as is forbidden by this section to be used in the taking of oysters is found on any boat engaged in the catching or transportation of oysters, it shall be *prima facie* evidence of the use of such instrument, and the burden shall be upon those in charge of such boat to prove that said instrument has not been used.
- SEC. 2. No person shall use or cause to be used in any of the waters of the state any instrument or boat for the purpose of taking or catching oysters from the public grounds of the state unless he shall have resided continuously in the state at least twelve (12) months next preceding the day upon which he shall begin to take oysters; and no non-resident of the state shall make any sale or transfer of any oystering apparatus to be used for the benefit of such non-resident, or to be used by such non-resident as the servant or employee of a citizen, and any such sale or transfer not made *bona fide* and for full consideration shall be void. Upon affidavit founded upon information and belief that any non resident is operating any such apparatus as aforesaid in the waters of the state under such pretended sale or transfer, or as the pretended employee of any citizen, it shall be the duty of the justice of the peace before whom such affidavit is made to issue a warrant against such non-resident and citizen, and upon sufficient evidence shall require them to enter into a justified bond in the sum of one thousand dollars each for their appearance at the next term of the superior court of the county in which such arrest is made, and upon conviction said defendants shall be fined not less than five hundred dollars, or imprisoned in the county jail, to be hired out by the commissioners of said county, for
- Unlawful to use any instrument, except hand tongs, to take oysters from state grounds.
- Misdemeanor.
- Forfeiture.
- Prima facie* evidence.
- Only residents to use instrument or boat to take oysters from state grounds.
- Non-resident not to sell oystering apparatus for his use, &c.
- Proceeding against non-resident operating oystering apparatus, &c.
- Penalty.

Burden of proof. a term of not less than one year. Upon the trial the burden of proof shall be upon the defendants to show the *bona fides* of such transfer.

Resident to obtain license for use of boat. SEC. 3. Any resident of the state desiring to use any boat in the catching or taking of oysters from the public grounds of the state shall first obtain license for said boat from the clerk of the superior court of the county wherein he resides, and such license shall have effect for the period of twelve months next succeeding the first day of October upon which or previous to the day upon which said license is issued.

To run twelve months from October 1. SEC. 4. Each and every license to use any boat in which to catch or take oysters shall state the name and residence of the person to whom the same is to be granted, the length by top or over all measurement of the boat, the county granting said license and the time at which said license will expire. No license shall be granted for a period less than twelve months: *Provided*, that the clerks of the superior courts may grant license to those applying for the same under the provisions of this act from the period extending from the time this act shall go into effect to the first day of October, eighteen hundred and ninety-one, and charge therefor a sum proportionate to the amount required for a license for one year under this act.

What license to state. Every applicant for such license shall pay to the clerk of the court issuing such license and before the same is granted according to the following rates, viz.: for any boat measuring twenty feet or less, the sum of one dollar and fifty cents per year; measuring over twenty feet and not exceeding twenty-five feet, the sum of two dollars per year; measuring over twenty-five feet and not exceeding thirty feet, the sum of two dollars and fifty cents per year; measuring over thirty feet and not exceeding thirty-five feet, the sum of three dollars per year; measuring over thirty-five feet and under custom-house tonnage, the sum of three dollars and fifty cents per year, and for all boats of custom-house tonnage, the sum of one dollar per year per ton for each ton burthen; and the clerk shall collect a fee of twenty-five cents additional for each license issued.

Fees. SEC. 5. Any person desiring to catch oysters, whether in connection with or as the servant or employee of another who is in possession of a licensed boat, or to catch or take oysters by himself in said licensed boat, shall first obtain individual license. Every applicant for such license shall pay to the clerk of the court where such license may be granted and before issuing the same the sum of two dollars and a half and a clerk's fee of twenty-five cents additional, and such license shall have effect for the period of twelve months next succeeding the first day of October upon which or previous to the day upon which said license is issued, and no individual license shall be granted for a shorter period than twelve months: *Provided*, that the clerks of the superior courts may grant license to those applying for the same under the provisions of this act for the period

Individual license. Fee. To run twelve months from October 1. Proviso.

extending from the time this act shall go into effect to the first day of October, eighteen hundred and ninety-one, and charge therefor a sum proportionate to the amount required for a license for one year under this act. Every applicant, whether for boat license or individual license, shall make oath before the clerk authorized to issue the same and previous to the granting of the said license that he has been a *bona fide* resident of the state for twelve months next preceding said application, that he will employ no servant to catch oysters for him who is not duly licensed, and that he will faithfully regard and obey all the laws of the state regulating the taking of oysters. Said application and oath subscribed by the applicant shall be filed in the clerk's office of the county wherein said application is made, and shall be an agreement upon the part of the applicant with the state. Should any person after obtaining license violate the terms of said agreement he shall forfeit his license and no other shall be granted him until the license shall have expired which was forfeited, and moreover he shall be guilty of perjury, and upon conviction shall be punished as is provided under the laws of the state for said crime. Any person who shall catch or take oysters without individual license as provided in this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or imprisoned in the county jail not less than six months, to be hired out at the discretion of the county commissioners.

SEC. 7. Every person to whom a boat license is issued shall paint the name of the county by which said license is granted, and the number of his boat on the outside near the gunwale in white figures not less than three inches in length on a black back-ground, and no number other than that in said boat license shall be exposed to view on said boat; and a boat once numbered shall retain its original number, and all license subsequently issued shall be by the number of the boat. Any person or persons failing to comply with the provisions of this section before using any boat for the purpose of taking or catching oysters shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or imprisoned in the county jail not less than six months, to be hired out in the discretion of the county commissioners.

SEC. 8. All forfeitures of licenses shall be declared by the clerk issuing said license, when any person has been convicted of any offence in violation of this chapter which works a forfeiture. A notice of forfeiture of license shall be issued by said clerk and directed to the sheriff of the county, commanding him to serve the same upon the defendant and make due return thereof to the said clerk of the court. After notice has been served upon said defendant he shall be guilty of taking oysters without license for each and every day that he shall take or catch oysters subsequent to the service of said notice upon him.

Oath.

Oath, how construed.

Forfeiture of license.

Perjury.

Misdemeanor to take oysters without license.

Penalty.

Name of county granting license and number of boat to be painted on boat.

Misdemeanor. Penalty.

Clerk issuing license to declare forfeiture. Notice to defendant.

Effect of notice.

Misdemeanor to use unlicensed boat to take oysters.	SEC. 9. If any person or persons shall use or cause to be used any boat not licensed as required by this article to take or catch oysters he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, or imprisoned in the county jail for not less than six months, to be hired out in the discretion of the county commissioners.
Penalty.	
Misdemeanor to take oysters from state grounds on Sunday or at night.	SEC. 10. It shall be unlawful for any person or persons to take or catch oysters from any of the public grounds of the state on Sundays or at night. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.
Fines, how applied.	SEC. 11. One-half of all the fines imposed by this article shall go to the informer and officer making the arrest equally; the other half shall go to the oyster fund of the state: <i>Provided</i> , this section shall not apply to officers regularly appointed upon the patrol force of the state hereinafter provided for, but in such case the entire penalty shall go to the oyster fund of the state.
Act applicable only to state oyster grounds.	SEC. 12. Nothing in the provisions of this article shall apply to the taking or catching of oysters except upon the public grounds of the state.
Burden of proof.	SEC. 13. Upon the trial of all causes arising under the provisions of this act for the illegal taking of oysters from the public grounds, the burden shall be upon the defendant or defendants to show that said oysters were not taken from the public grounds or natural oyster rocks of the state.

ARTICLE II.

Oysters to be culled on grounds where taken.	SECTION 1. All oysters taken from the public grounds of this state from the first day of October to the first day of May, inclusive, of each year shall be culled upon the public grounds from which they are taken; and all oysters whose shells measure more than two inches from hinge to mouth, and all shells taken with said oysters, shall be returned upon said public grounds: <i>Provided, however</i> , where the spat or small oysters adhere so closely to the shells of the marketable oyster as to render its removal impossible without the destruction of the young oyster, then such removal shall not be necessary. It shall be unlawful for any person to have in his possession for sale any cargo, or portion of a cargo, of which empty shells and small oysters shall amount to more than ten per cent. of said cargo: <i>Provided</i> , this section shall not apply to mussels on oysters, or to oysters which, when culled of mussels, shall leave less than seventy-five per cent. of culled oysters. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.
Certain oysters to be returned. Proviso.	
Unlawful to have in possession more than ten per cent. of empty shells, &c. Proviso.	
Misdemeanor.	

SEC. 2. Inspectors of oysters shall be appointed by the chief commissioner at each point where the market for oysters is sufficient to justify such appointment, and as many of them shall be appointed as may be necessary. Each inspector shall be required to enter into a justified bond in the sum of five hundred dollars, to be approved and accepted by the chief commissioner, who may, when he thinks necessary, cause said bond to be increased to an amount not exceeding one thousand dollars. And said inspector shall, within ten days after appointment, qualify by taking [the] oath prescribed by section three thousand three hundred and fifteen, subsection forty-seven of The Code, before some officer authorized to administer oaths. And upon qualification, the chief commissioner shall issue to him a commission. The duty of said inspectors shall be: to keep accurate accounts of all oysters sold: to supervise the measurement of the same; to see that no illegal tub for measurement is used; to have one bushel out of every one hundred bushels dumped apart from the balance of the cargo and culled, and to take the percentage of marketable oysters and culls. Should the oysters, when culled as provided for in section one of article two, show greater than ten per cent. of small oysters, the inspectors shall at once proceed to procure a warrant from a justice of the peace and try the offender as provided for in section one of article two.

Inspectors of oysters.

Bond.

Oath.

Commission.

Duties.

SEC. 3. Each inspector shall, at the end of each month, make out a report of all oysters sold under his inspection, the prices paid for the same; the expense of having one bushel in every one hundred culled; of all actions brought by him and the result of the same, and shall make affidavit of the correctness of said report before some officer authorized to administer oaths, and shall forward said report to the chief commissioner hereinafter provided for.

Inspectors to make report to chief commissioner.

SEC. 4. Each inspector shall receive one cent for each bushel-tub of oysters measured under his inspection, to be paid for by the purchaser, and from the fund so created the inspector shall pay the expenses of culling the oysters purchased under his inspection, and shall retain the balance of said fund for his own compensation: *Provided, however,* that if such balance shall exceed fifty dollars per month, then the excess of such fund above fifty dollars shall be forwarded by the inspector to the chief commissioner hereinafter provided for, and it shall go into the general oyster fund of the state. Any inspector who shall fail to make his reports as required shall be removed by the chief commissioner hereinafter provided for. Any inspector who shall fail to require oysters to be properly culled as provided for in section one, article two, or shall make a false report, or fail to procure warrant for any person whose oysters are not culled as required by this article, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or

Compensation of inspectors.

Proviso.

Removal for failure to make report. Failure to perform certain duties a misdemeanor.

Penalty.

imprisoned in the county jail not less than six months, to be hired out in the discretion of the county commissioners.

Unlawful to take oysters from state grounds between certain dates, &c., except to plant.

SEC. 5. It shall be unlawful for any person or persons to take or catch oysters from the public grounds of the state from the first day of May to the first day of October in each year, except to plant upon regularly licensed oyster gardens in this state: and during said period the culling and inspection of oysters hereinbefore provided for shall not be required, but no oysters taken or caught from the public grounds of the state during [said] time shall be sold for marketable purposes, nor shall be taken beyond the limits of the state: *Provided*, nothing contained in this section shall prevent persons duly licensed from catching oysters for and selling them to citizens of the state for their own immediate consumption. Any person violating the provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars or imprisoned in the state prison not less than one year: *Provided*, that nothing in this act shall be construed to prevent the sale of marketable oysters, properly inspected, from being sold beyond the limits of the state during the period beginning the first day of October and ending the first day of May of each year. But if during said season any person or persons shall carry beyond the limits of the state any oysters not properly culled and inspected according to the provisions of this act, he or they shall be guilty of a misdemeanor and upon conviction shall be subject to the penalty prescribed by section six of this title.

Proviso.

Misdemeanor.

Proviso.

Misdemeanor.

Misdemeanor to take oysters between certain dates except to plant.

SEC. 6. If any person employing any licensed boat or persons to catch oysters or purchasing oysters between the first day of May and the first day of October shall use the oysters so caught or purchased for any other purpose than to plant on regularly licensed oyster gardens or for immediate consumption he shall be guilty of a misdemeanor for fraudulently obtaining said oysters, and upon conviction shall be fined not less than five hundred dollars or imprisoned in the state prison not less than one year.

Penalty.

ARTICLE III.

Oysters, how measured.

SECTION 1. All oysters measured in this state shall be measured in a one-half bushel tub, a bushel tub or a three-bushel tub, and each of said measures shall be a circular tub with straight sides and straight solid bottom, with holes one-half inch in diameter in bottom, if desired, for draining; and said measures shall have the following dimensions, viz.: a half-bushel tub shall measure from inside to inside fifteen inches across the top, thirteen inches from inside to inside across the bottom and seventeen inches diagonal from inside chimb to top; a bushel tub shall measure eighteen inches from inside to inside across the top, sixteen inches and a half from inside

to inside across the bottom and twenty-one inches diagonal from inside chimb to top; a three-bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside across the bottom and twenty-nine and one quarter inches diagonal from inside chimb to top.

SEC. 2. Any person engaged in buying and selling oysters in this state who shall have in his possession any instrument for the measurement of oysters in the shell which differs in size or description from the measures mentioned in this article for the purpose of using the same to measure oysters shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars or imprisoned not less than five nor more than thirty days, and the burden of proof shall be upon the defendant to show that he did not intend to use such illegal measure.

Misdemeanor to have in possession instruments for measuring oysters except as provided in this act.

Burden of proof.

SEC. 3. It shall be the duty of the standard-keeper of each county to stamp all measures used for the measuring of oysters in the county of which he is standard keeper as is provided for the stamping of other measures in section thirty-eight hundred and forty-one of The Code: *Provided*, this article shall take effect after the first day of October, eighteen hundred and ninety-one.

Duty of standard-keepers.

ARTICLE IV.

SECTION 1. The governor shall appoint one chief commissioner, whose term of office shall be for two years unless removed upon complaint and good cause shown: *Provided*, that the term of office for the first chief commissioner appointed under this act will expire on the last day of September, one thousand eight hundred and ninety-three. He shall receive as a salary the sum of twelve hundred dollars per annum in instalments of one hundred dollars per month, which shall be deducted from any money in his hands belonging to the oyster fund, and the said deduction shall be allowed him by the board of shell-fish commissioners at their semi-annual meetings. Within thirty days after appointment he shall enter into a justified bond with two good and sufficient sureties in the sum of five thousand dollars, the bondsmen to justify before a notary public, justice of the peace or clerk of the superior court of the county wherein said chief commissioner may reside, and the said clerk shall affix his certificate that said bond is good and sufficient and forward the same to the secretary of state. Said bond shall be given for the faithful performance of duty and the safe keeping and accounting for all money placed in his hands. Upon receipt of said bond by the secretary of state the governor shall forward to him his commission; and he shall qualify before the clerk of the superior court by taking [the] oath prescribed by section three thousand three hundred and fifteen subsection forty-seven of The Code.

Governor to appoint chief commissioner.

Term of office.

Salary.

Bond.

Commission.

Oath.

Commissioners to provide forms for superior court clerks.

Duties of clerk.

Fines collected by justices, how applied.

Duties of chief commissioner.

Place of residence.

Chief commissioner to report to board of shell-fish commissioners.

Auditor to audit account; disallowed items recoverable on commissioner's bond.

SEC. 2. The chief commissioner shall provide the clerks of the superior courts of the counties on the coast of North Carolina with all necessary forms of blank applications for license, and forms of blank license for both boat and individual license, and it shall be the duty of the clerk of each county to keep a record of licenses issued by him, the kind issued, if for boat, the number and dimensions of the same, and to whom granted, and the amount collected upon each license. At the end of each month the said clerk shall make a copy from the record of all the work done by him, and send the same, together with all funds on hand from oyster licenses, forfeitures or fines, to the chief commissioner, who shall receipt to him for same.

SEC. 3. The justice of the peace by whom any fines are imposed for any violation of the oyster law, shall forward the same, with a transcript from the judgment docket, of the judgment rendered to the clerk of the superior court of his county. And the amount so forwarded shall be credited to the oyster fund in the hands of the clerk, and forwarded to the chief commissioner.

SEC. 4. The chief commissioner shall keep an accurate account of all oysters sold at the different markets, as stated in the inspector's reports, and shall file the reports of each inspector together and separate from the reports of other inspectors. He shall make and keep an accurate statement of all the reports made by the clerks of the different counties, keep an accurate account of all money paid out and all money received from any source whatsoever belonging to the oyster fund. He shall furnish the captain of patrol with a list of all persons in each county who have been licensed to catch oysters, and also of all who have been granted boat license, together with the number of the boat, and he shall revise said list as often as may be necessary. He shall have printed all forms, records and account books necessary for the different counties and for his own office. He shall pay out of the funds in hand all such salaries and expenditures as are allowed by this act, or which may be necessary to carry into effect the provisions of this act. He shall approve and receive the bonds of all officers, of whom bonds may be required, who shall be appointed for the enforcement of this act. He shall have full authority to administer oaths. His place of residence and office shall be at some point on the coast convenient and accessible to the oyster grounds of the state.

SEC. 5. The chief commissioner shall make semi-annually a full and complete itemized report to the board of shell-fish commissioners at their meetings in December and June, as to all money received by him and of all expenditures made; and the board of shell-fish commissioners shall carefully review said report and pass upon each item and receipt. Said report shall then be forwarded to the auditor of the state, and any item he may disallow the amount thereof may be recovered against such chief commissioner or his bondsmen. He

shall also make an annual certified report on the first day of October of each year of all the reports of the inspectors and of the clerks of the different counties, of all money received from any source whatsoever belonging to the oyster fund and all expenditures, and shall forward one copy of the same to the secretary of state, which shall be published and constitute the statistics of the oyster industry. He shall also forward one copy of said report to the treasurer of the state, and shall pay over to said treasurer any surplus remaining in his hands on the first day of October of each year belonging to the oyster fund. And the treasurer shall keep such sum as may be thus paid in a separate and apart as the oyster fund of the state; and it shall be used and paid out by the treasurer only upon the warrant of the chief commissioner. Should the chief commissioner fail to comply with the requirements of this act he shall, upon complaint of the auditor, secretary of state, or the board of shell-fish commissioners, who shall upon oath set forth the neglect of said commissioner, be removed by the governor and another appointed in his stead.

SEC. 6. The governor shall also appoint one associate commissioner of shell-fish, who shall be *ex officio* captain of the patrol force of the state. His term of office shall be for two years unless removed upon complaint and good cause shown: *Provided*, the first associate commissioner appointed under this act shall remain in office until the last day of September, one thousand eight hundred and ninety-three. He shall receive as a salary the sum of seven hundred and twenty dollars per annum, which shall be paid by the chief commissioner in instalments of sixty dollars per month out of any money in his hands belonging to the oyster fund. Within thirty days after his appointment he shall qualify before the clerk of the superior court of his county by taking the oath prescribed in section three thousand three hundred and fifteen, subsection forty-seven of The Code. In addition to his duties as captain of the patrol force, he shall meet in semi-annual session as one of the board of shell-fish commissioners.

SEC. 7. The professor of natural history of the state university shall be *ex officio* an associate commissioner of shell-fish. He shall meet in the regular semi-annual session as a member of the board of shell-fish commissioners and also at such other meetings as may be called by the chief commissioner: *Provided*, they do not interfere too seriously with his duties at the university. He shall act as the scientific expert of the commission and shall be paid no additional salary, but his expenses shall be paid by the chief commissioner out of any money in his hands belonging to the oyster fund.

SEC. 8. The chief commissioner and the two associate commissioners shall constitute the board of shell-fish commissioners of the state. They shall meet in regular session at such place as may be agreed upon twice in each year: once in December and once in June, or at some other time during the summer months. Special meetings

Further report.

Surplus on hand payable to treasurer.

Separate fund.
How used.

Removal of chief commissioner.

Associate commissioner.

Term of office.

Salary.

Oath.

Associate commissioner of shell-fish.

Duties, &c.

Board of shell-fish commissioners.

Meetings.

- may be held whenever deemed necessary, and shall be called by the chief commissioner, who shall act as chairman of the board. At all meetings of said board two shall constitute a quorum for the transaction of business. It shall be the duty of the board to have a general supervision and control of the oyster industry of the state; to review, examine and pass upon the semi-annual reports of the chief commissioner and the captain of patrol; to make all such regulations as they may deem necessary and requisite for the protection of the state's oyster interests that are not provided for by nor inconsistent with this act; to visit all such public oyster grounds of the state as from the report of the chief commissioner, or the captain of the patrol, or from any other source [they may be led to believe are being overworked], and it shall be their duty to inspect the same, and if upon investigation of such grounds they shall decide that the further taking of oysters therefrom should be prohibited they shall have full power and authority to suspend the further catching of oysters therefrom until such time as they may designate: *Provided*, they shall advertise such suspension by written notice at the court-house door of the county in which such ground is situate, and also in some newspaper published nearest the said ground and of general circulation, for the space of thirty days, after which time if any person shall take oysters from any of said grounds he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars or imprisonment not less than ten nor more than thirty days, one-half of said fine to go to the informer, the other half to the oyster fund.
- Quorum.**
- Duties.**
- Proviso.**
- Misdemeanor to take oysters after notice that taking is suspended.**
- Duties and powers of commissioners.**
- Report.**
- SEC. 9.** The board of shell-fish commissioners are also empowered to examine and locate any natural oyster rocks that have been or may be discovered and have not been located, and shall report the same to the secretary of state. They may investigate any other problems connected with the extension and preservation of the natural oyster grounds or rocks of the state. They shall make a full biennial report to the governor, to be transmitted by him to each general assembly, of all their actions, the extent and result of their investigations, the condition of the industry, and shall advise and recommend such legislation as they deem necessary and proper.

ARTICLE V.

- SECTION 1.** As soon as practicable after the passage of this act, the chief commissioner shall proceed to secure, by purchase or otherwise, a boat suitable for patrolling the waters and protecting the oyster interests of the state, and shall pay for the same out of any funds that may come into his hands belonging to the oyster fund. He shall also furnish said boat with all such furniture, table-ware, arms and ammunition as may be necessary to equip the same and
- Chief commissioner to provide patrol boat.**

make it efficient. And the officers in command of said boat shall have full authority to use said arms to any extent that may be necessary to enforce the oyster laws of the state and regulations of the board of shell-fish commissioners.

Authority of officers to use arms

SEC. 2. The associate commissioner to be appointed by the governor shall be *ex officio* captain of the patrol, and shall personally remain in charge of the same. He may employ as many seamen as may be necessary to manage and control the patrol boat. With the consent and approval of the chief commissioner, he shall appoint as many patrolmen as may be necessary, both for the purpose of manning the patrol boat and for stationary guards as [at] different points in the state, where such guards may be deemed necessary. The number of patrolmen may be increased or decreased whenever in the opinion of the chief commissioner it is necessary. Their compensation shall be fixed by the chief commissioner, and shall be paid by him out of the oyster fund in his hands. Patrolmen shall qualify within ten days after appointment before the chief commissioner by taking the oath prescribed in section three thousand three hundred and fifteen, subsection forty-seven of The Code, or by taking said oath before a clerk of the superior court and filing same with the chief commissioner. Upon qualification the chief commissioner shall issue to them a commission under his hand and seal. Said patrolmen shall thereupon become lawful officers of this state and shall have full power and authority to arrest with or without warrant, *capias* or other process at any point within this state any person charged with a violation of the oyster laws of the state or the regulations of the board of shell-fish commissioners. Patrolmen shall hold their office for only so long as in the discretion of the chief commissioner their services may be required. They shall be subject on all occasions to the commands and orders of the captain of patrol.

Associate commissioner to be captain of patrol.
Employment of seamen.

Patrolmen.

Compensation.

Oath.

Commission.
Authority to arrest, &c.

Term of office.

SEC. 3. It shall be the duty of the captain of the patrol to keep a vigilant guard over the oyster interests of the state, and to see that the laws with regard to the same are not violated, and when they are to bring the offenders to punishment. Whenever any person is arrested by him or the officers under him it shall be his duty to take such person immediately before a justice of the peace of the county wherein the offence was committed and have him bound over for his appearance at the next term of the superior court of said county. He may deputize any patrolman to take charge and be in command of the force during his absence. He shall keep a log of all the movements of the patrol boat, of all services rendered, of all arrests made and of any and all of his official actions. He shall take receipted bills for all supplies purchased for the patrol boat and shall file the same with the chief commissioner. He shall also file all bills for fuel and for repairing said boat, and for all other necessities, with the chief commissioner, who shall pay the same direct to the parties

Duties of captain of patrol.

Proviso. furnishing the same or repairing said boat: *Provided*, all such expenditures shall be approved by the chief commissioner before said expenses shall have been incurred. The captain of the patrol is hereby given full authority to take any other action not herein specifically mentioned which will the better enable him to carry into effect the provisions and intentions of this act. He shall make a full report of all the work done by him and the force under his command to each meeting of the board of shell-fish commissioners, and said report shall be passed upon by them. He shall also notice in his rounds of inspection the different public grounds of the state, which are probably being overworked, and report the same to the board of shell-fish commissioners.

Authority.

Report.

Pay to officers and crew of patrol boat for rations. SEC. 4. The chief commissioner shall pay to the captain of patrol for the rations of the officers and crew of the patrol boat not exceeding nine dollars per month each.

General powers³ of chief commissioner. SEC. 5. The chief commissioner hereinbefore provided for is hereby fully authorized and empowered to take all such action, not herein specifically mentioned, that may be necessary for the proper enforcement and carrying out of the provisions and intentions of this act, and to this end he may expend so much of the money that may come into his hands belonging to the oyster fund as may be necessary, subject to the approval of the board of shell-fish commissioners.

Act not applicable to Onslow county. SEC. 6. This act shall not apply to Onslow county.

Conflicting laws repealed. SEC. 7. All laws or parts of laws that are inconsistent with this act are hereby repealed.

SEC. 8. This act shall take effect from and after the twenty-first day of April, eighteen hundred and ninety-one.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 339.

An act to authorize commissioners of Alamance county to fund debt of county by issuing bonds.

Preamble. THAT WHEREAS, The county of Alamance, from loss of bridges by freshet in one thousand eight hundred and eighty-eight; and loss by reason of county funds deposited in Raleigh [State] National Bank, and portion of improvements to court-house, has become involved in debt to the amount of eight thousand dollars, which debt is represented by notes signed by the chairman and attested by the clerk: and whereas, there are doubts as to the validity of said notes although issued by consent of the justices—

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners for said county are hereby authorized to fund said debt by issuing bonds bearing six per centum interest, with coupons attached for said interest payable annually.

Commissioners of Alamance authorized to issue bonds to fund outstanding debt.

SEC. 2. That said bonds shall be for not less than two hundred and fifty nor more than one thousand dollars each, and shall not be sold or hypothecated for less than par value.

Description of bonds. Not to be sold for less than par.

SEC. 3. That it shall be the duty of the board of commissioners and justices of said county on the first Monday in June, one thousand eight hundred and ninety-one, and annually thereafter, to levy a tax especially to pay the interest on said bonds and ten per centum of the principal thereof until they shall all be paid.

Special tax.

SEC. 4. That the holders of the now existing notes shall have the preference as bidders for said bonds.

Holders of outstanding notes to have preference in bidding for bonds.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 340.

An act to amend chapter twenty-one of The Code and to establish a criminal court for the county of Hertford.

The General Assembly of North Carolina do enact :

SECTION 1. That section eight hundred and two of The Code be and is hereby repealed, and the following substituted therefor: "That a court of record to be called the criminal court of Hertford county is hereby established."

Code, section 802, repealed. Criminal court of Hertford county established.

SEC. 2. That section eight hundred and three of The Code is hereby repealed and the following substituted therefor: "That there shall be one judge of said criminal court, who shall preside over the same. He shall be elected by the justices of the county of Hertford, 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 Hertford the sum of fifty dollars for each term of said court held by him: *Provided*, 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."

Section 803 repealed. Judge of court. How elected, &c. Oath. Qualifications. Compensation. Not prohibited from practicing in other courts.

- Part of section 801 repealed. — SEC. 3. That all of section eight hundred and four after the word "term" in line six is repealed.
- Section 806 amended. If judge not present, sheriff to adjourn court from day to day for three days. SEC. 4. That the words "a majority" in line one of section eight hundred and six be stricken out and [the] words "the judges" be inserted in place thereof, and the words "a sufficient number of the justices" in lines five and six be stricken out and the words "the judge" inserted in place thereof.
- Section 807 amended. Court not discontinued if judge fails to hold it, &c. SEC. 5. That the words "its justices" in line two of section eight hundred and seven be stricken out and the words "the judge" inserted in place thereof.
- Section 808 amended. Court not to have jurisdiction of certain crimes. SEC. 6. That section eight hundred and eight be amended by striking out all after the word "burglary" in line six down to and including the word "robbery" in line seven.
- Section 809 amended. Appeal to supreme court. SEC. 7. That section eight hundred and nine be amended by striking out after the word "the" in line four the word "superior" and the word "superior" in line eight and inserting in lieu thereof the word "supreme."
- Section 810 amended. Trial by consent before judge without jury. SEC. 8. That all of section eight hundred and ten after the word "the" in line four down to the word "upon" in line six be stricken out and the words "judge of said court and his finding" inserted in place thereof.
- Section 815 repealed. Election of judge. SEC. 9. That section eight hundred and fifteen is repealed.
- Terms. SEC. 10. That the justices of the peace of Hertford county shall meet on the first Monday of June, Anno Domini eighteen hundred and ninety-one, and elect the judge of said court, and on said Monday every two years thereafter, and fix the number of terms of said court to be held each year, which shall be at least two, and the time for holding same.
- Transfer of criminal actions from superior court. SEC. 11. That all criminal actions now pending in the inferior court of Hertford county shall be transferred for trial to the docket of the court created by this act.
- The word "inferior" stricken out of chapter 21, Code. SEC. 12. That the word "inferior" wherever it appears in chapter twenty-one of The Code shall be stricken out and the word "criminal" inserted in place thereof.
- Act applicable only to Hertford county. SEC. 13. That this act shall apply only to the county of Hertford.
SEC. 14. This act shall take effect from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 341.

An act for the free passage of fish in Catawba river.

The General Assembly of North Carolina do enact :

SECTION 1. That no person shall place or allow to remain in the Catawba river between the South Carolina line and that point on said river at [the] mouth of Linville river in Burke county any obstruction whatever to the free and open passage for fish unless such obstruction shall leave a free and open passage for fish of not less than one hundred feet at any one place in said obstruction or obstructions, and where there may be such obstructions on both sides of an island or islands or shoal belonging to the same or different persons, then the opening of said obstruction or shoal shall be not less than thirty feet in each of the different channels, under a penalty of twenty-five dollars for every day that such obstruction is allowed to remain, one-half to go to the party suing and the other half to the school fund of the county where suit is brought.

Unlawful to place obstructions in Catawba river between certain points.

Openings.

Penalty.

SEC. 2. On any dam for manufacturing purposes the owner or owners of such dam or dams shall construct such fish-way as may be described and required by the board of agriculture for said state, and on failure to comply with such requirements the said owner or owners shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars per day for every day that said dam or dams are permitted to remain without such fish-way.

Fish-ways on dams.

Misdemeanor.

SEC. 3. That if any person or persons shall place an impediment or take any fish by seine, net or in any other way what[so]ever within two hundred feet of such fish-way that may hinder or obstruct the free passage of fish, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars for every day said impediment shall remain.

Misdemeanor to place impediments or take fish within two hundred feet of fish-way on dam.

SEC. 4. That justices of the peace shall have jurisdiction of all crimes committed under this act in any county that said river runs through or borders on said river, subject to appeal of any party aggrieved or convicted.

Jurisdiction of justices.

SEC. 5. That no part of this act shall apply to dams that have been erected or may hereafter be erected for manufacturing or milling purposes, unless said dam or dams extend across the full width of said river to the extreme banks on either side.

To what dams act applicable.

SEC. 6. That any person 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 exceeding thirty days.

Misdemeanor.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 342.

An act to amend chapter one hundred and eighty of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 180, laws
1885, amended.

February term
Wilson superior
court to be for
the trial of civil
and criminal
cases.

SECTION 1. That section one of chapter one hundred and eighty of the laws of eighteen hundred and eighty-five be amended as follows: By striking out in the paragraph relating to the county of Wilson in, the third judicial district, on page three hundred and three, all after the word "March" in line two of said paragraph down to and including the word "docket" in line three of said paragraph.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 343.

An act to levy an assessment upon the real estate in stock-law bounds in Johnston county.

The General Assembly of North Carolina do enact :

Land-owners in
stock-law
bounds, John-
ston county,
authorized to
levy and collect
assessment to
keep up fences,
&c.
Board of super-
visors.
Duties.

SECTION 1. That the land-owners in stock-law bounds of Cleveland and adjoining townships in Johnston county be and are hereby authorized to levy and collect an assessment for the purpose of keeping up fences and gates around said territory.

SEC. 2. That W. B. Godwin, Simeon Gower and J. P. Edmundson, and their successors in office, are hereby constituted a board of supervisors, whose duty it shall be to levy and collect the assessment hereinafter provided, look after fences and gates around said territory and have general supervision of all matters relating to the enforcement of this act. They shall hold office from the ratification of this act until the first day of January, one thousand eight hundred and ninety-three, or until their successors are duly elected and qualified.

Term of office.

Authorized to
levy and collect
assessment an-
nually.
Limitation of
assessment.

SEC. 3. That for the purpose of carrying out the provisions of this act the board of supervisors shall have power to levy and collect annually an assessment not to exceed fifty cents on the one hundred dollars worth of real estate in said territory.

Election for
supervisors.

SEC. 4. That the first election for board of supervisors shall be held on the first Monday in January, one thousand eight hundred and ninety-three, at which time three supervisors shall be elected, and a

<p>like election shall be held on the first Monday in January biennially thereafter. Said election shall be held at a place known as Leachburgh. The board of commissioners of Johnston county shall at their meeting on the first Monday in December preceding the time for such election, appoint three of the land-owners residing in said territory to hold said election, who shall canvass the vote and give certificates of election to the persons elected, and no person except the land-owners in said territory shall vote in said election.</p> <p>SEC. 5. That the board of supervisors shall annually elect some man that lives within said territory whose duty it shall be to collect the tax herein provided, and pay out the same on order of the board of supervisors. Said collector shall file with the board of supervisors a justified bond for double the amount collected by him under this act.</p> <p>SEC. 6. That the compensation of the board of supervisors shall be one dollar per day for all time they may be engaged under this act: <i>Provided</i>, they shall not receive compensation for more than four days each in any one year. The tax-collector shall receive as compensation for his services five per centum of all money collected by him under this act: <i>Provided</i>, that Z. J. Lemay shall be exempt from the provisions of this act.</p> <p>SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.</p>	<p>Where held. How held, &c. Only land-owners to vote. Collection of assessment. Bond of collector. Compensation of supervisors. Proviso. Compensation of collector. Z. J. Lemay exempt from provisions of this act.</p>
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CHAPTER 344.

An act relating to roads and highways of Granville county.

The General Assembly of North Carolina do enact :

<p>SECTION 1. [That] all roads and highways that have been laid out or appointed by virtue of any act of assembly or any order of court are hereby declared to be public roads and highways, and the justices of the peace in each township shall have the supervision and control of the public roads in their respective townships. 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 for the purposes aforesaid they are hereby incorporated the board of supervisors of public roads, and the board of county commissioners, as hereafter in this act set forth, shall have full power and authority to order the laying out of public roads where necessary and to appoint where bridges shall be made, to discontinue such roads as shall be found useless and to alter roads so as to make them more</p>	<p>What deemed public roads. Justices of each township to have supervision of roads in township. Corporate name. Incorporated. Authority of county commissioners.</p>
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- Proviso. useful: *Provided*, that it shall be the duty of the county commissioners to have all roads laid out and constructed that have been heretofore or may hereafter be ordered as public roads before the duties of the supervisors as to such roads shall obtain; and that the county commissioners are hereby vested with all the powers that the supervisors now have for having such road constructed and received.
- Meetings of supervisors. SEC. 2. The said board of supervisors shall meet at some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman, on the first Saturday of February and the first Saturday of August, for the purpose of consulting on the subject of the condition of the roads in their townships. They shall once in each year go over and personally examine all the roads in their township. They shall annually at their meeting in February elect some one of their number chairman: *Provided*, that no supervisor shall receive any compensation for his services as supervisor of public roads.
- To examine roads. Chairman. Proviso. SEC. 3. The said board of supervisors shall annually at the meeting in August divide the roads of their townships into sections and appoint overseers for said sections at said meetings. They shall at the same time allot the hands to said overseers and shall also designate the boundaries or points to which each resident shall be liable to work on said section, and shall, within five days after such meeting, certify to each overseer written notice of his appointment, with a list of the hands assigned to his section: *Provided*, that the board of supervisors may at any time alter the sections or allotment but shall give notice thereof to the overseer. Such overseer shall serve and be liable as such for neglect of duty until he shall be relieved by the board, which shall be done only upon his showing that his road is in good condition as prescribed by law. The overseer may resign after the expiration of twelve months, provided his road shall be in good repair and the board of overseers shall so find, and any overseer so resigning and whose resignation has been accepted by the board shall not without his consent be again appointed overseer until after the expiration of his two years from the date of his resignation. When a public road shall be a dividing line between townships the board of commissioners of the county shall determine as to how said road shall be divided, with notice as to the working of said road.
- Duties of supervisors. Proviso. SEC. 4. All able-bodied male persons between the ages of eighteen years and forty-five years shall be required under the provisions of this chapter to work on the public roads not less than three days nor more than six days in each year, except the members of the board of supervisors of public roads.
- Duty of overseer. When overseer may resign. Not to be re-appointed without consent in two years. Road dividing line between townships, how worked. Road hands. SEC. 5. No person between the ages prescribed shall be exempt from working upon the public roads except such as shall be exempted by the general assembly or by the board of supervisors of
- Who exempt from work.

the township on account of personal infirmity, of which the said board shall be the sole judge.

SEC. 6. The overseer of the road shall, as often as the road shall require, subject to the limitation in the preceding section, summon the hands of his section to work on the road, but the said hands shall not be required to work continuously for a longer time than two days and at least fifteen days shall intervene between working, except in case of special damage to the road resulting from a storm. The notice shall be at least two days before the day named for the work and shall state the hour and the place for the meeting of the hands and what implement the hand shall bring with him. Every person liable to work on the road who has been so summoned shall appear at the time and place named and with the implement directed, and shall work on the road under the discretion [direction] of the overseer until discharged by him: *Provided*, that no hand shall be required to work for a less time than seven hours nor a longer time than ten hours in any one day. Any person summoned as aforesaid who shall by twelve o'clock of the day preceding the one appointed for work on the road pay to the overseer the sum of one dollar shall be relieved from working on the road for one day. The money thus collected by the overseer shall be by him applied to the working and repairing of the road: *Provided further*, that any person who shall furnish one able-bodied hand as a substitute with the implement directed shall be held to have complied with this chapter.

SEC. 7. Any person liable to work on the road who shall fail to attend and work as hereinbefore provided when summoned so to do, unless he shall have paid the one dollar as aforesaid, shall be guilty of a misdemeanor and fined not less than two dollars nor more than five dollars and all costs. Any person so fined refusing to pay fine and costs shall be sentenced to the county work-house or jail for a time not less than five days nor more than twenty days.

SEC. 8. Every overseer shall at each and every meeting of the board of supervisors of his township make report to them of the present condition of his roads, of the number of days worked on his section since last meeting, of the number of the hands who attended and worked each day, of the number and names of the hands who failed to attend and work, whether or not they were legally summoned and whether or not they paid the one dollar as provided. The said overseer shall before some person authorized to administer an oath make written affidavit that the report is true and correct. Upon this report sworn to as aforesaid, if it shall appear that any of the hands after being legally summoned have failed to attend and work on said road and that they did not pay the one dollar, then it shall be the duty of the said supervisors or any one of them to issue a warrant for the arrest of any such hand and shall put him upon trial for the offence: *Provided*, that nothing herein contained shall prevent

Overseer to summon hands, &c.
How long hands to work.

Notice.

Duty of road hands.

Proviso.

Payment of one dollar in lieu of work.

Application of money.

Proviso.

Failure to work a misdemeanor.

Overseers to make report to supervisors.

Affidavit.

Duty of supervisors to prosecute hands failing to work.

Proviso.

the overseer of the road from prosecuting at any time after the offence has been committed any hand for failure to work on the road; and such cases of prosecution shall be stated in his report to the board of supervisors that they may not prefer another prosecution for the same offence.

Overseer to report moneys collected, &c.,

Failure of overseer to discharge duty a misdemeanor.

Overseer failing to report liable to arrest, &c.

Supervisors to lay out cart-ways, &c.

Jurors. Proviso.

Supervisors to make report to superior court.

Duty of judge,

Failure to make report a misdemeanor.

Width of road, &c.

SEC. 9. The said overseer shall at the meeting of the supervisors in August make a report of all moneys collected by them from parties excused from work on the road for the preceding year, with a statement as to how the same was expended. If any overseer shall fail to discharge any of the duties imposed by this chapter he shall be guilty of a misdemeanor, and on conviction shall be fined seven dollars, and in default of payment of fine and cost be imprisoned not exceeding five days. In case of failure of any overseer to make any report to the board of supervisors of public roads of his township as provided in this chapter, it shall be the duty of the chairman of such board immediately upon such failure to make a sworn statement of the fact before some justice of the peace of an adjoining township, who shall immediately issue his warrant for the arrest of the said overseer and proceed to try him for the offence.

SEC. 10. The board of supervisors shall have the right to lay out and discontinue cart-ways and public roads: *Provided*, [that] in laying out and establishing roads and cart-ways and for the purpose of assessing damage to property by reason of the same no greater number of jurors than five shall be summoned or be required: *Provided further*, that either party may appeal from the decision of the board of supervisors to the board of commissioners of the county.

SEC. 11. The board of supervisors shall annually make report to the first term of the superior court of their county after the first Monday in August of the condition of the roads of their townships, and if the meetings provided for in this chapter have been held by said board the judge holding such term of the superior court shall, after his charge to the grand jury and before they shall retire to their room, call upon the clerk of the court for such reports, and they shall then and there be delivered to the foreman of the grand jury; and if any board of supervisors shall fail to make said report, or to discharge any other duty imposed by this act, they shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned or both in the discretion of the court, and the indictment may be either against the board of supervisors or against the individuals composing it as justices of the peace.

SEC. 12. All roads, except such as are causewayed or through cuts, shall be not less than sixteen feet wide, clear of trees, logs and other obstructions to the passage of ordinary vehicles. Where by the overseer it may be deemed expedient to make or repair causeways on the same they shall be at least fourteen feet wide, and earth necessary to raise or cover them shall be taken from either side so as

to form a drain on each side of the causeway, and they shall make of the same width necessary bridges through swamps and over small streams of water.

SEC. 13. The overseer, if requested by a majority of the hands on the roads assigned him, may in his discretion lay off the road in equal portions for the convenience of the laborers, who shall finish his or their part in a time agreed on between him and each person, and on default of any agreeing party the overseer shall cause such part to be finished by the labor of other persons and by warrant may recover the value thereof to his own use: *Provided*, that the time agreed upon shall not exceed ten days, and that nothing in this section shall be a defence to the overseer when prosecuted for default concerning the condition of the road.

Road to be laid off for convenience of hands, &c.

Proviso.

SEC. 14. Overseers may lawfully cut poles and other necessary timber for repairing and making causeways and bridges, and whenever earth shall be needed on a public road and it cannot be conveniently procured on either side of the causeway the overseer may lawfully take the earth from adjoining lands.

Overseers authorized to cut poles, &c.

To take earth.

SEC. 15. The owner of the timber or land thus used may file his petition, together with the certificate of the overseer of the road, before the board of commissioners of the county wherein injury is done, and for damages sustained thereby the board shall make the petitioner adequate compensation.

Petition of owner of timber or land for damages.

SEC. 16. Every overseer of the road, where [when] the township board of supervisors may so direct, shall cause to be made and to keep in repair for the convenience of travelers on foot good and sufficient foot-ways over all swamps and streams of water that may cross that part of road allotted to him, and when the board shall so direct shall also erect and keep hand-rails on each side of all hollow bridges situated on such part of the road.

Foot-ways over streams, &c.

Hand-rails.

SEC. 17. Overseers shall cause to be set up at the forks of their respective roads a post or posts with arms pointing the way of each road with plain and durable directions to the most public places to which they lead and with the number of miles from that place as near as can be computed, and every overseer who shall for ten days after notice of his appointment neglect to do so and so keep the same in repair shall forfeit and pay for every such neglect ten dollars.

Sign-posts.

Penalty for failure of overseer to erect sign-posts.

SEC. 18. Any person who shall wantonly remove, knock down or deface the said post, arms or any mile-mark shall be guilty of a misdemeanor, and upon conviction shall be fined ten dollars or imprisoned thirty days, at the discretion of the court.

Misdemeanor to remove, &c., sign-posts.

SEC. 19. Every overseer who shall neglect to do any other duty by this act directed to be done, or who shall not keep the roads and bridges clear and in repair, or shall let them remain uncleared or out of repair during the space of ten days unless hindered by extreme bad weather, shall forfeit for every such offence four dollars and be

Penalty for failure of overseer to perform duty.

Proviso. liable for such damages as may be sustained: *Provided*, that nothing in this section shall excuse any neglect of duty by an overseer as the same is prescribed in any other part of this act.

Bridges. SEC. 20. That when a bridge shall be necessary and the overseer with his assistance [assistants] cannot conveniently make it, the township board of supervisors, with the concurrence of the board of county commissioners, shall contract for the building, keeping and repairing thereof: *Provided*, the cost of the same does not exceed five hundred dollars, and the same shall be a charge on the county; and when

Proviso. bridges shall be necessary over any stream which divides one county from another, the commissioners of each shall join in agreement for building, keeping and repairing the same: *Provided*, the cost of the same does not exceed five hundred dollars, and the charge thereof shall be defrayed by both counties in proportion to the number of taxable polls in each.

Bridges over streams dividing counties. SEC. 21. Every contract and order by the boards of township supervisors and county commissioners entered into or made as authorized by this act for or concerning the building, keeping or repairing bridges in such manner as to them may seem most proper, shall be valid against the county.

Proviso. SEC. 22. That it shall be the duty of every owner of a water-mill which is situated on any public road, and also of every person who for the purpose of draining his lands or for any other purpose shall construct any ditch, drain or canal across a public road, respectively, to keep at his own expense in good and sufficient repair all bridges that are or may be erected or attached to his mill-dam, immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the highway so long as they may be needed by reason of the continuance of said mill-dam, ditch or drain or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off [of] such road unless the road was laid off by the request of the owner of the mill: *Provided further*, that the duty hereby imposed upon the owner of the mill and on the person cutting the drain or canal shall continue on all subsequent owners of the mill or other property for the benefit of which the said ditch, drain or canal was cut: *Provided, also*, that when any ditch or drain originally constructed across any public road and bridged for the convenience and safety of the traveling public has been or may hereafter be enlarged by the owner of adjacent lands to drain his lands it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the land so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same: *Provided, also*, that when any ditch or drain is cut in such way as to turn water into

Contracts of supervisors, &c., valid against county. SEC. 21. Every contract and order by the boards of township supervisors and county commissioners entered into or made as authorized by this act for or concerning the building, keeping or repairing bridges in such manner as to them may seem most proper, shall be valid against the county.

Owners of mills, drains, &c., to keep bridges in repair. SEC. 22. That it shall be the duty of every owner of a water-mill which is situated on any public road, and also of every person who for the purpose of draining his lands or for any other purpose shall construct any ditch, drain or canal across a public road, respectively, to keep at his own expense in good and sufficient repair all bridges that are or may be erected or attached to his mill-dam, immediately over which a public road may run, and also to erect and keep in repair all necessary bridges over such ditch, drain or canal on the highway so long as they may be needed by reason of the continuance of said mill-dam, ditch or drain or canal: *Provided*, that nothing herein shall be construed to extend to any mill which was erected before the laying off [of] such road unless the road was laid off by the request of the owner of the mill: *Provided further*, that the duty hereby imposed upon the owner of the mill and on the person cutting the drain or canal shall continue on all subsequent owners of the mill or other property for the benefit of which the said ditch, drain or canal was cut: *Provided, also*, that when any ditch or drain originally constructed across any public road and bridged for the convenience and safety of the traveling public has been or may hereafter be enlarged by the owner of adjacent lands to drain his lands it shall be the duty of such owner to keep up and in repair all bridges crossing such ditch, drain or canal, and that such charge shall be imposed upon all subsequent owners of the land so drained, and that any person throwing a bank of dirt in the main road shall be compelled to spread the same: *Provided, also*, that when any ditch or drain is cut in such way as to turn water into

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any public road the person cutting such ditch or drain shall be compelled to cut such other ditch or drain as may necessary to take the water from said road.

SEC. 23. That every person who shall fail to perform the duties imposed on him by the preceding section, or shall leave out of repair any such bridge for the space of ten days, unless prevented by unavoidable circumstances, shall be liable for such damages as may be sustained, and moreover shall be guilty of a misdemeanor and fined not exceeding fifty dollars. Misdemeanor for owner of mill, &c., to fail to perform duty.

SEC. 24. That the board of county commissioners shall not order the laying out of any public road or discontinue or alter such road unless upon petition in writing, and unless it appears to the board that every person over whose lands the said road may pass shall have had twenty days' notice of the intention to file such petition. The same shall be filed in the office of the clerk of the board until the succeeding meeting of the board and notice thereof be posted during the same period at the court-house door, at which meeting the board shall hear the allegations set forth in the petition, and if sufficient reason be shown the board shall appoint and settle and discontinue or alter said road as the case be. County commissioners not to lay out road, &c., except on petition, &c.

SEC. 25. That in all applications provided for in the preceding section the board of county commissioners may direct how and by whom the cost shall be paid, and any person may appeal to the superior court at term time, and if any person shall appeal from the board on such petition he shall give bond to the opposing party as provided in other cases of appeal, and the superior court at term shall hear the whole matter anew, and where any proceeding is instituted to lay out and establish, alter or discontinue public roads and the said proceeding is carried to the superior court in term time by appeal or otherwise, the parties to said proceeding shall be entitled to have every issue of facts joined in said proceeding tried in the superior court in term time by jury, and from the judgment of the superior court either party may appeal to the supreme court, as is provided in other cases of appeal in The Code. Costs.
Appeal to superior court.
Bond.
Proceeding in superior court.

SEC. 26. That all roads shall be laid out by a jury of five freeholders who shall be summoned by the sheriff to meet at one of the termini of the proposed road, and being duly sworn by the sheriff or other person authorized to administer oaths, shall lay out said road to the greatest advantage of the inhabitants and with as little prejudice as may be to lands and inclosures, which laying out, and such damages as private persons may sustain, shall be done and ascertained by the same jury on oath, and all damages by them assessed shall be deemed a county charge. How roads laid out by jury.

SEC. 27. That whenever upon petition of any person a road shall be changed, and [as] a condition thereof it shall be required by the board that he put the proposed road in good condition, he may at any time Proceeding on petition for change of road.

thereafter tender the same to the overseer, who shall receive it if it be in such condition as is required for highways, and if not, shall reject it, and in either case he shall report and certify the fact to said board, when the same may be considered, and said board shall hear all persons interested in the matter of receiving or rejecting the road, and the decision of the board shall be conclusive as to the condition of the road, but the old road shall not be closed until it be discontinued by order of the board.

Other methods for changing road.

SEC. 28. In addition to the mode prescribed in the preceding [section] for turning roads, the following methods may be observed by anyone who desires to change a road from one part of his land to another part, namely: such persons shall lay out the same and after putting it in such good condition as highways are directed to be, shall apply to a justice of the peace who thereupon shall notify the overseer of the road, and summon two free-holders to meet on the premises at a given day, and the said free-holders being duly sworn shall with the justice view and examine carefully the road which is proposed in place of the other, and all matters and facts tending to show whether the change should be allowed, they shall report in writing subscribed by them, the result of their consideration to the next meeting of the board of supervisors which may confirm or reject their report, provided that such justice and free-holders shall be disinterested in the land and not by kin or affinity to the applicant.

Notice of appointment of overseers, how served, &c.

SEC. 29. The board of supervisors of the township within ten days after the rise of the board shall furnish the constable with two copies of each order appointing overseers of roads that may have been made during the sitting of the board, and the constable shall apply at the office of the board, within ten days after the rise of every meeting of the board of [for] such orders, and on receiving them shall within twenty days serve each overseer of roads with a copy of the order or leave the same at his usual habitation, and the other copy shall be returned to the next meeting of the board of supervisors with the date of its reception by him and the date of the service endorsed thereon, or the date when it was left at the residence of the said overseer. And if either the board or constable shall fail to perform any duty enjoined by this section he shall forfeit five dollars to the county, to be recovered at any time by notice to show cause at the instance of a solicitor, who shall prosecute the same in the name of the state.

Penalty for failure of board or constable to perform duty.

Notice to road hands by overseer.

SEC. 30. When an overseer shall not be able to personally notify the hands two days before the day appointed for working, he shall leave at the house of each hand a written summons specifying the day on which they are required to attend the place of the road to be worked and the kind of tools to be brought or used, and the said written summons left as aforesaid shall be deemed sufficient notice to the hands required to be notified, and all penalties recovered by an over-

seer for default of working on the road shall be applied by him to the repair of the road of which he is or may have been overseer.

SEC. 31. If any person be settled upon or cultivating any land, or shall own any standing timber to which there is leading no public road, or which is not convenient to water, and it shall appear necessary, reasonable and just that such person should have a private way to a public road or water-course over the lands of other persons, he may file his petition before the board of supervisors of the township praying for a cart-way, tram or railway to be kept open across such other persons' lands leading to some public road, ferry, bridge, public landing or water-course; and upon his making it appear to the board that the adverse party has had ten days' notice of his intention the board shall hear the allegation of the petitioners and the objections of the adverse party or parties, and if sufficient reason be shown shall order the constable to summon a jury of five free-holders to view the premises and lay off a cart-way, tram or railway not less than fourteen feet wide, and assess the damages the owner of such land may sustain thereby, which, with the expense of making the way, shall be paid by the petitioner; and the cart way established by this act shall be kept open for the free passage of all persons on foot or horse-back, carts and wagons: *Provided*, that if the notice aforesaid shall not have been given, the board shall cause such petition to be filed with their chairman until their next meeting when they shall proceed to hear and determine the same, and the petitioner or the adverse party may appeal from the order of the supervisors to the board of county commissioners, and from the order of the board of commissioners to the superior court at term, when the issues of fact shall be tried by a jury, and from the judgment of the superior court to the supreme court as in other cases of appeal. And all costs accumulated after the order of the board of supervisors shall be paid by either party as the court may direct.

SEC. 32. Cart-ways, tram-ways or railways laid off according to the provisions of this act may be changed or discontinued upon application by any person concerned under the same rules of proceeding as they may first be laid off, and upon such terms as [to] the board of supervisors shall seem equitable and just. Cart-ways, tram-ways or railways for the removal of timber shall continue for a period not longer than five years and in entering cultivated lands shall protect the same by sufficient stock-guards; and any person through whose land a cart-way may pass may erect gates or bars across the same, and if any person shall leave open, break down, or otherwise injure such gates or bars, he shall forfeit and pay for every such offence ten dollars to the person erecting the same or his assigns of the land; and if the offence shall be maliciously done he shall be guilty of a misdemeanor.

SEC. 33. The expense of building and keeping up public bridges in the several townships shall be borne by the whole people of each, and

Application of penalties.

Proceeding on petition for cart-way tram-way, &c.

Proviso.

Change of cart-ways, tram-ways, &c.

Gates, &c.

Penalty for leaving open, &c., gates, &c.

Misdemeanor.

Expenses of building and keeping up bridges.

not by the people of the townships separately, in which such bridges may be situated; and it shall be the duty of the commissioners to adjust this burden equally among the people of their respective townships, and they shall exercise a due supervision over the action of the respective boards of supervisors of the townships so as to prevent the board of any township from establishing any number of unnecessary bridges in their respective townships.

Lawful to use traction engines, &c., on roads.

SEC. 34. It shall be lawful for any person to run and use traction engines and road steamers upon the public roads in Granville county.

Willful obstruction, &c., of roads, &c., a misdemeanor.

SEC. 35. If any person shall wilfully alter, change or obstruct any highway, cart-way, mill-road or road leading to and from any church or other place of public worship, whether the right-of-way thereto be secured in the matter [manner] herein provided for or by purchase, donation or otherwise, such persons shall be guilty of a misdemeanor and fined or imprisoned or both. Any person who shall hinder or in any way or any manner interfere with the making of any road or cart-way laid off according to this act, shall be guilty of a misdemeanor and punished by fine or imprisonment or both at the discretion of the court.

Misdemeanor to hinder the making of road, &c.

Persons meeting on road, &c., to drive to the right.

SEC. 36. Whenever any persons shall meet each other on any bridge or road traveled with carriages, wagons or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interfering. Every person wilfully offending against the provisions of this section shall for each offence forfeit a sum not exceeding five dollars, to be recovered on complaint before any justice of the peace in the county of Granville, and he shall further be liable to any party for all damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within one month after the offence shall have been committed and that every such action for damages shall be commenced within two months after cause of action shall have occurred.

Penalty.

Proviso.

Unlawful for railroad to obstruct drainage of road.

SEC. 37. That it shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road-bed or otherwise or empty the water from its ditches into any public road or highway, and if any railroad company, being warned by the supervisors of the proper district by leaving a written notice with any agent, or informing any station agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisors, [it] shall forfeit and pay any sum not exceeding fifty dollars nor less than twenty dollars, to be recovered by an action at the suit of the township supervisors before any justice of the peace of the proper township of Granville county, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offence, shall be deemed an addi-

Penalty.

Additional offence.

tional offence against the provisions of this act, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by the said supervisors for the improvement of the roads in their township and accounted for in their annual report.

Application of funds collected.

SEC. 38. It shall be further the duty of the supervisors of their township to cause each railroad company to construct and keep in good repair the road-bed of all public roads across the road-bed of said railroad company, and if any railroad company, being duly warned by the supervisors of the proper township leaving a written notice with any station agent or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said road-bed to the acceptance of the supervisors, [it] shall forfeit any sum not exceeding fifty nor less than thirty dollars, to be recovered by an action at the suit of the township supervisors before any justice of the peace in the proper township of Granville county, and the money so collected shall be paid to the supervisors of the township in which the provisions of this section were violated, and the money so paid over shall be used by said supervisors for the improvement of the roads in their township and accounted for in their annual report, and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road-bed, shall be deemed an additional offence against the provisions of this act.

Railroads to keep crossings in repair.

Penalty.

Application of funds collected.

Additional offence.

SEC. 39. That it shall be the duty of every overseer to order out every such male person between the ages of 18 and 45 years belonging to the section of road assigned him by the board of supervisors, to do and perform the work required of said hands by the provisions of this act, and if any such resident being personally warned by such overseer or by leaving a written notice at his usual place of abode, shall refuse or neglect, having had at least two days' notice, to attend by himself or substitute to the acceptance of the overseer, or having attended shall refuse to obey the directions of the overseer, or shall spend the time in idleness or any inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable, as in all cases of non-attendance to work the public roads, to be recovered by an action before any justice of the peace of the proper township of the said overseer, and the money so collected shall be applied by said overseer to the improvement of the road to which it belongs, and accounted for by him in his annual report to the township supervisors.

Duty of overseer to order out road hands.

Penalty for refusal of hand to attend, &c.

Application of funds collected.

SEC. 40. That in addition to the provisions contained in this act in regard to building and repairing the public roads in Granville county, it shall and may be lawful for any township or townships in said county to levy a special tax for the purpose of building or repairing,

Special tax in townships to build, &c., roads.

in whole or in part, the public roads of aforesaid township or townships in Granville county such amounts as the majority of the qualified voters of any township may authorize the county commissioners or proper authorities to be taxed for the purpose hereinbefore mentioned; and it shall be the duty of the commissioners of Granville county, for the purpose of determining the amount of said tax in any township in said county, upon the application of fifty qualified voters of any township specifying the amount of tax to be levied, and upon said township securing the amount of the cost of holding any such election, to be paid by said township or townships in the event of an adverse result, to submit to the qualified voters of said township or townships as the case may be the question of tax or no tax for the benefit of the public roads in said township or townships; and they shall have the power to order an election specifying the time, place and purpose of the election and to appoint three judges of election at election precincts, who shall hold and conduct said election, at which election the ballots shall have written or printed thereon the words "Tax" or "No tax." The said county commissioners and proper authorities of said county or township, having first by resolution of their board fixed the amounts proposed to be taxed according to the petition or application submitted to them, notice of which resolution shall be given by the chairman of said board in some newspaper published in said county for thirty days preceding said election, inserting the same at least four times in said newspaper, and also at the court-house door of said county for thirty days, and in at least three public places in such townships making application for such election, it shall be the duty of said judges of election to count the votes of said election and declare the result as in all other elections, and shall certify the same in writing to the chairman of the county commissioners of Granville county. In case a majority of [the] votes cast shall be for tax, then the said county commissioners shall be authorized and required to assess annually upon the property and poll of such township or townships as the case may be, the proper equation of taxation being observed between the property and poll: *Provided*, that whenever the majority of the justices of the peace of Oxford township shall petition the board of commissioners and the board of justices of the peace of Granville county, said board of commissioners and board of justices of the peace shall levy a tax of not less than seven nor more than twelve cents on the one hundred dollars worth of taxable property and not less than twenty-one nor more than thirty-six cents on the poll in said township for the purpose of working the public roads in said township, and said board of commissioners shall declare the alternative system of working public roads in operation in said Oxford township.

Election, how ordered, &c.

Ballots.

Notice.

Returns of election.

Assessment made upon majority vote.

Special tax in Oxford township.

SEC. 41. That the funds raised as provided by the preceding section in any township for the purpose of working the public roads in such township shall be collected by the sheriff of the county and paid in to the county treasurer and paid out by the said treasurer upon the warrant of the chairman of the board of supervisors of public roads in such township, which shall be by him expended on the public roads in his township.

Collection and disbursement of special tax.

SEC. 42. That the secretary of state shall furnish the chairman of the county commissioners of Granville county five hundred printed copies of this act for use of the boards of supervisors of the several townships in said county.

Secretary of state to furnish copies of act.

SEC. 43. That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall apply only to Granville county.

Conflicting laws repealed.

SEC. 44. That this act shall be in force from and after its ratification.

Act applicable only to Granville county.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 345.

An act to amend chapter one hundred and sixty-seven, laws of eighteen hundred and eighty-five, relative to a free ferry across North-east river.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and sixty seven, laws of eighteen hundred and eighty-five, be amended to read as follows: "That the commissioners of New Hanover and Pender counties are hereby authorized, fully empowered and required to establish and maintain a free ferry between said counties at some eligible point on the North-east branch of the Cape Fear river between where the Wilmington and Weldon Railroad crosses said river and the mouth of Turkey creek, or at some suitable place above said bridge, within six months after the passage of this act."

Chapter 167, laws 1885, amended. Commissioners of New Hanover and Pender to establish free ferry on North-east branch Cape Fear river between certain points, within six months.

SEC. 2. That nothing herein shall be construed to give to said counties of New Hanover and Pender the right to establish any such ferry or bridge in conflict with any existing vested right or license of one M. Sophia Blossom to maintain a ferry as now conducted at or near the site mentioned in section one (1).

Vested rights of M. Sophia Blossom not to be interfered with.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 346.

An act to amend chapter two hundred and thirty-five, (235) laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 235, laws
1889, amended.
Drainage of lands
on Gleg Horn
creek, in Ruther-
ford county.

SECTION 1. That Gleg Horn creek be added to said act under the same provisions as Mountain creek is now provided for in said act from the mouth of said Gleg Horn creek to the upper end of lands of N. E. Walker on said creek.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 347.

An act to incorporate the Hot Springs, Webster and Savannah Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Harry G. Rumbough, B. W. Hill, Solomon Plemons, J. C. Pritchard, W. C. Hill, W. B. Ferguson, Harrison Ferguson, J. C. L. Gudger, R. D. Gilmer, W. T. Crawford, Alden Howell, E. R. Hampton, L. C. Hall, W. E. Moore, L. J. Smith, C. C. Cowan, E. D. Davis, Thomas A. Cox, D. D. Davis, D. L. Love, Theo. Harris, C. D. Smith, K. Elias, R. L. Porter, J. F. Ray, G. A. Jones, S. L. Rogers, G. W. Sprinkle, J. W. Terrell, A. C. Brobson, L. Howard, R. M. Furman, Reuben McBrayer, Frank Coxe, Thomas L. Rosser and J. G. Gibbs, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Hot Springs, Webster and Savannah Railroad Company, and by that name and style they and their successors and assigns shall have power in their corporate name to sue and be sued : appeal, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this state or elsewhere ; shall have a common seal, which it may use and break at pleasure ; and they and their successors and assigns by the same corporate name and style shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purposes and objects of this Corporation ; that they shall have power to make such by-laws and regulations, consistent with the laws of this state and the United States, for their own government and for the due and orderly conducting of their affairs and the management of their property.

Corporate name.

Corporate powers.

SEC. 2. That the said company shall have the right to construct and maintain a railroad with one or more tracks, to be used and operated by steam, electricity or other convenient and desirable motor power, from the most convenient point on the state line between this state and the state of Tennessee at or near Paint Rock in the county of Madison, running up Shut-In creek or Spring creek to the head thereof, and by the most convenient, eligible and direct route by the town of Waynesville in Haywood county, Balsam Gap, Sylva, Webster and Savannah creek in Jackson county, Franklin and up the Tennessee river in Mason county to the Georgia line to Rabun Gap on the south boundary of Macon county bordering on the county of Rabun in the last named state. The said company may in its discretion construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge for said road as they may deem proper.

Authorized to build road.

Termini.

Route.

Authorized to build part of road.

Gauge.

Capital stock.

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

SEC. 4. That the counties, cities, towns and townships through which the said road shall pass are severally authorized and empowered to make such subscriptions to the capital stock of said corporation in such amounts as may be settled upon: in the case of counties by a joint meeting of the magistrates and county commissioners, either at their regular meeting or a called meeting made by the county commissioners for that purpose, and by the board of aldermen of such cities and towns: *Provided*, that no subscription shall be valid until the same has been ratified and approved by the qualified voters of the said counties, cities, towns and townships in the manner and form as hereinafter provided.

Subscriptions by counties, cities, towns and townships.

Proviso.

SEC. 5. That for the purpose of submitting the question of subscription to the qualified voters of said counties, cities, towns and townships, it shall be the duty of the board of county commissioners of the various counties through which said road shall pass (after the amount shall have been fixed as provided in section four of this act), and the board of aldermen of said cities and towns, to order an election to be held on a day to be fixed by them, not to exceed ninety days from the date of subscription settled upon as aforesaid, to ascertain whether or not such subscription shall be approved, and such county, city, town and township elections when ordered shall be held and the returns made under the same rules and regulations as are prescribed for holding elections for members of the general assembly, so far as the same may be applicable, except as may be herein modified. Any qualified voter allowed to vote for members of the general assembly shall have the right to vote at such elections

Election on question of subscription by counties, cities, towns and townships.

in the place where he is allowed to vote; and every such voter who favors such subscription by the county, city, town or township, as the case may be, shall vote a ticket on which shall be written or printed the word "Subscription," and every such voter who shall disapprove of said subscription shall vote a ticket on which shall be written or printed the words "No subscription." If a majority of all the qualified voters in any of the counties, cities, towns or townships shall have voted for subscription, then it shall be the duty of the board of county commissioners of such counties, and the board of aldermen of said cities and towns to order said subscription and issue coupon bonds of the denomination of one hundred, two hundred and fifty and five hundred dollars each, bearing interest at six per centum, for the amount of said subscription, payable within thirty years from their date, to be paid by such counties, cities, towns or townships.

Ballots.

Subscription to be made on majority vote of qualified voters.

Bonds.

Election in township on question of subscription.

Bonds.

Special tax.

Sinking fund.

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

SEC. 7. That any five of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as they may determine, and to that end any three of said corporators may, by twenty days' notice in any newspaper published in the counties of Madison, Haywood, Jackson or Macon, cause a meeting of said corporators to be held at such place as may be designated in any one of the counties through which said road shall pass. Books of sub-
scription.

SEC. 8. That as soon as the sum of one hundred thousand dollars shall have been subscribed by solvent subscribers to the capital stock of said company, then it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect a president and vice-president and a board of nine directors, a majority of whom shall constitute a quorum necessary for the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualified, and the directors chosen at said meeting, and annually thereafter, shall elect a secretary and treasurer, and such other officers as may be necessary, who shall hold their office during the pleasure of the said board of directors, subject to such rules and by-laws as may be adopted for the government of said company; that in case of the death or resignation of the president, vice-president or any director, such vacancy may be filled for the remainder of the year by the said board of directors or a majority of them; that in all elections for president, vice-president and directors, each share of stock represented in person or by proxy shall be entitled to one vote. The meetings of stockholders shall take place as provided for in the by-laws of said company. Organization.
Officers.
Stock vote.

SEC. 9. That the board of directors shall as soon after the organization as possible, proceed to locate and have constructed the said railroad on the route they may find most practicable by the way of Waynesville, Webster and Franklin: *Provided*, that the route shall be located and work begun within two years after the ratification of this act. Location and
construction of
road.
Proviso.

SEC. 10. That it shall be lawful for the president and directors, their agent, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of said railroad, and locating the same, and to do and to erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route of said road shall have been determined upon and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by the officers, agents, engineers, superintendents, contractors and others in their employ, to enter upon, take possession of, have, hold, Entry on lands.

- Proviso. use and excavate any such lands, and to erect all the works necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided always*, that the payment or tender of payment of all demands for the occupancy of all land through which the said road may be laid out, be made before the said company shall enter upon, or break ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained.
- Condemnation of land. SEC. 11. That when any land or right-of-way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owners, the same may be taken at a valuation by five commissioners or a majority of them, to be appointed by the clerk of the superior court of the county where some part of the right-of-way is located. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right-of-way being surrendered: *Provided, nevertheless*, that if any person or persons over whose lands the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said bond [land] or right-of-way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued there to remain a matter of record, and the land or right-of-way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered, in case of refusal: *Provided*, that upon application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice had been previously given by the application to the owner or owners of the land so purposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners if such guardian can be found within the county, or if they cannot be found then that such notice of such application has been published for at least thirty days in some newspaper printed as convenient to the court-house of the county in which the application is to be made: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: *Provided*
- Appeal.
- Notice.
- Valuation, how made.

further, that the right of condemnation herein granted shall not authorize said company to remove the dwelling-houses, yard or garden, or burial ground of any individual without his or her consent.

Removal of dwelling-houses, &c., not authorized.

SEC. 12. That the right of the company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of the main track of said road, measuring from the center of the same, and the company shall have the power to condemn and appropriate lands in like manner for the construction of depots, warehouses, shops and all necessary buildings: *Provided*, that not more than two acres at any one place shall be so condemned for such purpose.

Width of right-of-way, &c.

Proviso.

SEC. 13. That all lands not heretofore granted to any person lying within one hundred feet of the centre of said road shall vest in the company so soon as the line of the road is definitely laid out through it, and any grant of said line thereafter shall be void.

Lands on road not granted to vest in company.

SEC. 14. That the directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freight, produce and merchandise as may be authorized and fixed by said company not inconsistent with the laws of this state, and may lease and farm out such right to any person whatsoever; that the said company shall prorate for freights and travel upon mutually reciprocal terms with the company, owners or operators of any other railroad in this state which may connect with said company's road.

Rates of fare, &c.

SEC. 15. That the said company is hereby authorized, if it becomes necessary for the construction, improvement or keeping in repair of said road, to issue coupon bonds of such denominations and values at six per centum interest, payable at such times and places as the president and board of directors, with the consent of the majority of the stockholders, may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid and the interest thereon, the Hot Springs, Webster and Savannah Railroad Company may execute and deliver mortgage deed or deeds in trust, signed by the president and countersigned by the secretary of said company, conveying its franchises and property, including its road-bed, superstructure, choses in action, as [or] real and personal estate, of whatever kind, to the holder of said bonds or to such persons as the president and directors may select in trust for them, and the deed so executed and registered in the county of Jackson shall have priority over all other lines [liens] upon said road and property.

Authorized to issue mortgage bonds.

Registration in Jackson county.

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

Authorized to build across other roads.

SEC. 17. The county commissioners of such of the counties through which the said railroad may be located may in their discretion pay

County commissioners authorized to pay one-half of costs of survey, &c.

one-half the cost and expenses of a survey of the line or lines locating said road when the said company shall have paid the other half thereof and deposit 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 cost.

Authorized to consolidate with other roads.

SEC. 18. That for the purpose of constructing said road the said company shall have power to consolidate with any railroad company and consolidate the assets of any and all such companies for the above-mentioned or any other lawful and legitimate purpose, and power to accept gifts of property, real or personal, to its capital stock.

SEC. 19. That this act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 348.

An act to amend chapter four hundred and ten, laws of eighteen hundred and eighty-seven, entitled "An act supplemental to chapter three hundred and eight, laws of eighteen hundred and eighty-five, entitled an act to establish and maintain an industrial school."

The General Assembly of North Carolina do enact :

Chapter 410, laws 1887, amended.

SECTION 1. That section one of chapter four hundred and ten, laws of eighteen hundred and eighty-seven, be amended by adding the following at the end of the section: "And on such other lands as may be hereafter acquired by said college. The North Carolina College of Agriculture and Mechanic Arts is hereby incorporated and is authorized to purchase, hold or sell real estate for the benefit of said college, and the management of said corporation shall be by the board of trustees now provided by law and their successors in office."

Location.

Incorporated.

Authorized to hold real estate. Management.

Appropriation of funds received from fertilizer licenses stricken out.

SEC. 2. That section six of chapter four hundred and ten, laws of eighteen hundred and eighty-seven be amended by striking out all after the words "eighty-five" in line eight to and including the word "department" in line eleven. Also the following shall be substituted in lieu of all after line twenty-three in said section: "The said board of trustees shall have power to accept on behalf of the state donations of property, real or personal, and any appropriations made by [the] congress of the United States to the several states and territories for the benefit of agricultural experiment stations, or the agricultural and mechanical colleges in connection therewith, and they shall expend the whole amount so received in accordance with the acts of congress in relation thereto."

Authorized to receive donations, &c., and appropriations made by Congress.

SEC. 3. That section seven of chapter four hundred and ten, laws of eighteen hundred and eighty-seven, be substituted by the following: "The two hundred acres of land, more or less, known as a part of the Camp Mangum tract, belonging to the state of North Carolina and situated one-half mile west of the state fair grounds, is hereby given to the said board of trustees for the said College of Agriculture and Mechanic Arts."

Use of two hundred acres of land (Camp Mangum) given to trustees.

SEC. 4. That section eight of chapter four hundred and ten, laws of eighteen hundred and eighty-seven, be amended by inserting after the word "Carolina" in line ten the following: "And it shall be the duty of the superintendent of instruction in each county on the days fixed by law for examination of teachers of the public schools, also to examine candidates for county students to the said college; blanks for such purpose to be furnished annually by the president of said college to the superintendents of instruction in each county."

County superintendents of instruction to examine candidates for admission.

Blanks.

SEC. 5. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty seven: "That for the purpose of furnishing proper facilities for the education provided under this act, and to purchase additional land and the erection of suitable buildings, the following sums shall be appropriated from funds in the public treasury of this state not otherwise appropriated, viz.: ten thousand dollars for the year eighteen hundred and ninety-one; ten thousand dollars for the year eighteen hundred and ninety-two; such sums to be payable annually to the treasurer of the North Carolina College of Agriculture and Mechanic Arts, one-half on the first day of January and July of each year."

Appropriations for support of school, &c.

SEC. 6. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty seven: "The appropriation made by act of congress of the date of August thirtieth, eighteen hundred and ninety, for the benefit of colleges of agriculture and mechanic arts, shall be divided into the exact ratio in this state of the white population to the colored; this provision to apply to the current and all succeeding appropriations."

Appropriation by Congress for colleges of agriculture, &c., how divided.

SEC. 7. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty seven: "That it shall not be lawful for any person or persons to sell any intoxicating liquors within three-fourths of a mile of the main college building."

Unlawful to sell liquors within three-fourths of a mile of college.

SEC. 8. Power is hereby conferred upon the trustees of the said college to effect a sale of the lot known as the "Grissom lot," containing three and a half acres, more or less, and to make title to the purchaser or purchasers thereof. The said lot now being under the control of the said trustees, and having been purchased from [with] funds donated by the city of Raleigh as a site for an industrial school

Trustees authorized to sell certain lot of land.

Conflicting laws
repealed.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 349.

An act supplemental to an act entitled an act to promote and protect the oyster interests of the state.

The General Assembly of North Carolina do enact :

Chapter 338, ante,
amended.
Certain small
oysters to be
returned to pub-
lic grounds.

SECTION 1. That section one, article two of the above entitled act shall be changed and corrected by striking out the word "more" in line five and substituting the word "less" in lieu thereof, so that the sentence as corrected shall read "and all oysters whose shells measure less than two inches from hinge to mouth, and all shells taken with said oysters, shall be returned upon said public grounds."

SEC. 2. This act shall take effect from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 350.

An act to incorporate the South-eastern North Carolina Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That E. C. Smith, Geo. H. Snow and Gustav Rosenthal, and their successors, associates and assigns, be and they are hereby constituted a [and] created a body politic and corporate by the name of the South-eastern North Carolina Railway Company, and as such shall receive the powers herein granted for sixty-years; that said company may by that name sue and be sued, plead and be impleaded in any court in this state, and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change or alter at pleasure; to acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and

Corporate name.

Corporate pow-
ers.

sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this charter, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from a point at or near Sanford, Moore county, through the county of Harnett at or near Lillington, to a point on Neuse river at or near Kinston in the county of Lenoir, North Carolina, to be selected by the president and directors of the company hereby incorporated, with the privilege of building and operating branch roads not exceeding twenty-five miles in length; and that in constructing and operating said branch roads the said company shall have all the rights and privileges granted to it with respect to the main lines.

Authorized to build roads.

Terminals.

Branch roads.

SEC. 3. That the capital stock of this company shall be one hundred thousand (\$100,000) dollars, and the same may be increased from time to time as a majority of the stockholders may determine, up to five 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 anything beyond the amount of their said subscription to the said capital stock; that the said corporation or a majority of them, acting in person or by proxy, shall cause a book or books of subscription to be open[ed] by a commissioner or commissioners to be appointed by them or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they or a majority of them may prescribe; that the said corporation or a majority of them acting in person or by proxy, after the sum of five thousand (\$5,000) dollars has been subscribed, shall call a meeting of the stockholders who shall have subscribed to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published in the county of Moore; that at such meeting the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Capital stock.

Liability of subscribers.
Books of subscription.

Organization.

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

Subscriptions, how made.

Consolidation
with other roads.

SEC. 5. That said company is hereby authorized and empowered to consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state and operated in the counties of Moore or Lenoir, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be consolidated shall and may form a continuous line of railroad with each other, and the 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 companies
authorized to
subscribe to
stock, &c.

SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other state from time to time to subscribe to or purchase or to hold the stock and bonds or either of the company, or to guarantee or endorse such bonds of [or] stock or either of them; and it shall and may be lawful for any railroad or transportation company of [or] companies created by the laws of this or any other state to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon [by] this company and such other companies or company as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property of [or] franchises of any such railroad or transportation company: *Provided*, that the road or line of such company shall be directly connected with the road of this company.

Authorized to
subscribe to
stock of other
companies, &c.

Stockholders'
meetings.

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

Officers, &c.

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

Directors.

the same may be filled by the board of directors until the next meeting of the stockholders.

SEC. 9. That the said railroad company is further authorized to commence work upon any part of its line, and upon the completion of any portion or section of its road to operate and maintain such portion or section with all the rights, powers and privileges hereby granted to this company, and it shall have the privilege of using under such purchase, lease, agreement or running arrangement as it may from time to time make with any other company in this or in an adjoining state, any line of roads as a connecting link between the different portions of its road.

Authorized to operate part of line.

Arrangements with other roads.

SEC. 10. That the president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Expenditures and contraction of debts, &c.

SEC. 11. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money, such advance of money on their respective shares from time to time as the wants of the company may demand until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in the state, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over [to] the delinquent owner or his legal representative, and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may receive [recover] the balance of the original subscriber, or his assignee or the executor or administrator or either of them, at the option of the said company acting through its president and directors, by civil action in any court having jurisdiction thereof. Any purchasers of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Payment of subscriptions.

Remedy against subscriber failing to pay.

SEC. 12. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and said company may connect said lines of telegraph or telephone with the lines of any other company in this or an adjoining state, and may lease, rent or sell this right in any telegraph or telephone lines constructed by the company as in

Authorized to build telegraph and telephone lines, &c.

the judgment of the president and directors may be advantageous to the company.

Authorized to borrow money on mortgage.

SEC. 13. That authority is given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest not exceeding eight (8) per centum, as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such bonds or loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income and franchises of the company, or either or any part thereof, and the said company is hereby authorized to sell its bonds when, where and at such rates and prices as its president and directors shall deem most advantageous to the company.

Condemnation of land.

SEC. 14. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, of the width of one hundred feet on each side, measuring from the center of the said track, and as much additional land as may be necessary for the station house, depots and all other purposes necessary for the construction and operation of said railway and its branches, under the same rules and terms as are prescribed for the acquisition and condemnation of land by the charter of the North Carolina Railroad Company.

Counties, cities, towns and townships authorized to subscribe to capital stock.

SEC. 15. That for the purpose of aiding in raising the capital stock of said South-eastern North Carolina Railway Company in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be located, or which is interested in its 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 townships, or the municipal authorities of such city or town to subscribe, anything contained in the charter of such municipal corporations to the contrary notwithstanding. That the said subscription shall be made in bonds not bearing a greater interest than seven (7) per centum, payable forty years after date thereof, to be received by said company at par and to be of the denominations of one hundred dollars and five hundred dollars, interest to be paid semi-annually.

Election on question of subscription.

SEC. 16. That for the purpose of determining the amount of such subscriptions it shall be the duty of the county commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of

any city or town interested in the construction of the said road, upon a written application of ten resident tax-payers of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No subscription" to the capital stock of said company. And said county commissioners or municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law, at which said election the ballots shall have written or printed there[on] or either the word "Subscription" or "No subscription," the said county commissioners or the municipal authorities of said city or town having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election being published for six weeks immediately prior thereto in one or more newspapers published in the county in which such election is held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto; that the said county commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of the said county, township, city or town for said election.

Ballots.

Notice of election.

New registration.

SEC. 17. That all elections under the proceeding [preceding] section shall be held, if for a county, according to the law and regulations provided for the election of members of the general assembly, and the returns shall be made to and canvassed by the board of county commissioners who shall ascertain and declare the result and make a record of the same. If the elections shall be held for a township, the registrar and judges of election shall make returns to the board of county commissioners who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be held for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen or other municipal authorities shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding seven (7) per centum; bonds as aforesaid with interest payable semi-annually; and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made

Elections, how held, &c.

Subscription to be made on majority vote of qualified voters.

How made.

upon the taxable property in such counties or townships, cities or towns.

Special tax.

SEC. 18. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the municipal authorities of any city or town subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and after ten years from the date of said bonds a second additional tax sufficient to provide each year a sum equal to one-fiftieth (1-50th) part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes, and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds of [or] securities as may be selected and approved by the board of county commissioners aforesaid, or the proper authorities of any city or town subscribing to the capital stock of said company.

Additional tax.

How collected and invested.

Townships incorporated.

SEC. 19. That for the purposes of this act all the townships along the line of the railroad, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, [and] shall have all the rights and be subject to the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which a [are] situated the respective townships subscribing, are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

Corporate agents.

County taxes on property of company applicable to payment of interest on township bonds.

SEC. 20. That whensoever any township or townships shall subscribe its or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon property and franchises of the company in the county in which the township or townships is or are situated, shall be applied to the payment of the interest on the said bonds, pro rata to the amount of the said interest, until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes. And the corporate taxes on the property and franchise of said company levied and collected in and for any city or town subscribing to the capital stock of said company, shall be applied to the payment of the interest on the said bonds subscribed by said city or town.

City and town taxes on property of company applicable to payment of interest on city and town bonds.

SEC. 21. That in all conventions of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns or the county commissioners of the respective counties.

Representation of counties, &c., in stockholders' meetings.

SEC. 22. That the construction of this railroad shall be begun within five years from the date of this act.

When construction of road to begin.

SEC. 23. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 351.

An act to incorporate the Asheville, Cranberry and Pulaski City Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That A. E. Posey, jr., of Henderson county, John S. McElroy of Buncombe county, William M. Moore and W. A. Robertson of Yancey county, W. S. Hyams, Lute M. Banner, C. H. Nimpson and E. F. Eldridge of Mitchell county, Dr. J. B. Phillips, Dr. W. B. Council, Daniel Dougherty and W. B. Council, jr., of Watauga county, John D. Thomas, Ben. P. Grigsby, E. E. Philips and J. E. Foster of Ashe county, and R. A. Doughton of Alleghany county, their associates, successors and assigns, be and are hereby constituted a body politic and corporate under the name of the Asheville, Cranberry and Pulaski City Railroad Company; that said company under that name may sue and be sued, plead and be impleaded, may have and use a common seal, alterable at pleasure, may acquire, hold, own and possess such real and personal estate as shall be necessary for carrying out the intent and object of this charter and as the interest of the company may require; that the said company shall have power and authority to make by-laws for its regulation and management, and shall have the usual rights, privileges and immunities possessed and enjoyed by other railroad companies within the state, including those granted by the chapters of The Code of North Carolina entitled "Corporations" and "Railroad and Telegraph Companies."

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That said company is authorized to construct, maintain and operate a railroad with one or more tracks from the city of Asheville in the state of North Carolina, by the way [of] Burnesville, Spruce Pine, Cranberry, Boone [and] Jefferson to the mouth of Wilson on the Virginia state line, by the most direct and practicable route taking in said designated points; that said company shall have

Termini and route.

- Extension. the right to extend its line to the town of Pulaski City in the state of Virginia, and as much further as may be authorized by the said state.
- Authorized to operate part of line. SEC. 3. That the said company may begin work on any part of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company; that it may, under such purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any road as a link between different portions of its own line.
- Arrangements, &c., with other roads.
- Capital stock. SEC. 4. That the capital stock of said company shall be two million dollars, with power and authority on the part of the stockholders to increase the same to any sum not exceeding five million dollars as they may deem proper, the same to be divided into shares of one hundred dollars each, for which certificates shall be issued; that in all meetings of stockholders each share shall be entitled to one vote; that subscriptions to the capital stock may be paid in money, land, labor, mines and mineral properties, materials, stocks, bonds or other securities, or in any way that may be agreed upon between the president and directors of the company and the subscriber, but no subscriber shall be responsible beyond the amount subscribed by him; that any five of the above named corporators may call a meeting of the same upon giving thirty days' notice of the time and place of such meeting in some newspaper published in the city of Asheville, and shall constitute a quorum for the transaction of business; that at such meeting any one of the above named corporators may be present in person or by proxy, and they may open books of subscription at such times and places and under such regulations and restrictions as said corporators may prescribe; that upon the subscription of ten thousand dollars to the capital stock of this company it shall be vested with all the powers, privileges and franchises conferred by this act, and the corporators or any five of them shall call together the subscribers to the said capital stock for the purpose of completing the organization of the company, notice of said meeting having been published as hereinafter prescribed.
- Stock vote.
- Subscriptions, how made. SEC. 5. That at such meeting, and at each annual meeting thereafter, the stockholders shall elect a board of nine directors, who shall hold office for one year and until their successors shall be elected; that the said board of directors shall elect one of their number president of the company, and they shall also elect a secretary and treasurer, which offices may be combined in one person if the directors shall so desire, and such other officers as may be deemed necessary and provided for by the by-laws of the company, whose terms of office and duties may be prescribed by the by-laws of said company. Said board of directors shall have the power to fill any vacancy which may occur in said board of directors or any other office until the
- Liability of stockholder. Meeting of corporators.
- Books of subscription.
- Organization.
- Directors.
- Officers.

next annual meeting of the stockholders. The meetings of stockholders shall be [held] annually at such time and place as shall be determined by them, after notice in one or more newspapers in the state for thirty days before said meeting; that a majority of the stockholders may direct an increase of the capital stock within the limits hereinbefore mentioned at any time after the organization of the company, whereupon the president and directors shall appoint one or [more] commissioners to open books of subscription at such times and places and under such rules and regulations as they may prescribe, or they may sell stock of said company for the benefit of the company.

Stockholder's meetings.

Increase of capital stock.

Commissioners to open books of subscription.

SEC. 6. That whenever the roads of this company and any other company or companies incorporated by the laws of this or any adjoining state, shall be connected with each other directly, or by railroad between them, they may consolidate and merge with one another their respective capital stocks, property and franchises, upon such terms as may be agreed upon between them by a majority of their respective stockholders, whereupon the consolidated company may adopt such name as it may choose, and may establish its principal office at any point on the line of the consolidated railroad, but the said consolidated company must maintain within this state officers or agents upon whom may be made service of process.

Consolidation with other roads.

SEC. 7. That the president and directors shall have power and authority to require [payments] from the stockholders whose subscriptions are payable in money or [on] their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one month previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee, or the executor or administrator or either of them at the option of the said company, by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original owner.

Payment of subscriptions.

Remedy against subscriber failing to pay.

SEC. 8. That the said company is hereby authorized to construct and operate, at its option, one or more lines of telegraph or tele-

Authorized to build telegraph and telephone lines.

phones along its line or lines of railroad, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and the said company may connect said lines of telegraph or telephones with the lines of any other company in this or adjoining states, and may lease, sell or rent this right, and any telegraph or telephone line constructed by the company, as in the judgment of the president and directors may be advantageous to the company: *Provided*, said company shall be subject to all the provisions of law in relation to freight and tariffs to be charged by same.

Expenditures
and contraction
of debts.

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

Authorized to
borrow money
on mortgage.

SEC. 10. That the said company is authorized and empowered to borrow such amounts of money and upon such rate of interest, not exceeding six per centum, as may be directed or approved by a majority of the stockholders, and it may issue its bonds and secure the same by mortgage or deed of trust upon the whole or any part of its property and franchises, and the said company is hereby authorized to dispose of, sell or negotiate its bonds secured by mortgage or deed of trust at such rates and prices and upon such terms as its president and directors shall deem most advantageous to the company.

Authorized to
sell bonds.

SEC. 11. That this company shall have the right to dispose of, negotiate or sell its bonds secured by mortgage or deed of trust at such rates and prices and upon such terms as its president and directors shall deem most advantageous to the company.

Condemnation of
land.

SEC. 12. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad not to exceed one hundred feet from the center of the road-bed on each side, and as much additional as may be necessary for the station-houses, depots and all other purposes necessary for the construction and operation of said railroad, not to exceed two acres at any one place, under the rules and restrictions provided by the laws of North Carolina.

Counties, cities,
towns and town-
ships authorized
to subscribe to
capital stock.

SEC. 13. That upon presentation of a petition in writing, signed by at least fifty freeholders residing in any county and twenty-five freeholders residing in any township, city or town interested in the construction of this railroad to the board of commissioners of the county in case of a township or county, or to the municipal authorities in case of a city or town, setting forth the amount asked to be subscribed to the capital stock of said company by said county, township, city or town, the said board of county commissioners or municipal authorities shall fix the sum to be voted for as a subscrip-

tion to said capital stock of said company, and it shall be the duty of such board of county commissioners or municipal authorities, within ninety days from the presentation of such petition, at any regular meeting or any special meeting called for that purpose, to order an election to be held in such county, township, city or town at the various polling places therein, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in said petition, at which election those in favor of said subscription shall vote on a written or printed ticket the words "For subscription" and those opposed thereto shall vote "Against subscription," and the election for the purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county or municipal officers; that notice of the said election shall be published for six weeks immediately preceding said election in one or more newspapers published or circulating in the county, township, city or town in which the election is to be held; that the commissioners or corporate authorities shall have the right in their discretion to order a new registration of voters for said election.

SEC. 14. That in all elections held in and for any county or township the returns shall be made to and canvassed by the board of county commissioners, and for any city or town by the mayor and commissioners or aldermen or other municipal authorities authorized by law to receive and canvass the same, who shall meet on Thursday after said election and shall ascertain and declare the result and make a record thereof, and if a majority of all the qualified voters shall vote for subscription, then the chairman of the board of county commissioners or the proper corporate authorities of the city or town, respectively, shall subscribe to the capital stock of the said company in behalf or [of] said county, township, city or town, as the case may be, the sum named in the said petition, in bonds payable in thirty years with interest coupons attached at a rate not exceeding six per centum, payable semi-annually, and to be in denominations of one hundred, two hundred and fifty and five hundred dollars; and when any county, township, city or town shall deliver its bonds it shall receive therefor certificates of stock representing a like amount; that the county and township bonds shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board; and the city and town bonds shall be signed by the mayor and countersigned by the clerk or secretary of said city or town: *Provided*, that the bonds shall only be issued and delivered for work to be done in the construction of said road in the county or township issuing the same and not until the work is actually and *bona fide* in progress therein.

SEC. 15. That it shall be lawful for, and the board of county commissioners shall, after issuing and delivering said bonds, to levy

Election on question of subscription.

Ballots,
Election, how held, &c.

Notice of election.

New registration.

Returns, how made.

Subscription to be made on majority vote of qualified voters.

Bonds.

Proviso.

Special tax.

- an annual tax on the taxable property and polls of any county or township so subscribing to the capital stock of said company to an amount sufficient to pay the interest on said bonds as the same shall accrue, and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due, and in like manner the commissioners or aldermen of any city or town shall levy annually a special tax on its property and polls for the same purpose whenever it has issued and delivered its bonds, which said special tax shall be levied at the same time, in the same manner, and shall be collected under the same restrictions and penalties as provided for the collection of other taxes for state and county purposes. The amount so levied and collected to create a sinking fund to pay the principal of said debt, shall be annually invested by the board of commissioners as the same shall be paid into the treasury of said counties, or of such cities and towns, in solvent securities, to be approved by the said board or boards and shall be separated and set apart by said board or boards to the credit of the county, township, city or town so subscribing, for that purpose only when the same shall become due.
- Collection of tax.** SEC. 16. That when any township or townships shall subscribe its bonds or their bonds to the capital stock of this company the county taxes which shall be levied and collected upon the property and franchises of the company in the county in which the township or townships is or are situated, shall be applied to the interest on the said bonds to the amount of said interest until the said bonds have been paid in full, when the said taxes shall be applied to general county purposes.
- Sinking fund.** SEC. 17. That the profits of the company, or so much thereof as the president and directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock that each one may own.
- County taxes on property of company applicable to payment of interest on township bonds.** SEC. 18. That in addition to the special powers herein granted, the said company shall have all the rights, powers, privileges and immunities granted by chapter forty-nine of The Code of North Carolina, and of such other general laws for the benefit of railroad companies now existing or what [which] may hereafter be enacted for that purpose.
- Dividends.** SEC. 19. That the construction of this railroad shall be begun within two years from the date of this act.
- Corporate powers.** SEC. 20. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.
- When construction of road to begin.**

CHAPTER 352.

An act to be entitled an act to amend section three thousand six hundred and forty-six (3646) of The Code, in regard to printing increased number of auditor's and treasurer's reports.

The General Assembly of North Carolina do enact :

SECTION 1. That in section three thousand six hundred and forty-six (3646) of The Code, at the beginning of the ninth line the words "one hundred" be stricken out and the words "two hundred" be inserted in lieu thereof.

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

Ratified the 6th day of March, A. D. 1891.

Code, section 3646, amended.
200 copies of treasurer's and auditor's reports to be printed for use of their offices.

CHAPTER 353.

An act to amend chapter two hundred and thirty-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 thirty-nine (239), laws of one thousand eight hundred and eighty-seven (1887), be amended as follows: Strike out in line nineteen of section one (1) the words "fourth Monday after the first [Monday] in March," and add after the word "September" in line twenty the words "to continue two weeks," and after the word "March" and before the word "fourth" in line nineteen add the words "to continue one week."

Sec. 2. That this act shall take effect and go in force on and after the first day of June, Anno Domini eighteen hundred and ninety-one.

Ratified the 3d day of March, A. D. 1891.

Chapter 239, laws 1887, amended.
March term Columbus superior court abolished. July term to continue two weeks. January term to continue one week.
When act to take effect.

CHAPTER 354.

An act to provide for working the public roads and highways of Clay and other counties.

The General Assembly of North Carolina do enact :

Public roads and ferries.

Justices in each township to have supervision.

Incorporated as township board of trustees.

Corporate powers.

Powers of trustees and county commissioners over roads and ferries.

SECTION 1. That all roads and ferries that have been laid out, appointed or established by virtue of any act of assembly, or any order of court, are hereby declared to be public roads and ferries. And the justices of the peace in each township shall have the supervision and control of the public roads in their respective townships: they are hereby incorporated, and the board of trustees of such township shall be their corporate name; they shall have the right to sue and be sued, plead and be impleaded in any of the courts of this state. The board of township trustees and the board of county commissioners, as hereinafter set forth in this chapter, shall have full power and authority within their respective counties to appoint and settle ferries and to order the laying out and repairing of public roads where necessary: to appoint where bridges or bridges and fords shall be made; to discontinue such roads and ferries as shall be found useless: and to alter roads so as to make them more useful.

Meetings of trustees.

SEC. 2. The board of township trustees shall meet in some place in their respective townships, to be agreed upon by themselves, or in the absence of such agreement, to be named by their chairman, on the first Saturday of May and November, and such other times as a majority of them may deem advisable. They shall keep a record of their proceedings, and shall annually, at their meeting, elect one of their number chairman. The board of trustees shall be exempt from four days' labor on the public roads. It shall be the further duty of the trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each year and make a report of the condition of said roads and highways, and present said report at the spring and fall terms to the judge of the superior court, who shall transmit said report to the solicitor with such instructions as he may deem proper; that each and every chairman of county commissioners, board of county commissioners, justice of the peace, or board of township trustees, or supervisor who shall neglect or refuse to perform the several duties enjoined by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both in the discretion of the court, and it is hereby made the duty of the solicitors to prosecute said offences.

Chairman.

Exemption.

Duties.

Neglect of duty a misdemeanor.

Duties of trustees in certain counties.

SEC. 3. That the township trustees of the several townships in the counties of Clay, Macon, Graham, Cherokee and Swain shall, on the first Saturday of May next, or within twenty days there-

after, divide their respective townships into suitable road districts, and annually thereafter may make such alterations therein as they may deem proper and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plot of his road district. The trustees of each township at their May meeting, and annually thereafter, shall elect one supervisor for each road district, and each supervisor who refuses or neglects to qualify and serve shall forfeit and pay the sum of ten dollars and costs, to be collected by the township's trustees in an action of debt. Money so collected shall go into the road fund of the township and be credited to the proper road district; that when any vacancy shall occur in the office of supervisor, by death, resignation or otherwise, the trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill the vacancy.

To elect supervisors.

Penalty for refusal to qualify.

How applied.
Vacancy.

SEC. 4. The road-bed shall not be more than sixteen feet wide, and in opening new roads not more than five jurors shall be summoned or required; and it shall be the duty of each and every supervisor to open, or cause to be opened, all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repair, and remove, or cause to be removed, all obstructions that may from time to time be found thereon, for which purpose the supervisors are hereby authorized to enter upon any uncultivated lands or improved lands unencumbered by crops near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands as the improvements thereon and timber as the nature of the case and the public good will permit, and the drains and ditches so made shall be conducted to the nearest water-course or waste-grounds, and shall be kept open by such supervisors and shall not be obstructed by the owner or occupier of said lands or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offence, to be collected by the supervisor and paid over by him to the township trustees and applied by them to the road fund of the township.

Width of road.
Jury.

Duty of supervisor.

Penalty for obstruction of ditches.

How applied.

SEC. 5. That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of this state, and exempted by the county commissioners and board of township trustees of the township in which he resides, shall be liable annually

Road hands.

Payment in lieu of labor.	to do and perform six days' labor on the public roads and highways, under the direction of the supervisor of the road district in which he shall reside : <i>Provided further</i> , that if any person [who] shall be liable to do or perform said six days' labor as herein provided shall pay to the supervisor in whose district he may reside the sum of four dollars and fifty cents (\$4.50), the same shall be received in lieu of the six days' labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of his district, and accounted for as hereinafter provided.
How applied.	
Duty of supervisor to order out hands.	SEC. 6. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of February and the first day of December annually to do and perform the work aforesaid on the public roads within the district, and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice to attend by himself or an able-bodied substitute acceptable to the supervisor with such tools as the supervisor may direct, or having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or any inattention or neglect of the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable in all cases of non-attendance to the amount of six days' work, to be recovered by action before any justice of the peace of the proper township, at the suit of the supervisor within whose district he may reside, and also be guilty of a misdemeanor and fined not exceeding five dollars nor less than two dollars and all cost of action, or imprisoned not exceeding five days nor less than two days, or both at the discretion of the court, and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the township trustees: <i>Provided</i> , that no person shall be released from the performance of labor on the public roads and highways by reason of the neglect of any supervisor to order out such person on or before the first day of December as hereinafter provided.
Penalty.	
Misdemeanor.	
Money collected, how applied.	
Proviso.	
Removal of hand from one district to another.	SEC. 7. That in case any person shall remove from one district to another who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.
Duty of hand when summoned.	SEC. 8. That any person called upon to perform any labor upon the public roads under any provisions of this act shall by himself or substitute appear at the place appointed by the supervisor at an hour

not later than seven o'clock in the forenoon with such necessary tools and implements as the supervisor may direct.

SEC. 9. That for the purpose provided for in the preceding section of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards in any road district in the counties embraced in this act.

Definition of
"residence."

SEC. 10. That the several supervisors within their respective districts shall collect by suit or otherwise all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for, and they are hereby authorized and required, before their settlement with [the] township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures or penalty, in the opinion of the supervisor, can be collected by execution; and the said judgments, if not paid, together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.

Suits for fines,
&c.

SEC. 11. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts, and every supervisor is hereby required to account to the township trustees at the annual settlement for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the six days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or constable collecting the same to the supervisor of such road district wherein such fines or forfeitures accrued, and the several supervisors shall also render an account to the township trustees at the annual settlement of all moneys that remain in their hands at the time of the settlement, also all judgments that remain unpaid and the name of the judgment debtor and the justice of the peace before whom such judgments were obtained, with the amount thereof, and the township trustees shall make such order as to the prosecution of the suits by the supervisor of the proper district against such delinquents as in the judgment of the trustees the interest of the township may require or demand.

Supervisors to
expend moneys
collected, &c.

Duties.

Fines, &c., pay-
able to super-
visors.

Duties of super-
visors.

SEC. 12. That all the moneys that remain in the hands of the supervisor at the time of the annual settlement with the trustees shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor and deposit said receipt with the township trustees. It shall be lawful for any supervisor to sue out executions on any judgment that remains unpaid

Moneys on hand
payable to suc-
cessors, &c.

Supervisors to
sue out execu-
tions.

within his proper district at any time when, in his opinion, the same can be collected, and the money so received and collected shall be expended as provided in the foregoing section.

Foot-bridges.

SEC. 13. That the supervisors of roads and highways in the counties named in this act be and they are hereby authorized to construct foot-bridges over streams of water on said highways.

Guide-posts, &c.

SEC. 14. That each supervisor within his district shall erect and keep up at the expense of the township, at the forks of roads, or cross-roads of every state and county road, a post and guide or finger-board containing an inscription in legible letters directing the way and distance to the town or towns, or public place or places situated on each road respectively.

Penalty for wilfully demolishing, &c., guide-posts, &c.

SEC. 15. That if any person shall wilfully demolish, throw down, alter or deface any guide or finger-board, every person so offending shall upon conviction thereof before any justice of the peace of the proper county be fined in a sum not exceeding ten dollars and costs of suit, and may be deemed guilty of a misdemeanor and imprisoned not more than ten days, and the money, when collected, shall be by the justice of the peace collecting the same paid over to the supervisor in whose district the offence was committed, and be by him applied to the repair of the roads and highways within his district.

Application of fines.

Justices to furnish blasting material, tools, &c.

SEC. 16. That the township trustees of the several townships of the counties embraced in this act are hereby empowered and authorized to furnish blasting material and blasting tools, road plows, scrapers and such other tools as in their judgment the road interest of their respective townships requires, and to pay for the same out of any money in the township treasury not otherwise appropriated. The township trustees shall take a receipt from each supervisor for such implements and material as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements or material, or to any of them, by improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession; and he shall, on the first Saturday of May annually return the same to said township trustees. The amount for which such supervisor shall be liable for such improper use or neglect may be recovered by action in the name of the township trustees.

To take receipt.

Liability of supervisor.

Commissioners, in joint session with justices, authorized to levy special tax.

SEC. 17. That the board of county commissioners in joint session with a majority of the justices of the peace of the counties named in this act, are hereby authorized and empowered to levy and assess at the June session of their board annually, for road purposes, not less than five cents nor more than fifteen cents on each one hundred dollars worth of real and personal property, and not less than fifteen cents nor more than forty-five cents on each taxable poll, observing the constitutional equation between property and poll, and the chair-

man of the board of county commissioners shall place the same on the tax-list of the current year, to be included and collected in the annual taxes; that if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property and polls of their respective townships, and shall certify the same, in writing, to the board of county commissioners and justices of the peace at their June session, who may levy and assess a special tax not exceeding ten cents on each one hundred dollars worth of real and personal property, and thirty cents on each poll; and the commissioners and justices may levy and assess the same on the taxable property of the township, and the same shall be collected as other taxes and paid out as herein provided.

SEC. 18. That the chairman of the board of county commissioners within thirty days after their June session shall notify the chairmen of each board of township trustees of the amount levied and assessed for road purposes in each township, and that the said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts, and shall, within sixty days from said June session, make out a list of the names of each tax-payer, of the amount of the road tax with which each stands charged, and transmit the same to the supervisor of the proper district.

Commissioners to notify chairmen of trustees of tax.

List of tax-payers.

SEC. 19. That any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged, by attending at the time and place and with such tools as may be designated by the supervisor of the road district. Any person performing labor as herein provided in payment of road taxes shall be allowed seventy-five cents for each day's labor performed acceptably to said supervisor, and a ratable allowance per day for any team, implements and material furnished by any person under the direction of the supervisor of such district,

Tax may be paid by labor.

Allowance for labor.

who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than was charged against such person, and the county sheriff shall receive all such certificates as money in the discharge of said road tax; but the supervisor of any road district provided for in this act shall not be required to accept or superintend labor in payment of any road tax as in this section provided, unless said labor shall be performed prior to the fifteenth day of November of the year in which said road tax was levied and assessed. The township trustees, in determining the division of this fund, shall be governed, not by the miles of road in each district but by the necessities of the roads, the cost of making repairs, the convenience of obtaining material, the quantity of material necessary to make substantial repairs, &c., and make a just and equitable division of said fund between the several districts in the township.

Certificate.

Receivable by sheriff as money. When labor to be performed.

Division of fund.

Neglect of duty
by supervisor a
misdemeanor.

SEC. 20. That each and every supervisor who shall neglect or refuse to perform the several duties required of him by this act, or who shall under any pretence whatever give or sign any receipt or certificate purporting to be a receipt or certificate for labor in work performed or money paid unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, or shall fail or refuse to account to the township trustees for any money which may have come into his hands belonging to the road fund of the township, or shall enter into any collusion or combine with any person or persons who shall be liable to perform labor on the public roads or pay road tax whereby the intent and purpose of this act may be evaded or defeated, or permit or allow any person in the performance of road labor in payment of the six days required by this act as in the discharge of road tax to spend the time in idleness or any inattention to duties assigned him, or permit the use of worthless and inefficient tools, may be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace of the proper county shall forfeit and pay for every such offence the sum of not less than five dollars nor more than fifty dollars, and may be imprisoned not less than five days nor more than thirty days, and, in the discretion of the township trustees, said supervisor may be removed and the vacancy filled by the said trustees: *Provided*, that if either party conceives himself aggrieved by the judgment of said justice of the peace he may, on giving bond with sufficient security to said justice of the peace for the payment of cost, appeal to the superior court, who shall make such orders therein as may appear just and reasonable. It is hereby made the duty of the township trustees to strictly enforce the provisions of this act and to prosecute all offences against the provisions of the same.

Penalty.

Appeal.

Duty of trustees
to prosecute.

Supervisor to
give certificate
for timber, &c.,
taken by him.

SEC. 21. That each and every supervisor who shall cut and take any timber or stone for the purpose of making or repairing any road, bridge or cross-way within his district shall, on demand of the owner of the lands, their agent or agents, or the guardian of any ward, or the executor or administrator or commissioner having lands in charge from which timber or stone was taken as aforesaid, shall give a certificate showing the quantity of such timber or stone, with the presumptive value thereof respectively, and the time and purpose for which the same were taken.

Payment of cer-
tificate by trus-
tees.

SEC. 22. That any person or persons who shall receive a certificate as in the foregoing section provided, shall within sixty days from the date thereof, present the same to the township board of trustees, who, being satisfied the amount claimed is just and equitable, shall cause the same to be paid out of any moneys of the road fund of the township not otherwise appropriated; but if not so satisfied they

shall determine what sum, in their judgment, would be just and fair and order the same paid as hereinbefore provided.

SEC. 23. That each supervisor shall receive for his services one dollar per day for the time actually employed on the roads, deducting the commutation for his six days' labor. Supervisors having charge of not more than twenty-five persons shall not receive more than six dollars in any one year, and no supervisor having a greater number shall receive more than ten dollars in any one year: *Provided*, the board of township trustees may allow greater compensation to supervisors in case of damage to roads resulting from natural causes, or when, in their judgment, the public interest will best be subserved by establishing large road districts, which they are hereby authorized and empowered to do; but in no case shall a greater compensation than one dollar per day be allowed to any supervisor for the time such supervisor was actually and diligently employed on the road or roads within his road district, and shall be paid out of the road funds belonging to the township wherein the services were performed.

Compensation of supervisors.

Additional compensation.

SEC. 24. That at any time during the year when any public highway shall become obstructed it shall be the duty of the supervisor of the district in which said obstructions exist forthwith to cause the same to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstructions. If the person or persons thus ordered out shall have performed their six days' labor upon the public highways and paid their road tax for the current year, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

Removal of obstructions by supervisor.

Certificates to hands.

SEC. 25. That the board of township trustees shall annually, at their May session, elect one of their number treasurer, who shall be styled treasurer of the board of township trustees; he shall enter into bond in such sum as the township trustees shall designate, which in no case shall be less than double the amount of road tax levied for said township. It shall be his duty to receive all moneys due to said township from the sheriff or tax-collector, or from any other source, and not later than the first day of December of each year make final settlement with the sheriff or tax-collector of the county, and demand of him all sums of money due to the road fund of said township, together with a list of the certificates of each road supervisor of the township for labor performed on the roads in payment of road tax as provided in section nineteen of this act. He shall carefully compare each certificate with the tax-list in possession of the sheriff or tax-collector and note any discrepancy therein, and shall file the same in his office. He shall also make annual settle-

Treasurer of board of trustees.

Bond.

Duties.

ment with the road supervisors of the township, and, when approved by the board of township trustees, pay to each of said supervisors such sum or sums as may be due, taking receipt therefor. He shall keep a book in which shall be recorded all the moneys coming into his possession by virtue of his said office as treasurer, and shall clearly show the sources from which the same was [were] received, passing his receipt therefor; he shall also show to whom and for what purpose said moneys were paid out, taking receipt for the same, and he shall annually make settlement with the township board of trustees, and exhibit to said board his books and all vouchers in his possession: and for any violation of the provisions of this statute he shall be liable and subject to the same fines and penalties as county treasurers.

Penalty.

Secretary of state to furnish copies of act:

SEC. 26. That the secretary of state shall, not later than the first day of May of the present year, furnish the register of deeds of each of the several counties embraced in this act with one hundred copies of this act for the use of the supervisors and township trustees of the proper counties, and the board of county commissioners shall furnish all necessary books and blanks for the use of the road supervisors and township trustees.

Commissioners to furnish books, &c.

Act applicable only to certain counties.

SEC. 27. That this act shall apply only to the counties of Clay, Macon, Cherokee, Graham and Swain.

Conflicting laws repealed.

SEC. 28. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 29. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 355.

An act for the relief of citizens of Sanford, Moore county.

The General Assembly of North Carolina do enact:

Unlawful for R. & A. Air-Line R. R. or C. F. & Y. V. R. R. to obstruct streets in Sanford.

SECTION 1. That it shall [be] unlawful for the Raleigh and Augusta Air Line Railroad Company or the Cape Fear and Yadkin Valley Railway Company, or the employees of either, to obstruct the public streets in the town of Sanford, Moore county, at the several crossings of their respective roads, by locomotive or cars, for a longer space of time than ten minutes.

Penalty.

SEC. 2. That such obstruction of any one of the public streets of the said town of Sanford, by either of said railroad companies or their employees, at any crossing of the roads belonging to either company, shall subject the railroad company so offending to a

penalty of fifty dollars in each instance, to be recovered by an action before the mayor of the town of Sanford or some justice of the peace in the county of Moore, to be paid into the treasury of said town of Sanford.

SEC. 3. That such action shall be prosecuted in the name of the town of Sanford. Action for penalty.

SEC. 4. That the speed of the trains running upon the said railroads when within three hundred yards of the depot at Sanford, Moore county, shall be reduced to the rate of ten miles per hour, and any violation of this section by any employee of either of said railroads shall subject the employing road to a penalty of twenty dollars, to be recovered in the name of the town of Sanford before the mayor of said town, or before some justice of the peace of Moore county, and paid into the treasury of the [town] of Sanford. Speed of trains.
Penalty.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 356.

An act to amend an act entitled an act to compel personal representatives to plead the statute of limitations, ratified on the tenth day of February, eighteen hundred and ninety-one, and to postpone the operation of same.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled an act to compel personal representatives to plead the statute of limitations, ratified on the tenth day of February, eighteen hundred and ninety-one, shall not apply to any action now pending, or debt or claim on which suit shall be brought on or before January the first, eighteen hundred and ninety-two. Chapter 92, ante, not applicable to actions pending or brought before January 1, 1892.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 357.

An act supplemental to an act entitled an act to prevent the sale of liquor within two miles of Ray's school-house in Madison county.

The General Assembly of North Carolina do enact :

Chapter 199, *ante*,
not to take effect
until May 1, 1891.

SECTION 1. That the time for going into effect of the act entitled an act to prevent the sale of liquor within two miles of Ray's school-house in Madison county, passed at this session, be and the same is hereby postponed until the first day of May, eighteen hundred and ninety-one.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 358.

An act to amend chapter five hundred and three, section one, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 503, laws
1889, amended.
Provisions of law
in regard to re-
covery of dam-
ages to public
roads by hauling
logs, applicable
to Martin, Co-
lumbus, Tyrrell
and Washington
counties.

SECTION 1. Amend line two, section one, after the word "Bertie" insert "Martin, Columbus, Tyrrell and Washington."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 359.

An act to prevent obstructions in Rider's creek and Second creek in Tyrrell county.

The General Assembly of North Carolina do enact :

Unlawful to
obstruct Rider's
and Second
creeks, Tyrrell
county.

SECTION 1. That it shall be unlawful for any person or persons to cut trees or put logs or any other obstructions that will prevent the free passage of water in Rider's creek and Second creek in Tyrrell county: and if any person or persons shall fail to remove any of said obstructions within ten days he or they shall be guilty of a misdemeanor and fined for each and every offence not more than fifty dollars, or imprisoned not to exceed thirty days.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 360.

An act to incorporate "The Hendersonville and Brevard Railway, Telegraph and Telephone Company."

The General Assembly of North Carolina do enact :

SECTION 1. That C. E. Wilson, J. R. Zachary, A. E. Boardman, J. W. Jendwin, Morgan J. Evans, John T. Maloney, W. A. Gash, and their associates and successors, are hereby created and constituted a body politic and corporate by the name of "The Hendersonville and Brevard Railway Telegraph and Telephone 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 may adopt, have and use a common seal and the same to alter at pleasure ; and the said company shall have power and authority to enact all by-laws, rules and regulations necessary for their government not inconsistent with the laws of this state, and shall have and enjoy all rights, powers, liberties, privileges, immunities and franchises pertaining to corporations under chapter sixteen of The Code of North Carolina, entitled "Corporations."

Body politic.

Corporate name.

Corporate powers.

SEC. 2. The said corporation shall have power to acquire, hold, sell and convey real and personal property to such an extent as to them may seem proper, and take title thereto in the name of the corporation, and convey the same through their officers in the same way that other corporations are now by law authorized to convey real estate : *Provided*, that the said corporation shall not at any time hold more than ten thousand acres of land.

Corporate powers.

Proviso.

SEC. 3. The said corporation shall have power to build, equip and operate one or more lines of railway to be operated either by steam or electricity, and of any gauge that may be determined on by the board of directors, connecting the town of Hendersonville in the county of Henderson with the town of Brevard in Transylvania county, and to construct, build and operate, either by steam or electricity, lines of railroad from either of the above named towns, or from any point along any of their lines, to any point in the state of North Carolina or adjoining states, subject to the laws of such state, that may be determined on by the board of directors of said corporation. And for the purpose of enabling the said corporation to build, equip and operate the said lines of railways above mentioned, they are hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies."

Authorized to build railroads.

Terminal.

Corporate powers.

SEC. 4. The said corporation shall have power to build, erect, construct, maintain and operate one or more lines of telegraph or

Authorized to build telegraph and telephone lines.

telephones from the town of Hendersonville in the county of Henderson to the town of Brevard in the county of Transylvania, and to such other towns and places in the state of North Carolina, and to such places in other states as may be allowed by the laws thereof, as the board of directors of the said company may direct, and the said corporation shall have power to manufacture, buy, sell, own, lease, use and license others to use all telegraphic instruments, appliances and all kinds of speaking telephones, and all kinds of telephonic instruments and appliances and all other apparatus and appliances pertaining to the transmission of intelligence by electricity, and for that purpose the corporation shall be allowed to construct, operate and maintain, either by itself or its license, public or private lines of telegraphs of [or] telephones, and shall be authorized to connect with any other line or lines of telegraph or telephone, and to establish and maintain offices and exchanges at such towns and places as may be determined on by the board of directors. And the said corporation for the purposes above mentioned are hereby invested with all the rights, powers, privileges, franchises and immunities given to telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies."

Corporate powers.

Subscriptions by individuals, &c., and by counties, cities, towns and townships.

SEC. 5. That individuals, firms, joint stock companies, counties, cities, towns and townships who now are or may hereafter become interested in any of the enterprises for which this corporation is formed, and [are] severally authorized to subscribe to the capital stock of the same in money, bonds, stocks or property to any amount agreed upon between the party subscribing and the board of directors of this corporation; and that counties subscribing to the capital stock of the corporation shall make their subscriptions as provided for in sections one thousand nine hundred and ninety-six, one thousand nine hundred and ninety-seven, one thousand nine hundred and ninety-eight, one thousand nine hundred and ninety-nine and two thousandth, chapter forty-nine of The Code of North Carolina.

Subscriptions by counties.

Subscriptions by townships.

SEC. 6. That townships desiring to subscribe to the capital stock of the corporation shall make their subscriptions through the board of county commissioners of the county in which such township is situated in the following manner, to-wit: Upon the petition of one-fourth of the owners of real estate who are qualified voters of such township, setting forth the amount proposed to be subscribed, and whether in money, bonds or property, and praying that the question of subscription or no subscription shall be submitted to the qualified voters of such township, it shall be the duty of the board of county commissioners of the county in which said township is located to order an election to be held in the said township at which shall be submitted to the qualified voters thereof the question of subscription or no subscription; and that all elections held, and subscriptions made by

Election.

townships shall be regulated as provided by sections one thousand nine hundred and ninety-six, one thousand nine hundred and ninety-seven, one thousand nine hundred and ninety-eight, one thousand nine hundred and ninety-nine and two thousand of The Code of North Carolina regulating county subscriptions to railroad companies. And all bonds or other obligations for the payment of township subscriptions shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, witnessed by the official seal of the said board, and shall state that the same is to be paid by the tax-payers of the township voting the subscription. And it shall be lawful for the board of county commissioners and justices of the peace of the county in which such townships are located, at their regular meeting for levying county taxes, to levy annually out of the taxable property of such township a special tax sufficient to pay the interest on the obligations as it may accrue, and to create a sinking fund for the payment of the principal when it becomes due.

Issuance of bonds.

Special tax.

SEC. 7. That the board of aldermen or town commissioners of any city or town shall have power to subscribe to the capital stock of this corporation, and the subscription shall be made by the board of aldermen or town commissioners in the same manner and subject to the same laws, regulations and restrictions as are now provided by law for county subscriptions to railroad companies by sections one thousand nine hundred and ninety-six, one thousand nine hundred and ninety-seven, one thousand nine hundred and ninety-eight, one thousand nine hundred and ninety-nine and two thousand of The Code of North Carolina, unless the charters of such cities and towns authorize some other manner of making subscriptions; if so, such cities and towns are hereby authorized to make their subscriptions as provided for by their respective charters.

Subscriptions by cities and towns.

SEC. 8. The corporation shall have power to sell, grant, convey, improve, lease, mortgage or otherwise deal with any or all its property and franchises through its proper officers, to issue mortgage bonds upon any or all the property of the corporation, to execute promissory notes or other negotiable instruments, and to raise money or establish credit in such manner as the corporation may see fit, and to do all such things as are incidental or conducive to the attainment of any or all of the objects for which it is formed.

Corporate powers.

SEC. 9. That the capital stock of said corporation shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each, with the privilege of increasing the same to one million dollars.

Capital stock.

SEC. 10. That whenever the sum of one thousand dollars shall have been subscribed to the capital stock of the said corporation by solvent subscribers it shall be the duty of the stockholders or any three of them to call a general meeting of the stockholders and at such meeting to elect not less than three nor more than ten directors, one of

Organization.

whom shall be elected president of the directors, whose term of office shall be one year, and all officers of the corporation shall hold their offices until their successors are chosen and inducted into office. The president and directors shall also elect a secretary and treasurer and such other officers as may be provided for by the by-laws, and the term of office for all officers, except the president and directors, shall be fixed by the by-laws.

Stock¹vote.

SEC. 11. That in all elections held by the corporation each share of stock represented in person or by proxy shall be entitled to one vote.

Principal office.

SEC. 12. That the principal place of business of the corporation shall be at Calhoun, in the county of Transylvania, but, by a vote of a majority of the stock at any regular meeting, the principal office or place of business may be changed to any other place designated by the stockholders.

Corporate exist-
ence.

SEC. 13. That the corporation shall exist and be in full force and effect from and after the ratification of this act.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 361.

An act to prohibit the sale of spirituous liquors.

The General Assembly of North Carolina do enact :

Unlawful to sell,
&c., liquor within
two miles of
Madison Sem-
inary Baptist
church, Madison
county.
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of or manufacture any spirituous liquors within two miles of Madison Seminary Baptist Church and school in Madison county.

SEC. 2. Any person 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. 3. This act shall take effect from and after its ratification.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 362.

An act to amend the charter of the Asheville Fast Line and Suburban Railway Company, ratified the eleventh day of March, A. D. one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 480, laws
1889, amended.

SECTION 1. That section one, of chapter four hundred and eighty of the public laws of one thousand eight hundred and eighty-nine, (being an act entitled "An act to incorporate the Asheville Fast Line and Suburban Railway Company,") of said act be amended by inserting

after the word "right" in line sixteen and before the word "to" the following words: "enjoyed by any other railroad company in North Carolina;" and further, that said act be amended by inserting after the word "that" in line ten of section two of said act, and before the word "this" in the same line the following words: "except by the consent of the board of aldermen had and obtained."

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

Ratified the 4th day of March, A. D. 1891.

Condemnation of land.

Authorized to build on streets occupied by Asheville street railway, by consent of aldermen.

CHAPTER 363.

An act to establish a scale of fees for the clerk of the superior court of the county of Pitt.

The General Assembly of North Carolina do enact :

SECTION 1. That the fees of the clerk of the superior court of Pitt county shall be the following, and no other, namely: Affidavit, including jurat and certificate, twenty cents; appeal from justice of the peace, including docketing, forty cents; appeal from the clerk to the judge, including docketing, forty cents; appeal to supreme court, including certificate and seal, one dollar and fifty cents; appointed [appointing] and qualifying justice of the peace, to be paid by the justice, twenty-five cents; apprenticing infant, including indenture, seventy-five cents; attachment, order in, forty cents; auditing account of executor, administrator or guardian or other trustees required to render accounts, if not over three hundred dollars, forty cents; if over three hundred dollars and not exceeding one thousand dollars, sixty cents; if over one thousand dollars, seventy-five cents; auditing final settlement of any such trustee required to render accounts, one-third of one per centum of the amount on which commissions are allowed to such trustee; for all sums not exceeding one thousand dollars and for all sums over one thousand dollars, one-fifteenth of one per centum on such excises [excess]; but such fees shall not exceed ten dollars, unless there be a contest, when the clerk shall have two-thirds of one per centum on the said excess over one thousand dollars, but in no instance shall his fees exceed twenty dollars; bill of cost, preparing same, in criminal action, twenty cents; bond as undertaking, including justification, forty cents; capias, each defendant, seventy-five cents; caveat to a will, entering and docketing same for trial, seventy cents; certificate, except when it is a charge against the county, twenty cents, and when it is a charge against the county the fee shall be such sum, not exceeding twenty

Scale of fees of clerk Pitt superior court prescribed.

Scale of fees of clerk Pitt superior court prescribed.

cents, as the board of commissioners shall allow; commission, issuing, sixty cents; continuance, twenty cents; docketing laborer's lien, forty cents; docketing *ex parte* proceedings, forty cents; docketing judgments, except as otherwise provided, twenty cents; execution and return thereon, including docketing, forty cents; and certifying return to clerk of any county when judgment is docketed, twenty cents; guardian, appointment of, including taking bond, justification, seventy-five cents; impaneling jury, ten cents; indictment, each defendant in the bill, forty cents; injunction, order for, including taking bonds or undertaking and justification, seventy-five cents; judgment, final, in term time, including docketing in civil action, seventy-five cents; judgment, final, against each defendant, including docketing, in criminal actions, seventy-five cents; judgment, final, before the clerk, including docketing, forty cents; judgment by confession, without notice, all services, two dollars; judgment in favor of widow for year's support, forty cents; judgment *nisi*, entering against a defaulting witness or juror on bail bonds or recognizance, twenty cents; juror's ticket, including jurat, ten cents; justification of sureties on any bond or undertaking, except as otherwise provided, forty cents; settlers of administration, including bond and justification of sureties, seventy-five cents; motions, entry and record of, twenty cents; notice, twenty cents, and for each name over one in same paper ten cents additional; notifying solicitors of removal of guardian, seventy-five cents; order enlarging time for pleadings and all interlocutory orders in special proceedings and civil actions, twenty cents; order of arrest, seventy-five cents; order for appearance of apprentice on complaint of master, seventy-five cents; for appearance of master on complaint of apprentice, seventy-five cents; order for the registration of a deed or other writing which has been proved or acknowledged in another county, or before a judge, justice, notary or other officer, except a chattel mortgage, twenty cents; postage, actual amount necessarily expended; presentment, each person presented, ten cents; probate of a deed or other writing proved by a witness, including the certificate, twenty cents; probate of a deed or other writing acknowledged by the signers as makers, including all except married women who acknowledge at the same time, with the certificate thereof, twenty cents; probate of a deed or other writing executed by a married woman for her acknowledgment and private examination, with the certificate thereof, twenty cents; probate of a chattel mortgage, including certificate, ten cents; probate of a will in common form and letters testamentary, seventy cents; qualifying justice of the peace, to be paid by the justice, twenty-five cents; qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents; recognizance, each party when no bond is taken, twenty cents; recording and copying papers, per copy sheet, ten cents;

resignation of guardian, relinquishment of right to administer or to qualify as executor, receiving, filing and writing the same, twenty cents; seal of office, when necessary, twenty cents; subpoena, each name, ten cents; summons in civil action or special proceedings, including all the names therein and docketing, seventy-five cents; and for each copy thereof, twenty cents; transcript of judgment, twenty cents; transcript of any matter of record or papers on file, per copy sheet, ten cents; trial of any cause, or stating an account as referee pursuant to order of the judge, such allowance as the judge may make; witness ticket, including jurat, ten cents. Three and one-half per centum commission shall be allowed the clerk on all fines, penalties, amercements and taxes paid the clerk by virtue of his office, and two per centum on all sums of money, not exceeding five hundred dollars, placed in his hands by virtue of his office, except on judgment decrees and executions, and upon the excess over five hundred dollars, of such sums two-thirds of one per centum.

SEC. 2. That all laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 364.

An act to review, lay out and amend the public road from New Wilkesboro to Tennessee line at Ambrose Gap.

The General Assembly of North Carolina do enact :

SECTION 1. That John Lem Whittington, of Wilkes county, and Hugh Burgess, Wm. K. Wilcoxson and George L. Price of the county of Ashe, are hereby appointed commissioners whose duty it shall be to review, lay out and establish a public road leading from New Wilkesboro by the way of Reddies' river gap in the Blue Ridge, Abshers' store, Jefferson and Creston to the Tennessee state line at Ambrose gap, and to make and designate such changes and alterations in existing roads which can be incorporated in such line as they may deem expedient; to improve the grade of said road between New Wilkesboro and Ambrose Gap on the Tennessee state line; that the review and location shall be made by way of Reddies' river gap in the Blue Ridge, Abshers' store, Jefferson and Creston as aforesaid. Commissioners appointed to establish road from New Wilkesboro to Tennessee line.

To make report to county commissioners.

SEC. 2. That after discharging their duties under this act, said commissioners shall make three reports of their work, one to the board of commissioners of each of said counties, and in said report they shall designate what damage any person through whose land said alterations or establishment of road have been made has sustained, which damage is to be paid by the county in which the land is situated.

Damages.

Road on Blue Ridge mountains, how made.

SEC. 3. That said commissioners, or a majority of them, shall have power to determine what portion of said road upon the Blue Ridge mountains shall be made by the hands living in the county of Ashe on the north side of said review and location, and what portion shall be made by the hands living in the county of Wilkes upon the lower or south end of said review and location, and in apportioning said work upon said road across the mountain, said road commissioners shall consider the benefit to be derived by hands and people living in the respective counties, and they need not, in apportioning the work upon said mountain, be governed by county lines further than they deem just and right.

County commissioners to call out hands, &c.

SEC. 4. That the board of commissioners of the respective counties shall have power and it shall be their duty to call out, and the hands in their respective counties living within five miles of said road or any portion thereof by a straight line, to aid in constructing and making said road according to the alteration and locations made by said commissioners above named. And said boards of county commissioners shall have the power and it shall be their duty to appoint overseers over the part of said road lying in their respective counties or for the portion allotted and designated by said road commissioners under the provisions of this act. Said road commissioners may adopt such portions of the present road as they may deem expedient, and the alterations shall be equal in width to the present road when first made.

Overseers.

Road to be laid out, &c., within twelve months. When hands to work.

SEC. 5. That said road shall be laid off, changed and made according to the provisions of this act within twelve months from the ratification of this act, but no person shall be compelled to work on said road in said time more than ten days, nor at a time that would seriously interfere in working the crops.

Liability of road hands.

SEC. 6. That all hands subject to road duty and subject to work on said road according to the provisions of this act shall be liable to all the penalties and laws now in force for failing to work public roads.

Township supervisors to receive road when completed.

SEC. 7. That when the said alterations, changes and new locations 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 is situate, to receive the same and to report to the county commissioners of their county that said road or changes have been constructed according to law, and

when so completed said road shall be kept up in the manner now prescribed by the general road law. How road to be kept up.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 365.

An act to authorize the board of county commissioners of Brunswick county to issue bonds to build a jail and repair the court-house of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of building a jail and repairing the court-house of the county of Brunswick the commissioners of said county of Brunswick are authorized and empowered to issue bonds, bearing interest at the rate of six (6) per centum per annum, to the amount of seven thousand (\$7,000) dollars of the denomination [of] not less than one hundred nor more than five hundred dollars at the discretion of said commissioners, said bonds to run for twenty (20) years, with the privilege to the commissioners to pay the same or any part thereof after the expiration of five (5) years from the issuing of the same, said bonds to have coupons attached representing the interest thereon to fall due in annual instalments, and to be prepared under the supervision of said county commissioners, and the coupons thereon to be receivable in payment of county taxes: Commissioners of Brunswick authorized to issue bonds to build jail, &c.
Provided, that the commissioners of said county, before the said bonds are issued, shall order an election to be held by the qualified voters of said county at such time as the commissioners may deem best under the laws regulating the election of members of the general assembly; that at said election those in favor of issuing said bonds shall vote a ballot on which shall be written or printed the words "For bonds," and those opposed to said issue shall vote a ballot on which shall be written or printed the words "Against bonds," and that no bonds shall be issued unless at said election a majority of the qualified voters of said county shall vote in favor of the issue of said bonds as hereinbefore provided. Coupons receivable for county taxes. Election on question of issuing bonds. Ballots. Bonds to be issued on majority vote of qualified voters.

SEC. 2. That the said bonds when issued shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of the board of commissioners of Brunswick county and attested by his official seal, and the board of commissioners of said county shall sell said bonds and apply the proceeds to the erection of a county jail and to the repairing of the county court-house, and if Bonds, how issued. Sale and application of proceeds.

Surplus.

any surplus remains after such payments they may apply the same to any county purpose deemed necessary by them.

Special tax.

SEC. 3. That to meet the interest on said bonds and to provide a sinking fund for the payment of the principal thereof, the board of commissioners, with the concurrence of a majority of justices of the peace 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, said tax not to exceed fifteen cents on the hundred dollars worth of property and forty-five cents on the poll.

Payment of bonds.

SEC. 4. That if after the expiration of five years from the issue of said bonds said companies [commissioners] shall desire to pay any of said bonds under the option given in the first section of this act, they shall advertise the fact in some newspaper published in Southport or Wilmington for thirty days and name therein by numbers the bonds they wish to pay, and if the same are not presented for payment within thirty days from the last day of advertising, interest on the same shall cease from and after said thirty days.

Commissioners authorized to sell site of old jail, &c.

SEC. 5. That if said commissioners shall prefer another site than that occupied by the old jail for the erection of the new jail they are authorized to select such site for that purpose, and to sell the old jail and site and execute a title therefor to the purchaser and to apply the proceeds thereof either to the new jail or the court-house or to any necessary county purpose in their discretion.

Record of bonds to be kept.

SEC. 6. That the commissioners of said county shall keep a record in which shall be entered the name of every purchaser of a bond and the number and amount of the bond purchased, and also a record of the number and amount of every bond redeemed; and all of the bonds, when so recorded and redeemed, shall be burned in the presence of the board of commissioners by their clerk.

Bonds redeemed to be destroyed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 366.

An act to extend the police jurisdiction of the town of Salem.

Preamble.

WHEREAS, That portion of the county of Forsyth lying south, south-east and east of the town of Salem and contiguous to said town and bounded as follows: beginning at the present north-east corner of Salem corporation, running north eighty-two degrees forty-two minutes east with and beyond the Winston corporation line a total dis-

tance of two thousand feet, thence south seven degrees eight minutes east (as nearly as possible parallel to Main street) to the line between Broadway and Winston townships, then follow said township line east to the line of C. A. Reynolds' land, then follow his line east and south to the old road in front of the John Rights place, then follow said road west and south to the old plank road, then south, or nearly so, to the corner of the place belonging to T. E. Reynolds (known as the George Reynolds place), then west to the west side of the proposed extension of Main street, thence along west side of said Main street to the south side of Banner avenue, thence along south side of Banner avenue south eighty-two degrees fifty-two minutes west two thousand six hundred and forty feet to stake and corner, and thence north seven degrees eight minutes west one thousand eight hundred and seventy feet to the creek at the present south-west corner of corporate limits of Salem : now, therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the mayor of the town of Salem is hereby authorized and empowered to appoint one or more policemen, whose business shall be to patrol that portion of the said county of Forsyth, and who shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of said territory by suppressing disturbances and apprehending offenders. Said officers shall execute all processes directed to him [them] by the mayor of Salem, and in the execution thereof shall have the same powers which sheriffs and constables have, and shall have all the powers and be entitled to all the fees for the execution of all precepts issued by the mayor, which shall be the same as that of sheriffs for like service, and shall hold their office for the same term as policemen of the town of Salem, and be subject to all the rules and regulations to which policemen of the town of Salem are subject.

Mayor of Salem authorized to appoint policemen for portion of Forsyth county contiguous to town.

Duty and powers of policemen.

SEC. 2. That the mayor of the town of Salem is hereby constituted a special court, with all the jurisdiction and powers in criminal offences occurring within the limits of said territory which are or hereafter may be given to the 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 crime. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors occurring within said territory, causes being of a violation of any ordinances provided for the regulation of the town of Salem, which are hereby declared to be in [as] full force and effect within said territory as if said territory were included within the corporate limits of the town of Salem, and the violation of any of said ordinances within said territory is hereby declared to be a misdemeanor, and punishable by the mayor of Salem as if committed within the corporate limits of said town.

Mayor a special court. Jurisdiction.

Ordinances of town in force in territory.

Misdemeanor.

Fines, &c., how applied.

SEC. 3. That all fines and penalties imposed by and collected under the judgment of the mayor of Salem for offences committed within said territory shall belong to and inure to the benefit of the town of Salem.

Persons failing to pay fines liable to work on streets.

SEC. 4. That in all cases where judgments may be entered up against any person for fines or penalties according to the laws and ordinances of the town of Salem for offences committed within said territory, and the person against whom the same is adjudged refuses to pay or is unable to pay said judgment, it shall be lawful for the mayor before whom such judgment is entered to order and require such person so convicted to work on the streets of said town of Salem or other public works within said town or territory until, at fair rates of wages, such person shall have worked out the full amount of the judgment and cost of prosecution, or he may be confined in the county jail and hired out to the commissioners of Forsyth county.

Residents of territory not liable to town taxation. Not allowed to vote in town elections.

SEC. 5. The citizens within said territory shall not be subject to taxation by the town of Salem on any property within said territory, nor shall the citizens of said territory be entitled to vote in any election affecting the town of Salem.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 14th day of March, A. D. 1891.

CHAPTER 367.

An act to incorporate the Northampton and Hertford Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That F. Kell, A. L. Shepherd, G. S. H. Clark, Geo. S. Urquhart, E. John Peebles, G. P. Burgwin, J. A. Burgwin, J. A. Buxton, S. N. Buxton, R. B. Peebles, W. W. Peebles, C. R. Harrell, Paul Harrell, G. M. Powell, John W. Buxton, J. W. Weaver, Everett Baugham, S. M. Lassiter, Albert Vann, Geo. W. Beverly, Wm. P. Shaw, Thos. Wynns and Jas. L. Anderson, or any five of them, and such other person or persons as may be associated with them, be and they are hereby created a body politic and corporate by the name of "The Northampton and Hertford Railroad Company," under which name it shall have sixty years succession

Corporate name.

Corporate existence. Corporate powers.

and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and advantages of other like corporations under existing laws besides those hereinafter enumerated.

Authorized to build road.

SEC. 2. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose from some point on the Seaboard and Roanoke Railroad at or near Gumberry

Termini.

or Garysburg in the county of Northampton to Jackson in said county, and from thence to some point on the Chowan river at or near Tunis in the county of Hertford, and also to construct lateral Branch roads. branches to the said railroad, no such branch to exceed ten miles in length, and also to extend and connect said railroad with the Extension. Petersburg and Weldon Railroad at Garysburg aforesaid or at some point on the last railroad aforesaid between Garysburg aforesaid and Pleasant Hill in said county of Northampton, and also with the right to extend said railroad to the Roanoke river at some point on said river between the mouth of Occoneechee swamp and Hyman's Ferry.

SEC. 3. The said company is also authorized to acquire, own and operate lumber and grist mills and steam and other vessels for water transportation, also such lands and timber as it may obtain by voluntary purchase, and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the said company in any manner not inconsistent with the provisions of this charter or the laws of this state. Corporate powers.

SEC. 4. The capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and the stockholders may augment the same from time to time as they may deem requisite and necessary to carry into full effect the purposes of this charter; and the persons aforesaid, or any three of them, are hereby appointed commissioners to open books of subscription and receive subscriptions to the capital stock of the company at such times and places as they may appoint, and when ten per centum of the capital stock shall have been subscribed and five per centum of such subscriptions be paid in, then the stockholders may organize said company by the election of a board of directors to consist of not less than five, and the said directors shall elect one of their own body as president of said board and of said company. Such election shall be held at such time and place as may be agreed upon by a majority of the stock represented, the said president and directors to serve one year, and until their successors shall be elected and qualified, unless vacancies shall sooner occur by death or resignation, in either of which latter cases the said board or a majority of them may fill such vacancies until the regular election. A majority of said board shall constitute a quorum for the transaction of business. A regular annual meeting of the stockholders of said company shall be held at, such time and in such place each year as the said board may appoint, of which due notice shall be given, at which annual meeting a new board of directors shall be elected for the ensuing year. A quorum of stockholders shall consist of the holders of a majority of stock. The president and directors shall appoint a secretary and treasurer and such other Capital stock. Books of subscription. Organization. Annual meeting of stockholders.

officers and agents as shall be prescribed by the by-laws, and shall have authority to make such by-laws, rules and regulations from time to time as may be required to conduct the affairs of the company properly.

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 treasurer 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 duly recorded in said book. Said stock shall be held and considered as personal property.

Transfers.

Stock on personal property.

Condemnation of land.

SEC. 7. For the purpose of obtaining rights-of-way and depot stations for said railroad, the company is authorized to acquire, by voluntary sale by the owners, such lands along its line as it may need, and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have the right to acquire title in fee-simple to the same by the process of condemnation in the manner prescribed in chapter forty-nine of The Code of North Carolina: *Provided*, that such condemnation shall not exceed one hundred feet in width along the line of said railroad and one acre for each depot station: *And provided further*, that no curtilage or burial ground shall be condemned for the purposes of said railroad.

Proviso.

Proviso.

May commence construction at any point.

SEC. 8. That the said company may commence the construction of the said railroad at any point or points on its line and use any portion of its said railroad constructed before its final completion, and may charge for transportation and passage thereon.

Corporations, counties, townships, cities, towns and villages authorized to subscribe to stock.

SEC. 9. That any corporation, city, town or village, county or township may subscribe to stock in said company, or otherwise contribute to the construction of said railroad in such manner and in such amount as shall be determined by the proper authorities of such corporation, city, town or village, county or township, and agreed upon by said company, and said subscriptions or contributions by any county shall be made according to chapter forty-nine of The Code of North Carolina. The justices of the peace, or a majority of them, of any township in or through which said railroad may pass are authorized to make an order requiring the constable of such township, at such times and on such notices as they shall direct, to open a poll and take the sense of the voters of such township qualified to vote for members of the general assembly whether such township shall subscribe to the stock of said company for such sum or sums as the order shall propose; and the officers superintending such election shall make return to the board of justices of the peace of said

Subscription by county.

Subscription by township.

Election.

township of the number voting for and against it; if upon said return it shall appear that a majority of the votes are in favor of the subscription, then the board of justices of the peace of such township, or a majority of them, shall make the subscription for such township, the subscription to be paid for in bonds of said township or in cash as the said justices of the peace may elect, and upon such terms as may be agreed upon by said justices and railroad company, and the said justices of the peace or a majority of them shall issue bonds of said township of not less than fifty nor more than one thousand dollars each, payable at such times and places as the said justices of the peace shall direct. Said bonds may be made payable to said railroad company, or to bearer, or to any person, as said justices shall direct. Said bonds shall have coupons attached and shall bear not less than six nor more than eight per centum interest, which interest shall be payable on the first day of January in each and every year. Said township authorities are hereby vested with full power and authority to raise money by taxation on all taxable persons, land and other property within their township for the payment of any part of said township subscription that may be due, and for the payment of the principal and interest of the bonds so issued as aforesaid.

Bonds.

Special tax in township.

SEC. 10. That work on said road shall be commenced within three years from March the first, one thousand eight hundred and ninety-one.

When work to commence.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 368.

An act to make the apportionment of the members of the Senate.

The General Assembly of North Carolina do enact:

SECTION 1. Until another apportionment of the state shall be had in accordance with the terms of the constitution and laws of North Carolina, the senate shall be composed of members elected from districts constituted as follows:

Senatorial districts established.

First District.—Currituck, Camden, Pasquotank, Hertford, Gates, Chowan and Perquimans shall elect two senators.

Second District.—Tyrrell, Washington, Martin, Dare, Beaufort, Hyde and Pamlico shall elect two senators.

Third District.—Northampton and Bertie shall elect one senator.

Fourth District.—Halifax shall elect one senator.

Fifth District.—Edgecombe shall elect one senator.

Sixth District.—Pitt shall elect one senator.

Senatorial districts established.

Seventh District.—Wilson, Nash and Franklin shall elect two senators.

Eighth District.—Craven, Jones, Carteret, Lenoir, Onslow and Greene shall elect two senators.

Ninth District.—Duplin, Wayne and Pender shall elect two senators.

Tenth District.—New Hanover and Brunswick shall elect one senator.

Eleventh District.—Warren and Vance shall elect one senator.

Twelfth District.—Wake shall elect one senator.

Thirteenth District.—Johnson shall elect one senator.

Fourteenth District.—Sampson, Harnett and Bladen shall elect two senators.

Fifteenth District.—Columbus and Robeson shall elect two senators.

Sixteenth District.—Cumberland shall elect one senator.

Seventeenth District.—Granville and Person shall elect one senator.

Eighteenth District.—Caswell, Alamance, Orange and Durham shall elect two senators.

Nineteenth District.—Chatham shall elect one senator.

Twentieth District.—Rockingham shall elect one senator.

Twenty-first District.—Guilford shall elect one senator.

Twenty-second District.—Randolph and Moore shall elect one senator.

Twenty-third District.—Richmond, Montgomery, Anson and Union shall elect two senators.

Twenty-fourth District.—Cabarrus and Stanly shall elect one senator.

Twenty-fifth District.—Mecklenburg shall elect one senator.

Twenty-sixth District.—Rowan, Davie and Davidson shall elect two senators.

Twenty-seventh District.—Forsyth and Yadkin shall elect one senator.

Twenty-eighth District.—Stokes and Surry shall elect one senator.

Twenty-ninth District.—Iredell, Alexander and Wilkes shall elect two senators.

Thirtieth District.—Alleghany, Ashe and Watauga shall elect one senator.

Thirty-first District.—Caldwell, Burke, McDowell, Mitchell and Yancey shall elect two senators.

Thirty-second District.—Catawba and Lincoln shall elect one senator.

Thirty-third District.—Gaston, Cleveland, Rutherford and Polk shall elect two senators.

Thirty-fourth District.—Buncombe, Madison and Haywood shall elect two senators.

Thirty-fifth District.—Henderson, Transylvania, Jackson and Swain shall elect one senator.

Thirty-sixth District.—Macon, Cherokee, Clay and Graham shall elect one senator.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 369.

An act to authorize the state board of education to invest the funds from sale of swamp lands, etc.

WHEREAS, The state board of education and the state treasurer report that from sales of swamp lands, from entries of land and from corporation tax on railroad companies, there has accumulated to the board's credit a considerable amount of money ; and whereas, the said board reports that other sales of swamp lands will probably be made in the near future: therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the state board of education be authorized to invest their funds in North Carolina four per cent. bonds or in other safe interest-bearing securities, the interest on which shall be used as may be directed from time to time by the general assembly for school purposes.

State board of education authorized to invest funds.

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

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 370.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two, line seven, chapter two hundred and eighty of the laws of one thousand eight hundred and eighty-nine be amended by adding in line seven after the word "Rockingham" so as to include "Washington."

Chapter 280, laws 1889, amended. Provisions of law making it unlawful for employers to issue non-transferable scrip to laborers, applicable to Washington county.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 371.

An act to amend chapter five hundred and three, laws of one thousand eight hundred and eighty-nine, relating to public roads in Northampton county.

The General Assembly of North Carolina do enact :

Chapter 503, laws 1889, amended. Provisions of law in regard to recovery of damages for injury to public roads by hauling logs, applicable to Northampton county.

SECTION 1. That section one of chapter five hundred and three of the laws of one thousand eight hundred and eighty-nine be amended by adding "Northampton" county after "Bertie" county in second line of said section.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 372.

An act to amend chapter two hundred and twenty-eight, laws of eighteen hundred and eighty-five, being entitled "An act to incorporate the Mount Holly and Denver Railroad Company."

The General Assembly of North Carolina do enact :

Chapter 223, laws 1885, amended.

Condemnation of land.

Application for election in Catawba Springs township on question of subscription. May subscribe \$15,000. Commissioners of Lincoln to issue bonds for subscription of Catawba Springs township.

SECTION 1. Amend section six by striking [out] all after the word "and" in line six of said section and inserting in lieu thereof the words "as is provided by The Code of North Carolina for the purposes of condemnation of land for right-of-way, et cetera, for railroads"; also strike out in section ten, lines one and two and words "one hundred" and insert "two hundred qualified voters;" strike out in section ten, line four, the words "five thousand" and insert in lieu thereof thereof "fifteen thousand."

SEC. 2. Strike out all of section eleven and substitute the following for said section, which shall be section eleven of said bill: "Sec. 11. If a majority of the qualified voters of Catawba Springs township shall vote the sum of fifteen thousand dollars it shall be the duty of [the] county commissioners of Lincoln county to issue coupon interest-bearing bonds in the denomination of one hundred and five hundred dollars respectively to run thirty years, bearing six per centum interest, which is to be paid annually, the said bonds to bear on their face the purpose for which said bonds were issued, said bonds to be signed by the chairman of the board of county commissioners of Lincoln county and countersigned by the register of deeds of said county. The county commissioners shall levy a special tax on Catawba Springs township of said county to pay the interest on said bonds, and said

Special tax.

tax to be levied and collected at the same time and in like manner as state and county taxes are now levied and collected. After ten years it shall be the duty of said board of county commissioners to levy an additional tax to pay one-thirteenth of said debt in cash and every year thereafter until said debt is liquidated.”

Additional tax.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 373.

An act for the relief of Maney's Neck Township in Hertford county.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of the board of education of Hertford county, upon the order of said board, shall pay over to the board of commissioners of said county the sum of one hundred and twenty-five dollars out of the public school funds belonging to the public schools in said township, to be applied by said board of commissioners in building a township court-house in and for said township, at a place to be designated by the justices of the peace of said township.

\$125 of township school fund appropriated to build township court-house.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 374.

An act to create a new township in the county of Rowan to be called Cleveland township.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township to be called Cleveland township is hereby created in the county of Rowan, to be taken from the townships of Scotch-Irish, Mount Ulla and Steele, and bounded as follows : Beginning at a point on Third creek known as Knox's bridge, thence southeast along the new public road to Beaver Dam branch, thence down said branch to Withrow's creek, thence down said creek to White's bridge on Concord road, thence north with said road to the Wilkesboro road, thence with said road to the Neely mill bridge on Third creek up to a point above and near S. M. Hobson's bridge, thence northwest to Baker's mill on Fourth creek, thence with said creek to the Iredell line, thence south with said line to the beginning.

Cleveland township, Rowan county, established. Boundaries.

SEC. 2. That the said township shall have all the rights, powers and privileges now granted to the townships by law, and the place of voting shall be Cleveland.

Rights. Voting place.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 375.

An act to prevent stock from running at large in certain portions of Rutherford county.

The General Assembly of North Carolina do enact :

Unlawful to allow stock to run at large from Jan. 1st, to Oct. 1st, within certain boundaries in Rutherford county.

SECTION 1. That it shall be unlawful for any person to allow stock to run at large from the first day of January of each and every year until the first day of October, or until the crops are gathered, in the following boundaries, to wit: From the Twitty's ford road up said waters of Mountain creek to C. W. Owen's outside fence up Maple creek to Laxton Walker's fence and Mill creek to include M. D. Hill's farm, said lands all included under one common fence: *Provided*, no landlord or tenant shall be deprived of fencing and inclosing his own land by fence either jointly or otherwise and pasturing the same when so inclosed.

Proviso.

Misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars at the discretion of the court.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 376.

An act to confirm and make valid patent number eight thousand eight hundred and forty-one issued the twelfth day of December, one eight thousand hundred and eighty-eight.

The General Assembly of North Carolina do enact :

Patent No. 8,841, issued to L. R. Mason, validated.

SECTION 1. That a patent issued by the secretary of state known as patent number eight thousand eight hundred and forty-one on the twenty-first day of August, one thousand eight hundred and eighty-eight, to L. R. Mason of New Hanover county, and recorded in the office of the secretary of state in book one hundred and seventy-nine, page one hundred and five, be and the same is hereby validated in all respects.

Act not to affect prior entries.

SEC. 2. That nothing herein shall be construed to affect any prior entry thereon obtained by any other person.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 377.

An act to permit the commissioners of New Hanover county to exempt certain foremen of factories and machine shops from jury duty.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of New Hanover county in drawing the jurors for each term of the superior and criminal courts of New Hanover county are hereby empowered to throw aside and not include in the list of jurors drawn the name of any foreman of a factory or machine shop in said county who shall have made application to the said commissioners as hereinafter provided.

Commissioners of New Hanover empowered to exempt from jury duty foremen of factories, &c.

SEC. 2. That any foreman of any factory or machine shop desiring to be exempt from such service, shall make application to said commissioners at any regular meeting of said board of commissioners, who shall, in their discretion for good cause shown, grant the same: *And provided further*, that such exemption shall not extend for a period of more than two years, and shall cease when he ceases to be such foreman.

Foremen to make application for exemption.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 378.

An act to incorporate the Piedmont Springs Railroad and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. C. Buxton, G. W. Hinshaw, S. E. Allen, R. M. Douglas, W. L. Brown, J. B. Vaughan, Frank Miller, L. H. Hill, John Van Lindley, and their associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of the Piedmont Springs Railroad and Improvement Company, and by such name may acquire, hold and convey real and personal property, either by deed or mortgage, of all kinds; may contract and be contracted with; 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, incident or belonging to like corporations by common law or by statute.

Body politic.

Corporate name.
Corporate powers

SEC. 2. That the principal business of said corporation shall be to acquire, own, improve, mine, work and manage the land, with hotel and other improvements thereon, known as the "Piedmont Springs

Purposes of corporation.

- property" in Stokes county, North Carolina, and land adjacent thereto, and for such purposes it may construct, buy, rent, operate and lease turnpikes, railroads of any gauge, operated by horse-power, steam or electricity, and telegraph and telephone lines from its property to any convenient point on any railroad now or hereafter constructed in this state or to the state line, and to lease or otherwise dispose of the same; and may construct, operate and dispose of electric light, water and gas plants; may subscribe to, take, hold and transfer the stock and bonds of other incorporated companies; may issue its own bonds or promissory notes, secured or unsecured, and shall have and exercise all lawful powers and privileges necessary or incident to the construction and operation of such works: *Provided, however,* that no such works shall be undertaken or debt incurred unless approved by an affirmative vote of two-thirds of its shares of stock.
- Corporate powers.**
- Proviso.**
- Corporate existence.** SEC. 3. That the said corporation shall endure and continue for the term of thirty years.
- Place of business.** SEC. 4. That the principal place of business of said corporation shall be at said Piedmont Springs, but it may have its principal office and transact business elsewhere whenever its stockholders may so elect.
- Office.**
- Capital stock.** SEC. 5. That the capital stock of said corporation shall be twenty-five thousand dollars, divided into two hundred and fifty shares of the par value of one hundred dollars each, and may be increased from time to time by a two-third vote of its stock to a sum not exceeding five hundred thousand dollars (\$500,000), but the corporation may permanently organize whenever ten thousand dollars (\$10,000) shall have been subscribed and paid in.
- Organization.**
- Liability of stockholders.** SEC. 6. That the stockholders shall not be personally liable for any of the debts or liabilities of the corporation except to the amount of unpaid stock subscribed.
- Corporate powers.** SEC. 7. That the said corporation may adopt and use a common seal, and alter the same at pleasure; may make and adopt and change such lawful by-laws as its stockholders may deem proper; may make, elect and appoint directors and 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 subscription and payment of stock, and the transfer thereof, and do all other lawful acts necessary and proper for the transaction of its business, and for the purposes of constructing and operating the connecting railroad and telegraph lines as above provided for shall have and exercise all the powers, rights and privileges conferred upon corporations by the general law of North Carolina.
- Invested with municipal powers.** SEC. 8. That the corporation shall be invested with municipal powers to the extent that it may make and enforce ordinances not inconsistent with the constitution and laws of the state for the pro-

tection of its real and personal property, to prevent drunkenness and disorderly conduct on its grounds or in any of its buildings, to prevent intrusions, trespasses and disturbances and the like offences; and that any violation of an ordinance so passed shall be a misdemeanor, punishable by a fine not exceeding fifty (\$50) dollars, or imprisonment not exceeding thirty days.

SEC. 9. 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 violation 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 the powers of a constable on the grounds of the company, and to enforce its rules and regulations.

Directors may
appoint police-
men, &c.

SEC. 10. That at all meetings of the corporation each share of stock shall be entitled to one vote, to be cast by the owner thereof in person or by proxy, subject to such reasonable regulations as the by-laws may prescribe; and at all such meetings a majority of the stock issued or paid for shall constitute a quorum.

Stock vote.

Quorum.

SEC. 11. That until the corporation shall fully organize under this act, the directors thereof shall be J. B. Vaughan, W. L. Brown, Frank Miller, L. H. Hill and John Van Lindley, and the president thereof shall be Robert M. Douglas, and the secretary and treasurer S. E. Allen, who shall hold their offices until their successors are appointed and qualified.

Temporary
directors and
officers.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 379.

An act to establish a ferry across the Yadkin river.

The General Assembly of North Carolina do enact :

SECTION 1. That A. L. Hendrix, James Hickerson and W. F. Bell, of Wilkes county, their heirs and assigns, are hereby authorized to establish a ferry across the Yadkin river just above the Martin ford, opposite Ronda station in Wilkes county.

A. L. Hendrix
and others au-
thorized to estab-
lish ferry across
Yadkin river.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said A. L. Hendrix, James Hickerson and W. F. Bell, 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 A. L. Hendrix, James Hickerson, W. F. Bell, 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 county commissioners of Wilkes county.

Authorized to
take tolls, &c., as
prescribed by
county commis-
sioners.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 380.

An act to extend provisions of section one thousand nine hundred and eighty of The Code for the Washington and Kinston Railway Company.

The General Assembly of North Carolina do enact :

Time within which Washington and Kinston R. R. Co. to begin construction of road extended two years.

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty of The Code for any railroad company to begin the construction of its road after its articles of association are filed in the office of the secretary of state or the passage of its charter, be and the same is hereby extended for (2) two years to the Washington and Kinston Railway Company, the said company having been duly incorporated under the general railroad laws on the twelfth day of December, one thousand eight hundred and eighty-eight, and that said company may begin operations as required by law at any time within two years after the passage of this act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 381.

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

The General Assembly of North Carolina do enact :

Wilmington, Chadbourne and Conwayboro R. R. Co. authorized to issue mortgage bonds not exceeding ten thousand dollars per mile.

SECTION 1. That section five, chapter seventy-three, laws of one thousand eight hundred and eighty-three, be amended by striking out the word "five" in seventh line thereof and inserting the word "ten."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 382.

An act for the better protection of fish in the streams of Durham and Orange counties.

The General Assembly of North Carolina do enact :

SECTION 1. It shall be unlawful for any person or persons to fish with seine in any of the streams of Durham and Orange counties without first obtaining permission from the riparian owners of said streams at the place or places where the said seines are set.

Unlawful to seine in streams of Durham and Orange counties without permission of riparian owner. Misdemeanor.

SEC. 2. Any person violating the preceding section shall be guilty of a misdemeanor and fined not more than ten dollars or imprisoned not more than ten days for each offence.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 383.

An act to amend chapter three hundred and two (302) of the laws of eighteen hundred and eighty-nine, so as to include clams under the protection of the oyster law.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and two (302) of the laws of eighteen hundred and eighty-nine (1889) be amended by adding after the words "oysters" whenever it appears in said act or in any section thereof the words "or clams," and after the word "oyster" in any section of said act the words "or clam," so as to make said act include clams and clam gardens in all of its provisions.

Chapter 302, laws 1889, amended. "Clams" included within provisions of "act to protect the oyster interest."

SEC. 2. That section one (1) of said chapter three hundred and two (302) be further amended by adding at the end of said section one (1) the following words: "And punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty (30) days: *Provided*, this act shall only apply to the counties of Pender and Brunswick."

Penalty.

Act applicable only to Pender and Brunswick counties.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 384.

An act to validate the probate of a deed from Henry Richards and others
to A. H. Jones and others.

Preamble.

WHEREAS, In the year 1859 a deed conveying two hundred acres, more or less, of land in Henderson county, North Carolina, on the waters of Mud creek was executed by George Ashford, Henry Richards and wife Mary Richards and James A. Tucker and wife Ann Tucker, all residents of the state of South Carolina, to A. H. Jones, J. P. Gorden and T. H. Allen, residents of Henderson county, North Carolina: and whereas, the acknowledgment of said deed and the privy examination of the said *femes covert* were had and taken by and before John Richards, Esquire, a justice of the peace in and for Union county, South Carolina, and the official signature of said justice of the peace having been duly authenticated by the proper certificate of the clerk of a court of record, and by a judge of the circuit court, attested by the certificate and seal of the governor of the state of South Carolina: therefore,

The General Assembly of North Carolina do enact:

Probate of deed
from G. Ashford
and others to A.
H. Jones and
others validated.

SECTION 1. That the said acknowledgment and privy examination, as taken by said John Richards, Esquire, justice of the peace in Union county, South Carolina, and authenticated by the clerk, judge and certificate and seal of the governor of South Carolina, be and the same are hereby validated and declared sufficient to all intents and purposes to admit the said deed to be probated and registered in the county of Henderson.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 385.

An act to amend chapter forty-six, section one thousand eight hundred
and seventy-six, volume one of The Code.

The General Assembly of North Carolina do enact:

Sureties on offi-
cial bonds to take
oath that they
are worth a cer-
tain sum, not
less than \$500.

SECTION 1. That section one thousand eight hundred and seventy-six, volume one of The Code be amended as follows: Strike out in line six after the word "than" "one thousand" and insert "five hundred."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 386.

An act in relation to the public schools in the city of Statesville.

The General Assembly of North Carolina do enact :

- SECTION 1. That the board of aldermen of the city of Statesville shall and they are hereby authorized to submit to the qualified voters of said town at such time or times not oftener than once in any one year until such schools are established, under such rules and regulations as said board may prescribe and within six months after the ratification of this act, whether a tax shall be annually levied therein for the support of the schools in said town provided by this act. At the election held under the provisions of this act those who favor the levying of such tax shall vote on written or printed ballots "For school," and those who are opposed to the levying of such tax shall vote on written or printed ballots without device the words "Against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the elections held under the general laws of the state in state and county elections. The board of aldermen shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.
- SEC. 2. The inspectors of said election shall, on the day following said election, certify the number of votes cast and counted for and against school to the board of aldermen of said town, who shall proceed to declare at once the result of the election, and if a majority of the votes cast shall be in favor of such tax the same shall be levied and collected by the town authorities, under the same rules and regulations under which other town taxes are levied and collected, and the tax-collector shall be subject to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than one-fifth of one per centum on the property nor more than one dollar upon each poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the graded public schools in the city of Statesville, or for providing by purchase or otherwise suitable buildings and grounds for the said schools.
- SEC. 3. For the purposes and benefits of this act, the city of Statesville shall be and is constituted a public school district for both white and colored.
- SEC. 4. If this act shall be ratified at any one of the elections authorized to be held under it, the school committee of the city of Statesville shall consist of six members instead of three, as now required by the general school law, to be elected by the aldermen of the city of Statesville at their next regular meeting held after the election provided in this act. The said school committee shall be
- Election in Statesville on question of special tax for public schools.
- Ballots.
- Penalties for illegal voting.
- Notice of election.
- Returns of election.
- Tax to be levied on majority vote.
- Collection.
- Amount of tax.
- Application of tax.
- Statesville made a public school district.
- School committee.
- How elected.
- Divided into classes.

- divided by the said aldermen at the time of their election in three classes of two each. The terms of office of the first class shall expire at the end of two years from the date of election; of the second class at the end of four years; and of the third class at the end of six years. Whenever the term of office of any class shall expire as above provided, their successors shall be appointed for a term of six years by the said aldermen. Whenever any vacancy occurs in said committee, except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the board of aldermen.
- Terms of office.**
- Vacancies.**
- Powers and duties of school committee.** SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the graded public schools, their interests and property in the city of Statesville, and shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers annually, subject to the removal by the said committee; shall make an accurate census of the school population of the town as required by the general law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests of the town: *Provided*, all children resident in the city of Statesville between the ages of six and twenty-one shall be admitted into said schools free of tuition charges, unless upon the voluntary subscription of their parents or guardians.
- Admission of pupils.**
- What moneys to go to schools.** SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the state to the Statesville public school district or districts, and embracing said town, and any moneys which the said district or districts may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the city of Statesville, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher for such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of the said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of the said money in any settlement required of him by the law. The said treasurer shall furnish annually to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of said school committee at any time.
- Treasurer.**
- Moneys to constitute separate fund, &c.**
- Annual statement by treasurer.**
- Proviso.**

SEC. 7. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be an amount sufficient to include double the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation such an amount as may be fixed jointly by the committee and the board of aldermen of the town.

Treasurer's bond.

Compensation.

SEC. 8. The school committee provided for by this act shall apportion the money raised and received for educational purposes in the city of Statesville as shall be just to the white and colored races without discrimination of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the schools for both races; the schools to be provided for separate for each race. If the number for either race and the fund therefor is insufficient to maintain a graded school, the fund without discrimination may be applied for a public free school for said race under the control of said committee.

Apportionment of school fund between white and colored schools.

Separate schools.

SEC. 9. The committee created by this act may annually elect a superintendent of the schools established under this act, who shall also be the principal of the graded white school, if the same be established. He shall also have general superintendence of the colored school, whether a graded or public school. He shall examine all applicants for teachers' positions in said schools and issue certificates to the same before any teacher shall be eligible to election by the committee as teacher in any of said schools, and he shall do and perform such other duties as may be prescribed by said school committee.

Superintendent of schools.

SEC. 10. That the said committee shall make to the board of aldermen annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the city of Statesville, an account of public graded or other public schools therein, a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Iredell. The beginning and ending of the school year shall be fixed by the committee.

School committee to make report.

School year.

SEC. 11. The school committee hereby created shall be a body politic and corporate by the name and style of "The Statesville Graded Schools," and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office, and all deeds, mortgages and other engagements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee, the secretary,

School committee incorporated. Corporate name. Corporate powers.

Execution of deeds, &c.

- Corporate seal.** and the seal of the corporation is affixed thereto. The corporation may have a seal, which it may break or alter at pleasure.
- Conflicting laws repealed.** SEC. 12. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 13. This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 387.

An act for the relief of the citizens of Caswell county.

The General Assembly of North Carolina do enact :

- August term Caswell superior court abolished.** SECTION 1. That the August term of the superior court of Caswell county be and the same is hereby abolished.
- 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 6th day of March, A. D. 1891.

CHAPTER 388.

An act to prohibit the sale of spirituous liquors.

The General Assembly of North Carolina do enact :

- Unlawful to sell, &c., liquor within three miles of Upper Laurel Methodist and Baptist churches, Madison county.** SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of or manufacture any spirituous liquors within three miles of Upper Laurel Methodist and Baptist churches, Madison county.
- Misdemeanor.** SEC. 2. Any person 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. 3. This act shall take effect from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 389.

An act to authorize the commissioners of Montgomery county to issue bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Montgomery county be empowered at any time within two years to issue coupon bonds of the county for the purpose of settling its indebtedness, not to exceed fifteen thousand dollars in amount, of such denominations as they may deem for the best interest of the county.

Commissioners of Montgomery authorized to issue bonds not exceeding \$15,000 to pay county indebtedness.

SEC. 2. Said bonds shall bear interest at such rate, not to exceed six per centum per annum, as the said board of commissioners shall determine; and the interest shall be payable annually.

Interest.

SEC. 3. The coupons of said bonds shall be receivable for all county taxes.

Coupons receivable for county taxes.

SEC. 4. The bonds and coupons shall be payable at the office of said board, the office of the county treasurer, or at some bank, as may be determined by said board.

Bonds and coupons, where payable.

SEC. 5. The bonds shall be payable at such time as the board shall determine, not exceeding thirty years from issue; and may be made payable in partial payments, or, at the option of the board of commissioners, they may be payable before maturity. If they shall be made payable in partial payments, coupons for such payments shall be attached to the bonds.

Bonds, when payable.

SEC. 6. The bond shall bear date of the first day of January of the year in which it is issued, and shall state in its body the rate of interest, when the bond shall be paid, and the option of previous payment, or there shall be no such option of said board, and where payments shall be made; they shall be signed by the chairman of the board of county commissioners and countersigned by their clerk and impressed with their official seal. The coupons shall bear the date and number of the bond, and shall be signed by the chairman of said board and countersigned by their clerk.

Description of bonds.

SEC. 7. The clerk of the board of commissioners shall enter in a book, or in a portion of the book of official reports set apart for this special purpose, the date of the issue, the consideration of sale, the amount, the rate of interest, the number and amount of coupons, the place of payment, the maturity and option of payment, the bonds being numbered in order of issue; and when a bond shall be cancelled or the payment of a coupon allowed by the board of commissioners in their settlements with county officers an entry shall be made in the aforesaid book, along by the original entry of the bond, showing said cancellation or payment, so that the record will give at any time the full amount owing by the county on account of bonds issued.

Duties of clerk of commissioners.

Bonds, how disposed of.

Not to be sold for less than par. Proviso.

Employment of agent.

Taxes collected under chapter 317, laws 1887, applicable to the payment of bonds.

Proviso.

SEC. 8. The board of commissioners may issue bond or bonds in payment of any county debt, or may sell the same on the market at such rate as they may deem best: *Provided*, that no bond shall be sold at less than par with accrued interest: *Provided*, that they may sell less than par if they shall have already contracted to cancel with the proceeds of such sale an equal or greater amount of the debt of the county; and all money realized by such sales shall be applied to the discharge of the then existent county debt.

SEC. 9. The said board may employ some suitable agent to negotiate for them with purchasers of bonds and with creditors of the county or other purpose in execution of the purpose of this act; but no action of such agent shall bind the county until approved and confirmed by the board. They shall have power to take from such agent such bonds as they may deem expedient for the payment of any money that may come into his hands as such agent, and for the faithful conduct of such agency. And should they designate the county treasurer agent for receiving and paying out such moneys his official bond shall be liable as for other public moneys of the county.

SEC. 10. Such taxes as may be collected under chapter three hundred and seventeen, laws of one thousand eight hundred and eighty-seven, shall be applied to the payment of such bonds as may hereunder be issued: and if there shall arise from such taxes money which cannot be advantageously be applied to settlement of said bonded debt the board of commissioners shall through such agent as they shall name invest the same as a sinking fund for the payment of said bonds: *Provided*, that all money shall immediately be paid on any bonds which may be canceled at their par value.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 390.

An act in relation to the supreme court library.

The General Assembly of North Carolina, do enact:

Code, section 3635, amended. Ten volumes N. C. Reports to be placed in supreme court library. \$150 appropriated annually to rebind volumes, &c.

SECTION 1. That section three thousand six hundred and thirty-five of The Code is amended by providing that ten volumes of the reports shall be distributed to the supreme court library instead of five volumes as is now provided in line eighteen of said section.

SEC. 2. That for the purpose of rebinding the volumes in the library and for other contingent expenses of the supreme court there shall be annually appropriated one hundred and fifty dollars.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 391.

An act for the relief of the sureties of Luby Harper, former sheriff of Greene county.

The General Assembly of North Carolina do enact :

WHEREAS, Luby Harper, former sheriff of Greene county, failed to collect all of the taxes due the county of Greene for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six; and whereas, judgment has been obtained in the superior court of Greene county on relation of the board of commissioners of said county against the said Luby Harper and his sureties for said taxes: and whereas, the said Luby Harper is insolvent:

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners be and they are hereby empowered to appoint a tax-collector, who shall be required to enter into a bond sufficient to cover said arrears of taxes. After said bond has been approved by said board of commissioners, the tax list for the said arrears of taxes shall be delivered to the said tax-collector, and he is hereby authorized and empowered to collect all 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 the tax-collector on the same except the cost allowed by law for advertising.

Commissioners to appoint tax-collector.

To collect back taxes for certain years.

Proviso.

SEC. 2. That said tax-collector shall pay over to the commissioners of said county all taxes collected by him under this act for the benefit of the sureties of said Luby Harper.

Taxes payable to commissioners for benefit of sureties.

SEC. 3. That said commissioners when said money or taxes is paid to them shall pay the same to the said sureties as their interest may appear.

Commissioners to pay to sureties.

SEC. 4. That said tax-collector shall receive such commissions out of the said taxes collected under this act as is now allowed sheriffs and tax-collectors for collecting taxes.

Commissions of tax-collector.

SEC. 5. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 392.

An act to amend chapter eighty-three, laws of one thousand eight hundred and forty-eight-nine, relating to the charter of the North Carolina Railroad.

The General Assembly of North Carolina do enact :

Chapter 53 (82?),
acts 1848-'9,
amended.

Junction of N. C.
R. R. with W. &
W. R. R.

Terminus "at or
near Goldsboro."

Construction of
N. C. R. R. to
Goldsboro vali-
dated.

N. C. R. R. em-
powered to hold
property as if
terminus had
been Goldsboro
in original
charter.

Rights not preju-
diced

Track and right-
of-way protected.

Proviso.

SECTION 1. That chapter eighty-three, section one of the public acts of North Carolina of one thousand eight hundred and forty-eight and nine, entitled "An act to incorporate the North Carolina Railroad Company," be amended by striking out in line five the words "where the same passes over the Neuse river" and inserting "at or near Goldsboro."

SEC. 2. That section two be also amended by striking out the words "where the same passes over Neuse river" and inserting "at or near Goldsboro."

SEC. 3. That the construction of the North Carolina Railroad by the North Carolina Railroad Company to the town of Goldsboro as it now exists is hereby ratified in as full a manner as if the original charter had authorized the said company to make a terminal point at Goldsboro instead of where the Wilmington and Raleigh Railroad passes over the Neuse river.

SEC. 4. That the North Carolina Railroad Company is hereby empowered to hold and keep possession of all its property as the same exists at present in all [as] full and complete a manner as if the terminal point of said road had been designated in the original charter as being at or near Goldsboro, so that said company shall not be prejudiced in the assertion of its rights by the fact that the terminal point at or near Goldsboro was not then in such charter; nor shall any other corporation or individual be prejudiced in the assertion of their rights hereby in any court of law or equity.

SEC. 5. That the track at present in possession of said company and running into Goldsboro and the right-of-way to said point shall be entitled to all the legal protection which is extended by its charter to the other parts of said road and subject to the same provisions of said charter and its various amendments; nor shall any other corporation or other individual be prejudiced in the assertion of their rights hereby in any court of law or equity: *Provided, however,* that nothing herein shall be construed to affect or destroy any vested right, power or privilege now existing or enjoyed by any corporation or individual to the land over which the track of the said the North Carolina Railroad now runs, or to the right-of-way over said land, or to the right, if any exists, to cross the track of the said the North Carolina Railroad Company with the track of any such corporation or individual, but as to any such rights, powers or privileges the said the North Carolina Railroad Company or any other corporation to be

affected hereby is left to such remedies for condemnation or otherwise as the said companies may possess under their charter or amendments thereto or the laws of the state.

Ratified the 7th day of March, A. D. 1891.

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

CHAPTER 393.

An act to provide for the repairs, improvements and support of certain insane asylums.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of fifteen thousand dollars (\$15,000) in addition to the sum as provided for in chapter three hundred and sixty-eight of the laws of eighteen hundred eighty-nine, for the support and ordinary repairs of the "North Carolina Insane Asylum," be and the same is hereby appropriated for improvements and extraordinary repairs to said "North Carolina Insane Asylum."

\$15,000 appropriated for improvements and repairs to N. C. Insane Asylum.

SEC. 2. That the sum of thirty-three thousand dollars (\$33,000) per annum be and the same is hereby appropriated for the support and repairs of the "Eastern North Carolina Insane Asylum."

\$33,000 appropriated annually for Eastern N. C. Insane Asylum.

SEC. 3. That the appropriations herein made for the support, improvement and repairs for the asylums at Raleigh and 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.

Appropriations, how drawn.

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

Conflicting laws repealed.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 394.

An act to protect wild fowl in the waters of Core Sound in Carteret county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to shoot wild fowl of any kind whatever from any battery or sneak-boat or to use any battery or sneak-boat in the killing or capture of such wild fowl in the waters of Core Sound between Harbor Island and Shell Point on Harker's Island.

Unlawful to shoot wild fowl from battery, &c., in Core Sound between certain points.

Misdemeanor.

SEC. 2. That any one violating the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty dollars and not less than ten or imprisoned not more than thirty days.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 395.

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

The General Assembly of North Carolina do enact :

Chapter 174, laws 1870-'1, amended.

SECTION 1. That chapter one hundred and seventy-four of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be and the same is hereby amended by striking out of section six all of the two first lines preceding the word "and," to-wit, the following words: "that the northern section of said road shall be completed, first commencing the work at Statesville," and substituting therefor the following: "that said company may begin the work of constructing said road at such point or points as it may deem best."

Construction of road may begin at any point.

Branch roads.

SEC. 2. That said company may construct at any time such branch roads from their main line as it may determine upon, and to this end shall have all the powers and privileges under their charter and the general law of the state to take subscriptions for stock, organize, condemn lands to its use; and said company is authorized to build such branch lines so as to connect its roads with any railroad now built, or hereafter to be built in this state, and to make such leases and transfers as it may think proper.

Corporate powers.

Conflicting laws repealed.

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

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 396.

An act to protect sheep in certain counties.

The General Assembly of North Carolina do enact :

Commissioners of certain counties authorized to offer rewards for wild-cats killed.

SECTION 1. That the board of county commissioners for the counties of Burke, McDowell, Mitchell, Yancey and Watauga are hereby authorized and empowered to offer a reward of two dollars (\$2.00) for each wild-cat killed in their respective counties when the fresh scalp of a wild-cat with ears attached is presented to the register of

deeds, with an affidavit stating the time, place and by whom the wild-cat was killed. On the presentation of this affidavit to the board of commissioners, with a statement in writing by the register of deeds that the scalp and ears were exhibited before him, the said board, if it be satisfied that the facts stated in said affidavit are there [true,] shall issue an order on the county treasurer for the payment of two dollars per head for each wild-cat killed.

SEC. 2. That the scalp furnished to the register of deeds shall be by him destroyed. Register to destroy scalps.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 397.

An act to allow the board of commissioners of Greene county 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 ninety-one and one thousand eight hundred and ninety-two, 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 three 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. Commissioners and justices of Greene, in joint session, authorized to levy special tax to pay county indebtedness, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 398.

An act to apportion the several congressional districts.

The General Assembly of North Carolina do enact :

SECTION 1. [That] for the purpose of selecting representatives of the congress of the United States the state of North Carolina shall be divided into nine districts, as follows : State divided into nine congressional districts.

First.—Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington. First district.

Second.—Bertie, Edgecombe, Greene, Halifax, Lenoir, Vance, Northampton, Warren, Wilson and Wayne. Second district.

- Third district. *Third.*—Bladen, Cumberland, Duplin, Craven, Harnett, Jones, Moore, Onslow and Sampson.
- Fourth district. *Fourth.*—Chatham, Durham, Franklin, Johnston, Nash, Orange and Wake.
- Fifth district. *Fifth.*—Alamance, Caswell, Granville, Guilford, Person, Randolph, Rockingham and Stokes.
- Sixth district. *Sixth.*—Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Richmond, Robeson and Union.
- Seventh district. *Seventh.*—Cabarrus, Davidson, Davie, Iredell, Montgomery, Rowan, Stanly and Yadkin, Lincoln, Catawba.
- Eighth district. *Eighth.*—Alleghany, Ashe, Burke, Caldwell, Cleveland, Gaston, Mitchell, Watauga and Wilkes, Alexander, Forsyth, Surry.
- Ninth district. *Ninth.*—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania and Yancey.

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 7th day of March, A. D. 1891.

CHAPTER 399.

An act to establish a school for the white deaf and dumb children of North Carolina.

The General Assembly of North Carolina do enact:

School for white deaf and dumb children established at Morganton.
Corporate name.

SECTION 1. That there shall be established a school for the white deaf and dumb children of the state under the corporate name of "The North Carolina School for the Deaf and Dumb," to be located upon the grounds donated for that purpose near the town of Morganton.

Directors, how elected, &c.

SEC. 2. That said school shall be under the control and management of a board of directors consisting of seven members, who shall be elected by the general assembly and hold their office for the term of six years; said board shall be divided into three classes, and of those first three shall hold for six years, two for four years and two for two years, and thereafter elections shall be had to fill the classes as they become vacant. If any vacancy shall occur by death, removal or other cause the same shall be filled for the unexpired term by appointment of the governor; said directors shall hold their office until their successors shall be elected and qualified but not more than two of them shall be from the same county.

Vacancy.

President, directors and other officers.

SEC. 3. The board of directors shall organize by appointing one of their number president, and three an executive committee who shall hold for two years. They shall elect a superintendent who

shall be *ex officio* secretary of the board and whose term of office shall be three years, and such other officers, agents and teachers as shall be deemed necessary. The compensation for officers, agents and teachers shall be fixed by the board and shall not be increased nor reduced during their term of service. The superintendent shall be a married man of good moral character, and qualified by education and experience to perform the duties of the position subject to the control of the board; he shall have charge of the institution in all its departments, and perform such duties and exercise such supervision as is incumbent upon such officer.

Compensation.

Qualifications of superintendent.

Duties.

SEC. 4. That the board of directors shall meet for the purpose of organization in the town of Morganton on the first Wednesday in April, one thousand eight hundred and ninety-one, and after organization shall proceed to cause to be elected [erected] as soon as practicable suitable building and improvements, and do all other things necessary within the scope of this act to provide for the opening of said school as soon as practicable with the means at their command; and for the purpose of erecting such building and making such improvements, in addition to the amount contributed by the citizens and town of Morganton, the sum of ten thousand dollars is hereby appropriated for the year one thousand eight hundred and ninety-one, and the like sum for the year one thousand eight hundred and ninety-two, to be paid by the state treasurer out of any moneys in the treasury not otherwise appropriated.

Meeting of directors.

To erect buildings, &c.

Appropriation.

SEC. 5. That as soon as said school shall be ready to receive pupils, the board shall cause to be removed thereto the white deaf and dumb pupils which may then be in the institution for the deaf and dumb and blind in the city of Raleigh, and if said school shall open before the expiration of the fiscal years for which the appropriation for said institution for the deaf, dumb and blind made at this session of the general assembly was granted, then the just portion of such unexpended appropriation as would go to the support of the deaf and dumb, to be determined by the boards of the two institutions, shall be turned over to the use of the North Carolina School for the Deaf and Dumb under the discretion of its board.

Removal of pupils from institution at Raleigh.

SEC. 6. The board of trustees shall, according to such reasonable regulations as they may prescribe, on application, receive into the school for the purposes of education all white deaf mutes residents of the state not of confirmed immoral character, nor imbecile or unsound in mind or incapacitated by physical infirmity for useful instruction, who are between the ages of eight and twenty-three years.

Trustees to receive all white deaf mutes, &c.

SEC. 7. They shall provide for the instruction of all pupils in the branches of study now prescribed by law for the public schools of the state and in such other branches as may be of special benefit to the deaf and dumb. As soon as practicable, the boys shall be

Pupils, how to be instructed.

instructed and trained in such mechanical pursuits as may be suited to them, and in practical agriculture and subjects relating thereto; and the girls shall be instructed in sewing, house-keeping and such art and industrial branches as may be useful to them in making themselves self-supporting.

School to be self-sustaining if practicable.
Arrangements with state hospital.

SEC. 8. That the board of directors shall conduct the school in such way, as far as practicable, as to make it self-sustaining.

SEC. 9. That the board are hereby authorized to make such arrangements with the board of directors of the state hospital at Morganton as may be agreed upon to promote convenience and economy for joint water-supply and lighting arrangements.

By-laws.

SEC. 10. That the board shall have power to make such by-laws, rules and regulations, not inconsistent with this act and the laws of the state, as may be necessary for the proper management of said school and its officers.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 400.

An act to amend section six of an act entitled "An act to incorporate the North Carolina Land and Lumber Company," ratified March the eleventh, one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Chapter 212,
private laws
1889, amended.

Authorized to
build railroads,
&c.

Branch roads.

Condemnation of
land.

SECTION 1. That section six of an act entitled "An act to incorporate the North Carolina Land and Lumber Company," ratified March the eleventh, one thousand eight hundred and eighty-nine, be amended and re-enacted so as to read as follows: "Sec. 6. That for the purpose of transporting timber, as well as for general transportation of persons and property, the said company shall have the right to purchase or 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 any of the counties in this state, 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, such land as may be necessary for its purposes; and such railroads and branches, when so purchased or 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; and the stockholders of said company may, in any annual or general meeting, change the name of said company to such as may be desired."

Corporate powers.

Change of name.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 401.

An act for the relief of Alexander county.

The General Assembly of North Carolina do enact :

SECTION 1. That the state treasurer be and he is hereby directed to surrender to the commissioners of Alexander county the coupons on the bonds now held by the state of North Carolina for cancellation: *Provided*, that the authorities will pay the principal of said bonds as follows, to-wit: one thousand dollars by the first of January, Anno Domini one thousand eight hundred and ninety-two, and one thousand dollars on the first day of January each and every year thereafter, until the whole of said bonds are paid off and discharged. That the coupons may be surrendered on such bonds at the time the principal is paid off as provided above.

Treasurer directed to surrender to commissioners of Alexander certain coupons. Proviso.

SEC. 2. That to provide means to pay off said bonds the authorities of said county are hereby authorized to levy a special tax at the time the state and county taxes are levied, not exceeding one-fifth of one per centum on the hundred dollars valuation of property and sixty cents on the poll.

Commissioners authorized to levy special tax.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 402.

An act to provide for necessary repairs to the State University.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of two thousand and five hundred dollars a year for the term of two years is hereby appropriated for the purpose of repairing the floors, windows, plastering and making other necessary repairs to the State University and such other constructions as may be necessary.

\$2,500 appropriated for repairs to State University.

Auditor to draw
warrant.

SEC. 2. That the auditor of the state is hereby authorized and directed to draw a warrant on the treasurer for the said appropriations, and that the said treasurer shall place the same to the credit of the board of trustees of the University.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 403.

An act in relation to the public school in the town of Shelby, and providing for it [the] levying of a tax to support the same.

The General Assembly of North Carolina do enact :

Election in
Shelby on ques-
tion of special
tax for support
of public schools.

SECTION 1. That the board of aldermen of the town of Shelby shall and they are hereby authorized to submit to the qualified voters of said town, under such rules and regulations and at such time within six months after the ratification of this act as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town provided for by this act. At the election held under the provisions of this act those who favor the levying of such tax [shall vote on written or printed] ballots without device the words "For school," and those who oppose [are opposed] to the levying of such tax shall vote on written or printed ballots without device the words "Against schools." The manner of holding such elections and the penalties for illegal and fraudulent voting in this election shall be the same as in the annual elections for mayor and aldermen of the town of Shelby. The commissioners shall give thirty days' notice of the time of holding said election in one or more newspapers published in the town.

Ballots.

Election, how
held, &c.

Notice of elec-
tion.

Returns of
election.

Tax to be levied
on majority vote.

Collection.

Amount of tax.

SEC. 2. The inspectors of said election shall, on the day following the election, certify the number of votes cast and counted for and against school to the commissioners of said town, who shall proceed to declare at once the result of the election; and if a majority of the qualified voters in said town shall vote in favor of such tax the same shall be levied and collected by the town authorities under which other town taxes are levied and collected, and the tax-collector [collector] shall be subject to the same liabilities for the collection and disbursement of the said tax as he is or may be for other town taxes: *Provided*, the special taxes so levied and collected shall not be less than sixteen and two-thirds cents or more than thirty cents on the one hundred dollars valuation of property, and not less than fifty

cents nor more than ninety cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public school in the town of Shelby; and the school committee, whose appointment is herein-after provided for, may establish one or more graded public schools in the town of Shelby, and the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Application of tax.

Graded schools may be established.

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

Shelby made a public school district.

SEC. 4. If this act shall be ratified at the election authorized to be held under it the school committee of the town of Shelby shall consist of five members instead of three as now required by the general school law, and that T. D. Lattimore, J. T. Gardner, J. F. Liddy, W. H. Miller and J. F. Whisnapt shall constitute said committee. That said committee 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 date of said meeting; and the term of office of third class shall expire at the end of three years from date of said meeting; and the term of office of fourth class shall expire at the end of from [four] years from date of said meeting; and the term of office of fifth class shall expire at the end of five years from date of said meeting. Whenever the term of office of any class as above provided shall expire, his successor shall be appointed for a term of five years by the said commissioners of [at] their first meeting [after] their election and qualification. Whenever any vacancy occurs in said board of commissioners [committee], except be [by] expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

School committee.

Divided into classes.

Terms of office.

SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interest and property in the town of Shelby, shall prescribe rules and regulations [for] their own government not inconsistent with the provisions of this act, shall employ and fix the compensation of officers and teachers of the public schools or graded public schools annually subject to removal by the said committee, shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the general school interest in said town: *Provided*, that all children resident in the town of Shelby between the ages of six and twenty-one years shall be omitted [admitted] into said schools free of tuition charges.

Vacancies.

Powers and duties of school committee.

Admission of pupils.

- Superintendent of schools. SEC. 6. The school committee created by this act may elect annually a superintendent of the schools established under this act, who shall be the principal of the graded school for white children if same shall be established. The said superintendent shall examine all applicants for teachers' positions in the said school and issue certificate to the same, and shall do and perform such other duties as may be prescribed by said school committee.
- What moneys to go to school. SEC. 7. The moneys which shall from time to time be apportioned under the general school law of the state to the Shelby public school district shall be turned over by the tax-collector to the treasurer of the town of Shelby, and any moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Shelby, who shall be the *ex officio* treasurer of the said school committee, and whose receipts for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the directions of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually on the first Monday in July to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee to [at] any time.
- Treasurer. SEC. 8. The bond now required of the treasurer of the town to protect public funds of the town in his hands shall be in amount sufficient to include double the amount received under this act independent of the amount to secure the funds which come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds disbursed under this act.
- Moneys to constitute separate fund, &c. SEC. 9. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the town of Shelby as shall be just to the white and colored races without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races: *Provided*, separate schools shall be established and maintained for the white and colored races.
- Annual statement by treasurer. SEC. 10. That the said committee shall make to the board of aldermen annually at such time as is required under the school law of the
- Proviso.
- Treasurer's bond.
- Compensation
- Apportionment of school fund between white and colored schools.
- Separate schools.
- School committee to make report.

state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their directions in the town of Shelby on account of public schools therein, a copy of which report shall be forward[ed] to the superintendent of public instruction in the state and a copy to the superintendent in the county of Cleveland. The beginning and ending of the school year shall be fixed by the committee.

School year.

SEC. 11. The school committee provided for by this act shall have the right to control the site, buildings, moneys, bonds and other property belonging to the "School Trustees of the town of Shelby," incorporated by chapter seventy-four (74), private laws of one thousand eight hundred and eighty-nine Anno Domini, and the title thereto is hereby vested in said committee and their successors, and said school committee shall succeed to all the rights given and belonging to the school trustees of the town of Shelby under and by virtue of the act aforesaid.

Rights and powers of school committee.

SEC. 12. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the town of Shelby," and by that name shall be capable of receiving gifts and grants, of [making] purchases and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

School committee incorporated.

Corporate name.

Corporate powers.

Execution of deeds, &c.

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

Conflicting laws repealed.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 404.

An act to appoint E. T. Simmons a justice of the peace, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That E. T. Simmons, of Washington township, Beaufort county, be and he is hereby appointed a justice of the peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

E. T. Simmons, of Beaufort county, appointed justice of the peace.

Code, section 27,
not applicable.

Allowed to
practice as
attorney, &c.

SEC. 2. That section twenty-seven of The Code of North Carolina shall not be applicable to the said E. T. Simmons.

SEC. 3. That the appointment of the said E. T. Simmons, and his acceptance and qualification as a justice of the peace in and for said township and county, shall in no wise affect his right to practice as an attorney at law in the various courts of Beaufort county and the courts of the state, except in such cases as have been appealed from the courts of the justice of the peace over which he presided or took part.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 405.

An act to amend section two (2), chapter thirty-nine (39), laws of one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 39, laws
1889, amended.
Misdemeanor to
sell liquor, mer-
chandise, &c.,
within four
hundred yards
of grounds of
Roanoke and Tar
River Agricul-
tural Society
during fair week.

SECTION 1. That section two (2), chapter thirty-nine (39), laws of one thousand eight hundred and eighty-seven, be amended by striking out in line four (4) the words "one-half mile" and insert in lieu thereof the words "four hundred yards."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 406.

An act to amend chapter fifty-seven, laws of one thousand eight hundred and eighty-one, relating to the stock-law district in Harnett county.

The General Assembly of North Carolina do enact :

Chapter 57, laws
1881, amended.

Where fence to
run.

Fence, when
erected, Cape
Fear and Upper
Little rivers to be
the only fence
required by law,
&c.

SECTION 1. That chapter fifty-seven, laws of one thousand eight hundred and eighty-one, section one, in line five, be amended by inserting after the word "river," "to a point on the bank of said river about one hundred yards below the McKethan springs."

SEC. 2. That section two, in line one of said chapter, be amended by inserting after the word "fence" the words "Upper Little river."

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 407.

An act for the relief of J. A. Cameron, clerk of the superior court of Harnett county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Cameron, clerk of the superior court of Harnett county, may upon leaving a competent deputy to discharge the duties of his office that may or can be performed by such deputy now under the laws of this state, that he, the said J. A. Cameron, clerk of the superior court of Harnett county, may absent himself from his office on the second Mondays of May and September in the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two.

J. A. Cameron, clerk Harnett superior court, authorized to absent himself from office on certain Mondays.

SEC. 2. That said J. A. Cameron, clerk, shall be exempt from the duties and penalties under sections one hundred and fourteen and one hundred and fifteen, chapter nine, volume one of The Code, for such Mondays as are herein named: *Provided*, he shall give notice of his intended absence at least ten days before the time by placing such notice at the court-house door in his county.

Exempt from penalties, &c., in Code, sections 114 and 115.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 408.

An act to amend chapter two hundred and thirty-eight of the laws of one thousand eight hundred and eighty-seven, relating to the drainage of water-courses in Guilford county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and thirty-eight of the laws of one thousand eight hundred and eighty-seven be amended by striking out all after the word "exempt" in line ten of section two and by adding in lieu thereof the following: "from the payment of the assessment, provided the work is done between the fifteenth day of July and the thirty-first day of September in each year, otherwise the assessment shall be immediately collected from such delinquent land-owner and applied to clearing off the banks and removing the obstructions from said stream or streams through the lands of said delinquent."

Chapter 238, laws 1887, amended.

When land-owners to be exempt from assessment.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 409.

An act to amend chapter three hundred and twelve, laws [of] eighteen hundred and eighty-nine, to prohibit the use of dynamite in the French Broad river and its tributaries.

The General Assembly of North Carolina do enact :

Chapter 312, laws 1889, amended.

Penalty for use of dynamite to destroy fish in certain counties, how applied.

SECTION 1. That section one of chapter three hundred and twelve, laws [of] eighteen hundred and eighty-nine, be and the same is hereby amended by adding to said section the following: "And one-half said fine to be paid to the informer and balance to school fund."

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 410.

An act to prevent obstruction of Swift creek in Edgecombe county.

The General Assembly of North Carolina do enact :

Unlawful to obstruct Swift Creek between certain points.

SECTION 1. That it shall be unlawful for any person to obstruct Swift creek in any part of its course between Broswell's mill and its mouth at Tar river either by cutting or felling trees or bush or by placing therein nets or wire hedges, or by any other means whatever.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more twenty-five dollars or imprisoned not more than thirty days.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 411.

An act to empower the county commissioners of Robeson county to levy a special tax in stock-law territory.

The General Assembly of North Carolina do enact :

Commissioners and justices of Robeson authorized to levy additional tax for building stock-law fences on petition of majority of land-owners, &c.

SECTION 1. That the commissioners and justices of the peace of Robeson county be and they are hereby authorized and empowered to levy a special tax of one-fourth of one per centum in addition to the present one-fourth of one per centum now provided by law for building stock-law fences: *Provided*, a majority of the land-owners,

as shown by the tax books in the stock-law territory hereinafter mentioned, petition the county commissioners asking that said additional levy of one-fourth of one per centum be made. This special tax of one-fourth of one per centum shall be collected only during the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two upon the real estate of the stock-law territory as granted by said commissioners in the year one thousand eight hundred and ninety-one to parts of Red Springs, Lumber Bridge, Smith's and Blue Springs townships. Each township shall receive its portion of taxes in proportion to the amount of taxable land in each township. Collection of tax.

SEC. 2. That said tax shall be collected and accounted for by the sheriff or tax-collector of said county in the same manner, under the same penalties and within the same time as other taxes are levied and collected in said county. Sheriff to collect tax, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 412.

An act to amend section eleven, chapter eighty-five, laws of one thousand eight hundred and eighty-five, in relation to the Chesapeake, Norfolk and Carolina Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That the time for commencing the work on the Chesapeake, Norfolk and Carolina Railroad Company, mentioned in section eleven, chapter eighty-five, laws of one thousand eight hundred and eighty-five, be extended two years from the passage of this act. Time for commencing work on Chesapeake, Norfolk and Carolina R. R. extended two years.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 413.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and ninety-eight of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out the word "indigent" in the twentieth line of the first section thereof. Chapter 198, laws 1889, amended. Annual pension to widows of soldiers remaining unmarried.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 414.

An act to provide for better roads in Franklinton township in Franklin county.

The General Assembly of North Carolina do enact :

Certain roads in Franklinton township declared public roads. Township justices to have supervision of roads in townships. Incorporated. Corporate name. Corporate powers.

SECTION 1. That all roads in Franklinton township in Franklin county that have heretofore been laid out or appointed by virtue of any act of Assembly, or the order of any court, are hereby declared to be public roads. The justices of the peace of said township shall have the supervision and control of the public roads of said township, and they are hereby incorporated under the name of the supervisors of public roads of Franklinton township, and in such name they shall have the right to sue and be sued, plead and be impleaded, contract and be contracted with, and be entitled to the privileges given to other corporations by the general laws of North Carolina.

Meeting of supervisors.

SEC. 2. The supervisors of the public roads of Franklinton township shall meet in Franklinton in said township on first Saturday in January, April and November in each year. They shall elect at the April meeting in each year one of their number chairman, and one secretary. It shall be the duty of the chairman to preside at such meetings and to call others when necessary. The secretary shall keep a correct record of all their proceedings.

Chairman, &c.

Supervisors empowered to lay out roads, &c.

SEC. 3. The supervisors of the public roads of Franklinton township shall have full power and authority within said township to order the laying out and constructing of new public roads where necessary; to discontinue such roads as are found useles, and to alter roads so as to make them more useful. This may be done at the regular meetings or at any called meetings upon petition of the parties interested, but in all cases it shall be made to appear that notice has been served upon the parties over whose land said road passes or is intended to pass, that such petition will be filed at said meeting at least ten days before the filing of the same. In all cases where new roads are laid out the said supervisors shall assess the damages to be paid to the parties over whose land the said roads shall pass and shall determine how the same shall be paid, and any party dissatisfied with their decision may appeal to the superior court of Franklin county.

Notice to landowner.

Assessment of damages.

Appeal.

Supervisors to divide roads into sections, &c.

SEC. 4. The supervisors of the public roads of Franklinton township shall divide the public roads of said township into as many sections as they deem proper and designate specifically the work necessary to be done on said roads, and shall let the contract for doing the same to the lowest bidder with full right in said supervisors to reject any bids made by irresponsible parties and to reject all bids if the price is, in their judgment, too much to pay for said work. It shall be the duty of said supervisors to proceed as rapidly

Duties of supervisors.

as practicable to have all said roads properly drained and elevated in the middle so as to keep the water off the road-bed. All roads shall be eighteen feet wide inside the ditches and all clay roads properly covered with stone, sand or gravel, and for this purpose the said supervisors or persons to whom they let contracts for working said roads shall have authority to enter upon any uncultivated lands near to or adjoining the road upon which he is at work or for [upon] any improved or cultivated land when unencumbered by cultivated crops, and to dig, cut and carry away any stone, sand or gravel which may be necessary to repair or improve said contiguous road or any other public road in the township: *Provided*, that when such material is used on any road not adjoining the property from where it is obtained the party furnishing the same shall be paid a reasonable price therefor, and in case of disagreement as to the value thereof the matter shall be settled by arbitration, one arbitrator to be settled [selected] by the owner of the land and the other by the chairman of the supervisors of the public roads of Franklinton township, such arbitrators, in case of disagreement, [to] choose an umpire. If the taxes levied as hereinafter provided shall be insufficient to put all the roads in said township in the condition required by this act, then the said supervisors may in their discretion apply only such part thereof as may be necessary to keep the roads that are used least in passable condition, and may apply the remainder to the roads that are traveled most, putting such portion thereof in thorough order as they may be able with the funds in hand each year.

Entry on land for dirt, &c.

Owner to receive compensation.

Arbitration.

Special tax, how expended.

SEC. 5. At the April meeting in each year the said supervisors shall make an estimate of the amount of money necessary to be expended on the roads of said township for the ensuing year, which estimate shall be furnished to the county commissioners of Franklin county on or before the regular time for levying the general taxes in each year and the county commissioners aforesaid shall levy a special tax on all the taxable property and polls of said Franklinton township, which shall be collected by the sheriff at the same time and in the same manner as the taxes for general state and county purposes, and paid over to the treasurer of Franklin county, who shall pay out the same only on the order of the supervisors of public roads of Franklinton township, signed by their chairman and secretary: *Provided*, that taxes levied under this section shall not in one year exceed thirty cents on the poll and one-tenth of one per centum on property.

Supervisors to submit estimate of expenses to county commissioners.

Commissioners to levy special tax.
Collection of tax.

How paid out.

Limitation of tax.

SEC. 6. The supervisors of the public roads of Franklinton township shall at their regular meetings in April, November and January make a full report of all the funds received and disbursed by them, giving full statement of all expenditures since last report, and present the same to the solicitor of the third judicial district at the April, November and January terms of Franklin superior court.

Supervisors to make report to solicitor.

- Duty of solicitor. The solicitor shall examine the same and take such action as may be proper. Said reports shall be filed and preserved by the clerk of the superior court. If the said supervisors fail to make the reports required by this section, or expend the funds contrary to the provisions of this act, they shall be guilty of a misdemeanor and punished by fine or imprisonment or both in the discretion of the court.
- Failure of supervisor to make report, &c., a misdemeanor. § SEC. 7. The supervisors of the public roads of Franklinton township shall be paid two dollars (\$2.00) per day cash [each] for their regular meetings and for all necessary call meetings.
- Compensation of supervisors. SEC. 8. That the present road laws shall be in force till January first, one thousand eight hundred and ninety-two, then all other road laws, so far as they relate to this township, and all laws in conflict with this act, are hereby repealed.
- How long present road laws to be in force. SEC. 9. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.
- Conflicting laws repealed.

CHAPTER 415.

An act to incorporate the various churches in North Carolina not heretofore incorporated.*The General Assembly of North Carolina do enact :*

- Churches incorporated. SECTION 1. That all churches in this state of whatever name or order where public worship of Almighty God is now or may be held be and the same are hereby incorporated.
- Unlawful to erect stand or place of business for sale of liquor within two miles of any church. SEC. 2. That it shall be unlawful for any person or persons to erect any stand or place of business for the purpose of selling or offering for sale any spirituous liquor within two miles of any church in this state.
- Misdemeanor. SEC. 3. That any person convicted of violating this act shall be deemed to be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court.
- Act not applicable to churches heretofore incorporated, or incorporated towns, &c. Act applicable only to certain counties. SEC. 4. *Provided, however,* that this act does not extend to churches heretofore incorporated or which may be incorporated by this general assembly outside of this act, or to incorporated towns where police regulations are now or may be in force: *Provided further,* that this act shall only apply to churches in the counties of Harnett, Chatham, Haywood, Cumberland, Graham, Richmond and Pamlico, and to public school-houses and other institutions of learning in Davidson county.
- SEC. 5. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 416.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and four of the laws of one thousand eight hundred and eighty-nine be and is hereby amended by striking out the word "county" in line three of section one of said chapter and inserting in lieu thereof "Montgomery, Bladen and Moore counties."

Chapter 404, laws 1889, amended. Code, sections 3840 and 3841, not applicable to certain counties. Office of standard keeper abolished.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 417.

An act establishing a geological survey of the state of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. The governor of the state shall appoint a suitable person to conduct, under the supervision of a board of managers consisting of himself and Elias Carr and J. Turner Morehead, a geological survey of the state, which survey shall have as its subject the thorough examination of the nature and extent of the mineral and timber resources of the state.

Governor to appoint person to make geological survey of state, under board of managers.

SEC. 2. The state geologist shall appoint, subject to the approval of the board of managers, such assistants as may be necessary to enable him successfully and speedily to accomplish the object of the survey.

Assistant geologist.

SEC. 3. He shall present to the governor, to be by him communicated to the legislature, biennial reports embodying the general results of the survey; and from time to time as may be decided upon by the board of managers, he shall present to the governor such reports on special subjects connected with the work of the survey for which there may be a demand. All such reports shall be printed and distributed under the supervision of the board of managers, in editions of three thousand copies, each at the expense of the state as other public documents. Of the biennial reports five hundred copies shall be distributed as follows: one copy to each member of the general assembly, to each of the state officers, to each of the public and school libraries in the state, and to other prominent public libraries outside of the state; five hundred copies, or a part thereof, may be exchanged for other publications or specimens, becoming the prop-

State geologist to make reports, &c.

Printing and distribution of reports.

erty of the survey; and the remainder, two thousand copies or more, shall be sold at cost, and all moneys accruing from such sale shall be turned into the treasury of the state.

Expenses.

SEC. 4. The expenditures incurred by said survey shall not exceed the sum of ten thousand dollars per annum, to be paid by the treasurer of the state upon the warrant of the governor out of any moneys in the treasury not otherwise appropriated.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 418.

An act to change and establish the dividing or boundary line between the counties of Clay and Cherokee.

The General Assembly of North Carolina do enact :

Dividing line
between Clay and
Cherokee coun-
ties established.

SECTION 1. That the dividing or boundary line between the counties of Clay and Cherokee shall hereafter be as follows: Beginning on Hiawassee river where the said dividing or boundary line crosses said river at or near the Mission Mill school and run down said river with its meanders to the mouth of Brasstown creek, then up said creek with its meanders to the point where the present county line crosses said creek at or above the mouth of Little Brasstown creek.

Certain territory
to form part of
Clay county.

SEC. 2. That all the territory lying south of Hiawassee river [and] east of Brasstown creek heretofore belonging to and forming a part of Cherokee county shall hereafter belong to and constitute a part of the county of Clay.

Conflicting laws
repealed.

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

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 419.

An act to amend chapter two hundred and ninety-eight, laws of eighteen hundred and eighty-nine, in relation to the cultivation of shell-fish in Onslow county.

The General Assembly of North Carolina do enact :

SECTION 1. Amend section five (5) by inserting after the word "state" in line twelve (12) the following: "That all applications for oyster ground shall be in writing, signed and verified on oath by the applicant before the board of shell-fish commissioners or some person authorized to administer oaths and filed with said board at least ten days before the same shall be heard. All such applications shall contain and set forth that the applicant is a *bona fide* citizen of the state of North Carolina, and that said applicant has not applied for, entered or obtained a grant heretofore for such an additional area of oyster ground as would, if added to the acreage now applied for, exceed fifteen acres, and also a description of the ground or area applied for, and that the same is subject to entry; and all applications now pending before said shell-fish commissioners shall be, upon notice to the applicant, amended so as to conform to the provisions of this act in regard to the allegation and specification before being proceeded with or any order made thereon. The board of shell-fish commissioners may require any applicant to furnish evidence of the fact set forth in his or her application, and to this end witnesses may be summoned by the chairman of said board upon request of the applicant, said applicant paying in advance all expense of summoning said witnesses, and the said board may in their discretion, or at the request of any party interested paying expenses in advance, summons witnesses to disprove or dispute the fact alleged in any application. Such witnesses shall be subpoenaed by the same rules, in the same manner, entitled to the same fees and subject to the same penalties as is now provided for by law in civil cases in justices' courts. And it shall be the duty of said board of commissioners in all cases to deny any applications and dismiss the same when not filed in conformity with this act, and also when the facts set forth therein are not established by satisfactory proof. Any party aggrieved may, upon giving a good and sufficient bond for securing costs, may appeal to the superior court, under the same rules and regulations as in appeals from justices' courts, except as to bond as herein required.

Chapter 298, laws 1889, amended. Method of acquiring land for cultivation of oysters.

Pending applications to be amended.

Evidence.

Expenses.

How witnesses subpoenaed. Fees.

When commissioners to deny application.

Appeal.

SEC. 2. Amend section ten (10) by adding thereto the following: "Provided, that in the assessment and valuation of oyster grounds or franchises it shall be competent for the assessors to consider the quantity, quality and number of bushels of oysters upon said franchises or grants; and all persons having obtained, or hereafter obtain-

How oyster grounds assessed for taxation.

Grants, &c., not listed for taxation, forfeited to state.

Subject to re entry.

Citizens of state may take oysters from natural beds on New river.

Exception.

Meetings of board of shell-fish commissioners.

Notice.

Proviso.

Act applicable only to Onslow county.

ing, grants or franchises for oyster grounds under this or former acts, and [who] have failed or neglected, or who may hereafter fail or neglect to list the same for taxation within the time required by law, all such grants, entries or franchises are hereby declared null and void, and forfeited to the state and subject to re-entry in the same manner and to the same effect and purpose as if no former entry or grant had been made."

SEC. 3. Amend section eleven (11) by adding to the end thereof the following: "*Provided*, that any person or citizen of the state of North Carolina may catch or take oysters from any of the natural beds in New river or any of its tributaries, except the waters of Stump sound, south of the following line, to-wit: running from a point known on the chart of United States Coast and Geodetic Survey of New River, made by Hydrographic party under command of Lieutenant Francis Winslow, United States Navy, triangulation point 'Mount Millow' on the west shore of New river, an easterly course to triangulation point tussock on same chart on the east side of New river."

SEC. 4. Amend section sixteen (16) by striking out in line four (4) of said section the words "upon the call of the chairman," and insert the following: "Shall meet on the third Monday in each month for the purpose of hearing applications, if there be any unheard, for oyster ground and for such other business as may properly become [come] before them at a place to be designated by them, and public notice given of said place by notice posted twenty days at the court-house door and three other public places in the county; and said board shall sit from day to day until all business before them is continued or otherwise disposed of: *Provided*, that the chairman of said board may call it together at any time for the transaction of business other than the hearing and consideration of applications for oyster grants or franchises."

SEC. 5. Amend section eighteen (18) by adding the following: "*Provided*, that this chapter shall only apply to Onslow county."

Ratified the 7th day of March, A. D. 1891.

CHAPTER 420.

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

The General Assembly of North Carolina do enact :

SEC. 1. That chapter one hundred and eighty-one, section four of [the] laws of one thousand eight hundred and eighty-nine, be amended by striking out all after the word "aforesaid" in third line down to and including "one thousand eight hundred and eighty-five" in line five.

Chapter 181, laws 1889, amended. Physicians not entitled to registration upon a diploma issued by a regular medical college prior to March 7, 1885.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 421.

An act to amend section one thousand one hundred and sixty-nine of The Code conferring upon the governor additional power to employ agent or offer reward for apprehension of fugitives charged with felony.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand one hundred and sixty-nine (1169) be amended by inserting after the word "persons" in first and second lines the words "whether the name of such person be known or unknown."

Code, section 1169 amended. Governor may employ agent or offer reward for apprehension of fugitive charged with felony, whether the name be known or unknown.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 422.

An act to amend the constitution of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-third of article four of the constitution be amended by striking out in line two of said section the words "by the qualified voters thereof" and insert in lieu thereof the words "in the same manner," and by striking out "members of the general assembly" in the second and third lines of said section and insert in lieu thereof "judges of the superior court."

Amendment to constitution providing for the election of solicitors by the state at large.

To be submitted to the popular vote on Tuesday after the first Monday of November, 1892. Duty of sheriffs to open polls.

SEC. 2. That said amendment to the constitution of this state shall be submitted to the people for ratification on the Tuesday after the first Monday in November, one thousand eight hundred and ninety-two. It shall be the duty of the sheriffs in each and every county in the state to open the polls at the several election precincts in his county on the said Tuesday after the first Monday in November, one thousand eight hundred and ninety-two, and the same shall be kept open for one day from the hour of seven o'clock in the morning until sunset of the afternoon, when all persons qualified to vote according to the constitution may vote for or against said amendment, those desiring such amendment to vote with a written or printed ticket "For amendment," those of a contrary opinion to vote with a written or printed ticket "Against amendment."

Ballots.

Election, how conducted.

SEC. 3. The election provided for in the preceding section shall be conducted in the same manner and under the same rules and regulations, except as herein otherwise prescribed, as provided in the law regulating general elections in this state.

Ballot boxes.

SEC. 4. The county commissioners, or, upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties a ballot-box, in which shall be deposited the ballots for or against said amendment. The ballots so cast shall be counted, returned and canvassed as is provided by law in cases of election for state officers and under like penalties in case of default upon the part of any returning officer, judge of election or county canvasser. Abstracts of the vote upon said amendment shall be filed and another abstract shall be forwarded to the secretary of state at Raleigh in the same manner as is prescribed in regard to the vote for state officers by the chairman of each board of county commissioners.

Returns of election.

Canvass of votes.

SEC. 5. The board of state canvassers shall open the abstracts transmitted to the secretary of state on the Thursday following the third Monday after the election and proceed to compare the votes for and against the amendment, and if it shall appear that a majority of the voters [votes] polled are in favor of the amendment the governor shall forthwith issue his proclamation announcing the result, and shall cause to be endorsed on said amendment as enrolled by the houses of this general assembly or annexed thereto a certificate under his signature declaring that said amendment has been ratified by the people of North Carolina. The secretary of state shall countersign said certificate and annex thereto the great seal of the state, and the said amendment so enrolled with the certificate aforesaid shall be forever kept among the archives of the state in the office of the secretary aforesaid.

On affirmative vote, governor to issue proclamation, &c.

Duty of secretary of state.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 423.

An act to amend section two thousand seven hundred and fifty-five (2755) of The Code relative to unauthorized entries and grants.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, laws of one thousand eight hundred and ninety-one, be and the same are [hereby] amended by striking out in the proviso the words " Jackson and Swain." Section 1, laws 1891, amended. Jackson and Swain stricken out.

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

CHAPTER 424.

An act to authorize the collection of certain unpaid taxes in Moore county.

The General Assembly of North Carolina do enact :

WHEREAS, W. M. Black, late sheriff of Moore county, during his term in office without the knowledge or consent of the sureties on his several bonds, negligently failed to collect such of the taxes due for the years one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five; and whereas, said sureties are liable therefor to a large amount and have paid during the year one thousand eight hundred and ninety, and as soon as the amount was ascertained, a large amount of said taxes and have agreed to pay certain other large amounts: therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the sureties on the official tax bonds of W. M. Black, late sheriff of Moore county, upon payment to the county treasurer of said county of all amounts due by said Black during his continuance in office, together with all costs incident to any delay in the collection of said taxes, as required and directed by the board of commissioners of said county, are hereby authorized and empowered to collect arrears of all taxes due for the years one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five, under the same laws, rules and regulations as are now prescribed for the collection of taxes in this state, and to that end a majority of said sureties, liable as aforesaid, may appoint some suitable person or persons to Sureties on bond of W. M. Black, late sheriff of Moore county, authorized, upon certain conditions, to collect back taxes for certain years.

Collector.
Proviso.

collect such taxes on such terms as may be agreed upon by the sureties and such person: *Provided*, said sureties shall not be permitted to collect any insolvent taxes heretofore allowed said sheriff.

Certain persons exempt from payment.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who has been returned insolvent or credited to said sheriff as insolvent, or who shall under oath before some person authorized to administer oaths swear that he or she has paid the tax claimed; nor shall any executor, administrator or guardian be compelled to pay any taxes under this act.

Sheriff and sureties not relieved from liability.

SEC. 3. That this act shall not in any way be construed to deliver said sheriff or his sureties from any liability on account of his failure to perform the conditions of his bond.

No collection after December 1, 1892.

SEC. 4. That no taxes shall be collected under the provisions of this act on and after the thirty-first day of December, one thousand eight hundred and ninety-two.

SEC. 5. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 425.

An act to amend an act to amend section one hundred and twenty of The Code.

The General Assembly of North Carolina do enact:

Code, section 120, amended.
Mortgage of personal property in lieu of bond, &c, in criminal proceedings.
Execution of power of sale by justice.
Power of sale in mortgage of real property before justice to be executed by clerk.

SECTION 1. That section one hundred and twenty of The Code be amended as follows: in the fifth line after the word "real" insert the words "or personal."

SEC. 2. In the ninth line after the word "clerk" strike out the words "of the court in which" and substitute therefor the words "or justice of the peace in whose court."

SEC. 3. In the eleventh line strike out all the remainder of the section after the word "provided" and substitute the following: "That where such mortgage upon real property is executed before a justice of the peace the power of sale shall be enforced by the clerk of the court of the county in which the criminal proceeding is had: *And provided further*, that no such mortgage on real property executed for the security for costs or fine shall allow a longer time for payment of said costs or fine than six months from the execution thereof, and no mortgage on personal property a longer time than three months, except in cases of appeal, when the time allowed shall be counted from the date of the final decision in the cause: *And provided further*, that all legitimate expenses of sale, which shall only be

What time allowed for payment.

Exception.

Expenses of sale. Fees.

made after due advertisement according to law, shall be paid out of the proceeds of the sale of the mortgaged property, as shall also the following fees, to-wit: for each sale of real property mortgaged under this section the clerk shall receive two dollars, and for each sale of personal property mortgaged under this section the clerk or justice of the peace who enforces the power of sale shall receive one dollar."

SEC. 4. That all laws and parts of laws in conflict with this act be and the same 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. 1891.

CHAPTER 426.

An act for the relief of the North Carolina Industrial Association.

The General Assembly of North Carolina do enact :

SECTION 1. That an annual appropriation of five hundred dollars is hereby made to be paid by the state treasurer upon the warrant of the auditor to the treasurer of North Carolina Industrial Association on the first day of the annual fair of said association, as hereinafter provided. \$500 appropriated annually.

SEC. 2. That said sum of five hundred dollars shall be expended solely and exclusively in the payment of premiums by said industrial association upon farm products and works of use and art, the production of inhabitants of this state. How to be expended.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 427.

An act for the relief of clerks of the superior court.

The General Assembly of North Carolina do enact :

SECTION 1. That any clerk of the superior court may, with the consent of the resident judge of the district or of the judge holding the courts of the district in which such clerk resides, absent himself from his office for one Monday during the months of July and August each year during his continuance in office: *Provided*, he Superior court clerks, with consent of judge, may be absent from office on certain Mondays. Proviso.

shall not be absent from his office on the first Monday in any month: *Provided further*, that this act shall not apply to Chatham and Gates counties.

Act not applica-
ble to Chatham
and Gates
counties.
Clerk to provide
deputy and to
give notice.

SEC. 2. That before any clerk shall be entitled to the benefits of the preceding section he shall secure a competent deputy to transact the business of his office during his absence which may be performed by a deputy clerk, and shall also give notice of his intention to be absent and specify the time for which he expects to be absent by publication in some newspaper published in his county for four successive weeks before the Monday on which he expects to be absent, or if there be no newspaper published in his county then by posting such notice at the court-house door and three other public places in the county, and all cost of making publication hereinbefore provided shall be paid by the clerk giving such notice.

Exemption from
suit, &c.

SEC. 3. That upon obtaining such permission and complying with the other provisions of this act such clerk shall be exempt from any suit or penalty arising by reason of such absence.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 428.

An act to incorporate the Plymouth, Washington and Kinston Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. M. Whaley, S. M. Whaley, R. S. Cohn, J. O. White and E. A. Armstrong, 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 "Plymouth, Washington and Kinston 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 deed, gift or devise real and personal property necessary or expedient for the purposes and objects of this corporation, and of holding, leasing or selling the same as the interests of said company may require, and may make and exercise all such by-laws and regulations necessary for its government not inconsistent with the laws of this state or the United States. The said company shall have succession and exist as a corporation for ninety-nine years.

Corporate name.

Corporate pow-
ers

Corporate exist-
ence.

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 Plymouth in Washington county to Washington in Beaufort county and thence to Kinston in Lenoir county. The said company may in its discretion construct and operate any part of this road before the whole thereof shall be completed, and may establish such gauge for said road as it may think proper.

Termini.

May; build part of road.

Gauge.

SEC. 3. That the capital stock of the said company shall be twenty-five thousand dollars, with power to increase the same to one million 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 security, or in any other manner that may be agreed on between the company and its subscribers. The said company shall have the power to build and operate branch roads not to exceed twenty miles in length.

Capital stock.

Branch roads.

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

Books of subscription.

Organization.

SEC. 5. That the said company shall hold a meeting of the stockholders at its organization and annually thereafter, and shall select not less than three and not more than nine directors who shall hold office for one year and until their successors shall be elected and qualified; 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 by the by-laws, and each share shall be entitled to one vote on all questions. It shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided for in the by-laws of the company, and fill all vacancies which may occur in said board during the term for which is [it] is elected; and any meeting of the stockholders shall have power to make or alter any of the by-laws of the company.

Stockholders' meetings.

Officers.

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 said company shall have the right to have lands condemned for rights-of-way and for necessary warehouses and other buildings and yards according to existing laws, and shall also have

Condemnation of land.

full power and authority to sell or lease its road-bed, property and franchise to any other person or corporation, 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 railroad.

Authorized to borrow money on mortgage.

SEC. 8. That said company shall be authorized to borrow money for the construction, equipment or operation of said railroad and for the purposes of this act, and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

May begin construction at any point.

SEC. 9. 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.

May begin work within five years.

SEC. 10. That said company may begin work on its road at any time within five years.

May build, &c., barges, &c.

SEC. 11. That said company shall have the right to build or purchase and own barges, steamboats or other vessels suitable for carrying lumber, produce and other merchandise, as well as passengers, and may run and operate the same in connection with said railroad.

Conflicting laws repealed.

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

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 429.

An act to change the manner of electing a mayor of the city of Wilmington.

The General Assembly of North Carolina do enact :

Chapter 192, laws 1876-'7, amended.

SECTION 1. That section two (2) of chapter one hundred and ninety-two of the acts of eighteen hundred and seventy-six and seven be amended by adding to the said section at the end thereof the following: "That at the first meeting of each board of aldermen elected under the provisions of this act they shall proceed to elect a mayor to perform the duties now prescribed by law for the mayor of said city during the term of office of said board; that the said mayor shall be selected either from the members of said board or from the electors of said city at large, and shall be a duly qualified voter of said city and have been entitled to vote at the election when said

Aldermen to elect mayor.

Qualifications.

board was chosen: that should the said mayor be selected from the members of said board he shall forthwith resign his office as alderman, and the board shall immediately proceed to select a qualified voter of the ward from which said alderman was chosen to fill said vacancy; that the said mayor shall preside at all meetings of the board of aldermen and shall not be entitled to vote except in the case of a tie. In the event of the inability, refusal or failure of the said board to elect a mayor at its first meeting, it shall be the duty of said board to select one of their own number to act as such temporarily until a mayor shall be duly elected.”

If elected from aldermen, vacancy to be filled.

Mayor to preside.

Mayor *pro tem.*

SEC. 2. That section six of the acts of eighteen hundred and seventy-four and five be and the same is hereby repealed.

SEC. 3. That all laws or clauses thereof in conflict with this act are hereby repealed.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 430.

An act supplemented to and to be a part of an act entitled an act to make the apportionment of the members of the senate.

The General Assembly of North Carolina do enact:

SECTION 1. That the act entitled an act to make the apportionment of the members of the senate be amended so that the twenty-sixth district shall read, “Twenty-sixth district.—Rowan, Davidson and Forsyth shall elect two senators;” and the twenty-seventh district shall read, “Twenty-seventh district.—Iredell, Davie and Yadkin shall elect two senators;” and the twenty-ninth district shall read, “Twenty-ninth district.—Catawba, Lincoln, Alexander and Wilkes shall elect two senators;” and the thirty-second district shall read, “Thirty-second district.—Gaston, Cleveland, Rutherford and Polk shall elect two senators;” and the thirty-third district shall read, “Thirty-third district.—Buncombe, Madison and Haywood shall elect two senators;” and the thirty-fourth district shall read, “Thirty-fourth district.—Henderson, Transylvania, Jackson and Swain shall elect one senator;” and the thirty-fifth district shall read, “Thirty-fifth district.—Macon, Cherokee, Clay and Graham shall elect one senator.”

Chapter 363, *ante*, amended.

Certain senatorial districts changed.

SEC. 2. This act is supplemental to and a part of an act which has passed both branches of the general assembly of North Carolina but has not been ratified.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 431.

An act to incorporate "The Farmers Railroad Company."

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Arthur Arrington, G. W. Newell, John H. Uzzell, Dr. Wm. Edwards, W. N. Fuller, A. W. Perry, Dr. John W. Jackson, 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 Farmers Railroad Company," and when organized as hereinafter provided
- Corporate name. Corporate powers. 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 and selling the same as the interest of said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose: *Provided*, the same shall not be inconsistent with the constitution of the state or United States, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of the state of North Carolina.
- Proviso.
- Termini. SEC. 2. That the said company be and the same is hereby authorized to construct a railway of one or more tracks from some point on the Raleigh and Gaston Railroad in Vance or Warren county to some point on the Nashville branch of the Atlantic Coast Line Railroad in Nash county, within the counties of Nash, Franklin, Vance or Warren, said road to be of such gauge as may be de[te]rmined by the directors of said company.
- Gauge.
- Capital stock. SEC. 3. That the capital stock of said company shall be two hundred thousand dollars, with power to increase the same to one million dollars vested in the stockholders, in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals, or municipal or other corporations; and subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities, or in any way that may be agreed upon between the company and the subscribers, and the company may receive donations of any of the kinds of property or labor mentioned above.
- Books of subscription. 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 Nash, Franklin, Vance or Warren counties as shall be appointed by said corporators respectively, and the said corporators, or a majority of them, may at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company, and five per centum cash paid thereon, have power to call together the sub-
- Organization.

scribers to said shares of stock for the purpose of completing the organization of said company.

SEC. 5. That the said company shall hold a meeting of the stockholders at its organization, and the annual meetings shall thereafter be held. Seven directors shall be elected by the stockholders to hold office for one year, and until their successors shall be elected, and in all such meetings of the stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided by the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; any meeting of the stockholders shall have power to make or alter the by-laws of the company.

Meetings of stockholders.

Officers.

By-laws.

SEC. 6. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Certificates of stock.

SEC. 7. That the commissioners of any county through which the said railroad may pass and any township through which said railroad may pass shall have full power and authority to make donations to the said company or to subscribe to its capital stock on the behalf of the respective counties or townships to the amount they shall be authorized by the said counties or townships respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by such companies, and to enable them to borrow money to make such donation or to make such subscriptions they may issue bonds or other evidence of debt; when such subscriptions are made it shall be as binding on the county, townships or other corporations making them as individual subscriptions are upon those by whom they are made, and in all cases where a township shall make a subscription or donation the county commissioners shall be authorized to represent such townships and to make such subscription or donation when authorized by vote as hereinafter provided.

Subscriptions by counties and townships.

Subscriptions by cities and towns and other corporations.

SEC. 8. That the board of commissioners of the several counties named in this act are respectively authorized and required whenever one-fourth of the freeholders, being qualified voters of any township in their county, shall petition to them in writing to have submitted to the voters a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place therein, 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,

Election in townships on question of subscription.

- and to submit to the qualified voters of such township the election of donating to said company or of subscribing to its capital stock the sum of money specified in the written request of the tax-payers calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be printed or written 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, the ballots shall be deposited on which shall be written or printed "For subscription" and "Against subscription." The returns of said election shall be made to the county commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same, and if a majority of all the votes cast shall be "For subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners, and if a majority of all the votes cast shall be "For donation," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact. And the commissioners shall have power to order a special registration for the election herein provided for, under the law governing elections.
- Ballots.**
- Returns of election.**
- Subscription or donation to be made on majority vote.**
- Special registration.**
- County commissioners to issue bonds for township subscription or donation.**
- Redemption of bonds.**
- Amount of subscriptions to be contributed, &c.**
- Special tax in township.**
- SEC. 9. That in payment of any subscriptions or donations made as provided in the next preceding section the board of commissioners of the county wherein said township may be situated shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be payable thirty years after the first day of January next after the year in which they are issued, and shall be coupon bonds and bear interest at the rate of six per centum 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. But the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.
- SEC. 10. That in all cases when a subscription to the capital stock shall be made by a county or a township the county commissioners, and in case when a subscription shall be made by a town, the authorities of the municipal corporations shall have the power and authority to contribute the amount of the stock subscribed by said county, township or town to said company, if the same shall be deemed necessary for the completion of said railroad.
- SEC. 11. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board

of commissioners of the county in which the township is situate on account of which said bonds have been issued, shall, in addition to the other taxes, each year compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds, and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the sheriff of said county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the state and county taxes. The 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 not above par.

Collection.

Duty of treasurer.

SEC. 12. That the commissioners of any town of any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five tax-payers of such town shall in writing request that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to its capital stock may be submitted to the voters of such town, to cause an election to be held therein under the same rules and regulations as are prescribed above for the election in townships except that the returns of elections shall be made to the commissioners of the town, who shall canvass the same, and if a majority shall have voted for subscription, then the mayor of the town shall make the subscription to the stock of said railroad company, and if the town shall have voted for donation, then the mayor of the town shall certify the result of said election to the authorities of said company, and in payment of any donation or of any subscription to the capital stock of said company the commissioners of such town shall issue bonds of the same denomination and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions, and in addition to the other tax upon the subjects of taxation in said town they shall annually levy a tax sufficient to pay the interest on said bonds and one-thirtieth of the principal. The tax levied under the provisions of this section shall be collected by the constable or tax-collector of such town in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations and with the same penalties and remedies against the constable or tax-collector and his sureties for failure to collect and account for the same when collected. Said taxes shall be paid by the constable or tax-collector to the treasurer of said town, who shall first pay the interest on said bonds, and after that invest the balance collected on account of said bonds in the purchase of said bonds at par.

Election in towns on question of subscription or donation.

Returns of election.

Subscription, &c., made on majority vote.

Town commissioners to issue bonds.

Special tax.

Collection.

Duty of town treasurer.

- Township bonds, how issued.** SEC. 13. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township, shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board, and the coupons shall be signed by the chairman alone. The bonds issued by any town under the provisions of this act shall be signed by the mayor and two commissioners of said town, and the coupons shall be signed by the mayor alone.
- Town bonds.**
- Condemnation of land.** SEC. 14. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease any other railroad in the state, or to consolidate with any connecting line of railroads.
- Other corporate powers.**
- May begin construction at any point.** SEC. 15. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed, and shall have the exclusive right of transportation over the same.
- Branch roads.** SEC. 16. That said company shall be authorized and empowered to construct branch roads to "The Farmers Railroad" not exceeding thirty miles in length, and for this purpose shall have all the rights and privileges conferred by this act.
- Corporate powers.** SEC. 17. That said company shall have, possess and use all the powers and rights, and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this state: *Provided*, that nothing herein contained shall be construed to exempt said road from taxation: *And provided further*, that so much of said taxes as may be levied from year to year for county purposes shall not, when collected, be covered into the general county fund, but shall be applied by the treasurer holding them as above provided to the liquidation of town or township subscriptions respectively to the capital stock of said railroad and the interest thereon, so long as any of the principal or interest of such subscriptions may remain unpaid.
- No exemption from taxation.**
- County taxes applicable to payment of town and township bonds.**
- May borrow money on mortgage.** SEC. 18. Said company shall be authorized to borrow money for the construction and operation of said railroad and to issue coupon bonds for the amount so borrowed and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.
- Conflicting laws repealed.** SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 432.

An act to prevent fishing in the waters of Alleghany by seines, drag-nets and like means.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to take or catch fish in any of the waters of Alleghany county 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 Alleghany county by traps, &c.

SEC. 2. This act shall not apply to New river or the south fork thereof. Certain waters excepted.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined in the discretion of the court. Misdemeanor.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 433.

An act in relation to the Caldwell and Watauga Turnpike Company of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That so much of the amendment to the charter of the Caldwell and Watauga Turnpike Company contained in chapter seventy of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine as provides that all of its tolls shall be applied in repairing and improving said road is hereby repealed: *Provided*, that nothing herein shall be construed to exonerate the said company from keeping said turnpike in good repair. Chapter 70, laws 1868-'9, amended. Provisions of charter of Caldwell and Watauga Turnpike Co., requiring tolls to be used for repairing, &c., road, repealed. Proviso.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 434.

An act to amend section one thousand two hundred and ninety-nine of
The Code in regard to the drainage of low land.

The General Assembly of North Carolina do enact :

Code, section 1299,
amended.

Owner of land
through which
ditch cut by con-
sent, not to
obstruct same
until after parties
interested have
time to proceed
under statute for
draining low
lands.
Damages,
Misdemeanor.

SECTION 1. That section one thousand two hundred and ninety-nine of The Code be amended by adding thereto the following words: "*Provided*, that any ditch or canal having been cut through lands of any person by consent of owner of said land, it shall not be lawful for said owner or any other person to stop or in any way obstruct the passage of the water of said ditch or canal until after giving the interested parties reasonable time to comply with the mode of proceedings provided for the drainage of low lands, and any person violating this section shall be subject to all damages incurred and guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 7th day of March, A. D. 1891.

CHAPTER 435.

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

The General Assembly of North Carolina do enact :

Code, section 2854,
amended.
Unlawful to kill
certain birds in
Davidson county
after March 1,
Netting prohib-
ited.
Penalty.

SECTION 1. Strike out in line three the word "April" and insert the word "March :"
Provided, that this act shall apply to Davidson county only: *Provided*, that netting is prohibited in said county; that anyone convicted of any violation of the provisions of this act shall be fined not exceeding ten dollars (\$10.00) for each offence.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 7th day of March, A. D. 1891.

CHAPTER 436.

An act for the relief of Lewis J. Davis of Ashe county.

The General Assembly of North Carolina do enact :

Secretary of state
authorized to
issue grant to
L. J. Davis for
certain land.

SECTION 1. That the secretary of state be and [he] is hereby authorized and empowered to issue to Lewis J. Davis of Ashe county a grant to two pieces of land lying and being in the county of Ashe and fully described in two plats and calls hereto appended. The said grant to be dated as it would have been had the grant issued at the time the "plats and calls" were filed in the secretary's office.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 7th day of March, A. D. 1891.

CHAPTER 437.

An act to extend the provisions of section one thousand nine hundred and eighty of The Code for the Washington and Kinston Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty of The Code for any railroad company to begin the construction of its work after its articles of association are filed in the office of the secretary of state or the passage of its charter be and the same is hereby extended for two (2) years to the Washington and Kinston Railway Company, the said company having been duly incorporated under the general railroad law on the twelfth day of December, one thousand eight hundred and eighty-eight, and that said company may begin operations as required by law at any time within two (2) years after the passage of this act.

Time for Washington and Kinston R. R. Co. to begin construction of road extended.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 438.

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

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Wilkes county, with the consent and approval of the board of justices of said county, are hereby authorized and empowered to levy a special tax at the time other taxes are levied upon the property and polls of said county for the purpose of preventing a deficiency in the current expenses of said county.

Commissioners of Wilkes, with consent of justices, authorized to levy special tax.

SEC. 2. That this authority shall extend to the levying of a special tax for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two: *Provided, however,* that not more than three thousand dollars shall be levied and collected in any one year under the provisions of this act.

In what years tax may be levied. Limitation of tax.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 439.

An act to authorize the treasurer of Johnston county to pay a certain school claim.

Preamble.

WHEREAS, George W. Thornton taught one incontinous session of a public school in district number twenty-nine, white race, in said county at a salary of twenty-five dollars per month for four months; and whereas, according to the provisions of the public school law, acts of eighteen hundred and eighty-nine, said term was not according to law, and the board of education being unable to pay said claim according to law: therefore

The General Assembly of North Carolina do enact:

Treasurer of Johnston county directed to pay G. W. Thornton \$100 out of certain school funds.

SECTION 1. That the treasurer of said county of Johnston be and he is hereby directed to pay said George W. Thornton the sum of one hundred dollars out of any funds now in his hands, or which may come into his hands, belonging to said district number twenty-nine, white race, of said county.

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

Ratified the 7th day of March, A. D. 1891.

 CHAPTER 440.
An act to authorize the board of commissioners of Burke county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners of Burke authorized to levy special tax.

SECTION 1. That the board of commissioners of Burke county be and they are hereby authorized to levy a special tax not to exceed four an [and] one-sixth per centum on the one hundred dollars worth of property and twelve and one-half cents on the polls in said county for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two, for the purpose of paying any deficiency which may arise during said years in the payment of the necessary current expenses of said county.

Justices to approve.

SEC. 2. That the said tax shall be levied by the said board of commissioners by and with the approval of the justices of the peace of said county at their annual meetings on the first Monday in June during said years of one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two.

Years in which levy may be made.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 441.

An act to amend chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, and chapter seventy-eight 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 of the laws of one thousand eight hundred and eighty-three be amended by striking out in section one the word "Vance."

Chapter 150, laws 1883, amended. Law allowing sheriff of Vance until May 1 to settle state taxes, repealed.

SEC. 2. That chapter seventy-eight of the laws of one thousand eight hundred and eighty-seven be amended by adding after section one the following : " *Provided*, this section shall not apply to Vance county."

Chapter 78, laws 1887, amended. Law prohibiting sheriffs of certain counties from levying for taxes before March 15, not applicable to Vance.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 442.

An act to provide for the furnishing of the governor's mansion.

The General Assembly of North Carolina do enact :

SECTION 1. That the sum of fifteen hundred dollars is hereby appropriated from the public treasury for the purpose of providing necessary furniture for the executive mansion.

\$1,500 appropriated to furnish executive mansion.

SEC. 2. That the treasurer of state is hereby directed to pay said amount out of any money not otherwise appropriated upon a proper warrant drawn upon the treasurer by the governor and his council for the purpose aforesaid.

Duty of treasurer.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 443.

An act to authorize the trustees under chapter 51, laws 1868-'69, to sell the lands therein mentioned and reinvest the proceeds.

The General Assembly of North Carolina do enact :

SECTION 1. That the trustees appointed under the provisions of chapter fifty-one, laws [of] one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be and they are hereby authorized to sell the tract of land in said chapter described on such terms as in their judgment shall produce the highest

Trustees authorized to sell land and reinvest proceeds.

price, and reinvest the proceeds in some other real property in or near the city of Raleigh, for the same purposes and upon the same trusts as in said chapter are now declared.

Extent of power of sale.

SEC. 2. That the power of sale hereinbefore given shall embrace the power to sell the entire estate in said tract, the remainder and reversion therein as well as the term for years thereby created, and the entire proceeds are hereby appropriated to the uses and trust aforesaid.

Conveyance to purchaser.

SEC. 3. The said trustees are hereby authorized to convey to the purchaser at such sale the said land in fee-simple.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 444.

An act for the relief of W. C. Boren [Bowen].

The General Assembly of North Carolina do enact :

Clerk Transylvania superior court authorized to order register to correct certain grant.

SECTION 1. That the clerk of the superior court of Transylvania county be and he is hereby authorized to order the register of deeds for said county to correct any mistakes in land grant number eight thousand two hundred and twenty-nine (8229) in said county: *Provided*, satisfactory proof shall be made of any such mistakes before said clerk: *Provided further*, that notice of time and place for hearing said proof before the clerk shall be given to all persons owning lands adjoining said tract, to-wit, grant number eight thousand two hundred and twenty-nine (No. 8229).

Proviso.

Proviso.

Register to make correction.

SEC. 2. The register of deeds shall have power to make such correction as may be ordered by said clerk.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 445.

An act to allow the removal of obstructions in Silver creek, Burke county.

The General Assembly of North Carolina do enact :

Lawful to remove obstructions from Silver creek, Burke county.

SECTION 1. That it shall be lawful, and the owners of land and their tenants living on Silver creek, and such persons as may be employed by them, are hereby empowered to remove all obstructions from the bed of said creek from its mouth to Bennett's mill-dam in said county, not to include said dam.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 446.

An act in relation to public schools in the city of Asheville.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the city of Asheville to issue and deliver to the treasurer of the graded-school committee bonds on [for] such amount as the school committee shall designate as necessary for the purpose of building one or more public-school buildings in said city and equipping the same ; that said bonds shall be in denominations of five hundred dollars each and shall have coupons attached bearing interest at five per centum, payable semi-annually on the first day of January and June of each year. The said bonds shall be signed by the mayor of the city and countersigned by the clerk, with his official seal thereto attached. The bonds shall run for thirty years, and said bonds shall show upon their face that they were issued for school purposes.

Bonds to be delivered to treasurer of graded school committee to build school buildings.
Description of bonds.

SEC. 2. That it shall be the duty of the treasurer to sell said bonds and hold the proceeds of the same subject to the proper order of the school committee : *Provided*, said bonds shall not be sold less than par : *And provided further*, that no larger amount than twenty-five thousand dollars shall be issued.

Sale of bonds.

Bonds not to be sold for less than par, and limited to \$25,000.

SEC. 3. That at the regular election for mayor and city aldermen for the year eighteen hundred and ninety-one the question of issuing said bonds shall be submitted to the qualified electors of said city, and those favoring the issue shall vote a ticket on which shall be written or printed the words "For the subscription," and those opposed a like ticket on which shall be written or printed the words "Against the subscription." If a majority of the electors shall vote for the subscription, then and in that case the bonds shall be issued, but if a majority do not so vote the bonds shall not be issued : *Provided*, that in case the majority do not vote for the subscription the board of aldermen shall, on the petition of one-third of the electors of the city, submit the question again, and from time to time as they may be so petitioned, and if at any such election a majority shall vote for the subscription, then the bonds shall be issued as herein set forth : *Provided*, that not more than one election shall take place in any year.

Election on question of issuing bonds.

Ballots.

Subscription made on majority vote.
Additional elections.

Not more than one a year.

SEC. 4. The election herein required shall be held under the same rules, regulations and laws as now govern the city of Asheville, and the qualifications for voters shall be the same in this election as for mayor and aldermen of said city.

Election, how held.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 447.

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

The General Assembly of North Carolina do enact :

Commissioners and justices of Hyde, in joint session, authorized to levy special tax.

SECTION 1. That the county commissioners and justices of the peace of Hyde county in joint session are hereby authorized and empowered to levy a special tax for said county for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two, not to exceed sixteen and two-thirds ($16\frac{2}{3}$) cents on every one hundred dollars valuation of property and fifty cents on every taxable poll per annum. Said tax shall be for the payment of any indebtedness and the administration of the affairs of said county.

Collection of tax.

SEC. 2. That said tax shall be collected by the sheriff or tax-collector in the same manner, under the same penalties and within the same time, and shall be paid over to the treasurer in like manner as other taxes levied and collected in said county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 448.

An act to amend chapter five hundred and eleven of the laws of one thousand eight hundred and eighty-nine in regard to public roads in Mitchell county.

The General Assembly of North Carolina do enact :

Chapter 411 (511), laws 1886, amended. Roads let to lowest bidder in sections of not more than three miles. Special tax not to exceed 15 cents on the \$100, and 45 cents on poll. Provision that commissioners of Mitchell are not prohibited from adopting general road law, repealed.

SECTION 1. That chapter four [five] hundred and eleven of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended as follows: Strike out the word "less" in line five of section two and insert in lieu thereof the word "more;" strike out the word "ten" in line nine of section three and insert in lieu thereof the word "fifteen," and strike out the word "thirty" in line ten of said section and insert the word "forty-five" in lieu thereof; amend section five of said act by striking out all of said section after the word "county" in line three thereof.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 449.

An act to be entitled an act to appoint cotton and peanut weighers for number one township and the town of Tarboro, Edgecombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That there shall be appointed for the town of Tarboro and for township number one, Edgecombe county, two public cotton and peanut weighers, one of whom shall be appointed by the county commissioners of Edgecombe county at their regular meeting in August, Anno Domini one thousand eight hundred and ninety-one; the other by the commissioners of the town of Tarboro at their regular meeting in August, Anno Domini one thousand eight hundred and ninety-one, and every two years thereafter; and any vacancy occurring in said offices of cotton and peanut weighers shall be filled in like manner for the unexpired term at the first meeting of said county or town commissioners after any vacancy in their respective appointments may occur.

Appointment of cotton and peanut weighers for Tarboro and Township No. 1, Edgecombe county.

SEC. 2. It shall be the duty of said weighers to weigh all baled cotton and all peanuts in bags sold in township number one or in the town of Tarboro at their true weights, making just and proper deductions for water and damage.

Duties.

SEC. 3. The said weighers before entering upon the duties of their office shall take and subscribe to 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 and peanut weigher, and I will take no interest, near or remote, in the buying or selling of cotton or peanuts in the said town or township."

Oath.

SEC. 4. Said weighers shall give bond in the sum of one thousand dollars payable to the state of North Carolina, conditional for the faithful performance of their duty. Said bond shall be taken by [the] county commissioners of Edgecombe county and filed in the office of register of deeds in said county; and said weighers shall receive ten cents for each bale of cotton and two cents for each bag of peanuts weighed by them, to be paid one-half by the buyer and one-half by the seller.

Bond.

Compensation.

SEC. 5. That no other person than said weighers shall weigh cotton or peanuts sold in said town or township, under a penalty of ten dollars for each and every offence, said penalty to be paid by the buyer and applied to the school fund of said county upon connection [conviction] of the offender before any justice of the peace of said county.

Penalty against other person weighing cotton or peanuts.

How paid. Application.

SEC. 6. Any cotton weigher appointed under the provisions of this act who shall wilfully or corruptly abuse the trust or power conferred upon him by the provisions of this act, shall, upon conviction thereof before any justice of the peace, be dismissed from office by the board of county or town commissioners by which he was appointed or their

Penalty for abuse of trust, &c., by weigher.

successors in office, and any damage sustained by any party by such wilful or corrupt abuse of trust or power shall be removed [recovered] out of the bond of such cotton or peanut weigher so offending.

Conflicting laws repealed.

SEC. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after the first day of August, Anno Domini eighteen hundred and ninety-one.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 450.

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

The General Assembly of North Carolina do enact :

Chapter 145, laws 1887, amended.

SECTION 1. That chapter one hundred and forty-five of the laws of one thousand eight hundred and eighty-seven be amended by insert- ing after section five and before section six of said act the following :

Persons or corpo- rations engaged in business of loading, &c., vessels upon con- tract to obtain license.

“Sec. 6. That no person or corporation shall engage in the business of loading or unloading vessels upon contract for the owners, master, consignee or shipper, or do or perform any other of the work usually performed by ‘contracting or boss stevedores’ without having previously obtained a license from the sheriff in the manner provided by The Code, sections three thousand seven hundred and two (3702) and three thousand seven hundred and three (3703), for obtaining licenses in other occupations. And any person or corpo- ration failing to obtain a license as is hereinbefore provided, shall be amendable [amenable] to all such penalties as are provided by sec- tion three thousand seven hundred and four (3704) of The Code.

Penalty for failure.

Tax.

“Sec. 7. Before the sheriff shall issue the said license the applicant shall pay to the sheriff an annual tax of fifty dollars, and shall execute a bond with two or more approved sureties in the sum of two thousand dollars payable to the state of North Carolina, and conditioned for the faithful performance of his duties and the due and lawful payment of all sums due to laborers assisting in the work of loading or unloading any vessels upon which the applicant may be engaged. And every bond so taken shall be renewed annually, and shall be filed with and preserved by the register of deeds in trust for every person that shall be injured by the breach of his contracts, who may severally bring suit therein for the damages by each one sustained.”

Bond. To secure pay- ment of laborers. To be renewed annually.

Action on bond.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 451.

An act to authorize the treasurer of Mecklenburg county to pay W. J. Miller the sum of twenty-five dollars and sixteen cents for teaching during the year eighteen hundred and eighty-eight.

The General Assembly of North Carolina do enact :

SECTION 1. That the treasurer of Mecklenburg county be and he is hereby authorized and directed to pay out of the school fund for Crab Orchard township to W. J. Miller the sum of twenty-five dollars and sixteen cents, compensation for teaching a public free-school in district number eleven, white race, Crab Orchard township, Mecklenburg county, during the year eighteen hundred and eighty-eight.

Treasurer of Mecklenburg directed to pay W. J. Miller \$25 out of certain school fund.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 452.

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

The General Assembly of North Carolina do enact :

[SECTION 1.] That chapter two hundred and ninety-six, laws of one thousand eight hundred and eighty-five, be amended by inserting after the word "townships" in line nine (9) thereof the following words: "first giving thirty (30) days' notice at the court-house in said county and at three (3) public places in said territory to be affected, that such application has been made."

Chapter 296, laws 1885, amended.

Notice of petition of townships in Robeson county to come under operation of stock law, to be given.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 453.

An act to amend chapter one hundred and fifty-four, laws of one thousand eight hundred and eighty-three, as amended by chapter four hundred and sixty-seven, laws of one thousand eight hundred and eighty-nine, so as to allow counties, townships and towns to subscribe to the capital stock of the Thomasville, Silver Valley and Pee Dee Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That subscriptions may be made by counties, townships and towns to the capital stock of the Thomasville, Silver Valley and Pee Dee Railway Company, with the approval of a majority of all the qualified voters of any such county, township or town, as prescribed

subscription by counties, townships and towns to Thomasville, Silver Valley and Pee Dee R. R. Co.

by law, in which it is proposed to make such subscriptions, and bonds of such county, township or town making said subscription shall be paid in payment of said subscription, and taxes shall be levied to pay the same, principal and interest, according to the terms and conditions of said bonds. The board of commissioners of the county making such subscription, or in which the township or town making such subscriptions are, shall issue the bonds and levy the taxes to pay the same, the principal and interest.

Election on question of subscription.

SEC. 2. That the board of county commissioners of any county in which it is proposed by twenty-five tax-payers in said county, or in any township or town within any such county, to subscribe to the capital stock of said company, are authorized and it shall [be] their duty upon the petition of said number of tax-payers to cause an election to be held in such county, township or town as the case may be at the proper and legal voting places after thirty days' notice of such election shall have been given, and to submit to the qualified voters of such county, township or town as the case may be, the question of subscribing to the capital stock of said company the sum of money specified in the written request of said tax-payers, at which election those in favor of said subscription shall vote on a written or printed ticket "For subscription," and those opposed shall vote on a written or printed ticket "Against subscription;" said election shall be held on such days as shall be designated in said petitions respectively under the same rules and regulations as are prescribed by law for the election of members of the general assembly, and returns thereof shall be made on the next day after said election to the county commissioners, who shall on that day canvass the same and declare the result of said election, and it shall be the duty of said county commissioners to be in session on said day for said purpose, and if a majority of all the qualified voters in any such county, township or town, as the case may be, shall vote "For subscription," then said subscription shall be made by the chairman of the board of county commissioners of said town.

Ballots.

Election, how held.

Returns.

Subscription to be made on vote of majority of qualified voters.

Bonds to be issued.

SEC. 3. That for the payment of said subscriptions the board of county commissioners of any county, township or town in which said subscriptions are made shall issue the bonds of said county or township or town to the amount authorized to be subscribed, which said bonds shall be coupon bonds and shall bear interest from date of issue at such rate as shall be specified in the petition for election, and said bonds shall be due and payable as specified in said petition.

Special tax.

SEC. 4. That to provide for the payment of the interest and principal of said bonds it shall be the duty of the board of county commissioners of the county, or of the county within which the townships or towns making said subscription are, to levy annually a special tax and collect the same, and in the manner and at the times prescribed for the collection of the general taxes.

SEC. 5. Said bonds shall be signed by the chairman of the board of county commissioners making such subscription, or of the county in which the townships or towns making such subscriptions are, and countersigned by the clerk of said board and sealed with the corporate seal of said county, but the coupons may be signed by said clerk alone.

Bonds, how issued.

SEC. 6. That when any county, township or town shall have made any such subscription as provided for in this act the said county commissioners shall, at the time they issue said bonds, receive therefor certificates of stock in said railway company to the amount of said bonds.

Certificates of stock.

SEC. 7. That when any township or town shall subscribe its bonds, as in this act provided, to the capital stock of said company the county taxes which shall be levied and collected upon the property and franchises of said company in the said township or town shall be applied in payment of the interest on said bonds so long as the same shall accrue.

County taxes on property of company applicable to payment of interest.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 454.

An act to apportion the members of the house of representatives.

The General Assembly of North Carolina do enact:

SECTION 1. Until the general assembly shall make another apportionment as provided by the constitution and laws of North Carolina, the house of representatives shall be composed of members elected from the counties in the following manner, to-wit: The counties of Wake and Mecklenburg shall elect three members each; the counties of Buncombe, Robeson, Halifax, Forsyth, Guilford, Cumberland, Johnston, Wayne, Pitt, Iredell, Chatham, Rockingham, Randolph, Sampson, Granville, Rowan, Edgecombe, New Hanover, Richmond and Wilkes shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Davidson, Davie, Duplin, Durham, Franklin, Gaston, Gates, Graham, Greene, Harnett, Haywood, Henderson, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, Northampton,

Apportionment of members of House of Representatives.

Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Tyrrell, Union, Vance, Warren, Washington, Watauga, Wilson, Yadkin and Yancey shall elect one member each.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 455.

An act to review and amend the public road from New Wilkesboro to state line near mouth of Wilson.

The General Assembly of North Carolina do enact :

- Commissioners. SECTION 1. That E. S. Blair of the county of Wilkes, S. M. Trausal of the county of Ashe, and N. C. Shepherd of the county of Alleghany, are hereby appointed commissioners whose duty it shall be to review the public road leading from New Wilkesboro by way of Mulberry Gap to mouth of Wilson, Virginia, and to make and designate such changes and alterations as they may deem expedient to improve the grade of road between New Wilkesboro and mouth of Wilson, Virginia, on the state line near that point; that the review shall be made by way of Mulberry Gap, Laurel Springs and Piney Creek church, by or near Scottville.
- Duties.
- Commissioners to make report. SEC. 2. That after discharging their duties under this act, said commissioners shall make three reports of their work, one to the board of commissioners of each of the said counties, and in said report they shall designate what damage any person through whose land said alterations have been made has sustained; which damage is to be paid by the county in which the land is situate.
- Damages to land-owners.
- Commissioners to apportion work. SEC. 3. That said commissioners or a majority of them shall have power to determine what portion of said road upon the Blue Ridge mountain shall be made by the hands living in the counties of Ashe and Alleghany on the north side of said review, and what portion shall be made by the hands living in the county of Wilkes upon the lower end of said review; and in apportioning said work upon said road across the mountain, said road commissioners shall consider the benefits to be derived by the hands and people living in the respective counties, and they need not in apportioning the work upon said mountain be governed by county lines further than they deem just and right.
- County commis- sioners to call out hands. SEC. 4. That the boards of commissioners of the respective coun- ties shall have power and it shall be their duty to call out the hands in their respective counties living within five miles of said road or

any portion thereof by a straight line, to aid in constructing and making said road according to the alterations of said commissioners above named, and said boards of county commissioners shall have the power and it shall be their duty to appoint overseers over the part of said road lying in their respective counties or the portion allotted and designated by said road commissioners under the provisions of this act. Said road commissioners may adopt such portions of the present road as they may deem expedient, and the alterations shall be equal in width to the present road when first made.

SEC. 5. That said road shall be laid off, changed and made according to the provisions of this act within twelve months from the ratification of this act, 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.

SEC. 6. That all hands subject to road duty and subject to work on said road according to the provisions of this act shall be liable to all the penalties and laws now in force for failing to work public roads.

SEC. 7. That when the 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 townships said road is situate, to receive the same and to report to the county commissioners of their said county that said road as changed has been constructed according to law, and when so completed said road shall be kept up 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 7th day of March, A. D. 1891.

CHAPTER 456.

An act relative to chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine be amended by striking out all after and including the word "provided" in section two of said chapter.

Sec. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

Overseers.

Road, how laid off.

How long hands to work, &c.

Liability of hands.

Duty of township supervisors.

Chapter 280, laws 1889, amended. Act making it unlawful to issue non-transferable scrip to laborers applicable to all counties.

CHAPTER 457.

An act to prevent obstructing the North-east river.

The General Assembly of North Carolina do enact :

Unlawful to obstruct North-east river between certain points.

SECTION 1. That it shall be unlawful for any person or persons to fell any timber in, erect dam across or otherwise obstruct the free passage and flow of water in North-east river from the mouth of Goshen swamp to the mouth of Robert Williams' mill-race.

Penalty.

SEC. 2. That any person or persons violating the provisions of this act shall, on conviction, 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 9th day of March, A. D. 1891.

CHAPTER 458.

An act to amend chapter four hundred and twenty-six of the laws of one thousand eight hundred and eighty-nine, in relation to Falling creek, in the county of Wayne.

The General Assembly of North Carolina do enact :

Chapter 426, laws 1889, amended. Portion of Falling creek to be laid off in sections for drainage.

SECTION 1. That section one of chapter four hundred and twenty-six of the laws of one thousand eight hundred and eighty-nine be amended by striking out the words "the Hall old mill-seat" in line four and inserting in lieu thereof the words "the mouth of Brooks' swamp."

What hands, &c., land-owners to furnish.

SEC. 2. That section three of said chapter be amended by striking out all after the word "shall" in line seven down to and including the word "act" in line ten and inserting in lieu thereof the following: "each owner of land on said creek within the limits above prescribed shall furnish to such overseer, with such tools as such overseer shall require, able-bodied hands to work on said creek as follows: one acre to five acres owned, one able-bodied hand one day per year; five acres to ten acres owned, one hand two days per year; ten acres to twenty acres owned, one hand three days per year, and so on in like proportion for all lands owned by them."

Duty of overseers

SEC. 3. That section five be amended by striking out all after the word "sections" in line three down to the word "in" in line four thereof.

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. 1891.

CHAPTER 459.

An act to make more equal the price paid for weighing cotton in this State.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever there is or may be a cotton weigher elected or appointed for the purpose of weighing cotton for the public in any of the markets of this state the price paid shall in no case exceed ten cents for every bale weighed. Price for weighing cotton limited to ten cents per bale.

SEC. 2. That the price paid for such weighing of cotton shall be paid one-half by the owner and one-half by the buyer: *Provided*, that either party can, when there is more than one weigher, have the same weighed by paying price fixed for the public weigher in such market: *Provided*, that this act shall not apply to the counties of Stanly, Cabarrus, Rowan, New Hanover, Iredell, Vance, Anson, Wayne, Sampson, Cumberland, Lenoir, Beaufort, Cleveland, Halifax and Washington. How paid. Proviso. Act not applicable to certain counties.

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 9th day of March, A. D. 1891.

CHAPTER 460.

An act reguliating the meetings of county boards of education.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand five hundred and forty-seven of The Code, as amended by the laws of one thousand eight hundred and eighty-five, is hereby amended to read as follows: "The county board of education of each county shall hold three regular meetings every year, namely, on the first Mondays of January, July and September, at each of which meetings, if the board find it necessary in order to enable them to dispose of the business before them, they may be in session for two days. Meetings may be held at other times at the call of the chairman upon the request of one member of the board, but in no case shall the board receive compensation out of the public funds for more than four days in any one year." Code, section 2547, amended. Meetings of county board of education.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Compensation. 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. 1891.

CHAPTER 461.

An act to incorporate the Pamlico, Oriental and Western Railroad Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That W. H. Sawyer, D. B. Hooker, J. M. Sawyer, R. S. Griffin, Jesse F. Sawyer, C. M. Bobbitt, Geo. T. Farnell, Samuel Campen, Charles H. Fowler, George S. Attmore, Wm. Simmons, R. H. Baxter, Festus Miller, J. F. Correll, F. P. Gates, J. T. Cooper, Wm. W. Hooker, Thos. Campen, J. E. Heath, James Spruill, F. F. Armstrong, R. P. Midgett, S. W. Ferrebee, James O. Baxter, D. C. Betts, W. T. Caho, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Pamlico, Oriental and Western Railroad Company," with all the powers and privileges conferred upon railroad companies by the laws of the state of North Carolina for the purpose of constructing a railroad, from or near Oriental in the county of Pamlico and state of North Carolina, over the most practical and easy route to such other point in the state of North Carolina as the stockholders in said railroad company, or a majority of them, may determine.
- Corporate name. Corporate powers. Termini. SEC. 2. That the said Pamlico, Oriental and Western Railroad Company shall have power under its corporate name to receive, possess, own and transfer real and personal property and estate necessary for the use, operating, constructing, equipping and maintaining said road ; to have a common seal, and power to pass such by-laws necessary to carry out the objects of the corporation not inconsistent with the laws of this state, and shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this state, and to have the exclusive right to transfer and carry persons, merchandise, stock, lumber, minerals and all such other materials as is usually carried upon railroads.
- Corporate powers. Organization. SEC. 3. That in order to carry into effect the purposes of this act, the corporators herein named, or any five of them, may, within six months from the ratification of this act, call a meeting of the stockholders of said company by giving to each stockholder at least ten days' notice in writing of the time and place of said meeting, and shall organize said company by electing a board of ten directors, and the said directors shall select one of their number president for the term of one year, and when thus organized the said president and board of directors may open or cause to be opened books of subscriptions to the capital stock of said company at such times and under such rules and regulations as they may determine; and the said board of directors shall hold their office for the term of one year,
- Books of subscription.

or until their successors shall be elected, as shall be provided by the laws that may be adopted by the stockholders of this company.

SEC. 4. That as soon after the organization of this company as the board of directors may deem practicable and advisable, they may survey, or cause to be surveyed, such route as they may deem most advantageous and expedient, and may construct the said road by such route, and may have power to change the said route at any time that to them may be deemed expedient, practicable and advantageous; and they shall have the power and authority to cross any navigable stream or canal on its route, provided a draw sufficient not to impede navigation is placed in its bridges over such streams or canals; and they may appropriate and occupy as much land as may be necessary for the construction of said road of the width of not to exceed one hundred and fifty feet, and as much additional land as may be necessary for the station-houses, depots, warehouses, workshops, wharves, turn-outs, or any other building purposes necessary for the use of said road; and whenever the lands necessary for the purposes of constructing and operating said road cannot be purchased from the owner, or the same shall belong to minors and the company cannot procure title to the same, or for any cause the same cannot be procured for a fair value from the owner, the same may be taken by the directors of said company at a fair valuation, to be ascertained and determined upon the oath of five disinterested freeholders of the county in which the lands lie, or if the lands lie in two or more counties, then by five freeholders of either county, to be summoned by the sheriff of the county upon the application of the president of said company: *Provided*, if either party shall be dissatisfied with such valuation, an appeal may be taken to the next term of the superior court of the county under the same rules and regulations governing appeals from the judgment of justices of the peace; and upon the payment or tender of the assessment by the president or any one of the board of directors to the owners, or in case of minors or those *non compos mentis*, to their guardian, and in case they have no guardian to the clerk of the superior court of the county in which they reside, the title to the property thus seized and appraised shall vest in said corporation: *Provided*, that no appeal shall prevent the company from proceeding with the constitution [construction] and completion of said road or buildings necessary for its use.

SEC. 5. The capital stock of said company shall consist of not less than fifty thousand dollars, to be divided in [into] shares of one hundred dollars each, with liberty to increase the same from time to time, as the stockholders may determine, not to exceed one million dollars.

[First part of section 6 omitted from bill as ratified and filed in secretary of state's office.]

and may proceed to carry out the objects of this charter, and the said board of directors shall elect a secretary and treasurer and

Corporate powers.

Condemnation of land.

Appeal.

Proviso.

Capital stock.

Officers.

appoint such other officers and agents as may be necessary, for such length of term of office as may be determined by the laws of said company, and the management of the said company shall be vested in the president and board of directors to be elected annually and at such time and place as the stockholders may designate in their by-laws.

Corporate powers.

SEC. 7. That it shall be lawful for said company to acquire in subscription to the capital stock of said company money, bonds, land, mortgages, labor, work, material or other means available for their purposes, and to receive subscriptions from individuals or other companies, associates [associations] or corporations, and shall have power to borrow money to such an amount as it may deem necessary, and for any loan to issue bonds or debentures of the company bearing interest at such rate per annum as the company may determine, and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal or mixed, its charter rights, franchise and income, and the company shall have power to sell or lease its road, with all its franchises, or any part or parcel thereof, and may change its name whenever a majority of the stockholders shall so desire, and shall have power to contract with individual firms and corporations for the construction, operation and equipment of said road.

Other companies may subscribe to stock, &c.

SEC. 8. That any railroad company, whether incorporated under the laws of this or any other state, may subscribe to the capital stock of this company, or lend money to or to endorse the bonds or other evidences of debt of this company, and may pay for their subscription to the capital stock of this railroad company in cash or by the issue of their bonds, as the directors thereof may determine.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 462.

An act to assist in keeping in repair certain turnpike roads in Johnston county.

The General Assembly of North Carolina do enact:

Supervisors of Smithfield township authorized to work certain prisoners on public turnpike road.

SECTION 1. That the board of supervisors of Smithfield township in Johnston county are hereby authorized and empowered to work on the public turnpike roads in said township across the bottom of Neuse river and Swift creek all the following classes of prisoners which are now or may hereafter be confined in the jail of Johnston county under a final sentence of imprisonment: First, all prisoners

sentenced to jail by justices of the peace in Johnston county or committed to jail by a justice of the peace for the non-payment of a fine or costs. Second, all those prisoners committed to jail under a sentence of imprisonment pronounced in the superior court or committed by said court to jail for the non-payment of a fine or costs except as is hereinafter provided.

SEC. 2. That the board of supervisors shall have the power to work said prisoners on said roads for as long a time as otherwise the said prisoners would have been kept in jail, and that the said board of supervisors and its successors in office is hereby empowered to enact and ordain all such rules and regulations for the working of said prisoners on said roads as they may think necessary and which may not conflict with the law of this state. They are empowered to work any dangerous runaway prisoner with a ball and chain and to provide a guard. The said board is also authorized to [encourage] submissive and industrious prisoners by reducing their term of imprisonment for such a period as their good conduct may merit, not to exceed however one-third of their entire term of imprisonment.

How long prisoners to work.

Rules, &c.

Ball and chain.

Reduction of term of imprisonment.

SEC. 3. That all prisoners mentioned in this act shall be confined in the common jail of Johnston county at night, and when not at work, and shall be fed by the jailer at the expense of the county like other prisoners, except as is provided in the next section.

Prisoners, how confined and fed.

SEC. 4. The board of supervisors aforesaid is further empowered to take a bond with sufficient surety in a sum to be fixed by the board and payable to the board from any prisoner of good behavior, conditioned that he will remain and diligently work during the term of his imprisonment and thereafter until all costs adjudged against him are worked out or paid, and upon reviewing and approving this bond the chairman of the said board shall give to the jailer of Johnston county an order for the release of the prisoner, and thereafter the said prisoner shall not be required to remain in jail while not at work, but shall be fed at the expense of the county like other prisoners.

Release on bond of prisoners from confinement.

SEC. 5. That whenever the condition of a bond given under the preceding section is broken the board of supervisors aforesaid are empowered to begin and prosecute an action in the appropriate court for the enforcement of the said bond, and for that purpose and for other lawful purposes the said board of supervisors and their successors in office are hereby made and declared a corporation and body politic.

Action for breach of bond.

Supervisors incorporated.

SEC. 6. That all moneys realized from suits brought under this act shall be paid over to the treasurer of Johnston county to the credit of the "Turnpike road fund" as is provided in chapter four hundred and eighty-seven, laws of one thousand eight hundred and eighty-nine.

Application of funds collected under this act.

Judge may require that prisoners be not worked.

SEC. 7. Whenever the judge holding court shall think that the ends of justice would be better subserved by so doing he may make it a part of his sentence of any prisoner that the said prisoner shall be kept within the jail and not worked as is provided in this act, "and such prisoner shall not be considered as coming within any of the classes named in this act."

Construction of act.

SEC. 8. That this act shall not be construed to mean that Johnston county has provided means of working convicts upon the public roads as mentioned in chapter three hundred and fifty-five of the laws of one thousand eight hundred and eighty-seven.

Liability of county.

SEC. 9. That the county of Johnston shall not be liable for any part of the expense of working the said prisoners, nor of maintaining them except to feed them as they would be fed if confined in jail.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 463.

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

The General Assembly of North Carolina do enact :

Chapter 19, laws 1889, amended. No tax on incorporation before clerk, of education institution.

SECTION 1. That section two of chapter nineteen of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended by adding at the end of said section the following words : "nor to education[a] institution."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 464.

An act to authorize townships along the line of the Asheville and Bristol Railroad in the counties of Buncombe, Madison and Yancey to assist in the construction of the said railroad.

The General Assembly of North Carolina do enact :

Election in township of certain counties on question of subscription to Asheville and Bristol railroad.

SECTION 1. That whenever a petition signed by one-fourth of the qualified voters of any township in Buncombe, Madison or Yancey counties, asking the commissioners of said county to submit to the qualified voters of said townships, or either of them, a proposition to subscribe money or bonds to the capital stock of the Asheville and Bristol Railroad Company, it shall be the duty of the said commis-

sioners to order an election in the said townships, or either of them, whose voters have so petitioned, to determine whether the said townships, or either of them, shall subscribe money or bonds to the capital stock of the said railroad company mentioned in the petition.

SEC. 2. That the terms of the proposition to be submitted to the qualified voters of the said townships, or of either of them, and the amount of stock to be subscribed for by each, or either of said townships, shall be those mentioned in the petitions or petition signed by the said ten voters of each or either one of the townships and presented to the commissioners of the county in which said township is situated.

What question to be submitted.

SEC. 3. That upon receiving a petition or petitions fulfilling the above requirements, it shall be the duty of the commissioners of either of the said counties to frame a proposition or propositions in accordance with the terms of the proper petition or petitions and for not less than thirty days to cause it or them with a notice of election to be advertised in one or more newspapers published in said county and to be posted in some public place in each township so petitioning and upon the court-house door in said county, and to submit the question of subscribing to the capital stock of [said] railroad company mentioned in the petition in accordance with the terms of the said proposition to the qualified voters of each or either of the said townships, at an election to be held under the laws of this state as to registration and voting and in the same manner as elections for members of the general assembly are held. The ballots shall have written or printed on them the words "Subscription" and "No subscription." The said commissioners shall meet at the court-house in each or either of the counties on the third day after such election and canvass the returns and declare the results.

Duty of county commissioners.

Notice of election.

Election, how held.

Ballots.

Canvass of vote.

SEC. 4. That if at said election a majority of all the qualified voters of each of the said townships, or of either of them, shall vote tickets on which shall be written or printed "Subscription," then the chairman of the board of commissioners of the county in which the said townships, or either of them, is situated, for or in behalf of each of the townships in which a majority of the qualified voters shall have voted "Subscription," subscribed [shall subscribe] to the capital stock of the railroad company mentioned in the said proposition or propositions the amount voted [by] the qualified voters of that township, said subscriptions to be governed by the condition of the proposition submitted to the said voters.

Subscription to be made on vote of majority of qualified voters.

SEC. 5. That the said townships along the line of the Asheville and Bristol railroad in the counties of Buncombe, Madison and Yancey are hereby incorporated for the purposes of this act, and the commissioners of the respective counties are hereby constituted and appointed the agents of said corporations for the said purposes, and if the said townships, or either of them, shall vote township bonds in payment for the capital stock of said railroad company, the said

Townships incorporated.

Agents.

- Issuance of bonds. commissioners shall, as agents of said townships, or either of them, issue said bonds in accordance with the terms of the proposition or propositions adopted by a majority of the voters of the township or townships whose bonds are to be issued.
- Special tax. SEC. 6. That the said commissioners as agents of the said townships, or either of them, shall levy upon each township so subscribing special taxes for the payment of the interest, and in proper time of the principal of any bonds voted by that township under this act, and for the payment of any expenses incurred because of elections held under this act, said taxes to be levied at the same time that other taxes are levied.
- Taxes levied on property of company applied to payment of township bonds. SEC. 7. That all taxes levied upon railroad property situate in said townships, or either of them, belonging to any railroad company to whose capital stock said townships, or either of them, shall have subscribed, shall be paid by the tax-collector to the county treasurer who shall use the said taxes in payment of the interest and principal of any bonds voted by the township in which said property is situated to the railroad company owning said property, and shall continue so to do until no part of the said principal and interest shall remain unpaid.
- Collection of special tax. SEC. 8. That all taxes levied under this act shall be collected by the sheriff of the respective counties or by a legal tax-collector and paid to the county treasurer.
- SEC. 9. That this act shall take effect from and after the date of its ratification.
- Ratified the 7th day of March, A. D. 1891.

CHAPTER 465.

An act to secure title to land.

The General Assembly of North Carolina do enact :

- In all actions for real estate, parol evidence admissible to identify and sued for. SECTION 1. That in all actions for the possession of or title to any real estate parol testimony may be introduced to identify the land sued for, and fit it to the description contained in the paper-writing offered as evidence of title or of the right of possession, and if from this evidence the jury is satisfied that the land in question is the identical land intended to be conveyed by the parties to such paper-writing, then said paper-writing shall be deemed and taken to be sufficient in law to pass such title to or interest in such land as it purports to pass: *Provided*, that such paper-writing is in all other respects sufficient to pass such title or interest.
- Effect of evidence
- Proviso.

SEC. 2. That no deed for [or] other writing purporting to convey land or an interest in land shall be declared void for vagueness in the description of the thing intended to be granted by reason of the use of the word "adjoining" instead of the words "bounded by," nor for the reason that the boundaries given do not go entirely around the land described: *Provided*, it can be made to appear to the satisfaction of the jury that the granted [grantor] or grantors owned at the time of the execution of such deed or paper-writing no other land which at all corresponded to the description contained in such deed or paper-writing.

No deed to be declared void for vagueness in description, &c.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 466.

An act to amend the charter of the French Broad Valley Railroad.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the privileges granted the French Broad Valley Railroad Company in charter issued from the office of the secretary of state, dated twenty-sixth day of November, one thousand eight hundred and eighty-nine, the said company may and shall have the privilege of extending the line of said railroad into Rutherford county, and also of constructing a line of railroad from Hendersonville, North Carolina, to Gap Creek, in the South Carolina line.

Extension of road.

SEC. 2. That the stockholders of the French Broad Valley Railroad Company may increase their capital stock from time to time to five millions of dollars.

Increase of capital stock.

SEC. 3. That for the purpose of aiding in the construction of the said railroad, any township along the line of the said railroad in either of the counties of Buncombe, Henderson, Rutherford or Transylvania, shall have the right to subscribe to the capital stock of the said railroad.

Townships in certain counties authorized to subscribe.

SEC. 4. That whenever a petition signed by one-fourth of the qualified voters of any township asking the commissioners of either county to submit to the qualified voters of the said township, or either of them, a proposition to subscribe money or bonds to the capital stock of the said railroad company, it shall be the duty of the said commissioners to order an election in said township, or either of them, whose voters shall have petitioned, to determine whether the said township, or either of them, shall subscribe money or bonds to the capital stock of the railroad company mentioned in the petition.

Election in township on question of subscription.

- What question to be submitted. SEC. 5. That the terms of the proposition to be submitted to the qualified voters of the said townships, or of either of them, and the amount of stock to be subscribed for by each or either of said townships, shall be those mentioned in the petition or petitions, signed by not less than ten of the qualified voters of each or either of the said townships and presented to the said commissioners of the respective counties
- Duty of county commissioners. SEC. 6. That upon receiving a petition fulfilling the above requirements it shall be the duty of the commissioners of either county in which the township or townships so petitioning are located to frame a proposition or propositions in accordance with the terms of the petition or petitions, and for not less than thirty days to cause it or them, with
- Notice of election a notice of election, to be advertised in one or more newspapers published in the county where such an election is to be held, and to be posted in some public place in each township so petitioning and upon the court-house in the county where such township is located, and to submit the question of subscribing to the capital stock of the railroad company mentioned in the petition in accordance with the terms of the said proposition to the qualified voters of each or either
- Election, how held. of the said townships at an election to be held under the laws of this state as to registration and voting and in the same manner as elections for members of the general assembly are held. The ballots
- Ballots. shall have written or printed upon them the words "Subscription" and "No subscription." The said commissioners shall meet at the
- Canvass of vote. court-house in each or either county on the third day after such election and canvass the returns and declare the results.
- Subscription to be made on vote of majority of qualified voters. SEC. 7. That if at said election a majority of all the qualified voters of each of the said townships, or either of them, shall vote tickets on which shall be written or printed "Subscription," then the chairman of the board of commissioners of the county in which such township is situated, for and in behalf of each of the townships in which a majority of the qualified voters shall have voted "Subscription," [shall] subscribe to the capital stock of the railroad company mentioned in the said proposition or propositions the amount voted by the qualified voters of that township, said subscription to be governed by the conditions of the proposition submitted to the said voters.
- Townships incorporated. SEC. 8. That the said townships along the line of the said French Broad Railroad in the counties aforesaid are hereby incorporated for the purposes of this act, and the commissioners of the respective
- Agents. counties are hereby constituted and appointed the agents of said corporations for the said purposes, and if the said townships, or either of them, shall vote township bonds in payment for the capital stock of said railroad company the said commissioners shall, as
- Issuance of bonds. agents of said townships, or either of them, issue said bonds with the terms of the proposition or propositions adopted by the majority

of the voters of the township or townships whose bonds are to be issued.

SEC. 9. That the said commissioners as agents of the said townships, or either of them, shall levy upon each township so subscribing special taxes for the payment of the interest, and in proper time of the principal of any bonds voted by that township under this act, and for the payment of any expenses incurred because of elections held under this act, said taxes to be levied at the same time that other taxes are levied. Special tax.

SEC. 10. That all taxes levied on railroad property situate in said townships, or either of them, belonging to any railroad company to whose capital stock said townships, or either of them, shall have subscribed, shall be paid by the tax-collector to the county treasurer, who shall use the said taxes in payment of the interest and principal of any bonds voted by the township in which said property is situated to the railroad company owning said property, and shall continue so to do until no part of the said principal and interest shall remain unpaid. Taxes levied on property of company applied to payment of township bonds.

SEC. 11. That all taxes levied under this act shall be collected by the sheriff of the respective counties, or by a legal tax-collector, and paid to the county treasurer. Collection of special tax.

SEC. 12. That this act shall take effect from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 467.

An act to incorporate the Danville, Granite City and Western Short-Cut Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Tazwell Ellett, of Richmond, Virginia; R. B. Pours, of Appomattox Court-House, Virginia; Richard V. Gaines, Charlotte county, Virginia; J. Sidney Peters, Campbell county, Virginia; J. F. L. Armfield, Geo. W. Sparger, J. W. Ashley, J. H. Fulton, T. B. Ashley, V. C. Cooper, Jas. H. Sparger, J. M. Fulton, B. F. Sparger, B. N. Duke, Geo. W. Watts, J. Turner Morehead, J. M. Heck, Geo. C. Heck, John C. Drewry, D. A. Carpenter, M. L. Ross, Guy Francis, Richmond Pearson, John R. Webster, John G. Staples, Otto Kochitzky and N. A. Pepper, John B. Booth, W. C. Reed, W. A. Bobbit, J. H. Stocton, P. B. Johnson, Eugene Ives, R. L. Guyr, their associates, successors and assigns, are hereby constituted a body politic. Body politic.

- Corporate name. and corporate, under the name of "The Danville, Granite City and Western Short-Cut Railroad Company," and by that name and style
- Corporate existence. they and their associates, 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 in any court in this state; shall have a common seal which they may use, alter and break at pleasure; that they may purchase, acquire by gift, demise [devise] or otherwise, such real, mixed or personal property as shall be necessary for carrying out the interest and objects of this charter; they shall have the power to acquire, hold, own, operate and sell any quarries, mines, coal beds or furnaces in any of the counties through any part of which its roads or branches may extend or pass. They shall have power to build branch roads from any point on its main line not exceeding fifty miles in length for any one branch except one, which may be one hundred miles in length; they shall have power to make such by-laws and regulations consistent with the laws of this state and the United States for the government and for the due and orderly conducting of their affairs and the management of their property as they may see proper.
- Corporate powers.
- Authorized to build road. SEC. 2. That the said company shall have power to survey, layout, construct, equip, maintain and operate a railroad, with one or more tracks, by the most eligible route to be selected by the said company, and a telegraph line, from the town of Oxford in Granville county or from the town of Henderson in Vance county, through Vance, Granville, Person, Caswell, Rockingham, Stokes and Surry to Mt. Airy, or from some point on the Virginia and North Carolina line east of the meridian passing through Mt. Airy, North Carolina, through such of the said counties as may be deemed necessary by the company to the aforesaid town of Mt. Airy, North Carolina, thence from Mount Airy by whatever route may be deemed most practicable to the Tennessee line through any of the following counties, to wit, Surry, Alleghany, Ashe, Wilkes, Watauga, Caldwell, Mitchell, Yancey, McDowell, Madison, Buncombe, Haywood, Swain and Burke, or through any part thereof. They shall have power to build with each branch road above provided for a telegraph line.
- Route.
- Capital stock. SEC. 3. That the capital stock of the said company shall not exceed five million dollars, to be divided into shares of one hundred dollars each; each share subscribed shall be entitled to one vote in all the meetings of the stockholders of the said company. The stock shall be transferable upon the books of the company as the by-laws direct. Ten thousand dollars shall be the minimum subscription on which the said company may be organized.
- Organization.
- Books of subscription. SEC. 4. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at such times and places and under such supervision as may be determined

upon, and to that end three of the said corporators may, by ten days' notice given in any newspaper published in Mount Airy, cause a meeting to be held at such place as may be agreed upon by the parties so calling the meeting.

SEC. 5. That as soon as the sum of ten thousand dollars shall be subscribed to the capital stock of the said company, it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, they being represented in person or by proxy, to organize the said company in accordance with the provisions of this act and to elect a board of directors, consisting of not less than five nor more than eleven, out of the number of stockholders, and the said directors shall have power to perform all the duties necessary for the government of the company and the transaction of its business, and the directors so elected shall serve one year and till their successors shall be elected. At each stockholders' meeting for the election of directors, the time and place for holding the next election shall be fixed upon, and such election shall thenceforth be held annually, but if the day for annual election of directors should under any circumstances pass without an election being held, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office till a new election takes place.

Organization.

Election of officers.

SEC. 6. That the election 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 highest number of votes polled shall be considered duly elected directors, and at all elections and upon all votes taken at any stockholders' meetings, upon any by-law or upon any of the affairs of the said company, each share of the stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies shall be in such form as the by-laws of the company may prescribe. The board of directors may fill any vacancies which may occur in it during the period for which they have been elected.

Stock vote in election of directors.

SEC. 7. That the president of the company and one or more vice-presidents thereof shall be elected annually by the directors from among their number in such manner as the regulations of the company shall prescribe, and they shall hold office till their successors are elected. The secretary and treasurer shall also be elected by the directors and may be one and the same man. 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 the vice-president is present, in which case he shall preside at the meetings.

President, &c.

SEC. 8. That the president and directors are hereby empowered, if the stockholders shall so authorize them, to make such expenditures and contract such debts as may be necessary for the construction and operation of the road authorized by this act.

President and directors may make expenditures, &c.

Authorized to use portion of road.

SEC. 9. That the said company shall have power to use any section or portion of its road before the whole thereof shall be completed, and may charge for freight, transportation and passengers thereon.

Authorized to merge with other roads, &c.

SEC. 10. That the company is hereby empowered to merge and consolidate its capital stock, real estate, personal or mixed property, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this state whenever a majority of the stockholders shall so decide, when the two railroads so to be merged or consolidated shall and may form a continuous line of railroad with each other by means of the intersecting 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 and approve.

Authorized to lease other roads, &c.

SEC. 11. That the said company is hereby authorized to use under purchase, lease, agreement or other running arrangements as it may from time to time make with any other railroad company in this or in any other state, any line of road as a connecting link between the different parts of its road, or as any [an] extension of any portion of its road.

Subscriptions, how payable.

SEC. 12. That the said president and directors shall have power and authority to require from the stockholders, whose subscription shall be payable in money, such advances on their respective shares from time to time as the wants of the company may demand until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing to pay; first giving thirty days' notice of the time and place of said sale in one or more newspapers published in this state, and, after retaining the sum due and all charges of the sale out of the proceeds thereof, shall pay the surplus over to the delinquent owner or his legal representative, and if the said stock should not bring the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee or the executor or administrator, or either of them, at the option of the said company, acting through its president and directors, by civil action in any court having jurisdiction thereof, and any purchaser of stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Proceeding against stockholder failing to pay.

Authorized to borrow money on mortgage.

SEC. 13. That authority is given to the said company to borrow money to such an extent and in such manner as may be authorized by its stockholders and to pay thereon such rates of interest, not exceeding eight per centum per annum, as may be deemed advisable,

and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such bonds or loans, both as to principal and interest, by mortgages or deeds of trust on the whole of the property, income and franchises of the company or either, or any part thereof, and the said company is hereby authorized to sell its bonds when and where and at such rates and prices as its president and directors shall deem most advantageous to the company.

SEC. 14. That the said company shall have power to construct its railroad across other roads at convenient points in such way as to do the least damage and occasion the least inconvenience.

Authorized to cross other roads

SEC. 15. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other state from time to time to subscribe to, or purchase, or to hold the stock or bonds of [or] either of this company, or to guarantee or endorse such bonds or stock or either of them; and it shall and may be lawful for any said road or transportation company or companies created by the laws of this or any [other] state to purchase, use or lease the road, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such other company or companies as shall be parties to the said contract; that it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other state, or to guarantee the stock or bonds of any such company, or to purchase, lease or operate the road or line, property or franchises of any such railroad or transportation company: *Provided*, it connect with the road of this company

Other companies may subscribe to stock, &c.

May subscribe to stock of other companies, &c.

SEC. 16. That the said company shall have power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railway and its branches of the width of one hundred feet on each side, measuring from the center of the track, and as much additional land as may be necessary for the station-houses, depots and all other purposes necessary for the construction and operation of said railway and its branches, under the same rules and regulations and terms as are prescribed for the acquisition of land by the charter of the North Carolina Railroad Company.

Condemnation of land.

SEC. 17. That for the purpose of aiding in raising the capital stock of the said company, in addition to private subscriptions provided for, it shall and may be lawful for any county, city or township, or town, in or through which the said road or branches may be located, or which is interested in its 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

Counties, townships, counties and towns authorized to subscribe.

of such county or of the county in which is situated such townships, or the municipal authorities of such city or town, to subscribe, anything contained in the charter of such municipal corporations to the contrary notwithstanding; that the said subscriptions shall be made in bonds not bearing a greater interest than seven per centum payable not exceeding forty years after date thereof, to be received by the said company at par, and to be of the denomination of not less than fifty dollars nor more than one thousand dollars.

Election on question of subscription.

SEC. 18. That for the purpose of determining the amount of such subscription, it shall be the duty of the county commissioners of any county in which said railroad is located, or likely to be located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon the written application of twenty-five resident tax-payers of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No subscription" to the capital stock of the 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, purpose of the election, and to provide for the holding of the said election according to law, at which said election the ballots shall have written or printed thereon either the word "Subscription," or "No subscription," the said county commissioners with said municipal authorities of the said city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election being published for six weeks immediately prior thereto in one or more newspapers published in the county in which the election is to be held, or in which the said township, city or town is situated.

Ballots.

Notice of election.

Election in county, how held.

SEC. 19. That an election under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the general assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make record of the same; if the election shall be held for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same; if the election shall be held for a city or town, it shall be conducted as elections for municipal officers, and the mayor and aldermen, or other proper municipal authorities, shall ascertain and declare the result and make a record of the same; that in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for sub-

Election in township.

Election in city or town.

Subscription to be made on vote of majority of qualified voters.

scription, 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 the said company in behalf of the said county, township, city or town, as the case may be, the sum that may have been named in the petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding seven per centum, bonds as aforesaid, with interest payable semi-annually; and all taxes levied for the purpose of raising funds to pay said bonds or coupons shall be made upon the polls and taxable property in such counties, townships, cities or towns.

SEC. 20. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the board of county commissioners, or the municipal authorities of any city or town subscribing, shall, in addition to the other taxes, each year compute and levy on all property and polls of any such county, township, city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and after ten years from the date of said bonds a second additional tax sufficient to provide each year a sum equal to $(\frac{1}{50})$ one-fiftieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the town or city, as the case may be; but in case the said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or the proper authorities of any city or town so subscribing to the capital stock of said company.

SEC. 21. That for the purposes of this act all the townships along the line of the said railroad or its branches, or which are interested in its construction, are hereby declared to be bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, shall have all the rights and be subjected to the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

SEC. 22. That whenever any township or townships shall subscribe its or their bonds to the capital stock of the said company, the county taxes which shall be levied and collected upon the franchises

Taxation.

Special tax.

Additional tax after ten years.

How invested.

Townships incorporated.

Corporate agents.

County taxes on property of company applicable to payment of interest on township bonds, &c.

- and property of the company in the county in which the township or townships is or are located shall be applied to the payment of the interest on the said bonds *pro rata* to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes, and the corporate taxes on said franchises and property of the company levied and collected in and for any city or town subscribing to the capital stock of said company shall be applied to the payment of the interest on the said bonds subscribed by said town or city.
- Municipal taxes, how applied. SEC. 23. That in all conventions of stockholders of the company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities [and] towns, or the county commissioners of the respective counties.
- Representation in stockholders' meetings. SEC. 24. That the board of directors may from time to time declare dividends of profits among the stockholders when the affairs of the company will permit.
- Dividends. SEC. 25. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall be personally liable for the debts of the said company to the amount only of the unpaid stock in said company held by them respectively.
- Liability of stockholders. SEC. 26. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Conflicting laws repealed. SEC. 27. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 468.

An act creating a relief fund for disabled firemen.

The General Assembly of North Carolina do enact :

- SECTION 1. That the sum of two thousand five hundred (\$2,500.00) dollars be and the same is hereby appropriated annually and shall constitute a "fireman's relief fund," but in no case shall said appropriation exceed one-half of the license tax levied and collected by the state from insurance companies.
- \$2,500 appropriated annually. SEC. 2. That the treasurer of the state shall pay the amount constituting the "firemen's relief fund" to the treasurer of the North Carolina State Fireman's Association on the warrant of the auditor of the state.
- Limitation.
- Appropriation payable to treasurer N. C. State Fireman's Association.

SEC. 3. That the money so paid into the hands of the treasurer of the said North Carolina State Firemen's Association shall be known and remain as the "fireman's relief fund" of North Carolina, and shall be used as a fund for the relief of firemen, members of such association, who may be injured or rendered sick by disease contracted in the actual discharge of duty as fireman, and for the relief of widows, children, and if there be no widow or children, then dependent mothers of such firemen killed or dying from disease so contracted in such discharge of duty, to be paid in such manner and in such sums to such individuals of the classes herein named and described as may be provided for and determined upon in accordance with the constitution and by-laws of said association, and such provisions and determinations made pursuant to said constitution and by-laws shall be final and conclusive as to the persons entitled to benefits and as to the amount of benefit to be received, and no action at law shall be maintained against said association to enforce any claim or recover any benefit under this act or under the constitution and by-laws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

Fund to be known as "Firemen's Relief Fund."

How used.

SEC. 4. The treasurer of the North Carolina State Firemen's Association shall give a bond to the state of North Carolina with good and sufficient sureties to the satisfaction of the treasurer of the state of North Carolina in double the sum received by him of said state treasurer for the faithful performance of his duties under this act, and shall make a detailed report to the state treasurer of the yearly expenditures of the appropriation under this act on or before the end of the fiscal year.

Treasurer of firemen's relief fund to give bond.

To make report.

SEC. 5. The line of duty specified in section three shall not be so construed as to mean any other duty except actual fire duty, which shall consist of service in the fire department from the time of the fire alarm until the members are dismissed by the company officers at roll-call, also any actual duty connected with the fire department when directed to perform the same by the officer in charge.

What is meant by "fire duty."

SEC. 6. That any fireman of good moral character in North Carolina, and belonging to an organized fire company, who will comply with the requisitions of the constitution and by-laws of the North Carolina State Firemen's Association may become a member of said association, and any organized fire company in North Carolina holding itself ready for duty may, upon compliance with the requisitions of said constitution and by-laws, become a member of said North Carolina State Firemen's Association.

Who may become members of State Firemen's Association.

To what firemen
act applicable.

SEC. 7. That the provisions of this act shall apply to any fireman who is a member of a regularly organized fire company.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 469.

An act to repair and refurnish the Deaf, Dumb and Blind Asylum.

The General Assembly of North Carolina do enact :

\$1,000 appro-
priated.

SECTION 1. That there shall be one thousand dollars (\$1,000) appropriated for the purpose of repairing and refurnishing the Deaf, Dumb and Blind Asylum.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 470.

An act to pay Edna Phelps a school claim in Tyrrell county.

The General Assembly of North Carolina do enact :

Treasurer of
Tyrrell directed
to pay Edna
Phelps \$32 out of
certain school
fund.

SECTION 1. That the treasurer of Tyrrell county is hereby empowered and directed to pay Edna Phelps a public school claim of thirty-two dollars and seventy-five cents out of the public school fund belonging to, or that may hereafter belong to, district number five (5), white race, of said county.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 471.

An act to amend chapter fifty-two, sections three thousand six hundred and thirty-two and three thousand six hundred and thirty-five of volume two of The Code, in reference to laws and supreme court reports of the state for the state library.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand six hundred and thirty-two, chapter fifty-two of The Code, be amended by striking out in line fourteen the word "ten" and insert in lieu thereof the word "two"; that section three thousand six hundred and thirty-five of the same chapter be amended by striking out in line eighteen the word "ten" and insert in lieu thereof the word "two."

SEC. 2. That the state librarian is hereby directed to turn over to the secretary of state all of the said laws and reports in the library over and above this number, to be disposed of as such other documents are for the benefit of the state.

SEC. 3. All laws in conflict with [this] act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

Code, section 3632, amended.
Two copies of laws to be given to state library.
Section 3635 amended.
Two copies of supreme court reports to be given to state library.
Duty of state librarian.

Conflicting laws repealed.

CHAPTER 472.

An act to amend section two thousand and seventeen of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and seventeen of The Code be amended by striking out the word "six" in the sixth line thereof and inserting in lieu thereof the word "ten."

SEC. 2. That this act shall only apply to the county of Union.

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

Ratified the 9th day of March, A. D. 1891.

Code, section 2017, amended.
Road hands liable to ten days' work.
Act applicable only to Union county.

CHAPTER 473.

An act to correct grant number one hundred and forty-five (145) for land in Swain county.

The General Assembly of North Carolina do enact :

Grant to N.
Treadway cor-
rected.

SECTION 1. That grant number one hundred and forty-five (145) for land in Swain county issued to Nicholas Treadway on the twenty-ninth (29th) day of August, one thousand eight hundred and eighty-one (1881), be corrected so that the description of the land covered by said deed shall read as follows : " On Alufty river, beginning on the north-west corner of A. Mingus' sugar orchard tract and runs with his line south twenty-five (25) east ninety poles to a stake, thence north sixty-five (65) east eighty poles to a stake, thence north twenty-five (25) west one hundred and forty-five poles to a stake, thence south sixty-five (65) west one hundred and forty-five (145) poles to a stake, thence south twenty-five (25) east fifty poles to a stake in Mingus' line, thence with his line north sixty-five (65) east sixty-five poles to the beginning."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 474.

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

The General Assembly of North Carolina do enact :

Code, section 709,
amended.
Compensation of
chairman com-
missioners of
Warren county.

SECTION 1. That section seven hundred and nine (709) of The Code be amended by adding " Warren" before the words " and Halifax."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 475.

An act to allow certain persons in Jackson county to attend public school in Whittier, and Swain county.

The General Assembly of North Carolina do enact :

Board of educa-
tion of Jackson
county author-
ized to allow
certain pupils to
attend school at
Whittier, Swain
county.

SECTION 1. That the county board of education of Jackson county be and the same are hereby authorized and empowered, if in their judgment they think it best, to allow all persons of public school age in said county within one mile of Whittier Bridge to attend the public school at Whittier, Swain county, North Carolina.

SEC. 2. That the portion of this public school district which may lie in Jackson county shall have at least one school committeeman, and he shall report the number of children of school age in this territory to the county superintendent of Jackson county, and the treasurer of said county is hereby authorized to pay the teacher of said school the amount of money due the students who are permitted to attend this school from Jackson county: *Provided*, such teacher shall have complied with the provisions of the public school law, and his voucher shall have been signed by the county superintendent of public instruction of Jackson county.

One member of school committee to live in Jackson county.

Treasurer of Jackson to pay certain amount to teacher. Proviso.

SEC. 3. That the boundaries mentioned in section one of this act shall be subject to change by the county board of education of said county as any district line.

Boundaries of school district subject to change.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 476.

An act to encourage residents of this state to prospect for and discover phosphate rock and phosphate deposits in the navigable streams of this state.

WHEREAS, it is believed that large and valuable deposits of phosphate rock and phosphate deposit exist in the beds of the navigable streams and waters of this state, and that the same should be made a source of profit to the state and the citizens thereof; now, in order to encourage prospecting for the same and the discovery and development thereof,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That any resident of this state who shall make affidavit that he has discovered in any navigable stream or waters of this state any phosphate rock or phosphate deposit therein before the clerk of the superior court of any county through which any [such] navigable stream may flow, said person shall have authority and power to enter under the entry laws of this state so much of the bed of any such navigable stream or waters as shall not exceed in any one entry two miles in length up the middle of any such stream or water for the purpose of digging, mining or removing any such deposits or rock.

Resident making affidavit of discovery of phosphate deposit, &c., in navigable stream, may enter bed of stream, &c.

Limitation of entry.

SEC. 2. That upon such affidavit being filed with the entry taker and upon a survey and plot being made of such entry by the county

Secretary of state to issue grant.

surveyor, as is now required by law in cases of entry of land under the laws of this state, being made and certified to the secretary of state, with a copy of such affidavit and entry so made, the said secretary of state shall issue a patent or grant to the said person, his heirs or assigns, for a term of twenty-five years for such land, with the proviso and conditions inserted therein that the grantee therein shall pay to the treasurer of the state at the end of every three months a royalty of one dollar per ton for each and every ton of the crude phosphate rock or deposit mined, dug or removed.

Royalty payable to state.

SEC. 3. That said grantee, his heirs or assigns, shall have the exclusive right to mine, dig or remove any such phosphate rock or deposit for the term of twenty-five years from the date of said patent upon paying the said royalty of one dollar specified in said patent:

Exclusive right.

Provided, however, that as a condition precedent to the granting of any such patent each [such] company or person making any such entry shall enter into bond with sufficient security in the penal sum of five thousand dollars, conditioned for the making of faithful and true return to the treasurer of the state of the number of tons of phosphate rock and phosphate deposits so dug, mined or removed at the end of every month, and the punctual payment to the said treasurer of the royalty of one dollar per ton upon each and every ton of the crude rock, without being steamed or dried, at the end of every three months, and the said bond and sureties shall be subject to the approval now required by law for the bonds of state officers.

Bond to be given.

SEC. 4. That any patent or grant issued under the provisions of this act shall not confer upon the person receiving the same the right to obstruct the navigation of any such stream or water, nor confer upon any such person or his assigns any other right than that granted to take mine or dig phosphate rock or deposit therefrom.

Navigation of stream not to be obstructed, &c.

SEC. 5. That no other fee or cost shall be charged or collected by the secretary of state of any person or corporation receiving such patent or grant except the fee allowed by law to the said secretary of state for issuing a patent under the entry laws of the state.

Fees.

SEC. 6. Any person, company or corporation who shall fail to dig, mine or remove phosphate rock or deposit from any such stream or water to which he or it may be entitled under any patent or grant issued under the provisions of this act for the period [of] two years from the date of said patent, or after beginning digging, mining or removing the same, shall fail to continue to so dig, mine or remove the same for the period of two years, shall forfeit any and all rights therein granted, and said territory shall immediately thereupon become subject to entry under the provisions of this act without making the affidavit of the discovery of any such deposits of [or] rocks.

Failure to dig, &c., phosphate to work forfeiture of grant, &c.

SEC. 7. That any person or corporation resident of this state shall have the right to mine, dig or remove phosphate rock of [or] deposits from any of the navigable streams or waters of this state to which

Residents empowered to dig, &c., phosphates from certain navigable streams on giving bond, &c.

no exclusive patent or grant may have been issued, upon such person or corporation first entering into bond in the penal sum of five thousand dollars, payable to the treasurer of the state, for the payment of the same royalty, in the same manner and under the same regulations as are presented in section three of this act; but nothing in this section shall be construed to give to any such person or corporation any exclusive franchise or privilege to dig, mine or remove any such phosphate rock or deposit from any stream or water of this state.

No exclusive
privilege.

SEC. 8. Any person or corporation who shall dig, mine or remove any phosphate rock or deposit from any of the navigable waters of this state, except for the purpose of prospecting and discovering as contemplated by this act, shall be guilty of a misdemeanor, and shall also forfeit and pay ten dollars per ton for every ton of phosphate rock or deposit so mined, dug or removed, one-half to the use of the state, and the other one-half to go to the informer.

Misdemeanor.

Penalty.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 477.

An act to give Cedar Creek township, Cumberland county, North Carolina, the benefit of the Anson county seed cotton law.

The General Assembly of North Carolina do enact :

SECTION 1. That the premises [provisions] of chapter eighty-one of the laws of eighteen hundred and eighty-seven entitled "An act to regulate the sale of seed cotton in certain counties of the state," ratified the nineteenth day of February, eighteen hundred and eighty-seven, apply to Cedar Creek township in Cumberland county, North Carolina.

Provisions of
chapter 81, laws
1887, applicable to
Cedar creek
township, Cum-
berland county.

SEC. 2. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 478.

An act directing Orange County Board of Education to pay to Miss Sarah Saunders money due her.

The General Assembly of North Carolina do enact :

SECTION 1. Whereas, Miss Sarah Saunders, now duly employed by the school committee of public school district number six for whites, Poplar Grove, in Little River township, Orange county, and [has] taught the said school for two months, and the sum of thirty dollars is justly due her and the money for said time has not been drawn from

Board of educa-
tion of Orange
county directed
to pay Sarah
Saunders \$30.

the treasurer of the county board of education of said county, therefore, the said county board of education is authorized and directed to give to the said Miss Saunders a warrant upon the members of said board for the sum of thirty dollars, which shall be paid to her upon the certificate from the said school committee that she taught the said school.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 479.

An act to allow the superintendent of public instruction of Roberson [Robeson] county to examine teachers in Maxton.

The General Assembly of North Carolina do enact:

Examination of teachers by superintendent of instruction Roberson county.

SECTION 1. That the superintendent of public instruction of Roberson [Robeson] county be and he is hereby allowed to hold examinations from [for] the purpose of examining teachers for certificates in Maxton on such days of the week during the months now set apart for examination of teachers as may be necessary.

How examination to be conducted.

SEC. 2. That said superintendent may conduct said examinations in person or may appoint some competent person or persons for said purpose.

Conflicting laws repealed.

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

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 480.

An act to protect fish in Mitchell county and for other purposes.

The General Assembly of North Carolina do enact:

Unlawful to catch fish in Mitchell county with nets, &c., for three years.

SECTION 1. That it shall be unlawful for any person to catch or take any fish in any of the streams in the county of Mitchell with any nets, traps, gigs or seines, or in any other manner except with hook and line, for the period of three years from the ratification of this act; that if any person shall violate the provisions of this act he shall be deemed guilty of a misdemeanor, and on conviction

Misdemeanor.

thereof before any justice of the peace of said county shall be punished by a fine of not less than ten nor more than fifty dollars, or imprisoned not more than thirty days.

SEC. 2. That upon application by petition to the board of county commissioners signed by at least fifty citizens of the county of Mitchell, the said board of commissioners shall appoint three qualified freeholders as commissioners, who shall view and lay off the rivers and creeks in said county and cause the same to be opened up for the passage of fish in the manner provided for in section three thousand seven hundred and ten of The Code; that for such services the said commissioners shall be entitled to compensation, to be fixed by the board of county commissioners, not to exceed two dollars per day.

Commissioners to be appointed to lay off streams to be opened for passage of fish, as provided in Code, section 3710.

Compensation of commissioners.

SEC. 3. That if any person shall in anywise wilfully injure or obstruct any fish-ladder or slope over any dam, or shall in any other way obstruct any stream in said county so as to hinder or prevent the free passage of fish, he shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace shall pay a fine of not more than fifty dollars, or be imprisoned not more than thirty days.

Wilful injury, &c., of fish ladder, &c., a misdemeanor.

SEC. 4. That where dams are already established across any streams which have not been provided by the owner with proper slopes or fish-ladders, the said commissioners shall determine how much of the cost of constructing slopes or ladders over such dams shall be paid by the owner thereof and how much shall be paid by the county. They shall return a copy of their proceedings to the board of county commissioners, who shall cause the same to be recorded in the office of the register of deeds of said county, and said county commissioners shall enforce the recommendations of said commissioners as the judgment of a court of competent jurisdiction, unless the party affected by said report shall appeal from the recommendations and orders of said commissioners within ten days after filing same with the county commissioners to the superior court of Mitchell county, in which case other proceedings shall be suspended until the matter [shall] finally be determined in the superior court.

Costs of constructing fish-ladders, &c., over dams, how paid.

Commissioners to report to county commissioners.

Duty of county commissioners to enforce recommendations of commissioners. Appeal.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 481.

An act to prohibit the sale of intoxicating liquors at and within two miles of Rainbow church, Greene county.

The General Assembly of North Carolina do enact :

Unlawful to sell.
&c., liquor within
two miles of
Rainbow church,
Greene county.

SECTION 1. That it shall be unlawful for any person to sell or give away or dispose of spirituous liquors, wine or cider, except for medicinal purposes, at or within two miles of Rainbow church in the county of Greene, and any person violating the provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned in the common jail of the county not more than thirty days.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 482.

An act to incorporate the Cape Fear and Northern Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That G. B. Alford, E. B. Barbee, W. B. Upchurch, H. E. Norris, H. W. Norris, W. H. Burt, Wm. M. Ballentine, J. D. Ballentine, J. Walter Collins, N. G. Burns, G. J. Holt, B. S. Utley, J. L. Johnson, J. A. Smith, M. V. Prince, G. W. Rand, C. B. Barbee, E. C. Smith, W. F. Utley, W. H. Hankins and N. M. Rand, their successors, associates and assigns, are hereby created and constituted a body corporate and politic under the name of "The Cape Fear and Northern Railway Company," and under such name to sue and be sued and plead and be impleaded in any and every court in the state of North Carolina; that the said company may have and use a corporate seal, and shall be capable of acquiring by purchase, gift, devise, lease or otherwise, estate, real, personal or mixed, and of leasing or selling the same as the interest of the company may require, and may make such by-laws for the government of the company as may be deemed proper.

Corporate name.
Corporate pow-
ers.

Capital stock.

SEC. 2. That the capital stock of the said company shall be ten thousand dollars, with the power to increase the same to any sum not exceeding one million of dollars, in shares of one hundred dollars each; that it shall be lawful for subscriptions to be made payable in money, land, materials, labor, stocks, bonds, or other securities, as may be agreed upon between the company and the subscriber.

Subscriptions.

SEC. 3. That books of subscription to the capital stock of the said company shall be opened by the incorporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that as soon as five thousand dollars shall have been *bona fide* subscribed the said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges and franchises granted by this charter; and the said incorporators, acting in person or by proxy, shall have power to call a meeting of the stockholders for the purpose of organization, giving ten days' notice thereof by publication in some newspaper published in Raleigh, North Carolina; that at such meeting, and at each annual meeting thereafter, a president and six directors shall be elected by the stockholders; that said directors so elected shall hold office for one year and until their successors shall be elected; that the said board of directors may appoint a vice-president, treasurer and such other officers and agents as it may deem proper and fix their duties, and may fill any vacancy occurring in the office of president or director until the next meeting of the stockholders.

Books of sub-
scription.

Organization.

SEC. 4. That after the company shall be organized the president and board of directors may from time to time open [a] book or books of subscription to the capital stock of the company at such times and places and under such rules and regulations as they may prescribe: *Provided*, that no subscription shall be received beyond the limit that may have been fixed by a majority of the stockholders according to the provisions of this act. That no stockholder shall be responsible for more than the amount of his unpaid subscription.

Books of sub-
scription.

Proviso.

Liability of
stockholders.

SEC. 5. That this company shall have the power to construct, maintain and operate a line of railway with one or more tracks from some point on the Raleigh and Augusta Railroad between New Hill and the city of Raleigh, or some point on the North Carolina Railroad between the said city of Raleigh and Durham, to some point on the Cape Fear river between Fayetteville and Worthington's Ferry, as shall be determined by the president and directors, and with the power to build branch roads not to exceed twenty-five miles in length. That this company is authorized and empowered to commence work on any part of its line, and upon the completion of any portion or section thereof to maintain and operate the same with all the rights and powers hereby conferred upon this company.

Termini.

Branch roads.

May operate any
part of road.

SEC. 6. That in order to carry into effect the purposes of this act the company may survey one or more routes for such road as may be deemed practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and its branches of the width of one hundred feet, and as much additional land as may be necessary for the station-houses, depots, warehouses and all other purposes neces-

May survey
routes, &c.

sary and convenient for the construction, maintenance and operation of said railway and its branches.

Condemnation of
land.

SEC. 7. That when any lands or right-of-way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right-of-way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered: *Provided, nevertheless*, that if any

Appeal.

person or persons over whose land the road may pass should be dissatisfied with the valuation of said commissioners, then and in that case the person or persons so dissatisfied shall have an appeal to the superior court in the county where the said valuation has been made, or in either county in which the land lies when it may lie in more than one county, under the same rules, regulations and restrictions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners, accompanied with a full description of the said land or right-of-way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record. And the lands or right-of-way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purposes of the said railroad, so soon as the valuation may be paid, or, when refused, may have been tendered: *Provided*, that on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding in some newspaper printed as convenient as may be to the court-house of the county and shall have been posted at the door of the court-house on the first day at least of the term of said court to which the application is made:

Proviso.

Provided further, that the valuation provided for in this section shall be on oath by the commissioners aforesaid, which oath any justice of the peace or clerk of the court of the county in which the land or a part of it lies is hereby authorized to administer: *Provided further*, that the right of condemnation herein granted shall not

Proviso.

Proviso.

authorize the said company to invade the dwelling-house, yard or burial-ground of any individual without his consent.

SEC. 8. That the right of said company to condemn lands in the manner described in the seventh section of this act shall extend to the condemning of fifty feet on each side of the track of the main road and the branches thereof, measuring from the center of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purposes of constructing said road; and the company shall also have power to condemn any appropriate land in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Width of right-of-way.

Condemnation of land for depots, &c.

SEC. 9. That in the absence of any contract or contracts with said company in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of fifty feet on each side of the center of the said road, has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands, as hereinbefore directed, within two years next after that part of the said road which may be on said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femmes covert*, or infants, until two years after the removal of their respective disabilities.

Presumption of grant.

Application for assessment.

Proviso.

SEC. 10. That this company is authorized to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stockholders may determine, and to issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure them by a deed or deeds of trust or mortgage upon the whole or any portion of the road or branches, property and franchise of the company as they may direct or approve. And the said company is hereby authorized to sell its bonds when, where and at such rates and prices as the president and directors shall deem most advantageous to the company.

Authorized to borrow money on mortgage.

Sale of bonds.

Counties, townships, cities and towns authorized to subscribe.

SEC. 11. That it shall and may be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said company such sum or sums in bonds as a majority of all of its qualified voters may authorize, said bonds to bear six per centum interest, to be payable forty years after date thereof, and to be of the denominations of one hundred and five hundred dollars, interest payable semi-annually, the bonds to be received by the company at par.

Election on question of subscription in counties, townships, cities and towns.

SEC. 12. That upon the petition in writing of one-fourth of the freeholders, being qualified voters of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county or the municipal authorities of the city or town shall order and provide for an election to be held within sixty days in said county, township, city or town, of which election a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition or not; that said election, when held in and for a county or township, shall take place and be conducted in the manner prescribed by the law for electing members of the general assembly; that those who favor said subscription shall vote on a written or printed ballot "For railroad," and those opposing said subscription shall vote on a written or printed ballot "Against subscription;" that the return of said elections in the counties and townships shall be made to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof; that if a majority of all the qualified voters in the county, township, city or town shall vote "For railroad," then the chairman of the board of commissioners in all cases of county or township subscriptions are authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which has been fixed or named in said petition, and in case of city and town elections, if a majority of all the voters shall vote "For railroad," then the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscription.

Ballots.
Returns.

Subscription to be made on vote of majority of qualified voters.

Special tax.

SEC. 13. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners and the said municipal authorities, as the case may be, shall, in addition to the other taxes for each year, compute and levy on all property and each poll in such county, township, city or

town a sufficient sum to pay interest on the bonds as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax-lists "Cape Fear and Northern Railroad tax;" and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town, or other officer authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or less than par, but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or below par, he shall invest the same in such solvent bonds or securities as shall be selected by the said county commissioners or corporate authorities.

Additional tax
for sinking fund.

Collection of tax.

Investment of
sinking fund.

SEC. 14. That upon the delivery to the said railroad company of the bonds subscribed by any county, township, city or town, the said company shall issue to the said county, township, city or town the amount of its stock equal to the par value of said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act.

Stock to be
delivered for
subscription.

Application of
dividends.

SEC. 15. That all the townships along the line of the railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners of the counties in which said townships are respectively situated are declared to be the corporate agents of said townships.

Townships
incorporated.

SEC. 16. That the work on said railroad shall be commenced within two years from the ratification of this act.

When work to
commence.

SEC. 17. That nothing in this act shall be deemed or taken to exempt any of the property or franchises of this company from taxation.

No exemption
from taxation.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 483.

An act to amend the charter of the Atlantic and North Carolina Railroad.

The General Assembly of North Carolina do enact:

SECTION 1. That the act incorporating the Atlantic and North Carolina Railroad Company, ratified the twenty-seventh day of December, one thousand eight hundred and fifty-two, and all other acts amendatory thereof, be amended as follows: A majority of the stockholders, in general meeting concurring, to-wit, the said Atlantic and North Carolina Railroad Company may extend its line of railway with one or more tracks, from the city of Goldsboro in

Chapter ..., laws
1852-'3, amended.

Authorized to
extend road.

Wayne county, North Carolina, to some point on the Cape Fear and Yadkin Valley Railroad, or Raleigh and Augusta Railroad, thence by the most practicable route to any point on the South Carolina or Tennessee, or Virginia or Georgia line, or either or all of said lines.

Branch roads.

SEC. 2. That this [the] said company may extend and maintain its railway from and between the places mentioned in the first section of this act, with the privilege of constructing branch roads and connecting with such other places or railways in and out of this state as may be deemed advisable by said company, either from the present constructed line of railway or lines that may hereafter be constructed.

Authorized to commence construction of extension at any point.

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

Increase of capital stock.

SEC. 4. That the capital stock of the said Atlantic and North Carolina Railroad Company may be increased to an amount not to exceed two million two hundred and twenty-five thousand dollars, in shares of one hundred dollars each, and the said company may at any time increase its capital to such an amount as may be found necessary to carry out the intention and purposes of this act: *Provided*, that the stockholders of the said company shall not be empowered to sell or mortgage the road, its franchise, or its property, without the consent of the stock of the state, which shall on any such question be entitled to cast as many votes as it has shares of stock.

Proviso.

Authorized to receive subscriptions, execute mortgage, &c.

SEC. 5. That to provide the means in whole or in part for the extension of the said Atlantic and North Carolina Railroad, and for the construction of branch or lateral roads, the said company may receive subscriptions in money, labor or property, or as the said company may agree, and may at its discretion issue and execute a mortgage deed to secure the payment thereof on its entire extended line from Goldsboro in the county of Wayne, North Carolina, or any branch or branches, or any division or divisions of the extended line, with the franchises and rights connected therewith, and may sell or negotiate such bonds at such rates as the board of directors shall deem for the best interest of the company, and the proceeds arising from the sale of such bonds shall be applied to the construction and equipment of the line, branch or division so bonded: *Provided*, that said bonds shall not be sold or otherwise disposed of at a rate of less than seventy-five cents in the dollar.

May issue mortgage bonds on present road for construction of branch roads.

SEC. 6. That the said company may, for the construction and equipment of its branch roads, issue bonds on the present line of its road from Goldsboro to Morehead City to an amount not exceeding five thousand dollars per mile and secure the same by a second mortgage on said present line, said mortgage to be registered in the county

of Craven as in this act provided for the registration of mortgages to secure bonds issued or to be issued on the extended lines or branches: *Provided, however*, no bonds shall be issued or mortgages executed upon the line from Goldsboro to Morehead City except by the concurring vote of the stock owned by the state and a majority of that held by the private stockholders: *Provided*, that the state shall own and control a majority of the stock so issued, or that the state's stock shall be sold at not less than ninety cents in the dollar.

Proviso.

Proviso.

SEC. 7. That said railroad company shall have the privilege, upon the concurring vote as aforesaid, to consolidate and unite with any other railroad, or to purchase or lease any other railroad within or without the state under any general railroad law, terms or rules as may be agreed upon not inconsistent with the laws of this state.

Consolidation with other roads, &c.

SEC. 8. That all mortgages or deeds of trust which may be executed by the said company may be registered in the county of Craven, and such registration shall be deemed an effectual and sufficient registration for all purposes whatsoever, and it shall not be necessary to register and record the same in any other county, any law to the contrary notwithstanding.

Registration of mortgages, &c.

SEC. 9. That any corporation, county, city, town or township, interested therein may subscribe to stock for said purpose or otherwise contribute to such work in such manner and in such amount as shall be determined by the proper authorities of such corporation, county, city, town or township, and agreed upon with the said Atlantic and North Carolina Railroad Company, and said subscriptions or contributions shall be made according to the general laws of the state of North Carolina.

Corporations, counties, cities, towns and townships authorized to subscribe.

SEC. 10. In the construction of the extended lines or proposed branches the said company shall be entitled to the same rights, powers and privileges with respect to the acquisition of such lands, and the condemnation thereof, as may be necessary therefor as are conferred upon the said Atlantic and North Carolina Railroad Company by its charter, or any amendment thereto.

Condemnation of land.

SEC. 11. That nothing in this act contained shall be construed to exempt the property of said company from taxation for state and county purposes.

No exemption from taxation.

SEC. 12. That whenever the income from the state convicts shall exceed their expenses, or when they cannot be employed more profitably otherwise, the board of directors of the penitentiary shall from time to time, on application of the president of said company, assign such number of convicts for labor on said extension and branches of railway as may be required for grading and other work on the same, and for such labor the state shall receive the mortgage bonds of said company, as in section five provided to be issued, and that such bonds shall be received at their face value in payment of such convict labor, and that the price claimed by the state for its convict

When convict labor to be furnished.

Compensation to state.

labor so provided shall not exceed the price obtained for such labor from other sources: *Provided*, that the state shall receive said bonds at the value provided for in section five.

When company to elect to exercise powers conferred by this act.

SEC. 13. That said company shall elect to exercise the powers and receive the benefits of this act within two years from its ratification, and not thereafter.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 484.

An act to amend section one thousand two hundred and sixty of The Code, validating certain probates and registrations.

The General Assembly of North Carolina do enact :

Code, section 1860, amended. Probate before courts of pleas and quarter sessions validated.

SECTION 1. That section one thousand two hundred and sixty of The Code be amended by inserting after the word "court" in line two of said section the words "or courts of pleas and quarter sessions."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 485.

An act for the relief of Hugh Cale as surety on the official bond of John T. Price, late sheriff of Pasquotank county.

The General Assembly of North Carolina do enact :

Commissioners and board of education of Pasquotank authorized to compromise with H. Cale, surety on bond of J. T. Price, late sheriff. Authorized to remit part of debt.

SECTION 1. That the county commissioners and the board of education of Pasquotank county be and they are hereby authorized and empowered to settle by compromise or otherwise with Hugh Cale, as one of the sureties on the official bond of the late sheriff (John T. Price) of Pasquotank county.

SEC. 2. That the board of county commissioners and board of education is [are] hereby fully authorized and empowered to remit to Hugh Cale such part of the money already paid as in their judgment may seem to be just and proper.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 486.

An act to provide a rate of pilotage for coaling steamers and for other purposes.*The General Assembly of North Carolina do enact :*

SECTION 1. That all steam vessels calling at Southport on the Cape Fear river for coal for their own consumption shall only pay one-half the rate of pilotage from sea to Southport in and out as now established by law. Vessels coaling at Southport to pay one-half pilotage rates.

SEC. 2. That all boats or vessels, steam or sail, employed in the pilot service on said river and Cape Fear bar shall be commanded by pilots duly licensed according to law. Vessels to be commanded by licensed pilots.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 487.

An act to create the office of game-keeper in Currituck county.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of county commissioners of Currituck county may appoint, upon the application of thirty or more of its citizens who are directly interested in the ducking interest, one or more game-keepers for said county, whose duty it shall be to enforce the laws now in force or that may hereafter be enacted upon the subject of hunting wild fowl. His term of office shall continue for two years unless sooner removed by said board. Commissioners of Currituck authorized to appoint game-keepers. Duties. Term of office.

SEC. 2. Every game-keeper shall be authorized and empowered to arrest all offenders against the hunting laws whom he may detect violating said laws and carry them before some justice of the peace of said county to be dealt with according to law, and he shall also be authorized to execute any warrant that may be issued to him by any justice of the peace of said county for the arrest of any person offending against the laws regulating hunting in said county: *Provided*, that this authority shall not be in exclusion of like authority now conferred by law upon other officers to execute such process. Powers of game-keeper. Proviso.

SEC. 3. Every such game-keeper shall have the right to appoint such deputies or assistants as he may deem necessary to enable him to perform efficiently the duties devolved upon him by this act, and said deputies or assistants shall have the same powers as their principal. Deputies. Powers.

Expenses, how paid.

SEC. 4. That sufficient funds shall be raised by those interested in the gaming interest and placed in the hands of the county treasurer for the purpose of paying game-keepers, and all expenses connected therewith, before said board shall elect or appoint said game-keeper or keepers.

Compensation of game-keeper.

SEC. 5. The said game-keepers and their assistants shall be paid such sum as shall be agreed between them and said board.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 488.

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

The General Assembly of North Carolina do enact :

Chapter 375, laws 1887, amended.

SECTION 1. That section five, chapter three hundred and seventy-five, acts of one thousand eight hundred and eighty-seven, be and is hereby amended [by] striking out in line six of said section all after the word "annually" down to and including the word "taxes" in line seven of said section.

Levy of special tax in townships of Surry and Yadkin counties for subscription to N. W. N. C. R. R. When to be levied.

SEC. 2. And insert in lieu thereof the words "the first Monday in September."

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 489.

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

The General Assembly of North Carolina do enact :

Chapter 398, laws 1889, amended.

Duties of tax-collector in Mt. Airy township, Surry county, as to taxes collected to pay interest on bonds issued in aid of Mt. Airy and Ore Knob R. R. Co.

SECTION 1. That after the word "taxes" and before the word "provided" in line fifteen of section first of chapter three hundred and ninety-eight of the laws of one thousand eight hundred and eighty-nine add the following: "that he shall on oath render a statement to the justices of the peace at their regular monthly meetings of the amount in his hands, and he shall at their regular meeting in September of each year settle with them for all taxes in his hands, and that he shall not collect the taxes for any year until

he shall have settled in full with the said justices of the peace for the taxes of the previous year, and that he shall be liable to the same penalties and forfeitures for failure to collect and account for all taxes levied under the said chapter as sheriffs and tax-collectors are for failing to collect and account for county and state taxes, and the justices of the peace are authorized to collect said penalties.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 490.

An act to secure the better drainage of Coddle creek in Cabarrus county.

The General Assembly of North Carolina do enact :

SECTION 1. That all persons owning lands on Coddle creek in Cabarrus county shall be required to cut and remove all logs and rafts out of the channel of said creek, and all trees or shrubbery growing on the banks that obstruct the free passage of water shall be cut off of said banks.

Adjoining land-owners to remove obstructions.

SEC. 2. That where the creek is the dividing line between two or more persons and a log shall lodge therein, the person to whom the butt end of such log is nearest shall be required to cut out the same.

By whom logs on dividing lines to be removed.

SEC. 3. That any person failing to perform the duties required by this act shall be subject to a fine of ten dollars for each and every offence upon conviction before any justice of the peace for said county, said fine to be applied to the school fund.

Penalty.

SEC. 4. That this act shall apply only to that portion of said creek lying between the head of P. M. Norris' mill-pond and the Iredell line.

Act applicable only to certain portion of creek.

SEC. 5. That this act shall be in full force and effect on and after September first, one thousand eight hundred and ninety-one.

When act to take effect.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 491.

An act to increase the powers of the board of public charities.

The General Assembly of North Carolina do enact :

SECTION 1. That the proviso to section two thousand three hundred and thirty-two of The Code be and the same is hereby repealed.

Code, section 2332, amended.

SEC. 2. That the board of public charities shall receive no compensation for their services but their actual expenses, which, with all office expenses and the printing of necessary blanks, shall be paid by the state treasurer upon the warrant of the auditor.

Provision allowing traveling expenses for one meeting repealed. What expenses allowed. How paid.

Penalty for failure of officer, &c., of charitable, &c., institutions to give board facilities for examination, &c.

SEC. 3. That each and every officer or employee of any charitable or penal institution of the state who shall fail, upon request, to afford said board proper facilities for the examination of any of said institutions, shall be subject to the penalties contained in section two thousand three hundred and forty-one of The Code.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 492.

An act to secure the drainage of certain water-courses in Cabarrus county.

The General Assembly of North Carolina do enact :

County commissioners to appoint commissioners for certain streams in Cabarrus county.

SECTION 1. That upon the application by petition of not less than ten citizens of Cabarrus county who are owners of land lying on Big Cold-water, Little Cold-water and Three-Mile Cumberland branch, water-courses in said county, it shall be the duty of the board of commissioners of said county to appoint three commissioners, residents of said county and owners of lands lying on one or more of said water-courses.

Duty of commissioners.

SEC. 2. That said commissioners appointed by said county commissioners shall estimate the number of acres of bottom land belonging to each land-owner or [on] said water-courses, and said owners shall furnish, when required by said commissioners, one hand for each ten acres of land so owned, with appropriate tools, for the purpose of ditching, draining and removing obstructions from said water-courses, and it shall be the duty of said commissioners to work said lands [hands] not less than four days nor more than eight days in each year upon said water-courses, and said work shall be done only in the months of July, August, September and October. Said commissioners shall have the power to straighten said water-courses when necessary, and may demand teams of said land-owners in lieu of the labor of said hands at a fair valuation when necessary for the purposes herein expressed.

Where work to be commenced and prosecuted.

SEC. 3. That it shall be the duty of said commissioners to commence the work of ditching, draining and removing obstructions from said water-courses, first where said Cold-water creek empties into Rocky river, and prosecute said work up said creek to the mouth of Little Cold-water, then up said Little Cold-water as far as may be necessary, then up said Cold-water creek from the mouth of said Little Cold-water to the mouth of said Three-Mile branch,

thence up said Three-Mile branch to where the public road known as the new Salisbury road crosses said branch, and then up said Cold-water creek from the mouth of said Three-Mile branch to the mouth of Cumberford branch, then up said branch so far as necessary, and then up said Cold-water to Hileman's Mill.

SEC. 4. That any of the said land-owners failing to furnish hands when required to do so as herein provided on five days' written notice shall forfeit and pay one dollar for each day for which a hand is so required, which forfeiture may be recovered by the chairman of said commissioners by warrant as in the case of failure to work on the public roads.

Penalty for failure of land-owners to furnish hands.

SEC. 5. That any person who shall wilfully or knowingly fell any timber in said water-courses or otherwise obstruct said water-courses, and shall allow the same to remain for the space of five days shall be guilty of a misdemeanor.

Misdemeanor to obstruct streams.

SEC. 6. That all moneys arising from forfeitures or fines for failing to work on said water-courses, or for obstructing the same, shall be paid to said commissioners and by them expended on said water-courses.

Forfeitures, how paid and expended.

SEC. 7. That the commissioners so appointed by the county commissioners shall elect one of their number chairman and prescribe his duties for the purposes of this act; and said county commissioners shall have power to fill any and all vacancies which may occur in said commission.

Chairman.

Vacancies.

SEC. 8. That said commissioners shall have control of all branches which empty into any of said water-courses for the purpose of ditching, draining, or removing obstructions from said branches, and shall have power to stop all washes emptying into said water-courses or upon said bottom lands to prevent the inflowing of sand, and may exercise such power in the same manner and under the same rules and regulations as are provided in this act for ditching, draining and removing obstructions from said water-courses; and said commissioners shall have the right to cut timber, brush, and gather stone from the land of said several and respective owners: *Provided*, that the owners of land lying on said branches or washes shall not be required to furnish the bonds [hands] as provided in section two of this act unless said land-owners are subject to the provisions of said section two.

Powers of commissioners.

Proviso.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 493.

An act to abolish the August term of the superior court of Lenoir county after the next ensuing term and to change the spring term of said court.

The General Assembly of North Carolina do enact :

Chapter 180, laws 1885, amended.

SECTION 1. That section one, chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five (1885), of the division headed "Sixth district" in clause headed "Lenoir," be amended by striking out the words "fourth Monday before" in the first line and inserting instead thereof the words "ninth Monday after," and by inserting after the word "March" in the second line the words "to continue two weeks," and by striking out the following words in said clause, "second Monday before the first Monday in September," so as to make two courts a year for Lenoir county of two weeks each after this year.

February term Lenoir superior court changed.

To continue two weeks, August term abolished.

When act to take effect.

SEC. 2. This act shall be in force from and after October the first, one thousand eight hundred and ninety-one.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 494.

An act to authorize the commissioners of Chowan county to sell the poor-house property.

The General Assembly of North Carolina do enact :

Commissioners of Chowan authorized to sell poor-house property and purchase new site.

SECTION 1. That the commissioners of Chowan county are hereby authorized to sell the present poor-house property and apply the proceeds of its sale to the purchase of a new site and the erection of suitable buildings.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 495.

An act to create a new township in Mitchell county.

The General Assembly of North Carolina do enact :

Fork mountain township, Mitchell county, established.

SECTION 1. That a new township be and the same is hereby created in Mitchell county, to be taken from Bakersville township and known as Fork Mountain.

Boundaries.

SEC. 2. That the boundaries of said new township shall be as follows: Beginning at the southeast corner of Little Rock Creek township on the top of Medlock mountain and running with the line

of Little Rock Creek township to the corner of Herrell's township on top of the Roan mountain, thence with the line of Herrell's township to Red Hill township line, thence with the line of the last mentioned township to the top of Pumpkin-patch mountain, thence with the top of said mountain to the beginning.

SEC. 3. That the board of commissioners of Mitchell be and they are hereby directed to order at their meeting on the first Monday in September, eighteen hundred and ninety-two, a new registration of the voters within the boundaries of the township hereby created and to designate the place of voting therein; and the registrar of Bakersville township is directed to erase the names of the voters residing within said boundaries from the poll-books of Bakersville township.

SEC. 4. That Charles Slagle, Charles W. McKinney and Jacob M. Ayres be and they are hereby appointed justices of the peace for said township of Fork Mountain.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 496.

An act to incorporate the Johnson City and Greensboro Railroad.

The General Assembly of North Carolina do enact :

SECTION 1. That John T. Wilder, Frank A. Stratton, J. T. Jobe and others, of Johnson City, Tennessee; H. S. Chamberlain, of Chattanooga, Tennessee; Henry E. Colton of Cherokee county, North Carolina; Dr. J. B. Phillips, N. B. Council, Sr., W. B. Council, Jr., of Watauga county, North Carolina; G. W. T. Hooper, S. F. Hooper, E. Jones, N. H. Guyn, S. L. Patterson, of Caldwell county, North Carolina; L. T. Banner, of Mitchell county, North Carolina, and such others as they may associate with them, their successors or assigns, are hereby created a body politic and corporate, under the name and style of "The Johnson City and Greensboro Railroad Company," for the purpose of constructing a main line of railroad with one or more tracks, standard gauge, from some point on the boundary line of North Carolina and Tennessee at or near where the Watauga river crosses said line, where it will be joined by a railroad from Johnson City, Tennessee, up the valley of said river, or Cove creek to or near the town of Boone in Watauga county, across the Blue Ridge to the Yadkin river at or near Patterson, in Caldwell county, and shall build [and] complete a line of road to Lenoir, before completing the line on to Wilkesboro—from Patterson thence

New registration.

Duty of registrar.

Justices of the peace.

Body politic.

Corporate name

Termini and route.

- down the Yadkin river by the most practicable route to the town of Wilkesboro in Wilkes county, thence easterly to, following as much as possible the valley of the Yadkin river, to the point where the Cape Fear and Yadkin Valley Railroad and the Richmond and Danville Railroad cross each other, with power to build such branch lines as may be necessary to facilitate transportation, or increase traffic by reaching mines or quarries or manufactories, with power to construct said railroad in sections and operate the same as constructed.
- Branch roads.
- Capital stock. SEC. 2. That the capital stock of said company shall be one million of dollars, with power to increase the same to five million dollars, or any less sum, in shares of one hundred dollars each.
- Books of subscription. SEC. 3. That books of subscription to the capital stock of said company may be opened by such persons and at such places as said corporators, or a majority of them, may direct; that such capital stock of said company may be created by subscriptions on the part of individuals, municipal and other corporations, and shall be made payable in such manner and form and with such equivalent as a majority of said corporators who are present in meeting assembled shall direct; that said meeting of corporators shall be called by any three of those above named, and any corporator not able to be present may be represented by proxy by power of attorney so authorizing.
- Subscriptions, how made.
- Corporate existence. Corporate powers. SEC. 4. That said corporation shall have an existence for a term of ninety-nine years, and by its name may sue and be sued, plead and be impleaded in any court of the state of North Carolina, and may have and use a common seal; shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquire the same by gift or devise, so far as may be necessary for the purposes herein contemplated; and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of North Carolina and the United States. The officers of said corporation are further empowered and authorized to make contracts with any person or association for the construction and equipment of the whole line or any part thereof, such part or the whole sum thereof being taken in stock and bonds of the company, and for the accomplishment of this end the said corporation may authorize, and its agents or officials execute, a mortgage and issue bonds upon the main line, and such line or branches as may be determined to be constructed, at a rate not to exceed twenty-five thousand dollars of first mortgage bonds to the mile of road determined to be built.
- Organization. SEC. 5. That the aforesaid corporators shall, after the sum of fifty thousand dollars has been subscribed and five per cent thereon paid in or secured in such manner and equivalent as they have directed,

call together the subscribers to said stock, who shall meet at the place designated, and a majority of the stock being represented by the person or proxy the organization of said company shall be perfected, and as so organized is hereby declared to be incorporated as "The Johnson City and Atlantic Railroad Company," and is invested with all the powers and privileges herein granted.

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.

SEC. 7. 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 railroad from and to the points indicated in section one of this act, to be fixed by them; that said company shall have exclusive right of conveyance or transportation of persons, goods, merchandise and products on the said railroad to be by them constructed at such charges as may be fixed by a majority of the directors; that the said company may assign or lease their franchises or the right of transportation on said road to any person or persons or corporation.

SEC. 8. That said company shall have power to condemn land for the use of the company when a contract of purchase cannot be made with the owner thereof, to the same extent and in the same manner and under the same rules, regulations and restrictions as the North Carolina Railroad Company is authorized to do by the act of its incorporation, of which powers, etc., the following is an exact copy from an act to incorporate the North Carolina Railroad Company, passed and ratified by the general assembly of North Carolina January twenty-seventh, one thousand eight hundred and forty-nine.

SEC. 9. That the company shall have the right, when necessary, to conduct [construct] the said road across or along any public road or water-course: *Provided*, that the said company shall not obstruct any public road without constructing another equally as good and as convenient, nor without making a draw in any bridge of said road which may cross a navigable stream sufficient for the passage of vessels navigating such stream, which draw shall be opened by the company for the free passage of vessels navigating such stream.

Stockholders' meeting.

Directors.

By-laws.

Proviso.

President.

Directors to locate and construct road.

Exclusive rights.

Assignment of franchise, &c.

Condemnation of land.

May build along public road, &c.

Proviso.

Condemnation of land.⁷ SEC. 10. That when any lands or right-of-way [may] be required by said company for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be taken at a valuation from the owner or owners, the same may be taken at a valuation made by five commissioners, or a majority of them, to be appointed by any court of record having competent law jurisdiction in the county where some part of the land or right-of-way is situated. In making the said valuation the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or the right-of-way being surrendered, and the benefit and advantage he or she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the value and amount of each, and the excess of loss and damage over and above the advantage or benefit shall form the measure of valuation of the said land or right-of-way: *Provided nevertheless*, that if any person or persons over whose land the road may pass should be dissatisfied with the valuation of said commissioners, then and in that case the person or persons so dissatisfied may have an appeal to the supreme court in the county where the said valuation has been made, or in either county in which the land lies, when it may lie in more than one county, unless [under] the same rules, regulations and instructions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners, accompanied with full description of the said land or right-of-way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission was issued, there to remain a matter of record. And the lands or right-of-way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad so soon as the valuation may be paid, or, when refused, may have been tendered: *Provided*, that on application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days' previous notice has been given by the applicant to the owners of lands so proposed to be condemned, or if the owner or owners be infants or *non compos mentis* then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding in some newspaper printed as convenient as may be to the courthouse of the county, and shall have been posted at the door of the court-house on the first day, at least, of the term of said court to which the application is made: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath any justice of the peace or clerk of

Appeal.

Notice of application for condemnation.

Valuation, how made.

the court of [the] county in which the land or a part of it lies is hereby authorized to administer: *Provided further*, that the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden or burial-ground of any individual without his consent.

Not authorized to invade dwelling-houses, &c.

SEC. 11. That the right of said company to condemn lands in the manner described in the twenty-seventh section of this act shall extend to the condemning one hundred feet on each side of the main track of the road, measuring from the center of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company shall also have power to condemn any appropriate lands in this manner for the construction and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Width of right-of-way.

Condemnation of land for depots, &c.

SEC. 12. That in the absence of any contract or contracts with said company in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the center of said road, has been granted to the said company, by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of value of said lands, as hereinbefore directed, within two years next after that part of the road which may be on the said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land or having any assessment or compensation thereof: *Provided*, nothing herein contained shall affect the rights of *femes covert* or infants until two years after the removal of their respective disabilities.

Presumption of grant.

Assessment of damages.

To be applied for within two years.

Proviso.

SEC. 13. That all contracts made and entered into by the president or superintendent of the company for construction or supplies, either with or without seal, shall be binding upon said company, and the president shall, under the instructions of the board of directors, issue certificates to stockholders which shall be transferable by the by-laws of the company.

Contracts made by President, &c., binding on company.

Certificates of stock.

Consolidation
with other roads,
&c.

SEC. 14. That after the organization of said company as provided in section three of this act, a majority of said corporation in order to complete said railroad to the point or points mentioned in section one may consolidate with any railroad in the states of Tennessee or North Carolina now constructed, or company now or hereafter chartered to construct a railroad from any town, city or point on any river or railroad to the boundary line of the states of North Carolina and Tennessee, or the same from any point in the states of Georgia or South Carolina to boundary line of said states with North Carolina, so that the same form a continuous line under one management, upon such terms and conditions as will assure the completion of said railroad to the points herein mentioned or increase its traffic when all or any part may be constructed, and place the same under one government and management.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 497.

An act to allow citizens of the county of Onslow to propagate diamond-back terrapins.

The General Assembly of North Carolina do enact :

Citizens of
Onslow author-
ized to propagate
diamond terra-
pins.
Freedom from
penalties.

SECTION 1. That any citizen of Onslow county is hereby empowered to propagate diamond[-back] terrapins in the waters of Onslow county, and he shall not be liable to the penalties of section three thousand three hundred and seventy-seven of The Code so long as he shall confine his operations to said county, except so far as said penalties relate to the destruction of diamond-back terrapins and their eggs.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 498.

An act to make the railroad commissioners a court of record.

The General Assembly of North Carolina do enact :

SECTION 1. That the railroad commissioners elected at this session of this general assembly and [their] successors in office be and they are hereby created and constituted a court of record inferior to the supreme court, and shall be known as the board of railroad commissioners, and as such shall have all the powers and jurisdiction of a court of general jurisdiction as to all subjects embraced in the act creating such railroad commission heretofore passed, and shall have a common seal.

Railroad commissioners constituted a court of record.

Title.

Jurisdiction.

SEC. 2. This act shall be in force from and after the first day of April, eighteen hundred and ninety-one.

When act to take effect.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 499.

An act in relation to the chain-gang in Robeson county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Robeson county, in addition to powers conferred on them under chapter three hundred and fifty-five, acts of one thousand eight hundred and eighty-seven, and chapter three hundred and ninety-two, acts of one thousand eight hundred and eighty-nine, are hereby fully empowered to employ the chain-gang convicts in draining and canaling any swamps, bays, pocosins or low grounds requiring draining in their county, and also [in] their discretion and on such terms as to them may seem best for the county, may hire out said chain-gang convicts to any farmer or other person in said county for ditching or draining lands or farms that may need to be drained or ditched, the guarding or controlling of said convicts, however, to be retained by the board of commissioners exclusively, and any moneys or hire arising from said ditching, draining or canaling shall be used by the board in defraying the expenses of the chain-gang.

Commissioners of Robeson authorized to employ chain-gang convicts in draining swamps, &c.

May hire them out, &c.

Application of moneys, &c.

SEC. 2. That this act and chapter three hundred and fifty-five of the acts of one thousand eight hundred and eighty-seven and all of chapter three hundred and ninety-two of the acts of one thousand eight hundred and eighty-nine, except section three (3) of said act of one thousand eight hundred and eighty-nine (1889), shall apply also to the counties of New Hanover, and Pender.

This act, and certain other acts, applicable to New Hanover and Pender counties.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 500.

An act for the better drainage of certain low lands.

The General Assembly of North Carolina do enact :

- Removal of dams which are injurious to lands. SECTION 1. That the owners of lands on any creek or river or stream of water may cause to be removed any dam across a creek or river or stream which is injurious to their lands in the following manner:
- Petition by land-owner for appointment of commissioners. SEC. 2. The owners of lands on said stream, or any one of them, may present a petition praying for the appointment of commissioners to the superior court of the county in which said dam is situated.
- What petition to state. Such petition must be signed and verified according to the rules of practice of such court, and must set forth where the dam is located, by whom owned, giving names and residence of owners, and if any of the owners are infants, idiots or lunatics, or are unknown, the petition must set forth the facts as they are; the petition must also show how the lands on the stream are injured by such dam and to what extent. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the superior court, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the hearing of the same by the said court, and the provisions of The Code of North Carolina of one thousand eight hundred and eighty-three, chapter forty-nine, section one thousand nine hundred and forty-four, and subsections thereunder, shall be applicable to this case in regard to manner of service, appointment of guardian, and so forth.
- Notice to parties interested. SEC. 3. On presenting such petition to the superior court as afore-said, all or any of the persons interested in said dam may answer such petition and show cause against granting the prayer of the same and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested freeholders who reside in the county where the dam is to be appraised, and shall fix a time and place for the first meeting of the commissioners, and if the court should make an order to dismiss the petition at the hearing, the petitioners may appeal to the superior court in any term and from there to the supreme court, and in the superior court in term shall have the right to have the petition, answer and proofs tried *de novo*.
- Service of notice. SEC. 4. The commissioners before entering upon the discharge of their duties shall take and subscribe an oath that they will fairly and impartially appraise the value of the dam; any two of them may act, and may adjourn the proceedings before them from time to time in their discretion, and may issue subpoenas for and adminis-
- Parties interested may answer petition, &c.
- Court to try, &c.
- Appeal.
- Oath of commissioners.
- Powers.

ter oaths to witnesses. Whenever the commissioners meet, except by appointment of court or pursuant to adjournment, they shall cause ten days' notice of such meeting to be given to the parties who are to be affected by their proceedings, or their attorney or agents. They shall view the premises and hear the testimony produced before them and shall on request of anyone interested reduce the testimony to writing, and after the testimony is closed in each case and without unnecessary delay they shall ascertain the compensation, if any, to be made to owner or any parties interested in the dam, and in doing so may take into consideration the benefit to the public from the dam and the benefit to the owners or parties interested. They may also consider the injury to the land-owners from said dam and the injury to the public therefrom. They shall report the same to the court under their hands and seals, and within twenty days after filing the same any person interested may file exceptions to the report, and upon the determination of the same either party may appeal to the court at term and thence after judgment to the supreme court. The court or judge at term may direct a new appraisal, or modify or confirm the report, or make such order in the premises as [shall] seem to him proper. If the report shall remain on file for twenty days and no exceptions are taken there[to], the benefit to the public and to the owners or parties interested in it from the dam. They may also consider the injury to the land-owners from said dam and the injury to the public. If the commissioners adjudge that compensation ought to be made to the owners of and parties interested in the dam they shall ascertain what amount of said compensation is to be paid by the respective land-owners, and in doing so may consider the amount and value of land owned by each person that is injured by such dam and the nature and extent of the injury thereto from said dam. They shall make report of their proceedings and conclusions to the court under their hands and seals, and within twenty days after filing the same any person interested may file exceptions to the report, and upon the determination of the same either party may appeal to the court at term, and thence after judgment to the supreme court. The court or judge at term may direct a new appraisal or modify or confirm the report, or make such order in the premises as [shall] seem to him proper. If the report shall remain on file for twenty days and no exceptions are taken thereto the court shall confirm the same and shall make an order for the respective land-owners to pay into court the sums adjudged to be paid by each, and if said sums so adjudged are not paid in at the expiration of thirty days from such order the court shall at the instance of any one of the petitioners issue execution against the personal and real property of such defaulting person or persons, or any one of the petitioners or parties interested may pay the sum assessed against any other person, stating at the time for

Notice of meetings.
 Duties.
 Report.
 Exceptions.
 Appeal.
 Proceedings on appeal.
 Compensation to owner of dam.
 Report of commissioners.
 Exceptions.
 Appeal.
 Proceedings in appeal.
 Execution, &c.

whose share of the assessment he is making the payment, and the court shall make an entry in the cause showing by whom such share of the assessment was paid, and the party who has paid such share for another person may have judgment entered in his favor for such sum so paid by him against the person for whose benefit he has paid it, after giving such party ten days' notice of his motion for judgment, and a transcript of such judgment may be entered on the judgment docket of the county and shall have all the effect of and may be proceeded with in like manner as other judgments.

Removal of dam. Whenever the sum assessed by the commissioners as compensation for the dam shall be paid into court, or paid to persons entitled thereto and their receipts therefor exhibited to the court, the court shall issue an order to the sheriff of the county to remove and tear such dam out of said stream, and the cost thereof and of the entire proceeding where no resistance is made to the petition shall be paid by the petitioners, in other cases the cost shall be paid as the court may direct. When an appeal is taken to the court or judge in term time, he may make such order in regard to providing compensation to the owners and parties interested in the dam as he may deem proper, and in such cases the cost shall be in the discretion of the court. The commissioners shall each be entitled to two dollars per day for each day they are engaged in the performance of their duties and their necessary expenses and the same shall be taxed in the bill of costs.

Cost of removal.

Proceeding on appeal.

Compensation of commissioners.

Conflicting claimants. SEC. 5. If there are conflicting claimants to the money or any part of it to be paid as compensation for the dam the court may direct the money to be paid into the said court and may determine who is entitled to the same and may direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order all [are] to be made, and in all cases where the money is paid into court to compensate owners of the dam the same shall be paid over to the persons respectively entitled thereto as soon as may be, and where any of the parties so entitled to money are infants, idiots, lunatics or unknown the same shall be paid to the guardian, if there be one, if not it shall be paid into the clerk's office.

When court to appoint attorney. SEC. 6. The court shall appoint a competent attorney to protect the interest of parties whose names or residence is unknown, and shall make an allowance to said attorney to be taxed in the bill of costs.

Amendment of proceedings, &c. The court shall have power to amend any defect or informality in the proceedings as may be necessary, or to cause new parties to be added and such further notices to be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die, refuse, neglect to serve, or be incapable of serving.

SEC. 7. When any proceeding for condemnation of a dam shall have been begun under this chapter no change of ownership by voluntary conveyance or transfer of any interest in the dam or in the lands injured thereby shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Change of ownership not to affect proceeding.

SEC. 8. This chapter shall only apply to the counties of Lincoln and Catawba, (suggestion same as in number one.)

Act applicable only to Lincoln and Catawba counties.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 501.

An act regulating the authentication of record.

The General Assembly of North Carolina do enact :

SECTION 1. That all copies of bonds, contracts or other papers relating to or connected with the settlement of any account or any part thereof between the United States and an individual, or extracts therefrom when complete on any one subject, or copies from the books [or] papers on file or records of any public office of the state or the United States, shall be received in evidence and entitled to full faith and credit in any of the courts of this state when certified to by the chief officer in said office or department to be true copies and authenticated under the seal of said office or department.

Copies of bonds, &c., connected with settlement of account between United States and individuals, &c., how authenticated.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 502.

An act to amend the charter of the Fayetteville and Albemarle Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That section eighteen of chapter two hundred and thirty-nine, laws of eighteen hundred and eighty-nine, be amended by striking out the word "three" and inserting in lieu thereof the word "six" so that said company may have extension of time to begin work.

Chapter 239, laws 1889, amended.

Work to begin within six years.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 503.

An act to create a township in Jones county to be known as Chinquapin township.*The General Assembly of North Carolina do enact :*

Chinquapin township, Jones county, established.

SECTION 1. That a new township be and the same is hereby created in the county of Jones to be known as Chinquapin township, to be formed of parts of Beaver Creek and by Press Creek township in said county.

Boundaries.

SEC. 2. The boundary lines of said Chinquapin township shall be as follows, viz : Beginning where the Lenoir county line crosses Béaver creek, thence down said creek to Trent river, thence up said river to Little Chinquapin creek, thence up said creek to Basder's back line, thence with said line to Juniper pocosin, thence a direct line to the public road at Black swamp, thence with Tuckahoe township line to the Lenoir county line, thence with said county line to the beginning.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 504.

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

Treasurer of Randolph county authorized to pay V. C. Wood \$22.66 out of certain school fund.

SECTION 1. That the treasurer of Randolph county is hereby authorized to pay out of any moneys in his hands due school district number forty-two to V. C. Wood for services rendered as teacher of white race for said district in the year eighteen hundred and eighty-nine the sum of twenty-two dollars and sixty-six cents, 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 9th day of March, A. D. 1891.

CHAPTER 505.

An act to amend section three thousand seven hundred and twenty-three of The Code.

WHEREAS, The duties of the state treasurer under the pension law and as treasurer *ex officio* of the various charitable and penal institutions of the state have increased more than one hundred per centum in each one of these departments, requiring additional labor for the performance of those duties : therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand seven hundred and twenty-three of The Code be amended by striking out the word "eight" between the words "of" and "hundred" in the fourteenth line, and inserting in lieu thereof the word "ten."

Code, section 3723, amended. Treasurer allowed \$1,000 to enable him to perform duties as treasurer of charitable and penal institutions.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 506.

An act to extend the provisions of the Mecklenburg road law to Gaston county.

The General Assembly of North Carolina do enact :

SECTION 1. That all the provisions of chapter one hundred and thirty-four (134) of the laws of one thousand eight hundred and eighty-five be and the same are hereby extended to the county of Gaston: *Provided*, the same shall first be submitted to the board of county commissioners and magistrates of said county in joint session and adopted by a majority vote before the same shall go into effect.

Provisions of chapter 134, laws 1885, extended to Gaston county.

Proviso.

SEC. 2. That all laws in conflict with said chapter one hundred and thirty-four (134), laws of one thousand eight hundred and eighty-five are hereby repealed. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 507.

An act to amend chapter two, volume two of The Code entitled "Asylums," to change the name of the Eastern North Carolina Insane Asylum and for other purposes.

The General Assembly of North Carolina do enact :

- Name of Eastern N. C. Asylum changed to "The Eastern Hospital." Corporate rights. SECTION 1. That in section twenty-two hundred and forty, and wherever else in The Code or in acts amendatory of The Code the words "The Eastern North Carolina Insane Asylum" occur, the same be and are hereby stricken out and the words "The Eastern Hospital" inserted; and being thus incorporated the said "The Eastern Hospital" is invested with all the property and rights heretofore held by "The Eastern North Carolina Insane Asylum."
- Duty of directors to post rules, &c.; SECTION 2. That it shall be the duty of the board of directors of "The Eastern Hospital" to adopt rules and regulations for the conduct and deportment of persons in the grounds or buildings of said hospital, and to have posted at the entrance to said grounds and at not less than three places inside of said grounds the said rules and regulations so adopted by them; and the said board of directors shall have all the power granted to cities or towns by general law to pass ordinances, to suppress or prevent disorderly conduct inside the inclosure or the land belonging to said hospital, and any person violating any ordinance or by-law passed by said board within the scope of their authority shall be guilty of misdemeanor, and on conviction in the court of any justice of the peace for Wayne county shall be punished as prescribed in section thirty-eight hundred and twenty of The Code of North Carolina.
- Violation a misdemeanor. SECTION 3. That for the purpose of enforcing the provisions of the preceding section the superintendent of the said Eastern Hospital may appoint not more than five discreet persons who, having first taken an oath before some person authorized to administer oaths faithfully to perform the duties of their office, shall have the powers and exercise the functions of policemen in cities and towns under the direction of the superintendent within the Hospital grounds, and shall have the right to maintain order in the same.
- Policemen. SECTION 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.
- Conflicting laws repealed. SECTION 5. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 508.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1) of said chapter be amended by adding Richmond county so as to afford to said county the protection to public roads given to other counties in said chapter.

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

Ratified the 9th day of March, A. D. 1891.

Chapter 503, laws 1889, amended. Law concerning recovery of damages for injury to roads by hauling logs, applicable to Richmond county.

CHAPTER 509.

An act to amend chapter one hundred and ninety-two of the laws of the year one thousand eight hundred and eighty-three, relative to the graded schools of Wilson township in Wilson county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and ninety-two of the laws of the year eighteen hundred and eighty-three be amended by striking out the [word] "eighty-three" in line five of section two of said chapter, and inserting in lieu thereof the word "ninety-one," and by striking out the words "of white persons" in line two of section four of said chapter, and by striking out all after the word "sexes" in line four of said section down to and including the word "up" in line nine thereof and insert in lieu thereof the word "and."

SEC. 2. That section five of said chapter down to and including the word "whites" in line five thereof is hereby repealed and the following enacted in lieu thereof: "That A. Branch, F. A. Woodard, George Hackney and A. B. Deans be and they are hereby appointed a board of trustees for the Wilson graded schools, whose terms of office shall be one year, two years, three years and four years respectively, and their successors to be elected by the board of aldermen of the town of Wilson, who shall in all matters pertaining to the management of said schools respectively be associated with the committee or committees appointed for said school districts by the board of education of Wilson county."

SEC. 3. That section six of said chapter down to and including the word "children" in line five thereof is hereby repealed.

SEC. 4. That all laws and parts 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. 1891.

Chapter 192, laws 1883, amended. Election in Wilson township on question of taxation for graded schools; to be held first Monday in May, 1891. Application of tax to white and colored schools.

Board of trustees.

Separate board of trustees for colored school abolished. Conflicting laws repealed.

CHAPTER 510.

An act to amend section two thousand seven hundred and one of The Code.

The General Assembly of North Carolina do enact :

Code, section 2701,
amended.

Where returning
boards for sena-
torial districts to
meet.

SECTION 1. That section two thousand seven hundred and one of The Code be amended by striking out all after the word "polls" in sixth line to and including the word "Macon" in the forty-third line and inserting in lieu thereof the following: "In the first district, at Hertford, in the county of Perquimans; in the second district, at Plymouth, in the county of Washington; in the third district, at Roxobel, in the county of Bertie; in the seventh district, at Nashville, in the county of Nash; in the eighth district, at New Berne, in the county of Craven; in the ninth district, at Warsaw, in the county of Duplin; in the tenth district, at Wilmington, in the county of New Hanover; in the eleventh district, at Ridgeway, in the county of Warren; in the fourteenth district, at Roseboro, in the county of Sampson; in the fifteenth district, at Lennon's Cross-roads, near Francis Lennon's, in the county of Columbus; in the seventeenth district, at Berea, in the county of Granville; in the eighteenth district, at Hillsboro, in the county of Orange; in the twenty-second district, at Brower's Mill, in the county of Randolph: in the twenty-third district, at Lilesville, in the county of Anson; in the twenty-fourth district, at Mount Pleasant, in the county of Cabarrus; in the twenty-sixth district, at Lexington, in the county of Davidson; in the twenty-seventh district, at Harmony, in the county of Iredell; in the twenty-eighth district, at Pilot Mountain, in the county of Surry; in the twenty-ninth district, at Hickory, in the county of Catawba, in the thirtieth district, at Jefferson, in the county of Ashe; in the thirty-first district, at Marion, in the county of McDowell; in the thirty-second district, at Mooresboro, in the county of Cleveland; in the thirty-third district, at Asheville, in the county of Buncombe; in the thirty-fourth district, at Webster, in the county of Jackson; in the thirty-fifth district, at Murphy, in the county of Cherokee."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 511.

An act to incorporate the Lenoir and Blue Ridge Railroad Company.

The General Assembly of North Carolina do enact :

SECTION 1. That H. H. Guynn, S. F. Harper, G. W. F. Harper, S. L. Patterson, Hugh Grey and William H. Bower of the county of Caldwell, and J. B. Phillips, W. B. Council, Jr., D. B. Dougherty C. F. Lovill and J. F. Spainhouse of the county of Watauga, their associates, successors or assigns, are hereby constituted a body politic and corporate by the name of "The Lenoir and Blue Ridge Railroad Company," and by that name may sue and be sued, implead and be impleaded, may adopt and use a common seal, may make all needful by-laws for the government of the same, and may do and perform all other acts allowed by the general laws of the state in reference to like corporations, and shall run for a period of fifty years.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That the said company may survey, construct and equip a railroad of such gauge as may be adopted by them from Lenoir in the county of Caldwell via Patterson and Boone to connect with the East Tennessee and Western North Carolina Railroad at Cranberry in the county of Mitchell, or at any other station on said road that may be found profitable, and the said company is hereby also authorized to construct, equip and operate a railroad from the town of Wilkesboro in the county of Wilkes by way of the Happy Valley in Caldwell county and of Boone in Watauga county to the Tennessee line at or near where the said line crosses the Watauga river.

Termini.

SEC. 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, with full power to increase the same to two millions.

Capital stock.

SEC. 4. That within thirty months from the passage of this act the said company shall meet and organize by selecting a president, secretary and treasurer and five directors who shall proceed to open books of subscription at such places as they may deem best, and when ten per centum of the capital stock shall have been subscribed the president shall call a meeting of the stockholders and proceed to reorganize the said company by a vote of the stockholders, and each share of stock shall represent one vote.

Organization.

Books of subscription.

SEC. 5. And the said company shall be capable of purchasing, holding, leasing and conveying estate, real, personal or mixed, and acquire the same by gift or devise for the purpose contemplated in this act.

Corporate powers.

SEC. 6. That the towns [or] townships through which the said company may construct said roads or road shall have full power to subscribe to the capital stock of said company: *Provided*, a majority of

Towns and townships authorized to subscribe.

Election.

the qualified voters therein shall approve the same at an election to be held for that purpose as required by law.

Corporate powers.

SEC. 7. And the said company shall have full power to consolidate with any other company, whether incorporated under the laws of this or any other state, and they shall also have power to change the name of said company [or to receive subscriptions to their capital stock from any other railroad company or corporation, and it shall also have full power to mortgage its franchise, road-bed and rolling stock, and may issue bonds secured by the same to an amount not exceeding twenty thousand dollars for each mile of said railroad as the same may be determined by the directors of said road.

Corporate powers.

SEC. 8. And the said railroad company shall have full power to lease, assign, transfer or make over all their rights or purchases under the provisions of this act to any other railroad company, corporation or individual, and do and perform any other act that may be allowed under and by virtue of the general laws of the state.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 512.

An act to change the time of holding superior courts in the counties of Franklin and Vance.

The General Assembly of North Carolina do enact:

Change of time of holding fall term Franklin superior court.

SECTION 1. That the term of the superior court of Franklin county held under existing law on the tenth Monday after the first Monday in September shall be held on the seventh Monday after the first Monday in September and continue one week.

Change of time of holding fall term Vance superior court.

SEC. 2. That the term of the superior court of Vance county now held on the sixth Monday after the first Monday in September shall be held on the fourth Monday after first Monday in September and continue two weeks.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 513.

An act in relation to money received from the United States under the act of congress refunding the direct tax to the state in trust for certain of its citizens.

The General Assembly of North Carolina do enact :

SECTION 1. That the money paid into the treasury of the state of North Carolina by the governor under the terms of the act of congress refunding the direct tax, shall be held in trust for the benefit of the persons or inhabitants from whom the taxes were collected, or their legal representatives, as provided in said act of congress.

Money paid into treasury under act of Congress refunding the direct tax to be held in trust, &c.

SEC. 2. That the money received by the governor as aforesaid shall be invested by him in North Carolina four per cent. bonds, and all the expenses of carrying into effect the provisions of this act shall be defrayed out of the interest accruing upon said bonds. That the bonds shall from time to time be converted into money to pay the claims of persons arising under this act.

Money to be invested by governor in N. C. four per cent. bonds. Expenses, how paid. Bonds to be converted into money as needed. Duty of governor.

SEC. 3. That it shall be the duty of the governor to procure from the proper department at Washington certified copies of the tax-lists and other evidence of payment of the direct taxes to the United States by persons or inhabitants of North Carolina, and to notify such persons or inhabitants, or their legal representatives, of the amount due them under this act. The governor shall as far as practicable provide for the repayment of the direct taxes to the persons entitled thereto, and not to an agent or attorney. All claims under the trust shall be filed with the governor, together with proper proof of the qualification of any executor or administrator when the person from whom the tax was collected is dead. Upon proper proof the governor shall draw his warrant in favor of the person entitled, and the same shall be paid by the treasurer of state.

Claims to be filed with governor.

SEC. 4. No agent or attorney shall demand, collect or receive more than five per centum commission upon the amount collected as compensation for any services rendered to any claimant for any collection under this act; and any person violation this section shall be guilty of a misdemeanor.

Warrants to be drawn by governor, &c.

Commissions of agents and attorneys.

Misdemeanor.

SEC. 5. That all claims under the trust created by the act of congress above mentioned shall be filed with the governor within six years next after the approval of said act on March the second, one thousand eight hundred and ninety-one, and all claims not so filed shall be forever barred. All moneys remaining in the treasury arising from said fund at the expiration of the six years shall be covered into the treasury as the property of the state.

When and where claims to be filed.

Balance to be covered into treasury.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 514.

An act to authorize the payment of certain claims against the North Carolina Penitentiary.

The General Assembly of North Carolina do enact :

Treasurer authorized to pay certain claims.

SECTION 1. That the state treasurer be and he is hereby authorized to pay W. C. and A. B. Stronach one hundred and twenty-four dollars and fourteen cents (\$124.14), and Latta and Myatt one hundred and forty-eight dollars and nineteen cents (\$148.19), and to J. R. Ferrall and Company eighty-two dollars and forty-six cents (\$82.46): *Provided*, this amendment [amount] shall be paid out of the appropriation made [for] the penitentiary, being the interest on sundry accounts against the North Carolina Penitentiary carried by them from September the twenty-first, one thousand eight hundred and eighty-eight (1888), to September the twenty-first, one thousand eight hundred and eighty-nine (1889).

How paid.

Auditor to draw warrants.

SEC. 2. That the auditor of state be and he is hereby authorized and directed to draw warrants on the treasurer of the state of North Carolina for said amounts.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 515.

An act to provide for erecting steps to the executive mansion.

The General Assembly of North Carolina do enact :

\$250 appropriated.

SECTION 1. That a sum not exceeding two hundred and fifty dollars is hereby appropriated for the purpose of dressing and putting in place the marble steps presented to the state for the use of the executive mansion.

Treasurer to pay on warrant of governor and council.

SEC. 2. That the treasurer of state is hereby authorized to pay said amount upon a warrant drawn by the governor and his council.

SEC. 3. That this act shall be in force from and after its passage. Ratified the 9th day of March, A. D. 1891.

CHAPTER 516.

An act to protect private oyster grounds that are planted.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to anchor any boat or vessel on any private oyster bed or grounds where oysters are planted: *Provided*, said oyster beds or grounds have been staked off with a sufficient number of stakes all around said bed or grounds to indicate the locality of the same and one or more sign-boards are posted up on said bed or grounds with the words thereon in large Roman letters, "Private oyster grounds, planted": *Provided further*, that there are good anchoring grounds near said oyster beds or grounds that are not planted.

Unlawful to anchor boat, &c., on private oyster beds, &c. Proviso.

Proviso.

SEC. 2. That any person violating the provisions of the above section shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 517.

An act to amend section two thousand five hundred and eighty-nine of The Code so as to increase the public-school tax to fifteen cents on property and forty-five cents on polls.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand five hundred and eighty-nine of The Code be and the same is hereby amended by striking out the words "twelve and one-half" in line five of said section and inserting in lieu thereof "fifteen cents," and strike out the words "thirty-seven and one-half" in line seven of said section and insert in lieu thereof "forty-five."

Code, section 2589, amended. Fifteen cents on \$100 of property and forty-five cents on poll levied for support of public schools.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 518.

An act to amend section two thousand and fifteen of The Code.

The General Assembly of North Carolina do enact :

Code, section 2015,
amended.
Meetings of
township road
supervisors.

SECTION 1. That section two thousand and fifteen of The Code be amended by striking out all the words after the word "chairman" in the fourth line thereof to and including the word "and" in said line and inserting in lieu thereof "on the third Saturday of."

Act applicable
only to Union
county.

SEC. 2. That the provisions of this act shall only apply to the county of Union.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 519.

An act to amend section two thousand and forty-three of The Code, relating to the service of orders on road overseers.

The General Assembly of North Carolina do enact :

Code, section 2043,
amended.

SECTION 1. That section two thousand and forty-three of The Code be and the same is hereby amended by amending [adding] at the end of said section the following: "Provided, the delivery of [to] the overseer of the orders appointing him by the board of supervisors of the township, or any one of them, shall be deemed and held to be a legal service of the same."

Orders to road
overseers, how
served.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 520.

An act to amend section one thousand nine hundred and sixty-seven of The Code.

The General Assembly of North Carolina do enact :

Code, section 1967,
amended.

SECTION 1. That one thousand nine hundred and sixty-seven of The Code be amended by striking out all of said section from and after the word "pay" in line six thereof and inserting in lieu thereof the words "to the party aggrieved double the loss or damage actually sustained by reason of said freight so remaining unshipped."

Penalty against
railroad com-
pany for freight
remaining un-
shipped for more
than five days.
Act not applica-
ble to actions
pending.

SEC. 2. That this act shall not apply to actions pending in any courts of the state, so far as to affect the amount of the penalty reasonable therein.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 521.

An act to amend chapter two hundred and sixty of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, in relation to the sale of liquor within certain territory.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and sixty of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven be amended by adding thereto: "*Provided*, this law shall not apply to the town of Ayden in Pitt county." Chapter 260, laws 1876-'7, amended. Law (omnibus prohibitory law) not applicable to Ayden, Pitt county.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 522.

An act to amend rules of evidence.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand three hundred and fifty-seven of The Code be amended as follows: That in all criminal actions pending before the superior court it shall be lawful for the defendant in any such action to make affidavit before the clerk of the superior court in which said action is pending, that it is important for his defence that he have the testimony of any person or persons, whose names must be given, and that such person or persons [are] so infirm, or otherwise physically incapacitated, that he cannot procure their attendance at court. Code, section 1357, amended. In criminal actions defendant may make affidavit as to necessity of testimony of witness, infirm or physically incapacitated.

SEC. 2. That upon the filing of said affidavit it shall be the duty of the clerk to appoint some responsible person to take the deposition of said person, which deposition may be read in the trial of said criminal action under the same rules as now apply by law to depositions in civil actions: *Provided*, that the solicitor of the district in which said suit is pending have ten (10) days' notice of the taking of said deposition, who may appear in person or by a representative to conduct the cross-examination of such witness. On filing affidavit clerk to appoint person to take deposition.

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

Ratified the 9th day of March, A. D. 1891. Notice to solicitor.

CHAPTER 523.

An act to remove the colored normal school now located in Franklinton, Franklin county, to Warrenton, Warren county.

The General Assembly of North Carolina do enact :

State board of education directed to remove colored normal school from Franklinton to Warrenton. Proviso.

SECTION 1. That the state board of education are hereby directed to remove the normal school for the colored race now located at Franklinton, Franklin county, and establish it at Warrenton, Warren county: *Provided*, the citizens of Warrenton shall furnish, or cause to be furnished, suitable buildings in which to conduct the exercises of said institution and the sum of three hundred dollars per annum in addition to the state appropriation to defray the expenses of the same.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 524.

An act for the relief of W. I. Gore and Company.

The General Assembly of North Carolina do enact :

Treasurer instructed to pay W. I. Gore & Co., \$169 out of penitentiary fund.

SECTION 1. That the treasurer of North Carolina be authorized and instructed to pay out of the penitentiary fund to Messrs. W. I. Gore and Company of Wilmington, North Carolina, one hundred and sixty-nine dollars, being balance on account of interest as per contract with D. C. Murray, steward North Carolina State Penitentiary, for supplies furnished that institution.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 525.

An act to repeal chapter four hundred and three, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 403, laws 1889, repealed. Law prohibiting fish-traps, &c., in Beaver creek, Jones county, repealed.

SECTION 1. That chapter four hundred and three, laws of eighteen hundred and eighty-nine, 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. 1891.

CHAPTER 526.

An act to amend section two thousand and nineteen of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand and nineteen of The Code be amended by striking out the word "two" in line five of said section and insert in lieu thereof the word "five."

SEC. 2. That this act shall only apply to the county of Union.

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

Ratified the 9th day of March, A. D. 1891.

Code, section 2019, amended.
Road hands may be worked five days continuously.
Act applicable only to Union county.

CHAPTER 527.

An act supplemental to an act passed at this session of the general assembly, entitled an act to allow cider and wine to be sold in the counties of Tyrrell and Washington.

The General Assembly of North Carolina do enact :

SECTION 1. That an act passed by this session of the general assembly, entitled an act to allow cider and wine to be sold in the counties of Tyrrell and Washington, be and the same is hereby amended by inserting after the word "Tyrrell" the word "Greene."

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

Ratified the 9th day of March, A. D. 1891.

Chapter 39, ante, amended.
Lawful to sell cider and wine in Greene county at place of manufacture.

CHAPTER 528.

An act to amend chapter one hundred and seventy-three of the laws of North Carolina of the session of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and seventy-three of the laws of North Carolina of eighteen hundred and eighty-five, entitled "An act to enforce the collection of taxes due the state on land sold for taxes and purchased by the state," be amended as follows: strike out "eighty-six" in sections one and four and insert ninety-two.

SEC. 2. All laws and 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 9th day of March, A. D. 1891.

Chapter 173, laws 1885, amended.
Time for redemption of land sold for taxes and bought by state extended to January 1st, 1892.
Conflicting laws repealed.

CHAPTER 529.

An act to amend section two thousand and fifty-eight of The Code of North Carolina.*The General Assembly of North Carolina do enact :*Code, section 2058,
amended.Erection of gates
on public road.Act applicable
only to Harnett
county.

SECTION 1. That section two thousand and fifty-eight of The Code of North Carolina be amended by adding after the word "for" in the last line of said section: "*Provided*, that when one or more persons own or control one mile or more of lane on any public road he or they may be permitted to erect gates at each end of said lane without applying for and obtaining permission from the said board of supervisors: *Provided*, this act shall apply only to Harnett county."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 530.

An act to make an appropriation for the Colored Orphan Asylum at Oxford.*The General Assembly of North Carolina do enact :*Annual appro-
priation of
\$1,000.Directors to
make annual
report.

SECTION 1. That the treasurer be and is hereby directed to pay to the board of directors of the Colored Orphan Asylum, to be located at the place that will give most for location of a colored orphanage, out of any money in the treasury not otherwise appropriated the sum of one thousand dollars annually, payable quarterly.

SEC. 2. That the board of directors of the Colored Orphan Asylum aforesaid are hereby required to make a detailed account of the operations of each year, stating fully all receipts and expenditures, to the governor of the state, which report shall be transmitted by the governor to the general assembly at each session.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 531.

An act to allow sheriffs, clerks and other county officers to give bond in guarantee companies.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for any sheriff, clerk, register of deeds, tax-collector, treasurer or constable of any county, city, town, township in the state, to give their official and tax bonds in any good guarantee or assurance company, organized under the laws of any state in the United States: *Provided*, that nothing herein contained shall be construed to compel the county commissioners or other persons whose duty it is to pass upon the same, to accept said guarantee bond or policy until satisfied that the said bond or policy is good and sufficient.

Lawful for certain public officers to give bond in guarantee company.

Proviso.

SEC. 2. 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. 1891.

CHAPTER 532.

An act concerning entries.

The General Assembly of North Carolina do enact :

SECTION 1. That lines one to eleven inclusive of subsection [subsection] one of section two thousand seven hundred and fifty-one of volume two of The Code of North Carolina be and the same are hereby amended so as to read as follows: "(1.) Lands covered by navigable waters: *Provided*, that persons owning lands on any navigable water for the purpose of erecting wharves or fish-houses or for fishing [in] said waters in front of their lands, may make entries of the land covered by said water, and obtain title as in other cases, but persons making such entries shall be confined to straight lines, including only the fronts of their own lands, and shall in no case extend a greater distance from the shore than one-fifth of the width of the stream, and shall in no respect obstruct or impair navigation: *Provided*, nothing in this act shall apply to Currituck county."

Code, section 2751, amended.

What lands covered by navigable waters subject to entry.

SEC. 2. That the words "one dollar" in line seventeen of said subsection one be and the same are hereby stricken out, and in lieu thereof the words "twenty-five cents" be and are hereby inserted.

Act not applicable to Currituck county.

Price of land.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 533.

An act to amend section two thousand nine hundred and sixteen of chapter twenty-four of The Code.

The General Assembly of North Carolina do enact :

Code, section 2916, amended.

Fees for inspection of vessels under quarantine law.

SECTION 1. That section two thousand nine hundred and sixteen of chapter twenty-four of The Code be amended by inserting between the word "dollars" and the word "which" in the second line of said section the words, "if of less than two hundred and fifty tons burthen ; if of more than two hundred and fifty and less than five hundred tons burthen, eight dollars ; if of more than five hundred and less than one thousand tons burthen, ten dollars ; if of over one thousand tons, fifteen dollars," and that after the word "officer" in the third line of said section by inserting the words a "[as] provided in section sixth of chapter five hundred and twenty-one of the laws of one thousand eight hundred and eighty-nine."

Conflicting laws repealed.

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

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

• Ratified the 9th day of March, A. D. 1891.

CHAPTER 534.

An act to authorize the board of commissioners of Franklin county to convey a parcel of land to the trustees of Trinity church.

The General Assembly of North Carolina do enact :

Commissioners of Franklin authorized to convey certain land.

SECTION 1. That the board of commissioners of Franklin county be and they are hereby allowed and authorized, a majority of their number by vote so approving, to convey to A. W. Wilson, J. R. Debnam, R. G. Winnie, P. S. Foster and W. H. Macon, as trustees of Trinity Methodist church, and their successors, two acres of the tract of land belonging to Franklin county, on which the poor-house is situated, for the purpose of a burial-ground, the said two acres to be cut off next to the said church lot.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 535.

An act to protect fish in the waters of Sweeten-water creek in Martin county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to place any fish-traps or pod-nets in the waters of Sweeten-water creek from its mouth to what was formerly known as Foster's Mill.

Unlawful to place fish-trap in Sweeten-water creek, Martin county.
Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding twenty dollars or imprisoned not exceeding thirty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 536.

An act to establish a graded school in the town of Henderson.*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners for the town of Henderson, in the county of Vance, are hereby authorized to submit to the qualified voters of said town at such time and under such rules and regulations as the said commissioners may prescribe, whether an annual assessment shall be levied therein for the support of a graded school for the white children and a graded school for the colored children in said town; that at such election such qualified voters as are in favor of levying such assessment shall vote a written or printed ballot with the words "For school" upon it, and such voters as are opposed to the levying of such assessment shall vote a written or printed ballot with the words "Against school" upon it, and the penalties for illegal and fraudulent voting in this election shall be in all respects the same as in the annual elections for mayor and commissioners of the said town of Henderson.

Election in Henderson on question of special tax for graded schools.

Ballots.

Penalties for illegal voting.

SEC. 2. That in case a majority of the qualified voters at such election shall be in favor of such assessment, the same shall be levied and collected by the town commissioners under the same rules and regulations by which other town assessments are levied and collected, and the tax-collector shall be subject to the same liabilities for the collection of said assessment and the payment thereof to the town treasurer as he is or may be for other town assessments: *Provided*, that the special assessment so levied and collected shall not exceed fifty cents on property and one and fifty one hundredths dollars on the

Levy of tax to be made on vote of majority of qualified voters.

Tax-collector.

Limitation of tax.

Application of tax. poll, and that the assessment thus levied and collected shall be applied exclusively for the support of a graded school as is in this act provided, and shall not be appropriated or expended for any other purpose.

Tax collected from whites to be used for support of white graded school. SEC. 3. That the special assessments thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school for white persons of both sexes between the ages of six and twenty-one years, and the special assessment thus levied and collected from the taxable property and polls

Tax collected from colored persons to be used for support of colored graded schools. Proviso. of colored persons shall be expended in keeping up a graded school for colored persons of both sexes between the ages of six and twenty-one years in said town: *Provided*, if the special assessment so levied and collected from the taxable property and polls of colored persons shall be insufficient to maintain and support a graded school for colored persons, then, in such event, the assessment so levied and collected from the taxable property and polls of colored persons shall be exclusively used and expended for the public schools of the colored children of both sexes between the ages of six and twenty-one years in said town.

Trustees of white school. SEC. 4. That the commissioners of said town at their next regular meeting after such election, and their successors in office, every two years thereafter shall elect five persons of integrity and ability, qualified voters of said town, who are hereby constituted a board of trustees for the graded school for the whites; that said board shall have power to fill all vacancies occurring in said board, to employ teachers and do all such acts as shall be necessary to carry on said graded school for the white children.

Trustees of colored school. SEC. 5. That the commissioners of said town at their next regular meeting after such election, and their successors in office every two years thereafter, shall elect five persons of integrity and ability, qualified voters of said town, who are hereby constituted a board of trustees for the graded school for the colored children, should there be such school operated in said town, and their powers shall be the same in relation to the graded school for colored children as enumerated in the preceding section.

Application of school fund, for whites. SEC. 6. That the public school money which shall from time to time be collected under the general school law for public school purposes for white children in said town, shall be applied for keeping up the public graded school for the whites under the orders and directions of the board of trustees for said graded school for white children.

Application of school fund for colored persons. SEC. 7. That the public school money which shall from time to time be collected under the general school law for public school purposes for the colored children in said town shall be applied for keeping up the public graded school for the colored children under the orders and directions of the board of trustees for said graded school

for the colored children, in the event that such graded school should be operated in said town.

SEC. 8. That the treasurer for the town of Henderson and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act, and which shall be paid over to him as herein provided by the town tax-collector, and the said town commissioner shall have power from time to time to increase the amount of the official bond of said treasurer, and to allow such additional compensation for services under the provisions of this act as in their judgment may be deemed proper.

Liability of town treasurer for disbursement of fund.

SEC. 9. The board of trustees as herein constituted may admit as pupils in said graded school children who reside beyond or outside the corporate limits of said town, upon the payment of such rates of tuition as may be established by the board in such cases: *Provided*, that when such children reside beyond the corporate limits of said town, and their parents own property in said town of the tax value of five hundred dollars, subject to taxation as in this act provided, and contributed by the payment of such assessment to the graded school fund, then in such event such children shall be entitled to attend such graded school free of charge.

Pupils.

Proviso.

SEC. 10. The principal and teachers of such graded school shall not be subject to the restrictions and limitations as to salary prescribed by any law or statute, but may be paid such compensation as the board of trustees may deem just and proper: *Provided*, that no trustee of said school shall while acting as such be a teacher therein.

Salary of principal and teachers.

Proviso.

SEC. 11. That the commissioners of said town of Henderson are hereby authorized and empowered by and with the consent of the board of trustees of said graded school to suspend the levy and collection of the special assessment herein provided for graded schools when in their judgment such course shall be deemed proper and necessary for public good.

Suspension of collection of special tax.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 537.

An act to incorporate the Edgecombe and Granville Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Frank Hitch, S. S. Nash, H. R. Nash, Jr., David L. Emerick, T. H. Pritchard, George Howard, Jr., Ed. V. Zoeller, or any three of them, and such other persons as may be associated with them, and their successors, be and they are hereby created a body politic and corporate by the name of "Edgecombe and Gran-

Body politic.

- Corporate name. ville Railroad Company," under which name it shall have perpetual
 Corporate pow- succession and a common seal, may sue and be sued, plead and be
 ers. impleaded, and enjoy all the rights, privileges and advantages of
 other like corporations under existing laws besides those hereinafter
 enumerated.
- Termini and route. SEC. 2. The said company is hereby authorized to construct, equip
 and operate a railroad of any gauge it may choose, from some point
 on the Hamilton Railroad and Lumber Company track, thence across
 the Norfolk and Carolina Railroad track, about.....miles from
 Tarboro, where the lumber road of said Hitch now crosses, thence
 to some point on the Wilmington and Weldon Railroad track
 between Battleboro and Enfield, crossing the same, thence to some
 point on the Raleigh and Gaston Railroad track between Kittrell
 and Warren Plains, and also to construct, equip and operate lateral
 branches to said railroad not exceeding twenty miles in length on
 any branch, with the usual power to cross any other railroad track,
 over, under or at grade.
- Corporate pow- SEC. 3. The said company is also authorized to acquire, own and
 ers. operate lumber and grist-mills, and steam and other vessels for
 water transportation, also such lands and timber as it may obtain
 by voluntary purchase, and such personal property as it may deem
 necessary and proper for the efficient conduct of its business, all of
 which property may be acquired, held, used and disposed of at the
 discretion of said company in any manner not inconsistent with the
 provisions of this charter or the laws of this state.
- Authorized to buy, &c., Hamil- SEC. 4. The said company shall have authority to lease or buy the
 ton R. R. and Lumber Co., &c. with this company, under the name of Edgecombe and Granville
 Railroad Company, and shall be authorized to work any unified
 arrangement for operating the two companies under one manage-
 ment, if no lease or sale to this company is made.
- Capital stock. SEC. 5. The capital stock of said company shall be one hundred
 thousand dollars, divided into shares of fifty dollars each, and the
 stockholders may augment the same from time to time as they may
 deem requisite to carry into full effect the purposes of this act ; and
 the persons aforesaid, or any three of them, are hereby appointed
 commissioners to open books of subscription and receive subscrip-
 tions to the capital stock of the company at such times and places as
 they may appoint, and when ten per centum of the capital stock shall
 be subscribed and five per centum 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
 electors shall elect one of their own body as president of said board
 and of said company. Such election shall be held at such time and
 place as may be agreed upon by a majority of the stock represented,
 the said president and directors to serve one year and until their suc-
- Books of sub-
 scription.
- Organization.

cessors shall be elected and qualified, unless vacancies shall sooner occur by death, resignation or removal, in either of which latter cases the said board, or a majority of them, may fill such vacancies until the next regular election. A majority of said board shall constitute a quorum for the transaction of business. A regular annual meeting of the stockholders of said company shall be held at such time in each year as the said board may appoint, of which due notice shall be given, at which annual meeting a new board of directors shall be elected for the ensuing year. A quorum of stockholders shall consist of the holders of a majority of stock. The president and directors shall appoint a secretary and treasurer and such other officers and agents as shall be prescribed by the by-laws, rules and regulations from time to time as may be required properly to conduct the affairs of the company.

Stockholders'
meetings.

Officers.

SEC. 6. The board of directors may also borrow money at a rate of interest not exceeding eight per centum per annum and issue bonds therefor, and execute and deliver mortgages and deeds of trust upon the franchises and property of the company to secure the payment of said bonds.

Authorized to
borrow money on
mortgage.

SEC. 7. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, and shall be signed by the president and secretary of said company and authenticated by its seal, and shall be recorded in a book to be kept for the purpose, and all sales or transfer of stock in said company shall be duly recorded in such book. Said stock shall be held and considered as personal property.

Certificates of
stock.

Stock to be per-
sonal property.

SEC. 8. For the purpose of obtaining rights-of-way and depot stations for said railroad the company is authorized to acquire by voluntary sale by the owners such lands along its line as it may need, and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have the right to acquire a title in fee-simple to the same by the process of condemnation in the manner prescribed in chapter ninety-nine of Battle's Revisal: *Provided*, that such condemnation shall not exceed one hundred feet in width along the line of said railroad and one acre for each depot station.

Condemnation of
land.

Proviso.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 53S.

An act to widen the public road from Asheville to a point two (2) miles south of Biltmore.

The General Assembly of North Carolina do enact :

Commissioners of Buncombe directed, upon petition, to have road surveyed, widened, &c.

SECTION 1. That the board of county commissioners of Buncombe county shall have the authority and they are hereby directed upon the petition of a majority of the property owners whose property abuts on the road within the limits hereinafter designated, to have surveyed, widened and straightened that portion of the public road formerly known as the Buncombe Turnpike, from a point at or near W. W. McDowell's, the southern line of the city of Asheville, to a point about two miles south of the Swanannoa iron bridge, known as the Stevens' place: *Provided*, that the width shall not exceed seventy feet: *And provided further*, that any portion of said road between said points shall be so fixed, if it is deemed necessary to shorten the line, and in that case the petition shall only be for the distance so intended to be improved. That said road may be widened and improved as may be deemed best as hereinafter designated, and to this end a part or the whole may be macadamized in such way and of such material as the commissioners hereinafter appointed may direct.

Width of road.

Work on portion of road.

Macadamizing.

Commissioners to appoint jury to examine road.

SEC. 2. That in order to carry out the provisions of this act it shall be the duty of said commissioners, upon the presentation of the petition, to put a jury of six freeholders on said road who shall carefully inspect the same, after first taking an oath to faithfully discharge their duty before some officer lawfully authorized to administer oaths, and who shall assess the damages and benefits specially and otherwise which any property owner shall sustain, shall widen and stake off said road: *Provided*, that each party affected shall have at least ten days' notice of the time of such assessment: *And provided further*, that no benefits shall exceed the damages.

Oath.

Duties.

Notice to parties affected.

Benefits not to exceed damages. Report of jury.

SEC. 3. That the jury shall report to the commissioners their finding, and if any damages are awarded provisions shall be made to pay the same, or deposit the amount with the clerk of the superior court of Buncombe county. If the report of the jury shall be affirmed then the title of the land condemned as set forth in the report shall vest in the county of Buncombe to be used for public road purposes: *Provided*, any one who may desire shall have the right to appeal to the superior court of Buncombe county, but such appeal shall in no way affect the work of widening and improving the road but shall only be on the question of damages and the settlement of the amount thereof.

Payment of damages. Title.

Right of appeal.

Commissioners to appoint committee to supervise work.

SEC. 4. That when the commissioners shall be satisfied that an amount sufficient to widen and improve said road has been sub-

scribed and paid, they shall appoint a committee of three who shall have full and complete control of said improvement. They shall have power to employ such help as may be necessary, fix their compensation, make contracts, designate the material used and the width of the road and how the road shall be built, and do any and all things necessary to carry out the spirit of this act: *Provided*, that nothing herein contained shall be construed to release the towns of Kenilworth and Victory [Victoria] from fixing that portion of said road as designated in an act passed by this general assembly and known as "An act to repeal the Buncombe Turnpike," but that whenever the word "forty" occurs in said act it shall be construed to read "not to exceed seventy," the intention being to authorize a road not to exceed seventy feet wide and not forty feet as therein contained: *And provided further*, that nothing herein contained shall affect the right of way of the Biltmore and Asheville Street Railway Company: *And provided further*, that this act is intended to allow a subscription to [for] the better improve[ment], and to be supplemental to the amount to be levied and collected for Kenilworth and Victoria and a fund to improve that part of the road beyond Biltmore.

SEC. 6. That said road when completed shall be a public highway and shall be kept up by the towns of Kenilworth and Victory [Victoria] from the city line to the bridge at Biltmore, and by the county of Buncombe south of that point.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 539.

An act to prohibit hunting without permission in Camden county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt with dogs, guns or torchlight upon any lands in Camden county, North Carolina, without having permission from the owner of the said lands or his tenants.

SEC. 2. That this act shall not apply to fox and buck hunting, and only to Camden county.

SEC. 3. That every person violating this act shall be deemed guilty of a misdemeanor, and fined not less than five dollars nor more than ten dollars or imprisonment [not] more than thirty days.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 540.

An act to renew and extend the charter of the Petersburg Railroad Company.

The General Assembly of North Carolina do enact :

Charter of Petersburg R. R. Co. extended for two years.

SECTION 1. That the charter of incorporation granted to the Petersburg Railroad Company by an act passed at the general assembly of North Carolina at the session of one thousand eight hundred and thirty, entitled "An act to enact, with sundry alterations and additions, an act entitled an act to incorporate the Petersburg Railroad Company," passed by the general assembly of Virginia on the tenth day of February, one thousand eight hundred and thirty, is hereby extended and renewed, subject to the exceptions and provisions hereinafter recited and enacted. This corporation shall not continue under this act for more than two years.

Corporate powers.

SEC. 2. That the said Petersburg Railroad Company shall have, enjoy and exercise for not more than two years under this charter all the rights, powers, privileges and franchise given to the said company, its president, directors and stockholders by the aforesaid act passed by the general assembly of North Carolina at its session of one thousand eight hundred and thirty, entitled as aforesaid, "An act to enact, with sundry alterations and additions, an act entitled an act to incorporate the Petersburg Railroad Company," passed by the legislature of Virginia on the tenth day of February, one thousand eight hundred and thirty, together with all other such rights, powers, privileges and franchises as may have been heretofore given to the said company by any acts of the general assembly of North Carolina amendatory to said act or in relation to the said Petersburg Railroad Company, so that the said corporation shall continue to exercise the corporate powers granted by the said charter of incorporation, or any amendments thereto, for two years, anything in the said charter of incorporation or of any amendments thereto or in the laws of this state, to the contrary notwithstanding : *Provided, however,* that nothing in this act contained is to be construed as exempting the stock, property or assets of said company from taxation : *And provided further,* that the provision in the said charter of incorporation contained in section seventeen of the charter of incorporation passed by the general assembly of Virginia, as recited in said act, in the following words, to-wit, "and shall be exempt from any public charge or tax whatsoever," is specially excepted from the provisions and operations of this act, and this act is passed and the said charter of incorporation is hereby extended upon the condition that at all times hereafter the stock, property, franchise, assets and estate of every kind of the said Petersburg Railroad Company in this state shall be subject to

No exemption from taxation.

taxation under the laws of this state, the same as that of an individual or of any other railroad or corporation in this state.

SEC. 3. The said Petersburg Railroad Company shall be subject to all the restrictions imposed by the general laws of this state, and to all the privileges given by the same, as to railroad companies or other corporations, anything in its charter of incorporation to the contrary notwithstanding: *Provided*, that this charter is granted and accepted upon the express condition and understanding that if said Petersburg Railroad Company shall fail to begin within twelve (12) months and complete within twenty-four months the rebuilding of the Greenville and Roanoke Railroad from the junction at Summit in Northampton county, which was chartered in one thousand eight hundred and thirty-three, then the said Petersburg Railroad Company is to relinquish and forfeit all right or claim to the franchise, right-of-way, road-bed and other appurtenances attached thereto of the said Greenville and Roanoke Railroad Company, and any person or corporation shall be at liberty, so far as the said Petersburg Railroad Company is concerned, to construct, build and operate a railroad in the old road-bed of said Greenville and Roanoke Railroad Company.

To be subject to restrictions, &c.

Forfeiture of rights, &c., in case of failure to rebuild Greenville and Roanoke R. R.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 541.

An act to amend sections two hundred and ninety-one and four hundred and forty-seven of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section two hundred and ninety-one of The Code of North Carolina be amended by adding at end of subsection one the following words, to-wit, "real or personal."

Code, section 291, amended. Arrest and bail in action for injury or wrongfully taking, detaining or converting property, real or personal. Section 47 amended. Execution against the person.

SEC. 2. That section four hundred and forty-seven of The Code of North Carolina be amended by adding at end thereof the following, to-wit, "whether such statement of facts be necessary to the course of action or not."

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 542.

An act to prohibit the hunting of opossums between the first day of February and the first day of October in each year.

The General Assembly of North Carolina do enact :

Unlawful in certain counties to hunt, &c., opossums between Feb. 1 and Oct. 1.

Misdemeanor.

SECTION 1. That no person in Franklin, Wake, Northampton, Davidson, Chatham, Durham, Moore, Rockingham, Gaston, Stokes, Wayne, Mecklenburg, Vance and Rutherford counties shall hunt with dog or shall kill or destroy any opossum between the first day of February and the first day of October in each year, and the person so offending shall be guilty of a misdemeanor and fined not exceeding ten dollars for each offence.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 543.

An act to provide for the improvement and maintenance of a portion of the road known as the Hendersonville road in Buncombe county.

The General Assembly of North Carolina do enact :

Commissioners of Buncombe directed to improve, &c., part of Hendersonville road.

SECTION 1. [That] the county commissioners of the county of Buncombe are hereby authorized, empowered and directed to improve, maintain and keep in repair as hereinafter provided so much of the public highway leading from the city of Asheville in Buncombe county to the town of Hendersonville in Henderson county, which highway is known as the Hendersonville road or old Buncombe turnpike, as lies between the southerly boundary line of said city of Asheville and a point one thousand feet south of the Swannanoa river.

Commissioners to determine amount necessary and borrow the same.

SEC. 2. The said board of county commissioners, within sixty days after the ratification of this act, shall, by resolution duly entered upon their minutes, estimate and determine what sum of money will be required to improve that portion of said Hendersonville road hereby directed to be improved. They are hereby authorized and directed to borrow such sum of money thus determined upon as needed for such improvement on the credit of the county, which sum so borrowed shall not, however, exceed fifteen thousand dollars, and said board of county commissioners shall prescribe by resolution the form of obligation to be issued on such loan and the time or times

Form of obligation, &c.

and the place of payment of the same, the time not to exceed ten years from the date of the obligations, and shall also prescribe the rate of interest to be paid thereon, not to exceed six per centum per annum, which may be made payable in half-yearly instalments. The chairman of the board of county commissioners shall, in his official capacity, sign said obligations and the same shall be countersigned by the register of deeds of said county, who shall affix thereto the seal of said county. Each of said obligations shall have stated in the same that it is issued in accordance with the provisions of this act. The said board of county commissioners shall promptly dispose of the bonds issued as aforesaid in public competition, upon due notice to be published in two newspapers published in said county for at least three weeks prior to the sale thereof, for not less than the par value thereof, and shall pay the proceeds thereof to the treasurer of said county, and the said treasurer shall immediately deposit the same in some bank in the city of Asheville, which deposit shall be entered and designated "The Hendersonville road repair fund," and shall not be drawn out or used for any other purpose than the improvement and repair of said roads as directed by this act.

How executed.

How disposed of.

Disposition of proceeds.

SEC. 3. For the purpose of raising funds for the retirement and payment of said bonds herein above directed to be issued as the same respectively become due, the territory bounded on the north by the southerly line of the city of Asheville, on the west by a line parallel to said Hendersonville road and three-quarters of a mile distant westerly therefrom, on the east by a line parallel to said Hendersonville road and three-quarters of a mile distant easterly therefrom, and on the south by the Swannanoa river, and also the territory bounded on the north by the Swannanoa river, on the south by a line running due east and west and distant two miles south of the Swannanoa river at the bridge crossing the same at said Hendersonville road, and on the east by a line parallel to said road and one-half mile distant easterly therefrom, and on the west by a line parallel to said road and one-half mile distant westerly therefrom, is hereby constituted an assessment district, which district it is hereby declared will be specially benefited by the improvement and maintenance of that portion of said road hereby directed to be improved and maintained.

Assessment district.

SEC. 4. Immediately upon the sale of the bonds as herein above directed, the county commissioners of said county of Buncombe are hereby authorized, empowered and directed to make an assessment roll in which shall be set down as accurately as possible the names of the owners of the real estate within the assessment district as above created, and the number of acres in said district owned by them respectively, together with the valuations of the parcels of land respectively, together with the valuations of the parcels of lands respectively owned by them, as such valuations shall appear upon the next list of assessed valuations hereafter to be made during the

Commissioners to make assessment roll.

- Assessment, how made. present year for the purpose of taxation, or at the same rate as such valuations shall appear upon such list. The said county commissioners shall thereupon assess and charge the sum of money determined to be raised as provided in the second section of this act against the real estate comprised within the limits of said assessment district pro rata according to the valuations of the lands within such district, to be set forth in said assessment roll as hereinbefore provided. And the said assessment roll shall be so made out, and the sums so charged and assessed shall be so set down therein in an appropriate column as to show the special tract of land against which each of the said sums is so assessed, and also the name of the owner of such tract. A majority of said county commissioners shall thereupon sign a certificate at the end of said assessment roll stating that the same is made pursuant to the provisions of this act, and shall deposit a copy thereof in the office of the register of deeds of Buncombe county. Such assessment roll shall be made at a regular or special meeting of said county commissioners after public advertisement for a week that such assessment will be considered at such meeting, at which meeting an opportunity to be heard shall be afforded any person who may desire to be heard in regard to the making of such assessment.
- Certificate.
- Assessment, when made.
- Lien of assessment. SEC. 5. Upon said assessment roll being made by said county commissioners as aforesaid it is hereby declared that the sums respectively charged against the several parcels of land set forth in said assessment roll shall immediately become and be liens upon said premises prior and superior to all other liens thereon, excepting the lien of any unpaid tax or taxes. The said assessment shall become and be due and payable in ten equal annual instalments, the first of such instalments shall become and be due and payable to said county commissioners upon the date of the making of said assessment roll, and upon the same date in each year thereafter another of said instalments shall become and be due and payable until all of them shall have become due. The collection of such assessment and of each instalment thereof as the same becomes due and payable may be enforced in the same manner as is provided by law for the collection of the ordinary annual taxes. It shall be lawful for any person whose land is assessed under the provisions of this act to at any time pay the whole of the amount remaining unpaid of the assessment against his said land.
- Assessment, when payable.
- Collection.
- Interest. SEC. 6. In case of default of the payment on or before the day whereon the same becomes due and payable of any instalment of such assessment, interest on the same shall be charged and collected by said county commissioners at the rate of ten per centum per annum to be computed from the date when such instalment shall become due, and the collection of such interest shall be enforced in the same manner as the collection of the sums assessed against said

parcels of land as hereinbefore provided, and such interest in addition to the principal of such assessment shall in like manner be a lien upon the land against which the same shall be assessed as hereinbefore provided.

SEC. 7. The said county commissioners shall immediately upon the receipt of the proceeds of the sale of said bonds proceed to improve and repair that portion of said Hendersonville road hereinbefore directed to be improved and repaired in the manner and with the material required by the provisions and regulations of this act, and shall thereafter in like manner keep said road constantly in good repair and condition. All of such improvements and repairs, except in so far as relates to the services of an engineer, shall be made under and in pursuance of written contracts to the lowest bidder, upon bids called for by notice and advertisement in two newspapers published in the city of Asheville in said county for at least three weeks prior to the making such contract, which notice shall call for sealed bids, which shall be publicly opened by said commissioners at the same time, which bids are to be made in accordance with the terms and specifications which, with the provisions of the contracts and the security offered by contractors, shall be approved by said county commissioners and by the engineer hereinafter referred to before such contracts shall be finally awarded and executed.

Improvement,
&c., of road.

Contracts for
improvements,
how made.

SEC. 8. The improvements and repairs to be made upon the road aforesaid shall be done under the supervision of a competent civil engineer, who shall be appointed by said commissioners, and who can only be removed by a vote of four-fifths of all [of] said commissioners. Such engineer shall be consulted in the preparation of specifications and contracts for such work, shall require such improvements and repairs to be made in conformity to the provisions of this act, and of the contracts therefor, and shall certify from time to time to the said county commissioners as to the character and progress of the work being done, and do such other professional work as shall be imposed upon him by said county commissioners or by the contracts for such improvements and repairs, and shall be paid for his services such reasonable compensation as shall have been previously agreed upon between him and them.

Improvements to
be made under
supervision of
civil engineer.

Duties of en-
gineer.

SEC. 9. The following regulations shall govern all improvements and repairs to the said Hendersonville road under the provisions of this act :

Regulations
governing im-
provements, &c.

First. The engineer to be employed by said county commissioners shall, before any work shall be done upon said road, carefully survey that portion thereof hereinbefore directed to be improved, laying off the same at a width of seventy feet, and shall make a map of said road showing the said road as it now exists, and also the several parcels of land which it is proposed to take into said road for the purpose of widening the same to the full width of seventy feet as

above provided. Said engineer shall also make a profile map showing the changes in the grades of said road which said county commissioners shall determine to make.

Second. In case the person or persons owning any of the tracts which shall be shown upon the plan of said road above referred to as parcels intended to be added to and embraced within the limits of said road do not voluntarily cede the same to the said county commissioners of Buncombe and dedicate such parcels to the use of the public as part of said road or highway, the said county commissioners shall be and they are hereby authorized, empowered and directed forthwith upon such refusal or refusals to institute proceedings to obtain such parcels of land by right of eminent domain in the same manner as said county commissioners are now authorized by law to proceed to acquire lands for opening public highways in said county; the awards for damages in such proceedings to the owner or owners of the parcel or parcels to be so included within the limits of said roads as hereinbefore provided shall be paid by said county commissioners out of the funds to be raised as hereinafter provided.

Third. In addition to the widening and draining of such road as widened such improvement shall embrace and include the making of a macadamized road-bed or wagon-way which shall extend along the whole length of that part of said road hereby directed to be improved to the width of at least one rod and the depth of at least eight inches.

Fourth. No material other than stone shall be used in making such macadamized part of said road.

Fifth. So much of the said road-bed or wagon-way as shall be thus improved or repaired with broken stone shall have placed upon the same a foundation course or layer of granite or other equally hard stone not less than four inches thick, of stone not less than two and one-half inches in diameter or of the size commonly known as two and one-half inch stone, the uppermost layer or covering shall be not less than two inches thick and shall consist of granite dust known as screenings, and the same shall be applied under the pressure of a roller of not less than two tons weight.

Sixth. Said road-bed and wagon-way thus repaired shall be shaped or crowned with a sufficient and continuous rise of at least one-half inch to the foot from the sides to the centre thereof and be so constantly kept and maintained.

SEC. 10. No horse railway, electric or other railway shall under any circumstances be allowed to be constructed or operated upon such portion of said road as shall be so macadamized, nor shall the same be constructed or operated upon any other portion of said highway unless the same shall be constructed with a flat or ground rail, and in case of horse railways paved between the tracks in the manner prescribed by the county commissioners in the resolution authorizing the same, and the same constantly maintained in good

No horse railway, &c., on macadamized portion.

How constructed on other portions

order by said railroad company, and the railroad or corporation constructing the same shall agree thereto, and it shall be the duty of said commissioners to require from said railroad or corporation or other person a bond with sufficient sureties as a guarantee and condition for the performance of their agreement, and said commissioners may from time to time require such bonds to be renewed in case the sureties, or any of them, in its judgment shall become insufficient.

SEC. 11. Whenever it shall be necessary to lay water or gas mains, or construct sewers or other public improvements or to make connection therewith through or upon said improved portion of said road or any part thereof which shall require the digging up of or interference with the said road-bed, or any part thereof, in addition to the consent or authority required under existing laws for the same it shall be necessary to obtain the consent of said commissioners. The said road and road-bed shall in each case be promptly restored to its former condition, and the same shall be done subject to the approval of the supervising engineer, or some engineer appointed to supervise such work, at the expense of the person, incorporation or municipal authority at whose request such work may be done, and the amount thereof may be recovered in default of payment by the said county commissioners, and before granting their consent said commissioners shall require such a deposit to be made by the person or corporation applying for such consent as shall be sufficient to restore said road-bed to a perfect state, and upon the failure of said person or corporation to so restore the same, after being notified so to do, the said county commissioners may cause said road to be restored to a perfect state and pay the expense thereof from the deposit so to be made with them as aforesaid.

Water and gas
mains and sew-
ers, how con-
structed on road.

SEC. 12. Said county commissioners shall, for the purpose of improving and maintaining such part of said Hendersonville road as is hereby directed to be improved and maintained, have full and exclusive control thereof so far as may be necessary only for the purpose of improving and maintaining the road-bed thereof as a road for carriages or other vehicles, and for any other purpose said road shall remain and be subject to the authority, control and jurisdiction of the local authorities to which the same may belong.

Control of road.

SEC. 13. When the improvements contemplated by this act shall be completed, such board shall constantly maintain that portion of said road hereby directed to be improved in good order, and shall pay the expense of so maintaining the same, and also any interest on said bonds not provided for by said assessment for [from] the regular annual taxes for said county.

How road to be
kept in order, &c.

SEC. 14. All action taken in violation or disregard of the provisions hereof, and any failure to observe the provisions hereof, shall be deemed unlawful, and any officer or person who shall participate in

Violation of this
act a misde-
meanor, &c.

such action shall be guilty of a misdemeanor and shall upon conviction, in addition to punishment provided by law for a misdemeanor, be adjudged to pay to the treasurer of said county a fine of five hundred dollars.

Conflicting acts repealed.

SEC. 15. Nothing in any general or special act for the organization of any city or town or relating thereto, or any other act whatsoever, shall be construed to prevent the carrying out of the provisions of this act, and any such act, so far as the same is contrary to the provisions of this act, is hereby repealed.

Act mandatory on commissioners of Buncombe.

SEC. 16. The provisions of this act are intended to be mandatory upon the said county commissioners.

SEC. 17. This act shall take effect from the date of its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 544.

An act to suspend the operation of chapter forty-nine of The Code of North Carolina in certain cases and repeal certain provisions of other acts.

The General Assembly of North Carolina do enact :

Unlawful to form a company under Code, section 49, to construct railroad connecting the W. and W. R. R. with Virginia state line.

SECTION 1. That no person, persons or corporation shall have the power to form a company under the provisions of chapter forty-nine of The Code of North Carolina for the purpose or with the power to construct any railroad that will connect the Wilmington and Weldon Railroad at any point on the line of said road with the line of the state of Virginia at any point on said state line between the point where it is crossed by the Blackwater river and the point where the railway extending from Oxford in North Carolina to Clarksville in Virginia crosses said line, and any power heretofore given to said Wilmington and Weldon Railroad Company or to any of its branches to connect with said state line between the points where said river and railroad cross it is hereby revoked, and any acts granting such power are to that extent modified and repealed.

Revocation of powers heretofore granted W. & W. R. R. Co.

Other companies prohibited from building connecting road.

SEC. 2. That no company already formed and organized under the provisions of said chapter forty-nine of The Code, nor any company acting by virtue of any power granted by any act of the general assembly of North Carolina passed since the year one thousand eight hundred and sixty-eight, shall have authority to build any railroad that will directly or indirectly connect said Wilmington and Weldon Railroad Company with the state line of the state of Virginia between

said points, and so much of any existing charter as empowers any person or corporation to establish such connection by building a line or lines of railroad, is hereby repealed. Authority in existing charters repealed.

SEC. 3. That it shall be the duty of the attorney general to institute proper proceedings to dissolve any corporation that may attempt to violate the provisions of this act. Duty of attorney general.

SEC. 4. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 545.

An act to include Anson county in the opossum law.

The General Assembly of North Carolina do enact :

SECTION 1. That Anson county is included in the opossum bill passed by this general assembly of one thousand eight hundred and ninety and one thousand eight hundred and ninety-one. Anson county included in opossum law; chapter 542, ante.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 546.

An act to prohibit the manufacture and sale of spirituous liquors within three miles of "Clyde Academy" in Haywood county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to manufacture, sell or give away any spirituous, vinous or malt liquors within three miles of Clyde Academy in Haywood county. Unlawful to sell, &c., liquor within three miles of Clyde Academy, Haywood county Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 547.

An act to incorporate the North Carolina, Cleveland, Chattanooga and Dayton Railroad.*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That A. A. Campbell, J. F. Robinson, F. P. Axley, R. L. Cooper, Gilbert Brandreth, L. E. Campbell of the county of Cherokee; W. H. McLure, G. W. Sanderson, I. S. Bell of Clay county, North Carolina; E. M. Kilpatrick, I. J. Stamper and J. G. Parks of Polk county, Tennessee, and E. T. Manning of New Orleans, Louisiana, their associates, successors or assigns, are hereby created a body politic and corporate under the name and style of "The North

Corporate name.

Carolina, Cleveland, Chattanooga and Dayton Railroad Company," for the purpose of constructing a main line of railroad with one or more tracks, standard gauge, from some point to be designated by the company on the boundary line between the states of North Carolina and Tennessee, by the town of Murphy in Cherokee county, North Carolina, and thence up the Hiawassee river to the town of Hayesville in Clay county, North Carolina, thence up the Hiawassee river or some of its tributaries to the Georgia state line, with a power to

Termini and route.

build a branch line from the town of Murphy to the Tennessee state line near Ducktown copper mines, and to operate the same as constructed. The capital stock of said company shall be one million

Capital stock.

dollars, with the privilege of increasing the same to five millions; that said corporation shall have an existence for a term of thirty years, and by its name may sue and be sued, and shall be capable of purchasing and holding, leasing and conveying real estate, real, personal and mixed, and assign the same by gift or devise so far as may be necessary for the purpose herein contemplated, and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution of [and] the laws of North Carolina and the United States. The officers of the said corporation are further empowered and authorized to make contracts with any person or association for the construction of the whole line or any part thereof, such part or the whole sum thereof being taken in stock and bonds of the company, and for the accomplishment of this end the said corporation may authorize, and its agents or officials execute, a mortgage and issue bonds on the main line and branches as may be determined to be constructed at a rate not exceeding twenty-five thousand dollars of first mortgage bonds to the mile of road determined to be built.

Corporate existence.
Corporate powers.

Subscriptions to stock.

SEC. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal and other corporations in shares of the value of one hundred dollars each.

SEC. 3. That books of subscription to the capital stock of said company may be opened by the following commissioners, to-wit: At Murphy, North Carolina, by A. A. Campbell, R. L. Cooper, J. P. Robinson; at Hayesville, by W. H. McLure, G. W. Sanderson and J. S. Bell, and by such other persons and at such other places as they or a majority of them may direct, and that twenty days' notice of the opening of said books shall be given in one or more newspapers; and furthermore, that the said commissioners, or any three of them, may at any time after the books have been kept open for thirty days, and the sum of fifty thousand dollars has been subscribed to the capital stock of said company and five per cent. paid thereon, have the power to call together the subscribers to said stock for the purpose of completing the organization of said company, and the said subscribers shall be and are hereby incorporated into a company by the name and style of "The North Carolina, Cleveland, Chattanooga and Dayton Railroad Company."

Books of subscription.

Organization.

SEC. 4. That said company may hold annual meetings of the stockholders and oftener if necessary, and at its organization and annual meetings subsequent thereto 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 stockholders a majority of the stock is represented in person or by proxy, which said proxy shall be verified in the manner prescribed by the by-laws of the company, and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their members as president of the board, and to fill all vacancies in the board.

Stockholders' meetings.

Proviso.

SEC. 5. 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 railroad from and to the points indicated in section one of this act, to be fixed by them; that said company shall have the right of conveyance or transportation of persons, goods, merchandise and produce on the line of said railroad to be by them constructed, at such charges as may be fixed by the railroad commission of North Carolina; that said company may assign or lease their franchises or their rights of transportation on said road to any person or persons or corporation.

Construction of road.

Corporate powers.

SEC. 6. That said company shall have the power to use and enforce the payment of stock subscribed as was heretofore granted to the North Carolina Railroad Company by the charter of incorporation, and shall have power to condemn land for the use of the company when a contract of purchase cannot be made with the owners thereof, as provided in The Code of North Carolina.

Enforcement of payment of stock

Condemnation of land.

Contracts made
by president, &c.

SEC. 7. That all contracts made and entered into by the president or superintendent by and with the consent of a majority of the directors of the company, either with or without seal, shall be binding upon said company, and the president, under the instructions of the board of directors, [shall] issue certificates of stock to stockholders which shall be transferable by the by-laws of the company.

Certificates of
stock.

Consolidation
with other roads.

SEC. 8. That after the organization of said company as provided in section three of this act, a majority of said corporators, in order to complete said railroad to the point or points mentioned in section one, may consolidate with any railroad in the state of Tennessee now constructed, or company now or hereafter chartered to construct a railroad from any town, city or point on any river or railroad to the boundary line of the states of North Carolina and Tennessee, or the same from any point in the states of Georgia or South Carolina, to boundary of said states with North Carolina, upon such terms and conditions as will assure the completion of said railroad to the points herein mentioned, and place the same under one government and management. That the company incorporated under this act shall not occupy or enter upon the located line of any other railroad company chartered by the general assembly of North Carolina, or any right-of-way which has been deeded to the same, which has been organized and has expended money for surveys, without the consent of a majority of the stock in that company expressed in a resolution for that purpose.

Not to enter on
located lines of
other roads, &c.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 548.

An act to appoint magistrates in Chinquapin township, Jones county.

Preamble.

WHEREAS, a new township called Chinquapin has been created in Jones county since the passage of the act appointing justices of the peace,

The General Assembly of North Carolina do enact :

Justices of the
peace for Chin-
quapin township,
Jones county.

SECTION 1. That Marcus E. Haskin, John A. Kinsy, John Q. Barden, Zachariah T. Koonce, James D. Barden be and are hereby appointed justices of the peace for Chinquapin township, Jones county, for two years from the first day of March, one thousand eight hundred and ninety-one.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 549.

An act to establish an agricultural and mechanical college for the colored race.

The General Assembly of North Carolina do enact :

SECTION. 1. That a college of agriculture and mechanical arts be and the same is hereby established for the colored race, to be located at some eligible site within this state, to be hereafter selected by the board of trustees hereinafter provided for.

College of agriculture and mechanical arts for colored race established.

SEC. 2. That the said institution shall be denominated "The Agricultural and Mechanical College for the Colored Race."

Name.

SEC. 3. That the leading object of the institution shall be to teach practical agriculture and the mechanic arts and such branches of learning as relate thereto, not excluding academical and classical instruction.

Objects of college.

SEC. 4. That the management and control of the said college and the care and preservation of all of its property shall be vested in a board of trustees, who shall be selected by the general assembly at each term thereof, consisting of nine members, one from each of the several congressional districts of the state, three of whom shall be selected for a term of two years, three for four years and three for six years, and at the expiration of the term of each class their successors shall be elected for a term of six years. Any vacancy which may occur for any cause shall be filled by the governor for the unexpired term. That the said board shall elect one of their number to be the president of the board of trustees.

Board of trustees.

Vacancies.

SEC. 5. That the said board of trustees shall have power to prescribe rules for the management and preservation of good order and morals at the said college as are usually made in such institutions; shall have power to appoint its president, instructors, and as many other officers or servants as to them shall appear necessary and proper, and shall fix their salaries, and shall have charge of the disbursement of the funds, and have general and entire supervision of the establishment and maintenance of the said college, and the president and instructors in the said college by and with the consent of the said board of trustees shall have the power of conferring such certificates of proficiency or marks of merit and diplomas as are usually conferred by such colleges.

Powers of trustees.

SEC. 6. That the said board of trustees are empowered to receive any donation of property, real or personal, which may be made to the said College of Agriculture and Mechanic Arts, and shall have power to invest or expend the same for the benefit of said college, and shall have power to accept on behalf of this college such proportion of the fund granted by the congress of the United States to the state of North Carolina for industrial and agricultural training as is

Authority to receive donations, &c.

apportioned to the colored race, in accordance with the act or acts of congress in relation thereto.

Rules, &c.

SEC. 7. That in addition to the powers hereinbefore granted, the board of trustees shall have power to make such rules and regulations with respect to the admission of pupils to said college for the various congressional districts of this state as they may deem equitable and right, having due regard to the colored population thereof.

Trustees to receive propositions for location of college.

SEC. 8. For the purpose of locating the said college at some convenient and suitable site within the state, the said board of trustees are hereby authorized to receive propositions from the various localities of this state, and are hereby fully empowered to accept any proposition which to them may seem best for the interests of the state and for carrying out the purposes of this act according to the true intent and meaning thereof.

Trustees to receive deed before accepting location.

SEC. 9. That before the said board of trustees shall finally accept a proposition from any locality for the establishment of the said college thereat, they shall receive a deed in fee-simple absolute to them and their successors in office for all lands, buildings or structures donated as a consideration for the location of said college.

\$2,500 appropriated annually.

SEC. 10. That for the purpose of carrying out the provisions of this act the sum of twenty-five hundred dollars is hereby annually appropriated to the said college, and the treasurer of the state is hereby authorized and directed to pay the said amount out of any funds in the treasury not otherwise appropriated upon the warrant of the board of trustees or such other officer or officers as the said board may designate.

Temporary location of college.

SEC. 11. That until the site and buildings shall have been furnished for the location of the said college, the said board of trustees shall have power to make temporary provisions for the industrial and mechanical education of the colored youth of the state at some established institution of learning within the state, under such rules and regulations as they may prescribe.

Temporary arrangements.

SEC. 12. That until the site and buildings shall have been furnished for the location of the said college and the buildings shall be completed, the provisions which now or may be made by the trustees of the North Carolina College of Agriculture and Mechanic Arts with any present institution of learning in the state shall continue; but said trustees shall not have power to make any such arrangement for more than one year at a time, but when said buildings shall have been completed then the board of trustees of the Agricultural and Mechanical College for the Colored Race shall have all the rights, powers and privileges of the said board of trustees of the North Carolina College of Agriculture and Mechanic Arts over any and all funds which may belong or appertain to the colored race.

Powers of trustees after completion of buildings, &c.

Compensation of trustees.

SEC. 13. That the trustees of the said "The Agricultural and Mechanical College for the Colored Race" shall be entitled to the same

per diem and mileage as compensation for attendance upon the meetings of said board, as are now allowed by the law to the members of the general assembly.

SEC. 14. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 550.

An act authorizing the governor to negotiate with the governor of Virginia.

The General Assembly of North Carolina do enact :

SECTION 1. That the governor is hereby authorized to take such action and negotiations as in his judgment is necessary with the governor of Virginia to get the fish-ladder in the Dan river at Danville, Virginia, made effectual for the transit of fish above that limit in the Dan river and its tributaries.

Governor authorized to negotiate with governor of Virginia in regard to fish-ladder in Dan river.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 551.

An act to amend chapter one hundred and sixty-four, laws of eighteen hundred and eighty-nine, relative to the catching of diamond-back terrapins in Brunswick county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and sixty-four, laws of eighteen hundred and eighty-nine, be and the same is hereby amended so as to strike out in the third, fourth and fifth lines in section nine of said chapter the words "between the fifteenth day of April and the fifteenth day of August in each year, or any diamond-back terrapins at any time."

Chapter 164, laws 1889, amended.

Unlawful to catch diamond-back terrapins in Brunswick county under a certain size.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 552.

An act to authorize the repair of the court-house at Lumberton and to place vaults.*The General Assembly of North Carolina do enact :*

Commissioners of Robeson authorized to construct fire-proof vaults in court-house, &c.

SECTION 1. That the board of commissioners of Robeson county are hereby authorized to construct suitable vaults in the court-house at Lumberton, or to construct such addition or wing to said building in which to place vaults, as will effectually protect from fire or destruction the records, books, papers and writings of every kind belonging to the offices of the clerk of the superior court, register of deeds, treasurer, board of commissioners and board of education of said county, and are hereby invested with all necessary powers to carry out the objects of this act.

Authorized to repair and remodel court-house.

SEC. 2. That the said commissioners are further authorized and directed to repair and remodel said court-house in such way as to render it more convenient, fit and serviceable for the dispatch of the public business of the county.

Special tax.

SEC. 3. That in order to meet the expenses and charges that may be necessary under this act, said board of commissioners and board of magistrates are hereby authorized at their meeting on the first Monday in June, eighteen [hundred and] ninety-one, to levy and collect a special tax not exceeding ten cents on the one hundred dollars worth of taxable real and personal property and solvent credits of the county of Robeson and thirty cents on the poll, observing in such levy the equation between polls and property, said taxes to be collected and accounted for as other state and county taxes are collected and accounted for, and the said tax shall be applied to the objects of this act and no other.

Collection, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 553.

An act to allow Worth Bryson, a one-legged citizen of Jackson county, to peddle in the counties of Jackson and Haywood without paying license tax.*The General Assembly of North Carolina do enact :*

W. Bryson permitted to peddle in certain counties without license. Proviso.

SECTION 1. That Worth Bryson, a one-legged citizen of Jackson county, be and the same is hereby permitted to peddle in the counties of Jackson and Haywood without paying a license tax: *Provided*, nothing herein contained shall be construed to allow him to sell intoxicating spirits.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 554.

An act to protect fish in the waters of Tull's creek in Currituck county.*The General Assembly of North Carolina do enact :*

SECTION 1. That during the season for herring fishing it shall be unlawful for any person or persons to make on the waters of Tull's creek, Currituck county, any loud noise by threshing the waters with poles or otherwise for the purpose of driving said fish in their seines or nets. Unlawful during herring season to make noise on waters of Tull's creek, Currituck county.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not more than ten dollars or be imprisoned not more than ten days for each offence. Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 555.

An act relating to the bureau of immigration.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be the duty of the commissioner of agriculture, assisted by the clerk of the board of agriculture, to perform all the duties heretofore performed by the commissioner of immigration, and the commissioner shall be known as the commissioner of agriculture and immigration, and shall be allowed for said service one hundred and fifty dollars per annum out of any money in the treasury not otherwise appropriated. Duties of commissioner of immigration to be performed by commissioner of agriculture and clerk of board of agriculture. Compensation.

SEC. 2. That at its first meeting after the passage of this act the board of agriculture shall enforce this act by appropriate action. Board of agriculture to enforce this act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 556.

An act to prevent live stock from running at large in portions of the county of Franklin.*The General Assembly of North Carolina do enact :*

SECTION 1. It shall be unlawful for any live stock to run at large within [the] section of Franklin county embraced within the following boundaries, to-wit: Beginning at the corner of the present stock-law fence near Flat Rock church and running in an easterly direc- Unlawful for stock to run at large in certain section of Franklin county.

tion with Mrs. Kemp Perry's, Mrs. Wiggins' and the old Tharrington line to the new road, thence with the new road to the colored church and around the line of this church to the new road again, and thence along said [new road] till it strikes the present stock-law fence again.

Chapter 357, section 2, laws 1885, and certain sections of Code made part of this act.

SEC. 2. That section two, chapter three hundred and fifty-seven, laws [of] one thousand eight hundred and eighty-five, and sections two thousand eight hundred and seventeen, two thousand eight hundred and eighteen, two thousand eight hundred and nineteen, two thousand eight hundred and twenty, two thousand eight hundred and twenty-two and two thousand eight hundred and twenty-five of The Code are hereby declared incorporated into and made part of this act.

Law not to be enforced until fence built, &c.

SEC. 3. The stock law authorized by this chapter shall not be enforced until a fence shall have been erected around the territory proposed to be inclosed, with gates on all the public roads passing into and going out of said territory, the said fence to be built by the land-owners within the said territory; and for the purpose of building the same, the said land-owners are hereby authorized to use any of the old stock-law fence that will be dispensed with by the inclosing of the territory described in section one of this act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this act shall be and the same are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 557.

An act to amend chapter three hundred and eighteen, laws of one thousand eight hundred and eighty-nine, entitled an act to compel butchers to keep registration.

The General Assembly of North Carolina do enact :

Chapter 318, laws 18-9, amended. Butchers in Craven county to keep registration books for cattle, &c., purchased.

SECTION 1. That section three of said act be amended by adding at the end of said section the words "and Craven."

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 558.

An act to prohibit the sale of spirituous liquors.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of any spirituous liquors within two miles of Zion school-house in Madison county.

Unlawful to sell,
&c., liquor within
two miles of
Zion school-
house, Madison
county.
Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both in the discretion of the court.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 559.

An act to amend chapter two hundred and fifty-four, laws of one thousand eight hundred and eighty-nine, relative to a public school in the town of Littleton.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter two hundred and fifty four, laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by inserting "one and one-half miles" in lieu of "two and one-half miles" in line two, section one: *Provided*, that this act shall apply only to that part of the territory lying in the county of Warren.

Chapter 254, laws
1889, amended.
Boundaries of
"Littleton sup-
plemental public
school" district.
Proviso.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 560.

An act to create a new township in Johnston county.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township, to be known as Banner township, is hereby created and established in the county of Johnston out of parts of Elevation, Ingram's and Meadow townships, with boundaries as follows: Beginning in the Harnett county line, Pleasant Grove township corner, thence with said Pleasant Grove line to Black

Banner town-
ship, Johnston
county, estab-
lished.
Boundaries.

creek, thence [with] the meanders of said creek to Barber's bridge, thence to [in] a direct line to Parker's bridge across Hannah's creek, thence a direct line to Moore Woods' mill near his residence, thence a direct line to the Sampson county line at the ford across the mill creek near the head of Handy Barefoot's mill to the Sampson and Johnston county line, thence with said line to the line of Harnett county, thence with the Harnett and Johnston county line to the beginning.

Voting precinct.

SEC. 2. That the voting precinct of said township shall be at Benson, North Carolina.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 561.

An act to amend chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five in relation to holding certain courts in the twelfth judicial district.

The General Assembly of North Carolina do enact :

Chapter 180, laws
1885, amended.

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, under the head of "twelfth district," on page three hundred and forty-one of said laws, be and the same is hereby amended as follows :

Cherokee superior
court, when held.

Cherokee.—Eleventh Monday after the first Monday in March, to continue two weeks; sixth Monday after the first Monday in September, to continue one week.

Graham superior
court, when held.

Graham.—Thirteenth Monday after the first Monday in March; seventh Monday after the first Monday in September.

Swain superior
court, when held.

Swain.—Fourteenth Monday after the first Monday in March; eighth Monday after the first Monday in September, the last term to continue two weeks.

Conflicting laws
repealed.

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

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 562.

An act to incorporate the "Tarboro School Board."

The General Assembly of North Carolina do enact :

SECTION 1. That W. S. Clark, S. S. Nash, O. C. Farror, N. M. Lawrence, M. L. Hussey, Thomas Ruffin, F. S. Royster, David Lichtenstein, Henry Morris, S. E. Speight, George Mathewson and Victor E. Howard, their associates and successors, are hereby created a body politic and corporate under the name and style of "The Tarboro School Board," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise, real and personal estate, and hold, exchange or sell the same, and to do all acts necessary for its perpetual succession, the maintenance of the graded school in Tarboro for white, and the graded school in Princeville for colored children, and the supervision of the public schools in district number one in Edgecombe county, and to that end may pass such by-laws and make such rules and regulations as to the number of corporators, the officers and their duties, the mode of filling vacancies, the care and disbursement of funds, and all other necessary matters as may not be inconsistent with the constitution of the state or the United States.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That all the powers, duties and privileges now devolved upon the school committeemen of said district shall be exercised by said "The Tarboro School Board," and all funds now in hand, or that hereafter may be collected, for public schools in said district shall be paid over to said "board," and the appointment, removal, compensation and general control of the teachers shall be regulated by it.

Powers of school committeemen to be exercised by "Tarboro School Board."

SEC. 3. The said board may deposit its funds with the Pamlico Insurance and Banking Company with a guarantee of safe-keeping from its directory, or with any treasurer whom it may appoint on giving a justified bond with at least two good sureties, and under its powers may make all necessary rules as to payments and vouchers.

Funds where deposited.

SEC. 4. The corporation shall have a seal, and all deeds made by the corporation shall be signed by the president and secretary and have the corporate seal affixed. All other contracts shall be entered into and be executed as the corporation may prescribe.

Execution of deeds.

SEC. 5. All funds arising from taxation shall be expended as shall be just to both races and all the schools in the district. Donations to the corporation shall be expended as directed by the donors.

Expenditure of school fund.

SEC. 6. The school reports required by law shall be regularly made to the county superintendent and duplicate thereof filed with the corporation.

School reports.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 563.

An act to prevent the obstruction of a certain portion of Scuppernong river, beginning at Spruill's bridge and extending to Phelps' bridge in Washington county.

The General Assembly of North Carolina do enact :

Unlawful to obstruct Scuppernong river, Washington county, between certain points.

SECTION 1. That it shall be unlawful for any person or persons, company or companies to put in the water of Scuppernong river situated in Washington county, beginning at Spruill's bridge and extending up the river to Phelps' bridge, any mill-logs or timber of any kind ; that every person or persons, company or companies who may [are] now or who may hereafter become engaged in said lumber business, shall first be required to have a brand bearing the initials of said person or persons, company or companies ; that they shall be required to stamp all logs and timber before putting it in said river. All persons who may be required to keep said brand shall be required, before using the same, to have it recorded in the register of deeds' office of Washington county, who shall receive as his fee twenty-five cents for each brand recorded.

Lumber dealers to have brand, &c.

Brand to be recorded.

Duty of lumber dealers.

SEC. 2. That every person or persons, company or companies who are now or who may hereafter become engaged in said lumber business, who shall hereafter put in the water as named in section one any logs or timber the said [logs or timber] shall not be allowed to remain in said river as above named for a longer time than thirty days ; that all persons who may be in any way engaged in said lumber business as mentioned in this act, or may hereafter become engaged in the same, having logs to sink shall be required to take the same up and move them from said portion of the river referred to in section one within three days after the same is [are] sunk.

Misdemeanor.

SEC. 3. That every person or persons, company or companies who may violate any part of this act shall for every offence be deemed guilty of a misdemeanor, and upon conviction be subject to a fine not to exceed fifty dollars nor imprisoned not to exceed thirty days or both in the discretion of the court.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 564.

An act to incorporate the Lower Creek and Linville Valley Transportation Company.

The General Assembly of North Carolina do enact :

SECTION 1. That John M. Hock, George E. Stone, James H. Kays, and their associates and successors, are hereby constituted a body politic, and corporate under the name and style of "The Lower Creek and Linville Valley Transportation Company," and as such may sue and be sued, plead and be impleaded, and shall be subject to all laws of North Carolina relating to corporations that are not inconsistent with this act. That the said company may elect such officers and enact such by-laws as may be necessary for the government and operation of said company and the management of its affairs.

SEC. 2. That the business of said company shall be the construction and operation of such railways, tram-ways, roadways and cart-ways as may be necessary for the transportation of lumber and other merchandise between the town of Lenoir in Caldwell county, North Carolina, and Cranberry Forge in Mitchell county, North Carolina, and between other intermediate points by branch roads to the head of Mulberry creek, Jonh's river, Upper creek, and such other streams as may be crossed by said main line from Lenoir to Cranberry.

SEC. 3. That for the purpose of carrying out the provisions of this act, and to facilitate the construction of said railways, tram-ways, roadways and cart-ways, they may whenever the right-of-way cannot be purchased, or the said company and the owners of such land as they may wish to occupy with said railways, tram-ways and cart-ways cannot agree on the price of said right-of-way over said land, then it shall be the duty of the sheriff upon the application of the superintendent of the road to summons five disinterested freeholders, who shall meet and hear both sides and view the premises and assess the damages, and upon the payment, or tender of payment, of the damages assessed by said five freeholders the said company may enter upon said land for the purpose of constructing and operating said ways or any of them, and the title to said roadway shall vest in said company during its corporate existence; that in assessing the aforesaid damages, the said five freeholders may deduct from said damages any amount the land owners may be benefited by the construction of said railways, tram-ways, roadways or cart-ways; that the expenses of their assessment shall be paid by said Lower Creek and Linville Valley Transportation Company.

SEC. 4. That the said company shall not be compelled to transport passengers over such of their roads as may be laid with wooden rails, but shall receive and transport as common carriers such lumber

Body politic.

Corporate name

Corporate powers.

Officers, &c.

Business of company.

Termini.

Condemnation of land.

Transportation of lumber, &c.

and other merchandise as may be tendered, and at a price to be fixed by the officers of said company, and on such roads as they may lay with iron or steel rails they shall transport passengers and freight (under the same rules and regulations as the laws of the state of North Carolina prescribed for the government of railroads) at a price to be fixed by the officers of said company.

Width of right-of-way.

SEC. 5. That the width of said right-of-way for each several roadways shall be sufficient for constructing and safely operating the several kinds of roads, and where iron or steel rails are used shall be sixty feet; that the said company shall have the right to use the John's river and its tributaries as a means of transportation, and when they shall have spent five thousand dollars in improving the floating capacity of said river or its tributaries, and in constructing a boom, they shall have the right to charge such boorage or toll as may be fixed by the officers of said company for such logs and lumber as may be floated on the stream or streams thus improved by them caught in the boom, not to exceed two dollars per thousand.

Authorized to use John's river.

Capital stock. Subscriptions, how made.

SEC. 5. That the capital stock of said company shall not exceed one million dollars, and subscriptions to the same may be made by individuals, partnerships, corporations, railroad companies, counties, cities and towns, in money, credits, labor, materials, machinery, timber or lands; and the said company may acquire and hold land by gift or purchase, and may sell or mortgage the same for the construction and repair of their roads of whatever kind, and for other necessary purposes; that the said company may borrow such sums of money as they may deem necessary for the construction and operation of any or all of its railways, tram-ways, roadways, cart-ways and water-ways, and may execute liens on their property, franchises and revenues to secure payment of the principal and interest of such loans; and may farm out or lease its roads, ways, rights and franchises to individuals or corporations, and it shall be lawful for this company, if necessary or expedient, to consolidate, merge and amalgamate with any railroad company or other corporation organized under the laws of this state or the state of Pennsylvania, in such manner and on such terms as they may deem proper for the prosecution of the business of this company.

Corporate powers.

Gauge.

SEC. 7. That the said company may use tracks of such different gauges as may be by them deemed best for the construction and operation of their said roads in different places.

No individual liability for corporate debts.

SEC. 8. That the individuals composing this company shall in no way be held responsible for the indebtedness or liabilities of this company.

SEC. 9. That this act shall be in force from and after its ratification for a term of ninety-nine years.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 565.

An act to prevent fishing by muddying the streams in Columbus and Brunswick counties.*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 Columbus and Brunswick counties by muddying the waters or use hand seines therein in any manner.

Unlawful to catch fish in Columbus and Brunswick counties by muddying waters, &c. Penalty.

SEC. 2. That every offence 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 9th day of March, A. D. 1891.

CHAPTER 566.

An act for the benefit of public school district number twenty-six (white) in Martin county.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be lawful for the school committee of public school district number twenty-six (white) in the county of Martin, it being in the town of Hamilton, to purchase for said public school land with buildings thereon for a sum not exceeding one thousand dollars (\$1,000.00).

School committee white district, No. 25, Martin county, authorized to purchase land.

SEC. 2. Said school committee are hereby authorized to execute a mortgage on such land so purchased for a sum not exceeding five hundred dollars (\$500.00).

Authorized to mortgage land.

SEC. 3. Said school committee are hereby authorized and empowered to use any money now due said school district number twenty-six or that [may become due] said district for the payment [purchase] of such land and buildings.

Authorized to use school fund to pay for land and buildings.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 567.

An act to settle a claim due by the state of North Carolina to R. M. Nimocks, of Cumberland county, North Carolina.

Preamble.

WHEREAS, there is due R. M. Nimocks, of Cumberland county, North Carolina, the sum of two hundred and ninety-five dollars, with interest thereon, as appears by two books of the board of directors of the state penitentiary, for goods and merchandise sold and delivered to the same while in the performance of work undertaken by the state: now therefore,

The General Assembly of North Carolina do enact:

R. M. Nimocks to be paid \$295 out of penitentiary fund.

SECTION 1. That the auditor draw his warrant in favor of R. M. Nimocks, of Cumberland county, for two hundred and ninety-five dollars, due him by the state of North Carolina, and the state treasurer pay the sum to R. M. Nimocks, or his legal representatives: *Provided*, this sum is paid out of the penitentiary fund, upon the approval of the account by the board of directors of the penitentiary.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 568.

An act to create and establish a public ferry across the Pee Dee river between the counties of Stanly and Montgomery.

The General Assembly of North Carolina do enact:

Public ferry established across Pee Dee river.

SECTION 1. That there shall be a public ferry across the Pee Dee river between the counties of Stanly and Montgomery at Joseph Almond's ferry above the mouth of Rocky river, the dividing line between the counties of Anson and Stanly in the county of Stanly, so as to land on the west side of Pee Dee river on the lands of Joseph Almond, and on the east side so as to land on the lands of James W. Gardner in Montgomery county, and that the said ferry shall be a public one, and shall be owned and operated by Joseph Almond, his heirs or assigns.

By whom to be operated.

Ferry to be opened as soon as practicable.

SEC. 2. That the said Joseph Almond, or his heirs and assigns, shall open and operate the said ferry as soon as will be practicable within a reasonable time after the ratification of this act, and charge such rates of toll carriage in ferriage as may be prescribed by the county commissioners of Stanly and Montgomery counties who may carry

Commissioners of Stanly and Montgomery to fix tolls.

the same into effect by the appointment of a committee from the two counties to agree upon such rates; and the said ferry shall be operated for the convenience of the traveling public under pains, penalties and liabilities now provided by law. And the said board of commissioners shall take all necessary steps, according to the statute regulating ferries as to the establishment of highways and public roads leading to the said ferry, to carry out the object and intent of this act with its full meaning and scope.

Penalties.

Duty of commissioners.

SEC. 3. That the grant of privileges and purchase herein made and given [are] to the said Joseph Almond and his heirs and assigns for the period of fifty years, subject nevertheless to the right of the general assembly at any time to revoke and annul the same for proper cause, and this right is expressly reserved.

Limitation of grant.

Power of revocation.

SEC. 4. All laws and parts of laws in conflict with the provisions of this act, according to its true intent, scope and meaning, are hereby repealed.

Conflicting laws repealed.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 569.

An act to be entitled "An act to prohibit the manufacture of spirituous liquors within three miles of certain public school-houses and Rocky Mount Methodist church in Iredell county."

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to manufacture any spirituous or malt liquors within three miles of Pleasant Grove school-house, district number seventy-five (75), Davidson township; Oak Ridge school-house, district number sixty-eight (68), Coddle Creek township, and public school-house in district number one hundred and four (104), Coddle Creek township, and Rocky Mount Methodist church, Iredell county.

Unlawful to manufacture liquor within three miles of certain places in Iredell county.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars and not exceeding fifty dollars or imprisoned not exceeding thirty days at the discretion of the court.

Misdemeanor.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 570.

An act to repeal section one, chapter one hundred and twenty-six, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 126, section 1, laws 1889, repealed. Law making it unlawful to place decoys in waters of Currituck county, or to ship wild fowl out of state between April 1 and Nov. 10, repealed.

SECTION 1. That section one, chapter one hundred and twenty-six, laws of eighteen hundred and eighty-nine, 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. 1891.

CHAPTER 571.

An act to allow the free passage of fish in the Yadkin river.

The General Assembly of North Carolina do enact :

Unlawful to make dam, &c., across more than half of Yadkin river, &c.

SECTION 1. That no person shall make, construct or build any dam, or set any drag-net or seine, across more than one-half of the Yadkin river in North Carolina so as to prevent or hinder the free passage of fish in said river, and any person making or using any dam, drag-net or seine in said stream shall leave open and unobstructed to the free passage of fish at least one-half of said stream in width on the side most favorable to the passage of fish.

Misdemeanor.

SEC. 2. That any person offending against this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not less than thirty (30) days: *Provided*, that this act shall not apply to dams for manufacturing purposes: *Provided further*, that the owners of said dams for manufacturing purposes shall so construct their dams as to make passage-way for fish by leaving sluices from four to six feet wide at intervals of not more than one hundred feet throughout the length of the dam.

Proviso.

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

Proviso.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 572.

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

The General Assembly of North Carolina do enact :

Dividing line between Ashe and Wilkes counties changed.

SECTION 1. That the dividing line between the counties of Ashe and Wilkes shall be changed as follows: Beginning at J. W. Gallo-way's in the Ashe county line and running south-east to the main top of the Big Lump in Wilkes county, thence north-east to the top of Elk Spur, thence north to the Ashe county line so as to include R. M.

Miller, Thomas Griffin and H. L. Burgess, junior, in the county of Ashe, and that all that portion of Wilkes county cut off by the line herein established be and the same is hereby attached to and shall form and constitute a portion of Ashe county; that said territory until otherwise ordered shall constitute a portion of Obid's township in Ashe county, and all the electors residing in said territory, as well as the electors who now reside in Obid's township, Ashe county, shall hereafter vote at Obid's in said township, and at all elections hereafter held for said county the voters living in said territory transferred to Ashe, as well as those at present living in Obid's township, shall vote at said township in lieu of the present place established by law for holding elections in said county of Wilkes.

Obid's township,
Ashe county.

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. 1891.

CHAPTER 573.

An act to change the fourth and fifth congressional districts of the state as ratified by the general assembly on the [seventh] day of March, one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That the act entitled an act to apportion the several congressional districts ratified by the general assembly on the seventh day of March, one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out the fourth and fifth districts as they are set forth in said act, and the following be substituted for said districts:

Chapter 398, ante,
amended

Fourth district—Franklin, Nash, Johnston, Chatham, Randolph, Wake and Vance.

Fourth congressional
district.

Fifth district—Granville, Person, Durham, Orange, Alamance, Caswell, Rockingham, Guilford and Stokes.

Fifth congressional
district.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 574.

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

The General Assembly of North Carolina do enact :

Chapter 339, laws 1885, amended. Enacting clause added to "act to establish a true meridian," &c.

County commissioners may purchase surveyor's instrument, &c., for county surveyor.

SECTION 1. That chapter three hundred and thirty-nine of the laws of one thousand eight hundred and eighty-five be amended as follows: add at the beginning of said act "The general assembly of North Carolina do enact."

SEC. 2. Strike out in line two, section five, the words "shall be required to" and insert in lieu thereof the word "may."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 575.

An act amending the law prohibiting the sale of liquors within certain distances of churches of Hyde county.

The General Assembly of North Carolina do enact :

Prohibitory laws not to extend to territory within one fourth of a mile of Horton's corner, Hyde county.

Conflicting laws repealed.

SECTION 1. That all laws and parts of laws enacted by the general assembly of North Carolina at its present session, and at any former session of the general assembly, prohibiting the sale of liquors within certain distances of churches in the county of Hyde, be and the same is [are] hereby amended so that none of said act[s] shall apply to the territory embraced within one-fourth of a mile of Horton's corner in Hyde county, North Carolina.

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 9th day of March, A. D. 1891.

CHAPTER 576.

An act to amend chapter three (3), volume two (2) of The Code relating to auctioneers.

The General Assembly of North Carolina do enact :

Code, section 2281, amended. Auctioneers' bonds.

SECTION 1. That section two thousand two hundred and eighty-one (2281), chapter three (3), volume two (2) of The Code, be amended by striking out all after the word "in" in line five of said section down to and including the word "dollars" in the sixth line thereof and inserting in lieu thereof the following: "no case to be less than

five hundred dollars, and if the applicant reside in an incorporated town or city having not less than thirty-five hundred nor more than five thousand inhabitants, said bond shall be one thousand dollars, and one thousand dollars additional for every additional five thousand inhabitants or fraction thereof amounting to thirty-five hundred and above.”

SEC. 2. That all laws and parts 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. 1891.

CHAPTER 577.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter four hundred and eighty-seven of the acts of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out in section four line two of said act the words “Smithfield township” and insert[ing] in lieu of said words the [words] “Johnston county.” Chapter 487, laws 1889, amended. Persons convicted before justices in Johnston county, liable to work on roads.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 578.

An act to prohibit obstructions in the Yadkin river in Wilkes county and its tributaries thereto.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or company to allow to remain or hereafter to erect any obstruction in the Yadkin river in Wilkes county or its tributaries thereto that will prevent the floating or rafting of logs and timber on the waters of said streams, and any obstructions now existing shall be removed to such an extent as to allow the free passage of such timbers as may be put in said streams. Unlawful to obstruct Yadkin river and tributaries, Wilkes county.
Removal of obstructions.

Shoal around
dams for passage
of timbers.

SEC. 2. That any person or company having a mill-dam on said streams, or hereafter wishing to erect such, shall provide a shoal around said dam for the passage of said timbers.

Removal of
fish-traps, &c.

SEC. 3. That any person or persons having any fish-traps on said streams, or hereafter wishing to erect and keep such, shall, in case they are already erected, within thirty days after the passage of this act remove said obstruction to such extent as to allow [the] passage of said rafts or logs, and in case of future erections construct them so as to allow such free and unobstructed passage.

Misdemeanor.

SEC. 4. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, subject to fine or imprisonment in the discretion of the court.

Authority to
remove obstruc-
tions.

SEC. 5. That in case of the failure of any person or persons to remove such obstructions after notice by any person, persons or corporation wishing to raft lumber down said river, such person, persons or corporation shall have the right to enter on said lands and remove a sufficient portion of said dams as to allow the unobstructed passage of such timbers.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 579.

An act supplemental and amendatory to an act entitled "An act to establish the Agricultural and Mechanical College for the Colored Race."

The General Assembly of North Carolina do enact:

Temporary chair-
man trustees
colored A. and
M. college.
Duty.

SECTION 1. That J. M. Early of Bertie county is hereby named as temporary chairman of the board of trustees of the Agricultural and Mechanical College for the Colored Race, to the end that he call said board together at such time and place as may be suitable for the purpose of effecting a permanent organization of said board of trustees: *Provided*, that this act shall not interfere with the several provisions of the act of which this is amendatory.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 580.

An act to require clerks of the superior courts of the state to make annual reports of funds in their hands.

The General Assembly of North Carolina do enact :

SECTION 1. That the Code of North Carolina be amended by striking out sections ninety, ninety-one and ninety-two of the same, and inserting in lieu thereof the following: (1.) Clerks of the superior courts shall make an annual report of all public funds which may be in their hands on the first Monday in December of each and every year, or oftener if required by order of the board of commissioners or any other lawful authority, which report shall include a statement of all funds in the hands of said clerks by virtue or color of their office, and which may belong to persons or corporations. The said report shall be made to the board of county commissioners and shall be addressed to the chairman thereof, and the said report shall give an itemized statement of said funds so held, with the date and source from which it was received, and the person to whom due, how invested and where, and in who[se] name deposited, giving the date of any certificate of deposit, or other evidence of investment of said fund, and the rate of interest the same is drawing, and said report shall be subscribed and verified by the oath of the party making the same before any person allowed to administer oaths. Any clerk who shall fail to make said report, or shall wilfully and falsely swear to the same she [shall] be guilty of a misdemeanor.

Code, sections 90, 91 and 92 amended.

Superior court clerks to make annual report of funds in their hands.

What report to show.

To whom made.

Itemized statement.

Report to be verified.

Misdemeanor.

SEC. 2. If any clerk aforesaid shall fail to report, or if after a report has been made the board of commissioners shall have reason to believe that said report is incorrect, such board may take legal steps to compel a proper report to be made by suit on the bond of such clerk, or by reporting the fact to the solicitor of the district to which the county of said board may belong for his action.

Commissioners to take legal steps to compel proper report

SEC. 3. The board of commissioners shall refer the itemized statements so made by the clerks of the superior courts to a special committee of their board, who shall examine the same with the records of the clerk's office from which said report is made and certify the same to the board as correct, and if approved the board shall cause the same to be registered in the office of the register of deeds in a book to be furnished to said register by the board of county commissioners, which books shall be styled "Record of official reports," with a proper index of all reports recorded therein, and each original report shall, if approved by the chairman of the board, be endorsed with the word "approved," the date of approval and the endorsement signed by the chairman, and when recorded by the register of deeds he shall endorse thereon the date of registration, the page of the "Record of official reports" upon which the same is registered,

Commissioners to appoint committee to examine report, &c.

Registration.

Endorsement on report.

Duty of register.

Publication. sign the same and file it in his office; the said register shall also cause a copy of said report to be furnished [published] one time in some newspaper of general circulation published in the county of said register and also posted at the court-house door, and if no newspaper is published in the county the posting of said report at the court-house door shall be a sufficient publication. The cost of publishing said report shall be paid by the county.

Cost.

Moneys due jurors and witnesses remaining uncalled for, to be turned over to school fund.

SEC. 4. All moneys due jurors and witnesses which shall remain in the hands of any clerk of the superior court for thirty days after the publication of a third annual report of the said clerk showing the same shall be turned over to the county treasurer for the use of the school fund of the county, and it shall be the duty of said clerk to indicate in his report any moneys so held by him for a period embracing the two annual reports.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 581.

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

Preamble.

WHEREAS, An act of the general assembly of North Carolina was notified [ratified] on the third day of March, one thousand eight hundred and eighty-seven (1887), incorporating The Hiawassee Railroad Company, which act was amended on the fourth day of February, one thousand eight hundred and eighty-nine (1889), changing the name of said railroad company to The Chattanooga, Cleveland and Hiawassee Railroad Company, and said railroad company has been consolidated with a company existing under the laws of the state of Tennessee, under the name of The Chattanooga, Cleveland and Murphy Railroad Company; and whereas, an act of incorporation has been granted by the general assembly of the state of Georgia for a line of railroad to connect with said Chattanooga, Cleveland and Murphy Railroad, at some point on the boundary line between the state of Georgia and North Carolina, and run thence to Toccoa City in the state of Georgia or other point on the line of The Charlotte and Atlanta Air-Line Railroad: therefore

The General Assembly of North Carolina do enact :

SECTION 1. That the consolidation of the railroads herein named is hereby ratified and confirmed, and the name of said consolidated company shall be "The Chattanooga, Cleveland, Murphy and Augusta Railroad Company," and shall succeed to all the rights and privileges conferred by the charters of said corporations.

Consolidation of Chattanooga, Cleveland and Hiwassee R. R. Co. with Chattanooga, Cleveland and Murphy R. R. Co. validated. Corporate name. Corporate powers.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 582.

An act to be entitled an act in relation to damages done by stock when breaking through lawful fences, and their liabilities for any damage they may do.

The General Assembly of North Carolina do enact :

SECTION 1. That when any stock in Carru's Creek township, county of Cumberland, shall break over any lawful fence and commit damage, the said stock shall be liable to be sold to satisfy said damage.

Sale of stock for damage in Carru's creek township, Cumberland county.

SEC. 2. That said stock shall be advertised at four public places in said county and sold to the highest bidder, and if said stock shall be sold for more than actual damage done and cost of keeping, said surplus shall be paid to the owners of said stock.

Sale, how made.

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

Surplus payable to owner.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 583.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter one hundred and seven, laws of one thousand eight hundred and eighty-five, be and the same is hereby amended as follows: Strike out the word "twenty-five" in line three and insert in lieu thereof the word "ten." Strike out "twenty-five" in line four and insert "fifteen": *Provided*, that this act shall apply only to the county of Warren.

Chapter 107, laws 1885, amended.

Fees for impounding stock running at large in Warren county.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 584.

An act to incorporate the Greensboro Belt Line Railway Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. A. Odell, D. W. C. Benbow, J. A. Gray, R. R. King, C. D. Benbow, T. C. Worth, R. T. Gray, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name and style of "The Greensboro Belt Line Railway Company," and under that name and style shall have succession for sixty 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; shall have a common seal, which it may alter at pleasure; shall have power to purchase, hold and convey any lands, tenements, goods and chattels necessary or expedient to the purpose and objects of its incorporation, and shall have power to make such by-laws and regulations for their government and the management of their property as may be deemed necessary not inconsistent with the laws of this state or of the United States.

Corporate name.
Corporate existence.
Corporate powers.

Corporate powers.

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 with one or more tracks in the vicinity of Greensboro in the county of Guilford, so as to cross or make physical connection with the tracks of the Richmond and Danville or Piedmont Railway Company, the North Carolina Railroad Company and the Cape Fear and Yadkin Valley Railway Company, either or all, or with any other existing line of railway, or any that may hereafter be built, at one or more points on the lines of said railroad companies; 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 deem proper; said company shall have power to carry or haul passengers and freight, either or both, and may charge, demand and receive therefor such compensation as may be reasonable and not prohibited by law, and shall possess and enjoy all the rights, privileges and powers conferred upon railroad companies by chapter forty-nine, volume one of The Code of North Carolina.

Capital stock.

SEC. 3. That the capital stock of said company shall be twenty 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 by the company and its subscribers.

SEC. 4. That the incorporators herein named, or a majority thereof, may cause books of subscription to the capital stock of the company to be opened at such time and place as may be agreed upon, and so soon as ten thousand dollars shall be subscribed to the capital stock of said company and ten per centum thereof shall have been paid, the said corporators shall be authorized and empowered to call together the subscribers for the purpose of completing the organization thereof in accordance with the provisions of this act.

Books of sub-
scription.

Organization.

SEC. 5. That at the time of such meeting of the subscribers or stockholders they shall select from their number not less than three nor more than seven directors of said company, who shall hold their office one year and until their successors shall be elected and qualified, and the directors chosen at such meeting and at the regular annual meetings thereafter shall 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 the company who shall hold their offices for 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. In all elections provided for in this act each share of stock represented in person or by proxy shall be entitled to one vote. The meetings of the stockholders and directors shall take place at such time and place as may be provided for in said by-laws.

Directors.

Officers.

Stock vote.

Stockholders'
meetings.

SEC. 6. That said company shall issue certificates of stock to its members which may be transferred upon the books of the company in such manner as its by-laws may provide.

Certificates of
stock.

SEC. 7. 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 to construct its line or lines so as to cross and connect with the line or lines of any other railroad and to allow the use of its tracks by any other company for the transportation of cars on such terms and regulations as may be agreed upon, and to sell or lease its road-bed, property and franchises to any other corporation or person.

Condemnation of
land.Other corporate
powers.

SEC. 8. 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 as to the directors may seem expedient; and said bonds shall bear interest at the rate of six per centum 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

Authorized to
borrow money
on mortgage.

mortgage or deed of trust, when duly registered, shall have precedence over all other liens on said property.

Conflicting laws repealed.

SEC. 9. That all laws in conflict with this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 585.

An act in relation to the county seat of Brunswick county.

The General Assembly of North Carolina do enact :

Election on question of removing county seat of Brunswick county.

SECTION 1. That the question of removing the county seat of Brunswick county from Southport to a point at or near Lockwood's Folly bridge, or to such other point in Brunswick county as the county commissioners and the justices of the peace in joint session may agree upon before submitting the same, shall be submitted to the qualified voters of the county on a time to be specified by the county commissioners of said county.

Appointment of registrars, &c.

SEC. 2. That it shall be the duty of the county commissioners of said county, at least thirty days before said election, 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 by [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 and notified as in such elections, and shall conduct the same in the several townships as such elections are held and conducted for members of the general assembly in all respects.

Duties.

Judges of election.

Ballots.

SEC. 3. That the voters wishing to vote in favor of removal shall use a ballot written or printed with the words "Removal" thereon, and those opposing the same shall use a ballot with the words "No removal" written or printed thereon.

On affirmative vote, duty of commissioners to issue bonds, &c.

SEC. 4. That in case a majority shall cast their ballots in favor of removal it shall then become the duty of said board of commissioners to issue bonds to an amount sufficient to erect and complete a county court-house and jail, and within thirty days after the completion of the said court-house and jail to remove the records and other county books, papers and every other matter or thing belonging or appertaining to the various offices of the county officers, to the point at or near the Lockwood's Folly bridge where the said new court-house and jail shall have been erected, and to make suitable and convenient protection for the same.

SEC. 5. That the said election shall be conducted in all respects and returns made in the same manner as in [is] now provided by law for members of the general assembly as heretofore mentioned. Election, how conducted.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 586.

An act regarding agricultural statistics.

The General Assembly of North Carolina do enact :

SECTION 1. That tax-listers be and are hereby required to fill such blanks relating to agriculture statistics as may be furnished by the commissioner of agriculture, under the same rules and regulations as now govern the listing of taxes, and with like compensations. The lists to be returned to register of deeds with tax lists. Tax-listers to fill blanks relating to agricultural statistics. To be returned to register.

SEC. 2. That the register of deeds be and is hereby required to return such blanks when received from the listers to the commissioner of agriculture at Raleigh. Register to forward blanks to commissioner of agriculture.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 587.

An act to enforce the better drainage of certain lands in Lincoln county on Burton's Mill creek.

The General Assembly of North Carolina do enact :

SECTION 1. That Mrs. Mary Connor, Mill Fannie Burton, H. S. Proctor, Wm. Howard [and] Mrs. Isaac Lowe, owning lands contiguous to and lying upon Burton's Mill creek, be and the same are hereby required, within three months after the ratification of this act, each at his or her own cost and expense, to clear out said stream or creek, making the channel thereof not less than eight feet wide, so as to render the same fit for draining to the adjacent lands for cultivation, 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 by other causes 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 Proviso.

stream or creek shall be upon or annexed to his or her own land :
 Proviso. *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.

Proceeding to compel land-owner to perform duties imposed by this act.

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 Lincoln 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 finding 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 ditch the same 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-owners, 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 proceeding, together with the estimate of work, shall be filed by the justice with the superior court clerk of the county and 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 report of the justice of the peace and land-owners shall be returned to the next term of the superior court of Lincoln county for hearing and judgment thereon if the amount thereof shall exceed two hundred dollars.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 588.

An act to incorporate the Brunswick, Western and Southern Railroad Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Iredell Meares, E. S. Lattimer, H. M. Bowden, C. E. Borden, John Wilder Atkinson, Wm. Latimer, M. S. Willard, W. H. Green, F. W. Kerchner, James Sprunt, G. H. Smith, L. S. Belden, E. S. Tennent, Barry Gleaves, an[d] such other persons as may become associated with them as stockholders, and their succes-

sors, be created a body politic and corporate under the name of "The Brunswick, Western and Southern Railroad Company," and shall have the right to sue and be sued, to have a common seal, to purchase or acquire for the necessary purposes of the company, by gift or demise. [devise] estate, real, personal or mixed, and to hold, lease or sell the same, as the interest of said company may require, and shall make and exercise all such by-laws and regulations for its government as may be necessary or expedient for that purpose not inconsistent with the constitution of the state [or] of the United States; and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of North Carolina: *Provided*, that this section shall not be construed to exempt the property of said corporation from being taxed.

Corporate name.
Corporate powers.

No exemption from taxation.

SEC. 2. That said company is hereby authorized to construct a railroad or railroads of one or more tracks and of any gauge whatsoever, from any point in the city of Wilmington, North Carolina, or from the shores of the Cape Fear river opposite to or near the said city of Wilmington, through the county of Brunswick to any point in the city of Southport, North Carolina, and through said county via Southport or otherwise to the state lines dividing the states of North Carolina and South Carolina, and from the shores of said Cape Fear river at any point in or near the city of Southport, through any or all of the counties of Brunswick, Columbus, Robeson, Richmond, Anson or Cumberland to any point on the line of the Carolina Central or Cape Fear and Yadkin Valley Railroads, and thence on in a northern or north-western direction through any of the counties of the state to the state lines dividing the state of North Carolina and Virginia.

Termini and route.

SEC. 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, but said company may, by a concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount deemed necessary to the interest of said company.

Capital stock.

SEC. 4. Books of subscription may be opened by said corporators or by the directors at such times and places and under such rules and regulations as a majority may determine, and the said corporators, or a majority of them, may, at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company and five per centum cash paid thereon, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

Books of subscription.

Organization.

SEC. 5. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders, which shall be transferable in such manner as may be prescribed by the by-laws of the company.

Certificates of stock.

Authorized to borrow money on mortgage.

SEC. 6. Said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue coupon or regular bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

Authorized to cross other roads, &c.

SEC. 7. The said railroad company shall have the power to cross the tracks of other railroads and to connect with any railroad now or hereafter chartered, and to lay down and to use tracks through any town or city by and with the consent of the corporate authorities of said town or city upon such terms as they may prescribe.

Branch roads.

SEC. 8. The said railroad company shall have power to build branches to the main stem in any direction not exceeding fifty miles in length, and may build, purchase and hold, charter or connect with such ocean steamers or vessels, river steamers, vessels or boats as may be desired to run and use from or to the terminal points or on any water-course in connection with the road to be constructed by this company.

May build, &c., ocean steamers, &c.

Donations and subscriptions by counties, cities, towns and townships.

SEC. 9. That any county, city, town or township through any portion of which the said railroad may pass, or along or near its line, or at any terminal point thereof, or at or near the line of its extensions, its branches, lateral or connecting roads, or at their terminal points, may make a donation to the said company in money or its equivalent in real or personal property, or a subscription to its capital stock: *Provided*, that after notice given and an election held as hereinafter provided, a majority of the qualified voters of the county, city, town, or township wherein the election is held shall vote for the donation or subscription which shall be submitted to their vote for acceptance or rejection.

Proviso.

Election on question of donation or subscription.

SEC. 10. That upon the written application of one-fifth of the qualified voters asking from any county, city, town or township any contribution, donation, or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions of the same, the county commissioners of such county or proper authorities of such city, town, or township, shall appoint a day and order an election to be held thereon in such county, township, city or town in the manner prescribed by law for holding other elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription or donation. Said election to be held at the usual voting places after thirty days' notice, specifying the amount of subscription or donation to be voted for and to what company it is proposed to donate or subscribe, which notice shall be printed in some newspaper, if any there be published in said county, city, town or township, and by posting the same in three or more conspicuous places therein; such election shall be held by persons appointed in the manner that persons are appointed for holding other elections in said county, town-

Notice of election.

Election, how held.

ship, city or town and the returns thereof shall be made and the results declared and certified as prescribed by law in such other elections: and such results so certified shall be filed with the register of deeds in such county, city or town and shall be taken as evidence of the same in any court in the state.

Returns.

SEC. 11. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor said donation or subscription to the capital stock of said railroad to the amount voted for in such election, then said county commissioners, or the proper authorities of said city or town, shall immediately make such subscription to the capital stock of said railroad, payable in cash or the bonds authorized to be issued under this act, as may be agreed upon, and appoint a board of trustees consisting of not less than three resident tax-payers of the county, township, city or town so voting, who shall issue the bonds of said election, in such forms and denominations and running for such length of time as may be determined on by said county commissioners or proper authorities of said city, town, county or township, bearing interest at the rate of six per centum per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds; and said trustees shall deliver said bonds so issued, or pay in cash, as may be agreed, to said Brunswick, Western and Southern Railroad Company upon receiving therefor for the use and benefit of said county, township, city or town proper certificates of stock in said Brunswick, Western and Southern Railroad Company to the amount of subscription so voted as aforesaid.

Donation on subscription to be made on majority vote of qualified voters.

Board of trustees to issue bonds.

Delivery of bonds.

Certificates of stock.

SEC. 12. That to provide for the interest on said bonds and their redemption at maturity, the county commissioners or property [proper] authorities of any county, city, town or township, shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription bonds and a sum equal to one-fortieth of the principal thereof for a sinking fund; the sum levied and collected for said sinking fund to be paid over to the county treasurer or other officer of said county, city or town, authorized by law to perform the duties of treasurer or commissioner of sinking fund and by him invested in said bonds, and the amount of interest maturing on such bonds shall be collected and likewise invested; all said bonds when purchased, also all interest coupons attached, shall be stamped "Sinking Fund" on face of same; but in case said treasurer or other officer shall be unable to invest the sinking funds herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities

Special tax.

Investment.

as may be selected and approved by the board of county commissioners aforesaid, or proper authorities of any city or town.

Application of taxes collected on property of company.

SEC. 13. That all taxes which shall be levied upon and collected from said railroad company by any county, city, town or township under the general revenue acts as from other citizens and property, upon any real or personal property belonging to said corporation and situated within said county, city, town or township, shall be set aside as a distinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company and issue bonds in payment therefor to the liquidation and payment of the interest accruing on said bonds issued on account of such subscription so long as said bonds shall be outstanding and remaining unpaid. If the said tax so levied upon said company should be insufficient to pay the interest upon the said subscription bonds, then the difference shall be paid out of the tax to be levied and collected and provided in section twelve of this act, but if in any year the tax paid by said company should be more than the sum required to pay the said interest for that year, then the surplus may be applied to the general purposes of said county, city, town or township.

Corporate powers.

SEC. 14. That the said company, after it shall have been organized, shall have the power to connect with any railroad company that has been already organized, or that may hereafter be organized, or to sell or lease any part of the whole of its main line or branches thereof to any other railroad company, and if a portion or the whole of either of said lines shall be sold to any other company, then the company purchasing shall take the line so purchased, with all the franchises herein granted as appurtenant, and manage of said line under its own corporate name.

Exclusive right of transportation, &c.

SEC. 15. That said company shall have exclusive right to carry and transport freight and passengers over and along said road, and upon vessels and boats run in connection with the same, 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.

Authorized to construct part of road.

SEC. 16. That the said company may construct a part of the said road without building the entire line, and may charge for transportation thereon, beginning at or near Wilmington, North Carolina.

Route.
May cross navigable stream.
Proviso.

SEC. 17. That said company may build its roads by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route: *Provided*, a draw sufficient not to impede navigation is placed in its bridges over such streams or canals.

May build telegraph, &c., lines.

SEC. 18. That the said company is empowered to construct and operate a telegraph or telephone line upon any part of its route.

When work to be begun.

SEC. 19. That if work is not begun and prosecuted with reasonable

diligence within two years from the ratification of this act, then this charter is to become void, otherwise to remain in full force and effect.

SEC. 20. That this act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 589.

An act to authorize the town of Durham to issue school bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of the town of Durham be and the same are hereby authorized to issue coupon bonds of the town of Durham not to exceed in amount the sum of twenty-five thousand dollars (\$25,000), and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed the rate of interest allowed by general law, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid ; that the said bonds shall be made payable at a time to be fixed by said commissioners and named therein not to be less than ten nor more than thirty years from the date thereof : *Provided, however,* that the said bonds [board] of commissioners of the town of Durham may divide said bonds into classes as they may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the town of Durham and countersigned by the clerk of the board of commissioners of said town and have the corporate seal of said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town ; that a record shall be kept of said bonds showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said board of commissioners may direct to be kept. Commissioners of Durham authorized to issue bonds not exceeding \$25,000.

SEC. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of said town shall not deliver said bonds, or any of them, to the purchaser thereof until the purchase-money thereof shall be paid to the treasurer of said town, and his receipt to the purchaser produced before the mayor as Proviso.
Bonds, how issued, &c.
Bonds not to be sold for less than par.
Delivery.

Duty of treasurer.	evidence of such payment, and the treasurer of said town shall receive all such moneys paid in the purchase of bonds in his official capacity as treasurer of said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said town of Durham; and it shall be the duty of the board of commissioners of said town of Durham to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as treasurer.
Duty of commissioners.	
Proceeds to be kept separate, &c.	SEC. 3. That the treasurer of the town of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be
How expended.	expended by the school committee of the town of Durham in Durham county, the body corporate created by and existing under chapter eighty-six, laws of one thousand eight hundred and eighty-seven, entitled an act in relation to the public schools in the town of Durham, and said moneys shall be expended in the purchase of lands in the town of Durham and the erection thereon of suitable buildings and improvements and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Durham: <i>Provided, however,</i> this act shall be submitted to the qualified voters of said town of Durham for their ratification or rejection at an election to be held in said town at the same time and places of holding the next general election for mayor and commissioners of said town; the said election shall be advertised by the said board of commissioners of said town of Durham for thirty days prior to the day of election in one or more newspapers published in said town, and said election shall be held under the supervision of inspectors and poll-holders or judges of election appointed by said board of commissioners, and returns of the result of said election be made and certified in like manner as all other elections in said town, and in like manner the returns of said election and the result thereof be canvassed by said board of commissioners and the result declared.
Election on question of issuing bonds.	
Ballots.	At said election those who are in favor of issuing said bonds shall vote "For school bonds," and those who are opposed shall vote "No school bonds," on written or printed ballots; that the number of ballots cast for and against said bonds and deposited in the ballot-boxes provided for that purpose shall be counted and the result of said election certified and returned to the said board of commissioners of the town of Durham, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the mayor of said town and the said clerk of said board of commissioners and
Returns of election.	

the corporate seal of said town of Durham to the secretary of state, which said certificate of the result of said election shall be filed by the secretary of state in his office. If at said election a majority of the qualified voters of said town of Durham shall not vote "For school bonds," then this act shall be thereafter of no force and effect; but if at said election the ballots cast "For school bonds;" shall be a majority of all the votes cast and also a majority of all the qualified voters of said town of Durham, then said board of commissioners shall proceed at once to issue and sell said bonds or so many thereof as may be necessary, in the judgment and discretion of said "School committee of the town of Durham," in Durham county, for the purposes aforesaid.

This act to take effect on vote of majority of qualified voters.

SEC. 4. In order to pay interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity, the commissioners of the town of Durham shall levy and collect a special tax of ten cents on every hundred dollars worth [of] taxable property in said town and thirty cents on each taxable poll, or such other special taxes as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by the constitution for the purpose of state and county taxation, and the money paid into the said town treasury received from taxes under this act shall be appropriated for the payment of the said bonds and coupons and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said school committee to the general funds of said town of Durham.

Special tax.

Proviso.

SEC. 5. The treasurer of said town of Durham shall be allowed in full payment for his services a commission of two per centum on the amounts disbursed under this act arising from the sale of said bonds, but shall not be allowed anything for receiving the same from the town tax collector.

Compensation of treasurer.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 590.

An act to provide for the collection, arrangement and display of the products of the state of North Carolina at the World's Columbia Exposition of eighteen hundred and ninety-three, and to make an appropriation therefor.

WHEREAS, the congress of the United States has provided by an act, April twenty-fifth, eighteen hundred and ninety, for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts,

Preamble.

industries, manufactures and the products of the soil and sea, in the city of Chicago, in the state of Illinois, in the year eighteen hundred and ninety-three; and whereas, it is of great importance that the natural resources, industrial development and general progress of the state of North Carolina should be fully and creditably displayed to the world at said exposition: therefore

The General Assembly of North Carolina do enact:

Board of World's
Fair Managers of
North Carolina
established.

SECTION 1. That for the purpose of exhibiting the resources, products and general development of the state of North Carolina at the World's Columbia Exhibition of eighteen hundred and ninety-three, a commission is hereby constituted to be designated "The Board of World's Fair Managers of North Carolina," which shall consist of the governor of the state *ex officio* and the board of agriculture.

Of whom to
consist.

Meetings.
Organization.

SEC. 2. The members of said board shall meet at such times as the governor may appoint and organize by the election of a president, a vice-president, a secretary, and the treasurer of the state shall be *ex officio* treasurer of this board. Five members of said board shall constitute a quorum for the transaction of business. The board shall have power to make rules and regulations for its own government: *Provided*, such rules and regulations shall not conflict with the regulations adopted under the act of congress for the government of said World's Columbian Exposition. Any vacancy which may occur in the membership of said board shall be filled by the governor.

Quorum.
Rules.

Vacancies.

Compensation.

SEC. 3. The members of the board appointed under this act who are not officers thereof shall not be entitled to any compensation for their services out of the state treasury except their actual expenses for transportation and the payment of three dollars per day for subsistence for each day they are necessarily absent from their homes on the business of said board.

Executive com-
missioner.
Salary.

SEC. 4. The Board of World's Fair Managers is authorized and directed to appoint an executive commissioner and to fix his salary, subject to the approval of the governor, which shall be payable monthly out of the appropriation hereinafter made, and said executive commissioner shall be authorized and required to assume and exercise, subject to the supervision of said board, all such executive powers and functions as may be necessary to secure a complete and creditable display of the interests of the state at the World's Columbian Exposition of eighteen hundred and ninety three, and as the executive agent of such board he shall have personal charge of the solicitation, collection, transportation, arrangement and exhibition of the objects sent under the authority of the state to the World's Columbian Exposition of eighteen hundred and ninety-three, and of such objects sent by individual citizens of the state as may be by

Powers and
duties.

them placed in his charge. He shall make a report to the board monthly and shall hold office at the pleasure of the board.

SEC. 5. The World's Columbian Commissioners and the board of lady managers of the World's Columbian Commission from the state of North Carolina and their respective alternates shall be *ex officio* members of the board of World's Fair Managers for the state of North Carolina.

SEC. 6. The said board shall have charge of the interests of the state and its citizens in the preparation and exhibition at the World's Columbian Exposition of eighteen hundred and ninety-three of the natural and industrial products of the state, and of objects illustrating its history, progress, moral and material welfare and future development, and in all other matters relating to the said World's Columbian Exposition; it shall communicate with the officers of and obtain and disseminate through the state all necessary information regarding said Exposition, and in general have and exercise full authority in relation to the participation of the state of North Carolina and its citizens in the World's Columbian Exposition of eighteen hundred and ninety-three.

SEC. 7. The said board shall make a report of its proceeding and expenditures from time to time to the governor, and at any time upon his written request, to be by him transmitted to the legislature, together with such suggestions as he may deem important regarding provisions for a complete and creditable representation of the state at the World's Columbian Exposition of eighteen hundred and ninety-three.

SEC. 8. To carry out the provisions of this act, the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby appropriated, and the state treasurer is directed to pay the same from the money covered into the state treasury from the United State's treasury by act of congress entitled "An act to refund direct land taxes," from time to time on the requisition of said board, signed by its president and secretary and approved by the governor and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied.

SEC. 9. This act shall take effect from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

To make report.
Term of office.
Ex officio members of board.

Powers and duties of Board.

Board to make reports.

\$25,000 appropriated.

From what fund payable.

CHAPTER 591.

An act to repeal the charter of the Buncombe Turnpike Company.

The General Assembly of North Carolina do enact:

Act incorporating Buncombe Turnpike Co. repealed.

SECTION 1. That the special statute in volume two of the laws of one thousand eight hundred and twenty-four, entitled "An act to incorporate the Buncombe Turnpike Company," and all amendments thereto, be and the same are hereby repealed.

Public highway from Swannanoa river, Buncombe county, to Hendersonville, to be worked as other public roads.

SEC. 2. That the public highway extending from the bridge across the Swannanoa river in the county of Buncombe to the town of Hendersonville in Henderson county, shall hereafter be maintained, worked and kept up by the hands living on said road in the same manner as other public roads in said counties.

Road from Asheville to Swannanoa river, how worked.

SEC. 3. That the part of said highway which runs from the corporate limits of the city of Asheville to the bridge across the Swannanoa river near Biltmore shall be considered a public road, and the same shall be worked and kept up by the towns of Kenilworth and Victoria jointly; that it shall be the duty of the authorities of said towns of Kenilworth and Victoria to repair and put in good order said road immediately; and within six months after the ratification of this act to widen and grade the same so as to make a road not less than forty feet wide, and to construct a sidewalk along said road at least four feet in width: *Provided*, the amount so collected by taxation from Kenilworth and Victoria jointly shall in no year exceed one thousand dollars.

Duty of towns of Kenilworth and Victoria.

Revised.

Special tax in Kenilworth and Victoria.

SEC. 4. That it shall be the duty of the commissioners of said towns of Kenilworth and Victoria each to levy and collect an amount of money as a tax, not exceed one thousand dollars, to be levied and collected as other taxes in said towns, sufficient to carry out the purposes of this act, and apply the same to said purposes, each of said towns providing an equal portion of said money, and should said commissioners fail or refuse to perform the duties imposed upon them by this act they shall be guilty of a misdemeanor, and upon conviction be punished by fine or imprisonment in the discretion of the court, and upon such conviction the superior court upon action by the attorney general may declare the charter and privileges of said towns, or either of them, forfeited.

Failure of commissioners to perform duty a misdemeanor.

Forfeiture of charters of Kenilworth and Victoria.

SEC. 5. This act shall be in force from and after its ratification.
Ratified the 27th day of February, A. D. 1891.

CHAPTER 592.

An act to incorporate "The Fries Manufacturing and Power Company."

The General Assembly of North Carolina do enact :

SECTION 1. That Henry W. Fries, John W. Fries, Francis H. Fries, Henry E. Fries, W. A. Whitaker, J. W. Hanes, C. H. Fogle, J. C. Buxton and C. B. Watson, together with all other persons and corporations who 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 of "The Fries Manufacturing and Power Company," by which name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court whatsoever all suits and actions, may contract and be contracted with, and shall have all the privileges hereby specially granted and such other as may be necessary to the full exercise and enjoyment of the same.

Body politic.
Corporate name.
Corporate powers.

SEC. 2. That the said corporation shall enjoy all the rights, privileges, liberties, 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.

Corporate powers.

SEC. 3. 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. 4. 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 made out of and from cotton, wool, jute, hemp, flax, leather, iron, wood or other material. And said corporation may buy and sell and deal in all goods, wares and merchandise at its will and pleasure, and may erect, maintain, own, lease and operate and cause to be operated flouring mills, grist-mills, saw-mills and all other kinds of mill buildings, machine and workshops, stores, dwellings and other business premises, and may maintain them as may be necessary to carry on its business.

Corporate powers.

SEC. 5. The said corporation, its successors and assigns, is hereby authorized and empowered to buy, own, lease, deal in or otherwise acquire lands, tenements and hereditaments and all manner of real and personal property, including cotton mills, factories, houses, water powers, minerals, rights, roads, bridges, tram-ways and any other kinds of property whatsoever to such an extent as to it may seem proper and as fully as citizens of the state may do, and may sell and convey or lease the same to other persons or corporations, and said corporation is authorized to pay for such real estate and personal property as it may purchase or otherwise acquire with and

Corporate powers.

by its capital stock, and may issue bonds and execute mortgages to secure the payment thereof. It may also subscribe to the capital stock of any other corporation.

Corporate powers.

SEC. 6. That said corporation shall have the right, power and authority to build, erect and maintain any dam or dams across the channel of the Yadkin river at or near the Douthit shoals, between the counties of Forsyth and Davidson, and the county of Davie in the state of North Carolina, or at any other place in the Yadkin or the Dan river and their tributaries not navigable, for the purpose of utilizing water-power, and may also build, construct, maintain and operate canals, bridges, aqueducts, conduits, water-ways, waste-ways, wells and reservoirs, as shall be needful for its mills, factories, water systems, power, plants or other works, or for any purpose found necessary or expedient. It shall have the right to construct and lay water-mains for the purpose of supplying water to any city or town in the state, and to construct and maintain and operate, either above or under ground, suitable wires, conductors or rods for the purpose of conducting or transmitting electricity to any city or town in the state for the purpose of lighting such city or town, or for other purposes for which electricity is used, and for the purpose of constructing, maintaining and operating any water-mains, pipes, canals, roads, bridges or electrical conductors and necessary stations; the said corporation, when unable to purchase at an agreed price, may enter upon and condemn private property for right-of-way and for necessary plants and stations by paying a reasonable price therefor, and in case such price cannot be agreed upon, the said corporation or the owner of the property used or occupied may file a petition before the clerk of the superior court of the county where the land is situate, praying for the appointment of a jury to determine whether or not such land is necessary to carry out the purpose of the company and assess the damages accruing to such land-owner, and upon ten days' notice to the opposite party the said clerk shall appoint a jury consisting of three discreet persons to assess such damages. The jury shall within thirty days make such assessment and report the same to the clerk; said report shall remain open for exception for ten days after the expiration of the thirty days, and if no exceptions thereto be filed the same shall be confirmed and judgment rendered in accordance therewith, and in all cases such judgment or confirmation shall vest in said corporation a title in fee to the property condemned. In case exceptions are filed to any report, the clerk shall pass upon the same, with the right of appeal by either party to the superior court to be heard by the court in term time: *Provided*, that all proceedings for damages shall be commenced by the land-owner within two years after occupancy by the corporation and not afterwards: *And further provided*, that the privileges of this section shall be applicable to the territory adjacent

Condemnation of land.

Proviso.

Proviso.

to the Yadkin and Dan rivers and their tributaries, and only such cities or towns as shall by a majority of the commissioners of said cities or towns by recorded action enter into an agreement with this company to use water or electricity for the benefit and use of the citizens of said cities and towns.

SEC. 7. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock and operate such roads, whether rail, tram, plank or turnpike, and to erect, establish, maintain and operate such telegraph and telephone lines and apparatus as may be necessary, and shall likewise have the right, power and franchise to charge such tolls, fares, fees and compensation as is reasonable for the use, service or travel over such roads, turnpikes, bridges, canals, telegraph or telephone lines as it may erect, construct and operate.

SEC. 8. That the capital stock of said corporation shall not be less than fifty thousand dollars, but the said corporation shall have authority to organize and transact business whenever twenty-five thousand dollars of its capital stock shall have been subscribed and five per centum thereof paid, either in money or in property, which said corporation is authorized to hold. That said corporation may issue stock, both common and preferred, with such regulation as to the issue thereof as may be prescribed by a majority of the stockholders. The certificates for the shares of stock shall be issued only when the same are paid for and shall not thereafter be liable to assessment for any purpose whatsoever. The shares of stock shall be deemed personal property and be transferable upon the books of the said company in the method provided by the by-laws made in their behalf, but no share shall be transferable until all previous calls thereon shall have been fully paid in, or until declared forfeited for non-payment of calls thereon, and the directors may refuse the entries of transfers of any share into the books wherein any call has been made which has not been paid in. Shares of stock may be issued and granted for money or in payment for lands, minerals, materials, services, labor, work, building easements, machinery, ways, rights, or other real and personal property, and upon such rates and terms as the said corporation by its board of directors may deem proper. The capital stock of the corporation may be increased from time to time to an amount not exceeding one million of dollars by the consent of a majority of the stockholders: *Provided*, that not more than fifty thousand acres of land shall be held by the company at any one time.

SEC. 9. 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, commissions or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or

Corporate powers.

Capital stock.

Organization.

Certificates of stock.

Shares deemed personal property.
Transfer.

Stock, how issued.

Increase of capital stock.

Proviso.

Stockholders, &c., not individually liable for corporate debts.

thing whatsoever related to or connected with the company, and no stockholder shall be liable to pay for more stock than he subscribed for.

Place of business. **Where meetings to be held.** SEC. 10. That the principal place of business of said corporation shall be at Salem, North Carolina, but said corporation may hold its annual or other meeting at such other place as the board of directors may designate.

Taxation. SEC. 11. That all the property of the corporation shall be liable to an *ad valorem* tax, including shares of stock belonging to its stockholders, and said property, including such shares of stock, shall be listed and given in by the proper officers of the corporation and assessed for taxation in the county where the real estate or plant may be situated and shall not be liable for taxation elsewhere, and in case said corporation establishes manufacturing plants in more than one county the amount of stock shall be listed by the proper officers of the corporation pro rata, estimated according to the value of such plant or plants in the respective counties.

President and directors. SEC. 12 That the affairs of said corporation shall be managed by a president or vice-president and a board of directors, and the persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority shall constitute a quorum, and they shall hold office as such directors until the first election of directors under the provisions of this act, and shall have power forthwith to open stock books and procure subscriptions of stock in said corporation, and as soon as shares to the amount of twenty-five thousand dollars of the capital stock of the corporation shall have been subscribed any one or more of the provisional directors may call a meeting of the subscribers at Salem, North Carolina, for the purpose of organizing the corporation, electing directors &c., giving at least five days notice in writing to the subscribers of the time and place and purpose of the meeting.

Books of subscription. **Organization.** **Notice.** **Directors.** At such meeting the shareholders may choose not more than seven nor less than three persons from among the shareholders as directors of the corporation, three of whom shall always 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 their office until their successors are elected; thereafter the regular meeting of the stockholders for the 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 the by-laws may direct. All vacancies in the board of directors or in any office of the company shall be filled by the directors of the company.

Stockholders' meeting. **Vacancies.** **Shares of stock.** **Stock vote.** The capital stock of said corporation shall be divided into shares of one hundred dollars each, and at all meetings of the stockholders every stockholder shall be entitled to as many votes as

he owns shares in the corporation, to be cast in person or by proxy; and at all meetings a majority of the stock subscribed represented in person or by proxy shall constitute a quorum. The stockholders of the corporation shall have full power to make all necessary by-laws, rules and regulations not forbidden by law for the government of the affairs of the corporation, for meeting calls upon stock subscribed, and for the enforcement of such calls by forfeiture of stock or otherwise.

Quorum.
By-laws.

Calls for sub-
scriptions.
Forfeiture.

SEC. 13. That the board of directors at their first meeting, and annually thereafter, shall elect from among their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, and shall have the right to designate his salary and term of office and may require of him a satisfactory bond. A failure to elect directors at the proper time shall not have the effect to dissolve the corporation.

President and
other officers.

SEC. 14. That this act shall be deemed and taken as a public act, and a copy of any by-law or regulation of the corporation under its corporate seal and purporting to be signed by the president or vice-president shall be received as *prima facie* evidence for and against the corporation in any judicial proceeding.

Corporation not
dissolved by fail-
ure to elect
directors.
This act to be
deemed a public
act.

Prima facie evi-
dence.

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

Ratified the 28th day of February, A. D. 1891.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY,
SESSION 1891.

Resolution instructing senators and representatives in congress.

Resolved by the House of Representatives, the Senate concurring: That our senators in the fifty-first and fifty-second congresses of the United States be and they are hereby instructed and our representatives requested to vote for and use all honorable means to secure the objects of the financial reform as contemplated in the platform adopted by the Ocala meeting of the National Farmers' Alliance held in December, eighteen hundred and ninety.

Senators instructed and representatives requested to secure financial reform contemplated in Ocala platform National Farmers' Alliance.

That a copy of the above resolution be sent to our senators and representatives in congress. Copies to be sent.

Ratified the 20th day of January, A. D. 1891.

A resolution of thanks to the State Chronicle.

Resolved by the House of Representatives, the Senate concurring: That the thanks of this body are due and are hereby tendered Josephus Daniels, editor of the State Chronicle, for his promptness in printing and furnishing to the members of this house the governor's message.

Thanks tendered Josephus Daniels for promptness in printing governor's message.

Ratified the 20th day of January, A. D. 1891.

A resolution to provide for the establishment of state banks with power to issue bills.

Resolved by the House of Representatives of North Carolina, the Senate concurring: That our senators in the Congress of the United States be and are hereby instructed and our representatives requested to use all honorable efforts to secure the passage of an act to repeal the ten per centum tax on the state banks of issue as it

Senators instructed and representatives requested to secure repeal of ten per cent. tax on issue of state banks.

now exists under the United States internal revenue laws, to the end that the financial condition of our people be relieved as soon as it is possible to accomplish that result.

Copies to be sent. SEC. 2. That the secretary of state be and is hereby instructed to send a copy of these resolutions to each of our senators and representatives.

Ratified the 20th day of January, A. D. 1891.

Resolution of instruction to the state librarian.

Record room to be kept open during session of legislature.

Resolved by the Senate, the House of Representatives concurring:
That the record room, formerly occupied by the state library, be kept open during the session of the general assembly for the convenience of the members to have access to the records of the general assembly and for the use of the committees of either house, and to effectuate this purpose the state librarian is authorized to employ a suitable person to attend to this room at a cost not exceeding one dollar per day.

Additional employee.

Ratified the 20th day of January, A. D. 1891.

A resolution in regard to printing the governor's message.

500 copies to be printed for use of legislature.

Resolved by the House of Representatives, the Senate concurring:
SECTION 1. That five hundred copies of the annual message of his excellency Hon. Daniel G. Fowle be printed for the use of the executive department and the general assembly.

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

Ratified the 20th day of January, A. D. 1891.

Resolution instructing the secretary of state to furnish copies of certain laws to judges and solicitors.

Secretary of state instructed to furnish judges and solicitors copies of laws affecting criminal laws.

Resolved by the Senate, the House of Representatives concurring:
That the secretary of state be and he is hereby instructed to furnish to each judge of the superior and criminal courts of this state and to the solicitors of said courts a copy of each act of the present general assembly affecting the criminal laws of this state as soon as practical after its passage.

Ratified the 27th day of January, A. D. 1891.

A resolution of thanks to our senators and representatives in congress for their efforts to defeat the "Federal Election Law" or "Force Bill."

Resolved by the House of Representatives, the Senate concurring : Efforts of Senators and representatives in Congress to defeat "Force Bill" approved.

SECTION 1. That we applaud the patriotic efforts of our United States senators and representatives in congress to secure the defeat of the bill now pending in the congress of the United States and known as "The Federal Election Law" or "Force Bill." That the South has passed through a period during which the antagonism of the races and the suspicions engendered in the minds of the colored people by designing, unprincipled and unpatriotic men placed in jeopardy the stability of society and the lives and property of the people, but now happily that period has passed and comparative contentment, confidence and repose have been established in all parts of the southern states. This has been accompanied by an improvement in the material condition of both races, by the establishment of schools and the education of the people, by the opening of mines, the building of factories, the construction of railroads, and generally by an immense development of the moral, intellectual and material resources of a dozen states peopled by millions of citizens and forming a vast empire, claiming the fostering care of our national legislature. In this advancing prosperity northern and foreign capital has had its share and has largely contributed, northern citizens having sought among us profitable investment for their surplus means and have invested hundreds of millions in our industrial enterprises, to say nothing of the obligations arising from the business dealings between the different sections of our common country. We cannot contemplate the disturbance of these relations in business, prosperous and promising yet greater developments, and as to the sections, fraternal and tending to promote broad patriotism, without great concern as citizens, and particularly as residents of that section whose best interests are threatened by the measure in question.

SEC. 2. That the secretary of state furnish copies of these resolutions to our senators and representatives at as early a date as possible.

Ratified the 3d day of February, A. D. 1891.

Resolution of thanks to Hon. J. L. M. Curry.

Resolved by the Senate, the House of Representatives concurring : Thanks extended to J. L. M. Curry for public address.

That a vote of thanks be extended to Hon. J. L. M. Curry for the eloquent, able and highly instructive address with which he favored the general assembly, in response to invitation, on Wednesday morning, January twenty-first, eighteen hundred and ninety-one.

Resolved further, that Mr. Curry be and he is hereby requested to furnish the general assembly with a copy of his address to be spread upon the journals of the respective houses.

Ratified the 3d day of February, A. D. 1891.

Resolution of instruction to our senators and representatives in congress against the passage of the "Conger Lard Bill," and in favor of the "Paddock Pure Food Bill."

Preamble.

WHEREAS, There is now before congress a bill known as the "Conger Lard Bill," which is calculated to promote the interests of one business and injure another, and promote the interests of one section of our country to the injury of another; and whereas, the passage of said bill would greatly injure the cotton-seed industry, in which the whole South is directly interested: now, therefore, be it

Senators instructed and representatives requested to defeat Conger Lard Bill.

Resolved by the Senate, the House of Representatives concurring:

To favor "Paddock Pure Food Bill."

1. That our senators be instructed and our representatives in congress be requested to use every effort in their power to secure the defeat of the measure known as the "Conger Lard Bill."

Resolved, 2. That if any bill be passed on the subject of any food products, it should be a general pure food bill which shall neither discriminate against nor favor any one or more products, such as the "Paddock Pure Food Bill."

Secretary of state to forward copies.

Resolved, 3. That the secretary of state be and is hereby directed to send a copy of these resolutions immediately upon their passage to each of our senators and representatives in congress.

Ratified the 6th day of February, A. D. 1891.

Resolution to pay C. M. Busbee for professional services rendered the committee of the general assembly appointed to investigate railroad and other corporations which fail or refuse to pay.

C. M. Busbee allowed \$800 for legal services before railroad investigating committee.

Resolved by the House of Representatives, the Senate concurring: That the auditor be directed to draw his warrant on the treasurer to pay Charles M. Busbee, Esq., the sum of eight hundred dollars (\$800.00) for legal services rendered the special committee appointed by the last general assembly to investigate railroad corporations which refuse or fail to pay taxes in North Carolina, and the treasurer is hereby directed to pay said amount out of any funds in the treasury not otherwise appropriated.

Ratified the 10th day of February, A. D. 1891.

Resolution of thanks to Col. William L. Saunders, secretary of state.

WHEREAS, The work of publishing the Colonial Records has been so satisfactorily performed as to render it appropriate for the people of the state to put on record their high appreciation of the services rendered by the Hon. William L. Saunders in collecting and preparing them for publication :

Preamble.

Be it resolved by the House of Representatives of North Carolina, the Senate concurring : 1st. That the thanks of the people of the state are due and are hereby tendered to Col. William L. Saunders for the valuable service he has rendered the state of North Carolina in the accomplishment of this laborious work and in the preparation of the prefatory notes, the excellence of which entitle them to the admiration of our patriotic people.

Thanks returned to W. L. Saunders for work on Colonial Records.

2d. That the president of the senate be and is hereby requested to communicate this resolution to Colonel Saunders.

Resolution to be communicated,

Ratified the 12th day of February, A. D. 1891.

 Resolution of instruction to the state librarian.

WHEREAS, Henry Lawson Wyatt, of company A, first regiment, North Carolina state troops, during the late war, was the first soldier killed in line of battle from the south; and whereas, the state librarian has secured a portrait of this soldier: therefore

Preamble.

Resolved, That the sum of fifty (\$50) dollars is hereby appropriated and the state librarian is directed to have an oil portrait of the said Henry Lawson Wyatt executed and placed in the state library, among the other portraits already secured of gallant North Carolina soldiers.

\$50 appropriated for portrait of Henry L. Wyatt for state library.

Ratified the 27th day of February, A. D. 1891.

 A resolution of instruction to the state printer and binder.

WHEREAS, Under a recent decision of the attorney general (September 26th, 1890), he decided that the annual appropriation for the increase of the state library was intended under the law, for the purchase of books for the library, and not for the purpose of binding and repairs of books for preservation in the state library: therefore,

Preamble.

State printer to do printing and binding for state library.

Resolved, That the state printer and binder, under the direction of the librarian and by authority of the trustees, be and he is hereby directed to have all the necessary printing and binding for the state library done under the present laws governing the state printing, and the treasurer is directed to pay for the same in such manner as other work is paid for by the state: *Provided*, that not more than one hundred and fifty dollars (\$150.00) shall be used during any one year for this purpose.

\$150 appropriated.

Ratified the 3d day of March, A. D. 1891.

Resolution to pay expenses of committee visiting convicts on Roanoke farms.

\$87.15 appropriated to pay expenses of sub-committee on penal institutions.

Resolved by the House of Representatives, the Senate concurring: That the auditor be authorized to issue his warrants on the treasurer for the sum of eighty-seven (\$87.15) dollars and fifteen cents, actual expenses incurred by the joint sub-committee on penal institutions in visiting the Roanoke farms for the purpose of examination of said farms and of the convicts at work thereon.

Ratified the 3d day of February, A. D. 1891.

Resolution providing for an adjournment sine die on Monday, March the ninth.

Adjournment sine die on March 9th, 1891.

Resolved by the House of Representatives, the Senate concurring: That the general assembly adjourn sine die on Monday, March the ninth, at twelve o'clock meridian.

Ratified the 3d day of March, A. D. 1891.

Resolution in favor of W. E. Ardrey.

\$53.50 appropriated to pay expenses of sub-committee on education.

Resolved by the Senate, the House of Representatives concurring: That the auditor draw an order on the treasurer of state in favor of W. E. Ardrey, chairman of committee on education, for the sum of fifty-three and fifty one-hundredths (\$53.50) dollars to pay the expenses of the sub-committee on education incurred on their visit of inspection to Chapel Hill.

Ratified the 5th day of March, A. D. 1891.

A resolution to pay E. A. Brown for service in getting up omnibus bill.

Resolved by the House of Representatives, the Senate concurring: \$50 allowed E. A. Brown, clerk committee on propositions and grievances. That E. A. Brown, clerk to the committee on propositions and grievances, be and [he] is hereby allowed the sum of fifty dollars in full of services as such clerk, and this to include the service rendered on the senate as well as the house "omnibus" liquor bill.

Ratified the 7th day of March, A. D. 1891.

Resolution to pay expenses of committees who visited the Insane Asylums.

Resolved by the Senate, the House of Representatives concurring: Payment of expenses of committees visiting insane asylums. That the treasurer be instructed to pay, upon the warrant of the auditor, who is instructed to issue the same upon the certificate of the chief clerk of the senate, the actual expenses incurred by the members of the committees who visited the different insane asylums of the state during the present session of the general assembly.

Ratified the 5th day of March, A. D. 1891.

Resolution in favor of Fred. Keuster.

Resolved by the Senate, the House of Representatives concurring: \$41.30 allowed F. Keuster. That the auditor be and is hereby directed to draw his warrant on the state treasurer for forty-one (\$41.30) dollars and thirty cents to pay Fred. Keuster for repairs on capitol building and sundry articles furnished the general assembly.

Ratified the 7th day of March, A. D. 1891.

Resolution to pay expenses of the sub-committee who were sent to Thomasville relative to the location of Deaf and Dumb Asylum.

Resolved by the House of Representatives, the Senate concurring therein: \$20.10 appropriated for expenses of committee visiting Thomasville. That the auditor be directed to draw his warrant on the treasurer of North Carolina for the sum of twenty-six dollars and ten cents in favor of W. A. Woollen, R. H. Gower, J. L. Davis, to reimburse them for their actual expenses necessary in going as a joint committee of the general assembly to Thomasville, on business connected with the Deaf, Dumb and Blind Institution.

Ratified the 7th day of March, A. D. 1891.

Resolution to supply Rutherford College with certain publications.

Rutherford College to be supplied with public documents.

Resolved by the Senate, the House of Representatives concurring: That Rutherford College be supplied with copies of such publications as have been made at the expense of the state as can be spared, and two copies each of all such as shall hereafter be made.

Ratified the 7th day of March, A. D. 1891.

A resolution to pay expenses of sub-committee on education to visit State University.

Payment of expenses of sub-committee on education visiting State University.

Resolved, That the sub-committee appointed by the committee of education to examine and inspect the property and buildings of the State University be and the same are hereby allowed the actual expenses incurred by each member on his recent visit be [to] said University and the same be paid upon a warrant of the auditor on the treasurer out of any moneys not otherwise appropriated: *Provided,* that the amount under this resolution shall not exceed fifty-three and fifty one-hundredths dollars.

Ratified the 7th day of March, A. D. 1891.

Resolution to have printed captions of acts.

Secretary of state to have 2,500 copies of captions printed.

Resolved by the Senate, the House of Representatives concurring: That the secretary of state have printed by the public printer two thousand and five hundred copies of the captions of the acts and resolutions adopted and enacted by this general assembly and furnish the same to the members of the general assembly as early as practicable.

Ratified the 7th day of March, A. D. 1891.

Resolution giving copies of The Code and laws of eighteen hundred and eighty-five, eighteen hundred and eighty-seven and eighteen hundred and eighty-nine to members of this general assembly.

Copies of Code and certain laws to be furnished to members of general assembly.

Be it resolved by the House of Representatives, the Senate concurring: SECTION 1. That copies of The Code and laws for the sessions of eighteen hundred and eighty-five, eighteen hundred and eighty-seven and eighteen hundred and eighty-nine are hereby given to each member of the house of representatives and senate.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

Resolution of instruction to secretary of state.

Resolved by the Senate, the House of Representatives concurring : Secretary of state to return act to incorporate Oakland Heights Sanatorium Co. for correction.

That the secretary of state is hereby directed to return to the general assembly for correction of a single clerical error "An act to incorporate the Oakland Heights Sanatorium Company."

Ratified the 9th day of March, A. D. 1891.

Resolution to correct an enrolled bill.

WHEREAS, An act has been enrolled under title of "The Johnson City and Greensboro Railroad Company," and by omission in amending it the same is entitled in the body of the act "Johnson City and Atlantic Railroad Company:"

The General Assembly of North Carolina do enact :

Resolved, That the name in the body of the bill be allowed to be changed so as to correspond with the title.

Ratified the 9th day of March, A. D. 1891.

Resolution in favor of W. H. Bagley.

Resolved by the House of Representatives, the Senate concurring : \$15 allowed W. H. Bagley, clerk of judiciary committee.

That W. H. Bagley, who has acted in the capacity of clerk to the judiciary committee, be paid fifteen dollars for said services out of any money in [the] treasury not otherwise appropriated.

Ratified the 9th day of March, A. D. 1891.

Resolution in favor of Alfred Williams & Co.

Resolved by the Senate, the House concurring : SECTION 1. That the auditor of the state be and is hereby directed to draw a warrant upon the treasurer of the state, and the treasurer is hereby directed to pay the same, for the sum of forty-nine and thirty-five one hundredths (\$49 $\frac{35}{100}$) dollars, for stationery furnished the senate during this session of the general assembly.

SEC. 2. This resolution shall take effect from and after its recommendation [ratification.]

Ratified the 9th day of March, A. D. 1891.

A resolution in favor of Wiley Cooper.

\$40 allowed W. Cooper, engineer, for night duty.

Resolved by the Senate, the House of Representatives concurring:
That Wiley Cooper, engineer of the capital and supreme court building, be and he is hereby allowed the sum of forty dollars for extra night duty during the present session of the general assembly; and the auditor shall draw his warrant upon the treasurer for the same, who shall pay it out of any money in the treasury not otherwise appointed [appropriated.]

Ratified the 9th day of March, A. D. 1891.

Resolution to pay J. T. Watts, junior, clerk to the committee on redistricting the congressional districts of the state.

\$10 allowed J. T. Watts, clerk of committee to redistrict congressional districts.

Resolved by the Senate, the House of Representatives concurring:
That the state treasurer, upon the warrant of the auditor, be authorized and instructed to pay to J. T. Watts, junior, the sum of ten dollars for services rendered as clerk of the committee on redistricting the congressional districts.

Ratified the 9th day of March, A. D. 1891.

A resolution requesting our senators and representatives in congress to use their influence to secure an appropriation of twenty-five thousand dollars to cut a canal from Waccamaw river in Columbus county to Calabash river [sound] in Brunswick county.

Representatives in Congress requested to have bill passed to cut ship canal, &c.

Resolved by the House of Representatives, the Senate concurring:
That our representatives in the congress of the United States be earnestly requested to frame and pass a bill appropriating twenty-five thousand dollars to cut a ship canal from some point on the Waccamaw river in North Carolina to Calabash sound on the North Carolina coast, and that our senators be respectfully and earnestly requested to co-operate with our representatives in furtherance of said appropriation.

Ratified the 9th day of March, A. D. 1891.

A resolution in regard to the Colonial Records.

Resolved by the Senate, the House of Representatives concurring: Furnishing of
copies of Colonial
Records to Ruth-
erford Military
Institute.
That the secretary of state be allowed to furnish by sale or gift, as he may deem right, copies of the Colonial Records to the library of the Rutherford Military Institute of Rutherford county.
Ratified the 9th day of March, A. D. 1891.

Resolution empowering the secretary of state to furnish surplus copies of the laws and Code to Moore county.

Resolved by the Senate, the House of Representatives concurring: Secretary of state
authorized to
furnish Moore
county with
copies of laws,&c.
That the secretary of the state of North Carolina be and is hereby authorized and empowered to furnish Moore county with any surplus copies of the laws and Code of North Carolina that may be in his possession and will not thereby add any expense to the state.
Ratified the 9th day of March, A. D. 1891.

A resolution for the relief of Mrs. Louisa Lee of Durham county.

Resolved by the Senate, the House of Representatives concurring: Payment of
pension \$17.15 to
Louisa Lee.
That the auditor be and he is hereby directed to draw his warrant on the treasurer of the state in favor of Mrs. Louisa Lee, of Durham county, a widow, entitled to a pension, for the sum of seventeen and fifteen one-hundredths dollars, and the state treasurer is hereby directed to pay said warrant out of any unexpended balance of pension funds in his hands.
Ratified the 9th day of March, A. D. 1891.

Resolution in favor of F. S. Burkhead.

Resolved by the House of Representatives, the Senate concurring: \$25 allowed F. S.
Burkhead, clerk
joint committee
on finance.
That the state auditor draw his warrant upon the treasurer for the sum of twenty-five dollars in favor of F. S. Burkhead, for clerical services rendered the joint committee on finance during the present session of the general assembly.
Ratified the 9th day of March, A. D. 1891.

Resolution relative to retaining The Code and laws of one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-nine.

Members of general assembly allowed to retain copies of Code and certain laws.

Resolved by the Senate, the House of Representatives concurring: That the senators and representatives of the present session of the general assembly be allowed to retain The Code and laws of one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-nine, turned over to them by resolution of this session.

Ratified the 9th day of March, A. D. 1891.

Secretary of state to have fifty copies of annotated captions printed for each member.

Resolved by the House of Representatives, the Senate concurring: 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 9th day of March, A. D. 1891.

Resolution in favor of pages.

\$5 extra allowed pages.

Resolved that the House of Representatives, the Senate concurring, Authorize the auditor to draw his warrant on the treasurer for five dollars extra allowance for the pages of the house and senate.

Ratified the 9th day of March; A. D. 1891.

A resolution concerning the direct tax refunded by the congress of the United States to the state of North Carolina.

Appropriation by Congress to refund direct taxes accepted by state.

Resolved by the House of Representatives of North Carolina, the Senate concurring: SECTION 1. That the sum appropriated by congress and apportioned to the state of North Carolina under the terms of the act of the congress of the United States, approved on the second day of March, eighteen hundred and ninety-one, entitled "An act to credit and pay to the several states and territories and the District of Columbia all moneys collected under the direct tax

levied by the act of congress, approved August fifth, eighteen hundred and sixty-one," is hereby accepted by the state of North Carolina, together with and including the trusts imposed by said act, in full satisfaction of all claims against the United States on account of the levy and collection of said tax.

SEC. 2. The governor of North Carolina is hereby authorized to receive said money in the name of the state of North Carolina, and to execute, sign and deliver in the name of the said state, or in his own name, as may be required, a full release, receipt and acquittance of all demands of the said state and its citizens, on account of said tax. The moneys appropriated by said act shall be received by the governor and deposited by him in the treasury of the state of North Carolina for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives, as provided in said act of congress; the intention of this joint resolution being to comply fully in all respects with the terms and limitations of section three of said act.

Duty of governor.

Money, how disposed of.

Intention of resolution.

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

Ratified the 9th day of March, A. D. 1891.

Resolution in favor of Margaret Suits, widow of a confederate soldier.

WHEREAS, Margaret Suits, widow of Jonathan Suits, a true and brave confederate soldier, filed her re-application with the pension board of Guilford county on the second day of June, one thousand eight hundred and ninety (1890), (as the certificate of the auditor herewith attached will show), but said application was not received at the auditor's office until the twentieth day of August, that being too late for the apportionment, hence this poor and needy widow was deprived of her small allowance : therefore,

Preamble.

Resolved by the Senate, the House of Representatives concurring: That the auditor is hereby directed to issue his warrant to the treasurer in favor of said Margaret Suits for seventeen dollars and seventy-five cents, and the treasurer is hereby instructed to pay the same out of any unexpended moneys belonging to the pension fund.

Margaret Suits allowed pension \$17.75.

Ratified the 3d day of March, A. D. 1891.

Resolution of instruction to secretary of state requiring him to have Railroad Commission Act printed for distribution.

Secretary of state to have 2,500 copies of R. R. Commission law printed.

Resolved by the Senate, the House of Representatives concurring:
That the secretary of state be and is hereby instructed to have twenty-five hundred copies of the act creating a Railroad Commission printed for distribution.

Ratified the 9th day of March, A. D. 1891.

Resolution in regard to printing for railroad commission.

Printing for Railroad Commission, how done.

Resolved by the House of Representatives, the Senate concurring:
That what printing is required to be done for the railroad commission shall be done under the state contract for printing, and the auditor is hereby required to keep the items thereof separate and distinct from all other state printing, and all bills for the same shall be kept together and the warrants for the payment thereof shall show that the printing was for the account of the railroad commission.

Ratified the 9th day of March, A. D. 1891.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1891.

PRIVATE LAWS

OF THE

State of North Carolina,

SESSION 1891-

CHAPTER 1.

An act to declare the Carolina Construction Company a duly incorporated company, and to amend and enlarge its charter.

WHEREAS, The Carolina Construction Company has heretofore, Preamble.
to wit, on the ----- day of October, Anno Domini one thousand eight hundred and ninety, been incorporated before the clerk of the superior court for Halifax county under the general laws of the state of North Carolina, 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 and increase the corporate powers, franchise and privileges of said company: therefore,

The General Assembly of North Carolina do enact :

That said incorporation before the clerk of the superior clerk Incorporation, organization, &c., validated.
[court] for Halifax county on the ----- day of October, Anno Domini one thousand eight hundred and ninety, 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 declared valid and ratified; and that the charter of said company, granted by the clerk of the superior court for Halifax county as aforesaid, be and the same is hereby amended and re-enacted so as to read as follows :

SECTION 1. That W. H. Cuthbert, S. P. Mitchell and Walter S. Charter amended.
Phillips, of Petersburg, Virginia; T. L. Emry, of Weldon, North Carolina, and Spencer C. Gilbert, of Harrisburg, Pennsylvania, and such others as are now or may hereafter be associated with them, and their successors and assigns, are hereby constituted a body Body politic.
politic and corporate by the name and title of "The Carolina Construction Company," and under that name and style may sue and Corporate name.

Corporate powers.

be sued, implead and be impleaded, contract and be contracted with, adopt and use a common seal which it may alter at its pleasure, and shall have and enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Corporate powers.

SEC. 2. That said company shall have full power—

Development of water-power of Roanoke river.

(1). To develop and utilize for manufacturing purposes the water-power of the Roanoke river, along the great falls in Halifax and Northampton counties, North Carolina, and to that end purchase and hold in fee-simple lands in said localities, together with all the water-courses, water-rights and easements sufficient to accomplish the object in view.

Dams, &c.

(2). To construct dams, canals, water-courses and waste-ways, and erect a grist-mill upon said property.

Purchase of land, &c.

(3). To purchase and hold in fee-simple certain other lands in the aforesaid counties of Halifax and Northampton contiguous and adjacent to the localities where the proposed improvements and developments for manufacturing purposes are to be made: *Provided*, its purchases of real property under this and under paragraph one of this section does not exceed three thousand acres, but its purchases may amount to that number of acres.

Sale of land, &c.

(4). And the sole object and purpose of the incorporation of said company being to acquire said lands and rights and develop and improve the same as aforesaid in order that it may sell the same so developed and improved, it shall have power to sell and convey in fee-simple the property and works and improvements that it may so acquire and develop. And in order that the purchaser may obtain such works and property as he may desire it shall be permissible for said company to enter into contract with such purchaser, wherein it shall be expressly stipulated what property is to be acquired, and the nature, location and dimensions of the works and improvements to be constructed, fixing the compensation or price therefor, to be paid either in gross or otherwise: *Provided always*, that the property and works and improvements contracted for shall be located within the limits of the localities hereinbefore specified. Said sale, or contract to sell and construct, may be made or entered into with any individual or corporation, and "The Carolina Construction Company" may take and receive in payment therefor money, or bonds of the purchaser properly secured, or both, if the purchaser is an individual, and if the purchaser is a corporation, money or shares of the capital stock of the purchaser, or both. Such shares of stock as may be stipulated for the payment, or part payment, as aforesaid, may be entered upon the books of the purchasing corporation in the individual names of the stockholders of "The Carolina Construction Company," and upon full compliance with such sale or contract certificates thereof may be issued in the names of such stockholders according to their respective interests, as evidenced by the number

of shares herein each stockholder may hold: *Provided*, no one holding the obligations of or claims against said company is prejudiced thereby.

(5). And generally to do any and all things necessary and proper to secure and purchase the property and rights above mentioned and develop in the manner aforesaid and sell the same to any individual or corporation upon the terms hereinbefore indicated. General powers.

SEC. 3. That said company shall continue and exist for such a period, not to exceed five years, as may be necessary for it to acquire the rights and property enumerated, and construct and build the works and improvements contemplated and sell the same. Upon the completion of the object and purposes above set out, the corporation existence of said company shall cease and determine, and the assets, after satisfying all debts of and demands upon the company, shall be divided among its stockholders pro rata according to their respective interests, as evidenced by the number of shares of capital stock each stockholder may hold. If any of the assets shall consist of shares of the capital stock of any corporation, certificates thereof shall be issued to and in the names of the stockholders of the company to the extent of their respective interests therein. Corporate existence.

SEC. 4. That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing said stock to an amount not exceeding one million dollars, to be divided into shares of one hundred dollars each. Payments for subscriptions to the capital stock may be made in money, lands, work, services, labor and material contributed, furnished and employed for and in the prosecution and objects of said company, and upon such terms and at such price and rate as the said company by its president and board of directors may determine and agree upon; but no certificates of stock shall be issued until the amount subscribed shall have been fully paid. Division of assets.

SEC. 5. That the incorporators, stockholders and their successors and assigns shall not be individually or personally liable for the debts, contracts, obligations or torts of the corporation. Capital stock.

SEC. 6. That the principal office of said company may be at such point in Halifax county, North Carolina, or in the city of Petersburg, Virginia, or at such other place outside of this state as its by-laws may designate and prescribe. Subscriptions, how made.

SEC. 7. That the organization of said company having been perfected under the original letters of incorporation issued by the clerk of the superior court for Halifax county, no notice of the first meeting shall be required or given, and said organization is declared in all respects valid and regular and is hereby ratified. Stockholders not individually liable for corporate debts.

SEC. 8. That all sections or parts of sections of chapters sixteen (16) and forty-nine (49) of The Code of North Carolina, or of the statutes amendatory thereof, or other law in conflict or inconsistent Principal office.

Organization.

Conflicting laws inoperative.

with this act, are hereby declared inoperative as far as they may affect the privileges, rights and powers herein conferred or granted by the original letters of incorporation.

SEC. 9. That this act shall be in force from and after the date of its ratification.

Ratified the 20th day of January, A. D. 1891.

CHAPTER 2.

An act to declare the Great Falls Water-power Manufacturing and Improvement Company a duly incorporated company, and to amend and enlarge its charter.

Preamble.

WHEREAS, The Great Falls Water-power Manufacturing and Improvement Company has heretofore, to-wit, on the eighteenth day of August, Anno Domini one thousand eight hundred and ninety, been incorporated before the clerk of the superior court for the county of Halifax under the general laws of the state of North Carolina, 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 and increase the corporate powers, franchises and privileges of said company: therefore,

The General Assembly of North Carolina do enact:

Incorporation,
organization,
&c., validated.

That said incorporation before the clerk of the superior court for Halifax county on the eighteenth day of August, one thousand eight hundred and ninety, 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, and that the charter of said company granted by the clerk of the superior court for Halifax county as aforesaid, be and the same is hereby amended and re-enacted so as to read as follows:

Body politic.

SECTION 1. That W. M. Habliston and Charles Cohen, of Petersburg, Virginia; T. L. Emry, of Weldon, North Carolina; John L. Williams, of Richmond, Virginia, and Abraham S. Patterson, of Philadelphia, Pennsylvania, and such others as are now or may hereafter be associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name and title of "The Great Falls Water-power Manufacturing and Improvement Company," and under that name and style may sue and be sued, implead and be impleaded, contract and be contracted with,

Corporate name.

Corporate powers.

adopt and use a common seal, which it may alter at pleasure; shall have perpetual succession, and shall have and enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

SEC. 2. That said company shall have full power—

(1). To buy, lease, exchange, own, hold, sell and convey real property, situate in Halifax and Northampton counties, North Carolina, especially those lands along the Great Falls of Roanoke river in any amount or quantity, in fee-simple, or for a less interest, with all rights and privileges in connection therewith: *Provided*, the amount or quantity so held by the company does not exceed at any one time five thousand acres.

Corporate powers.
Purchase, &c., of land.

(2). To develop and utilize the water-power of the Roanoke river between Gaston and Weldon, North Carolina, and on both sides of that stream, particularly at and along the Great Falls thereof, for manufacturing purposes and for the construction and operation of mills and factories of any kind and for any purpose; and to that end to erect and maintain all necessary dams, waste-ways and obstructions in and across said Roanoke river, and cut and construct such canals and waste-ways from and to said river upon the lands of said company as may be required to fully develop and utilize such water-power: *Provided*, that in the construction and maintenance of said dams, canals and waste-ways and in the development and use of said water-power, neither the rights or property of persons owning lands on the Roanoke river, nor the rights, franchises, privileges or property of any other corporation, shall be interfered with or encroached upon in any unreasonable manner to the substantial injury of any other person or corporation.

Development of water power of Roanoke river.

Proviso.

(3). To build and equip mills and factories of any kind and for any purpose upon its said property and developments, and operate, sell or lease the same, or make such other disposition of them as it may deem best.

Mills, factories, &c.

(4). To sell, lease and donate the water-power and sites for mills, factories and other structures that may be developed by the construction and maintenance of its aforesaid dams, waste-ways and canals.

Sale, &c., of water-power.

(5). To lay out its lands not needed for the construction and maintenance of its dams, waste-ways and canals, nor for the operation of the mills and factories that may be located thereon, into streets, parks, blocks and building lots; and if it so desire, erect suitable structures and buildings thereon, and sell, lease and donate the same, whether improved or unimproved.

Improvement of lands.

(6). To do any and all things expedient for acquiring, utilizing, improving, developing and disposing of its property, and to that end contract with any person or corporation to purchase and sell to it such lands, water-rights and easements it may desire or need for its aforesaid purposes, and also to develop the water-power and con-

General powers.

struct and erect the dams, waste-ways, canals, mills and factories it may determine upon, and make payment therefor in money or shares of its capital stock, or both.

Subscriptions to stock of other companies.

(7). To subscribe for stock of, or enter into partnership or arrangements with, any corporation organized under the laws of this state; and in the exercise of such power the present stockholders may surrender and have annulled their shares herein and become subscribers to the capital stock of any corporation with which this company may enter into such contract as is contemplated and provided for in the preceding paragraph of this section, in consideration of the money and stock benefits to which they as subscribers to such corporation's stock may be entitled and get from this company under and by virtue of the provisions of such contract.

Capital stock.

SEC. 3. That the capital stock of said company shall not be less than two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the same may from time to time be increased by additional subscriptions or the issue and sale of shares to such amount, not exceeding three million dollars, as the stockholders at any general meeting, or special meeting called for that purpose, may authorize and prescribe. Shares of stock may be issued and sold or subscribed for at a price not less than fifty per centum of the par value thereof, and payment therefor may be made in money, lands, services, work, labor and material, contributed, employed and furnished for and in the prosecution and objects of the company, and upon such terms and at such price and rate as the company by its president and board of directors may determine and agree upon; but a majority of the stockholders may, at any general or special meeting, raise the price and forbid the further sale of any shares at that per centum. When the amount originally agreed to be paid on subscription to stock shall have been paid in full according to the terms and at the stipulated price, said company is hereby authorized to issue full-paid certificates of stock for the par value thereof to the subscribers or their transferees; and the holders thereof shall not be liable for any further assessments thereon for any purpose whatever.

Subscriptions, how made.

Certificates of stock.

Liability of stockholders.

SEC. 4. That the corporators and stockholders of said company, their associates, successors and assigns, shall not be responsible for the debts, contracts, obligations, engagements, assurances or torts of said company beyond or further than the property which they may own as stockholders therein, or than to such amount as may be due and unpaid severally upon the shares of stock purchased or subscribed for by them respectively at the stipulated price therefor.

Principal office.

SEC. 5. That the principal office of said company may be at such point in Halifax county, North Carolina, as its by-laws may designate and prescribe.

SEC. 6. That the organization of said company having been perfected under the original letters of incorporation issued by the clerk of the superior court for Halifax county no notice of the first meeting shall be required or given, and said organization is hereby ratified and declared in all respects regular and valid. Organization.

SEC. 7. That all sections or parts of sections of chapters sixteen (16) and forty-nine (49) of The Code of North Carolina or of the statutes amendatory thereof, or other laws in conflict or inconsistent with this act, are hereby declared inoperative as far as they may affect the privileges, rights and powers herein conferred or granted by the original letters of incorporation. Conflicting laws inoperative.

SEC. 8. That this act shall be in force from and after the date of its ratification.

Ratified the 20th day of January, A. D. 1891.

CHAPTER 3.

An act to amend the charter of the city of Asheville.

The General Assembly of North Carolina do enact :

SECTION 1. That immediately after the ratification of this act the board of aldermen of the city of Asheville shall elect a city recorder, to hold office until the third Monday in June following, or until his successor is elected and qualified. City recorder to be elected.

SEC. 2. That on the said third Monday in June, one thousand eight hundred and ninety-one, and on the same day in each succeeding year, the said board of aldermen shall elect a successor to the said city recorder, to hold office one year from the day of his election, or until his successor is elected and qualified. Election of successor.

SEC. 3. The said city recorder shall have all the civil and criminal jurisdiction of justice of the peace, and it shall be his duty to exercise all criminal jurisdiction now exercised by the mayor of said city, including all violations of ordinances of the said city. Jurisdiction of recorder.

SEC. 4. The compensation of said city recorder shall be fixed by the said board of aldermen, and shall not be reduced during his term of office. Compensation.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified the 20th day of January A. D. 1891.

CHAPTER 4.

An act to incorporate the regents of the Orphans' Home of the Presbyterian church of the state of North Carolina.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That J. Rumble, D. I. Craige, George Chadbourn, William E. McIlwaine, John E. Oates, A. Leazer, W. R. McLelland, G. W. Love, Samuel H. Wiley and George E. Wilson, and their successors in office, are hereby created a body politic and corporate by the name and style of "The Regents of the Orphans' Home," and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, may have a common seal, and may purchase, take, receive and hold any real or personal property whatsoever, and may sell, transfer, mortgage and convey any such property. But nothing in this section shall authorize the said regents to use or dispose of any property given, bequeathed, devised or conveyed to them contrary to the conditions annexed to such gift, bequest, devise or conveyance.
- Corporate name.
Corporate powers. SEC. 2. That the said regents may establish at or near Barium Springs, in the county of Iredell, a home for the care, control, education, maintenance and support of such indigent orphan children as the regents may desire to provide for, which children shall be received only upon compliance with such rules as the regents may prescribe for their reception. That the regents may make by-laws for the government of the home and for the preservation of good morals therein, and may discharge any child so received in the home whenever, in their opinion, the good of the institution so requires; that any child or children when so received shall be under the care and control of the regents, and anyone who shall take or remove from the home any such child or children without the consent of the regents, or who shall aid or abet in such removal, shall be guilty of a misdemeanor and shall be punished by fine or imprisonment or both in the discretion of the court.
- Establishment of home, care of children, &c. Misdemeanor to remove child without consent, &c.
- Regents. SEC. 3. That the regents of the said home shall not exceed ten in number, all of whom shall be elected by the synod of the Presbyterian church of North Carolina, and the regents shall at all times be amenable to the said synod, and may be removed by such synod at any time for cause; that the regents shall be elected by the said synod under such rules and regulations as the synod may prescribe, and the term of office of each of the regents shall be fixed by the synod.
- Election. SEC. 4. That all gifts, grants, purchases, devises or bequests, or the proceeds of such, made to the said regents shall be held by them in trust for the use and benefit of the synod of the Presbyterian church of North Carolina for the purpose of maintaining the
- Gifts, &c., to be held in trust.

Orphans' Home when the conditions of the gift, grant, bequest or devise does not otherwise forbid.

SEC. 5. That the regents shall elect one of their number president, and out of their number a secretary and treasurer, but nothing herein shall be so construed to prevent the regents from separating the office of secretary and treasurer. They may also elect a superintendent for the home and such other teachers and servants as they may deem necessary for the successful operation of the institution; they shall also fix the salary attached to each officer, but the superintendent, by and with the consent of the regents, may fix the compensation of the servants of the home.

President, secretary and treasurer.

Superintendent and teachers.

Salaries.

SEC. 6. It shall be unlawful for any person to set up or continue any gaming or billiard table or any device whatever for playing at any game of chance or hazard by whatever name called, or to exhibit any sleight-of-hand, theatrical performance, rope or wire-dancing or other itinerant natural or artificial curiosities, or to make, sell, give or transmit to any inmate of the home, or to anyone connected therewith, or to any person within three miles of the said home, any spirituous or malt liquors without the written permission of the superintendent of the home. Any person violating this section shall be guilty of a misdemeanor and shall be fined or imprisoned or both in the discretion of the court.

Unlawful to set up gaming table, &c., exhibit any theatricals, &c., or sell, &c., liquor within three miles.

Misdemeanor.

SEC. 7. That the real estate of the said corporation hereby created 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.

Limit of property to be owned.

SEC. 8. That the real estate owned by the said corporation, or that may be hereafter acquired by it, not exceeding three hundred thousand dollars in value, including the land upon which the home is erected and that adjacent thereto, shall be exempt from taxation, and that the personal property thereof, including money, not exceeding five hundred thousand dollars in value, shall be exempt from taxation.

Exemption from taxation.

SEC. 9. That the regents are authorized, by and with the consent of the Synod of the Presbyterian Church of North Carolina, to change the location of the home at any time.

Change of location.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1891.

CHAPTER 5.

An act to enable the city of Wilmington to purchase grounds for a public park without the corporate limits of said city.

The General Assembly of North Carolina do enact :

Board of aldermen authorized to purchase land for public park.

SECTION 1. That the board of aldermen of the city of Wilmington be and they are hereby fully empowered, the board of audit and finance concurring, to purchase without the corporate limits of the said city and adjoining the same such a tract of land as to the said board may be deemed suitable for a public park.

Jurisdiction of city over park.

SEC. 2. That when the deed conveying title to the land so purchased shall be duly proved and registered, the jurisdiction of the said city shall extend to and over said tract of land in all respects as fully as were the same a part of the corporate territory of said city.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 21st day of January, A. D. 1891.

CHAPTER 6.

An act to amend the charter of Trinity College.

The General Assembly of North Carolina do enact :

Trustees authorized to remove college to Durham.

SECTION 1. That the trustees of Trinity College are authorized and empowered to remove the operations and exercises of said college and to locate the buildings deemed necessary by them for the purposes of the college at or near the town of Durham in North Carolina. They may, if they so elect, establish and maintain in connection with said college institutions of primary and intermediate education at the present site of the college in Randolph county, and at such other points as they may now or hereafter determine, for the purpose of preparing students for admission to a collegiate course. The management of such auxiliary and subordinate high schools and academies shall be vested in the said board of trustees, who are authorized to make by-laws and regulations for them, as well as for the college proper.

Primary and intermediate schools at present site and other places.

Management.

Trustees authorized to hold property not exceeding \$3,000,000.

SEC. 2. That the trustees of Trinity College are authorized to receive and hold by gift, devise or purchase, property, real and personal, to be held for the use of said college and its dependent schools, or for the use of either or both (as may be designated in the conveyance or will), to a value not exceeding in the aggregate the sum of three millions of dollars.

SEC. 3. That the trustees shall be thirty-six in number, of whom twelve shall be elected by the North Carolina Conference of the M. E. Church, South, twelve by the W. N. C. Conference of said church and twelve by the graduates of said college. The term of office of trustees shall be six years, and they shall be so arranged that four trustees shall be elected by each conference and four by the graduates every two years. The trustees shall regulate by by-laws the manner of election of the trustees to be chosen by the graduates. Should there exist a vacancy by death, resignation [resignation] or otherwise of any trustees the same shall be filled for the unexpired term by the board of trustees. The terms of the trustees now in office shall expire January first, one thousand eight hundred and ninety-two. At the first election held under this amendment to the charter the body of graduates and each of the conferences shall respectively elect four trustees for the term of two years; in like manner each of said constituencies shall elect four trustees for the term of four years, and in like manner each shall elect four trustees for the term of six years.

Trustees, how elected, &c.

Terms of office.

Vacancies.

SEC. 4. That all laws and parts of laws or of the charters heretofore granted which are 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 and acceptance by the board of trustees.

When act to be in force.

Ratified the 21st day of January, A. D. 1891.

CHAPTER 7.

An act to amend the charter of The Henderson Water-Works Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-five of the private laws of North Carolina of eighteen hundred and eighty-seven be and the same are hereby amended by striking out the words "The Henderson Water-works Company" wheresoever they appear in said chapter and inserting instead thereof the words "The Henderson Water-Supply Company"

Chapter 165, private laws 1887, amended.

Name changed to Henderson Water Supply Company.

SEC. 2. That all the rights and privileges, duties and liabilities of said company, as set forth in said chapter, shall remain unchanged and of full force and effect.

Corporate powers.

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

Ratified the 21st day of January, A. D. 1891.

CHAPTER 8.

An act to authorize the consolidation of the Winston-Salem Street Railway Company with the Winston Electric Light and Motive Power Company.

Preamble.

WHEREAS, The Winston-Salem Street Railway Company, organized under a special act of the general assembly, and the Winston Electric Light and Motive Power Company, organized under the general law of corporations, are now owned and operated under one and the same management; and whereas, for the convenience of the owners and in the interest of the public it is desirable that the two said corporations shall be consolidated under one charter: therefore,

The General Assembly of North Carolina do enact :

Consolidation of Winston-Salem Street Railway Co. and Winston Electric Light and Motive Power Company authorized.

Corporate name.

Corporate powers.

Additional corporate powers.

SECTION 1. That authority is hereby given for the consolidation of the said Winston-Salem Street Railway Company with the Winston Electric Light and Motive Power Company under the name of "The Winston-Salem Railway and Electric Company" upon such terms and conditions as may be agreed by said companies, and thereupon the Winston-Salem Railway and Electric Company shall succeed to and possess all the existing rights, powers, properties, privileges, franchise and contracts which have been conferred upon each of the named companies by their several charters.

SEC. 2. That upon said consolidation of said companies authorized by section one of this act, in addition to the rights, powers and privileges heretofore conferred by their several charters, the said Winston-Salem Railway and Electric Company shall have the power to manufacture ice, to make and distribute for heating or power purposes steam, conducted through pipes or otherwise, and generally to conduct any manufacturing or electric business which the said company may desire to do in connection with the steam or electric plants, or either of them, and which can be conveniently or economically managed by the said company. Said company shall have the power to develop the resources of any property they may own or purchase, to subscribe to the capital stock of any enterprise which may be projected in Forsyth county, to establish and maintain gas-works and any other works that may be necessary or convenient for the company. They shall have the 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, develop, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the company; to issue mortgage bonds upon any and all of the company's property, and generally to do all such things as are conducive to the attainment

of any or all of the above objects. This corporation so consolidated shall exist and be in force and effect for a period of ninety years from the day of ratification of this act.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 9.

An act to amend an act entitled "An act to incorporate the Carolina Insurance Company of Wilmington, North Carolina."

The General Assembly of North Carolina do enact :

SECTION 1. That section two of the charter of Carolina Insurance Company be amended by striking out the word "seven" where it appears in said section and inserting the word "thirteen," making said section read, "That the affairs of this company shall be governed and managed by a board of directors to consist of not less than three nor more than thirteen members or stockholders, as may be regulated by the by-laws of the company, and the president, who shall be *ex officio* a member of the board, and ten directors shall constitute a quorum for the transaction of business;" said directors shall be elected at the regular annual meeting of the stockholders and shall hold office for one year and until others shall be chosen to supply their places. The board of directors shall have power to fill vacancies created by death, resignation or otherwise.

Chapter 6, private laws 1887, amended.

Board of directors.

Quorum.
Election.

Vacancies.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 10.

An act to incorporate the Carraleigh Phosphate and Fertilizer Works.

The General Assembly of North Carolina do enact :

SECTION 1. That W. G. Upchurch, J. R. Chamberlain, J. J. Thomas, J. N. Holding, R. B. Raney, S. R. Horne, and such other persons as may be associated with them, are hereby made a body politic and corporate, with perpetual succession, to be known by the name and style of "The Carraleigh Phosphate and Fertilizer Works," with power to purchase and own real and personal property, to have a corporate seal, to sue and be sued in any and all courts, and to do

Body politic.

Corporate name.
Corporate powers.

any and all other things which belong to bodies politic and corporate, with power to purchase, hold, sell, lease, mortgage or otherwise convey and dispose of any real and personal property, to borrow money and to issue bonds on promissory notes or other evidences of indebtedness and to secure the same by mortgage or otherwise as may be deemed best, to make advances of money or other things on such terms and on such rates of interest, not exceeding eight per centum per annum, and on such security, real or personal, as may be agreed on, and with all the rights, powers and privileges incident to or belonging to corporations.

Capital stock.

SEC. 2. The capital stock of said company shall be forty thousand dollars, which may be increased at any time by a majority vote of the stockholders to two hundred thousand dollars, and the capital stock is to be divided into shares of one hundred dollars each, and at all meetings of the stockholders of said company each share of stock shall entitle the owner of the same to one vote, either in person or by proxy.

Shares.

Stock vote.

Powers of stockholders.

SEC. 3. The stockholders of said company will make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company; they may prescribe the number of the directors and the number and character of the officers of said company, the manner of their election, the amount of their compensation, the terms of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy existing from any cause whatever, either among the officers or directors of said company, and shall have power to enjoy all and every privilege incidental and belonging to corporate bodies according to the laws of this state.

Authorized to manufacture fertilizers, &c.

SEC. 4. That said company is hereby authorized and empowered to manufacture fertilizers and chemicals of any character and description from phosphate rock materials or substances of any kind whatever, and buy, sell and deal in phosphate rock and all kinds of materials used in the manufacture of fertilizers, manufacture of bags and such other things as may be deemed necessary for the manufacture or the sale of fertilizers and chemicals, and generally to conduct and carry on in all its branches the business of manufacturing, selling and transporting phosphates and fertilizers of all kinds and to engage in and conduct any kind of agricultural, manufacturing or merchandising business.

Stockholders not individually liable for corporate debts.

SEC. 5. No stockholder shall be individually liable or responsible for any debt or engagement, contract or obligation, omission or tort of or demand on said corporation, and the shares of stock of the company, when the par value has been paid, shall forever be non-assessable.

Shares, when paid in full, non-assessable.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 11.

An act to incorporate the Carraleigh Mills Company.

*The General Assembly of North Carolina do enact :*⁹

SECTION 1. That W. G. Upchurch, J. J. Thomas, Ashley Horne, Ed. C. Smith, F. O. Moring, W. H. Pace, J. S. Carr, Julius Lewis, T. H. Briggs, D. E. Everett and A. F. Page, their associates and successors, be and they are hereby created and constituted a body corporate with perpetual succession under the name and style of "The Carraleigh Mills Company," with a capital stock of one hundred and twenty-five thousand dollars, divided into one thousand two hundred and fifty shares of one hundred dollars each, with liberty to increase the capital stock at any time, or from time to time, by a majority vote of the stockholders, to an amount not exceeding one million dollars, and said corporation shall have power to sue and be sued, plead and be impleaded, prosecute and defend actions and special proceedings in any court, and may have a common seal, which may be changed at pleasure.

Body politic.

Corporate name.

Capital stock.

Corporate powers.

SEC. 2. The stockholders of said company may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company. They may prescribe the number of directors, and the number and character of the officers of said company, the manner of their election and the amount of their compensation, the terms of their respective officers, the manner in which any director or officer may be removed, and the mode of supplying any vacancy existing from any cause whatever, either among the directors or officers of said company, and shall have power to enjoy all and every privilege incidental and belonging to corporate bodies according to the laws of this state, and at all meetings of the stockholders of said company each share of stock shall entitle the owner of the same to one vote, either in person or by proxy.

Powers of stockholders.

Stock vote.

SEC. 3. That said corporation shall have the power to spin, weave, manufacture, finish and sell warps, yarns, cloth, prints, or any other fabrics made out of cotton, wool, or any other material that is now spun or woven, or that may hereafter be spun or woven, and shall have power to take, hold, purchase, exchange, sell and convey real estate in fee-simple and otherwise not to exceed one thousand acres, and build upon and improve, lease and rent real estate, lay off and open streets and establish and maintain such police regulations as may be necessary to protect its property.

Corporate powers.

SEC. 4. That said corporation is further authorized and empowered to construct, erect and maintain water-works and mains, gas-works and mains, electric light works and plants, street railways and tramways, for the transportation of persons and their baggage, goods,

Corporate powers.

wares, merchandise, and other property; to manufacture, buy and sell all articles made of wood, iron, steel, tin or other metal, or a combination of all or any of the same; to make, manufacture, buy and sell brick, pipe, tiles and all kinds of articles made out of clay, sand or dirt; to mine, quarry, cut, shape and sell all kinds of rock and stone; to buy and sell all kinds of goods, wares and merchandise and carry on the business of general merchandise; to manufacture and sell all kinds of knit goods, bats and shoddy, and do any and all things that may be necessary to the proper conduct of any and all of its purposes aforesaid, including the buying and selling of all kinds of material and property of every description used and needed in any of its contemplated business aforesaid, or engage in any other enterprise not prohibited by the laws of the state, including the business of banking, with all the rights, powers and privileges granted to bank corporations by the legislature of North Carolina, with the right to secure any loan made or money advanced by mortgage or otherwise, at any rate of interest agreed upon, not to exceed eight per centum per annum, and shall also have such rights as are granted to any of the Savings Banks of North Carolina, with all incidents and privileges pertaining to Savings Banks, and shall have the right to issue bonds or other evidences of indebtedness and secure the same by mortgage or deed of trust on any or all of its property, real or personal.

Stockholders not individually liable for corporate debts. Shares, after paid in full, non-assessable.

SEC. 5. No stockholder shall be individually liable or responsible for any debt or engagement, contract or obligation, omission or tort of or demand on said corporation, and the shares of stock of the company, when the par value has been paid, shall be forever non-assessable.

Subscriptions, how made.

SEC. 6. Said corporation may receive subscriptions to its capital stock in cash or in real or personal property, bonds, certificates of stock or other choses in action, at such rates and upon such terms as said corporation may deem best: *Provided*, that no subscription is to be paid in any other way than in cash except by the consent of a majority of the stockholders.

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

Ratified the 24th day of January, A. D. 1891.

CHAPTER 12.

An act to repeal chapter fifty-three of the private laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter fifty-three of the private laws of eighteen hundred and eighty-five, in regard to the town of Hendersonville, be and is hereby repealed. Chapter 53, private laws 1885, repealed. Manner of granting retail liquor licenses by commissioners of Hendersonville.

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

Ratified the 27th day of January, A. D. 1891.

CHAPTER 13.

An act to continue in force an act to incorporate the Silver Valley Mining Company in the county of Davidson.

The General Assembly of North Carolina do enact :

SECTION 1. That the act of the general assembly of the state of North Carolina ratified the fifteenth day of January, eighteen hundred and sixty-one, incorporating "The Silver Valley Mining Company", in the county of Davidson, and as amended at different times since its ratification, be and the same is hereby extended for the period of thirty years. Incorporation of Silver Valley Mining Co. (ch. 107, private laws 1860-1) extended thirty years.

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

Ratified the 27th day of January, A. D. 1891.

CHAPTER 14.

An act to amend chapter two hundred and fifty-five of private laws of one thousand eight hundred and eighty-nine, in regard to Roxboro Land and Loan Company and to give it banking privileges.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Long, A. R. Foushee, W. P. Yancey, Josephus Younger, J. L. Brooks, C. B. Brooks, J. S. Merritt, Lee H. Battle, M. S. Jones, J. S. Carr, R. Taylor Gleares and Geo. M. Jones, and their present and future associates, successors and assigns, be and they are hereby constituted, created and declared to be a body Body politic.

- Corporate name. politic and corporate under the name and style of "The People's Bank," and by this name may have thirty years succession, with
- Corporate powers. capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate 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 four, volume two of The Code, entitled "Banks."
- Capital stock. SEC. 2. That the capital stock of said bank shall be thirty thousand dollars in shares of fifty 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 one hundred thousand dollars, and said corporation may at the beginning of business, or at any time thereafter, purchase the business, good will and assets of any private banker or bankers or banking institution, and issue the whole or any part of its capital stock in payment thereof.
- Books of subscription. 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 twenty thousand dollars is subscribed in good faith the said corporators who have opened said subscription books may call a meeting of the subscribers in the town of Roxboro 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 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 and compensation and terms of service, and require bonds of such officers as they may choose; but if the 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 officers and prescribing their duties and fixing their terms of office and salaries.
- Organization.
- President. SEC. 4. That 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. That the 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 busi-

ness 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 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 [either] of said corporation, except to the amount of their subscription; and when any stockholder or subscriber shall be indebted to the corporation for unpaid subscriptions 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, and endorser or guarantor of each such stockholder or subscriber to the bank, and 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 direction at public auction, for cash, at the door of the office of the corporation, or at the courthouse door in Roxboro, 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.

Transfer of stock by stockholder indebted to corporation not valid.

Lien.

SEC. 6. That the principal office and place of business of said corporation shall be at Roxboro.

Principal office.

SEC. 7. That 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 of married women, &c.

SEC. 8. That 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, may bid for, buy and hold any and all such property free from lien or incumbrance, and its title thereto shall be absolute and unconditional, and shall be in all respects valid and binding against all persons.

Corporation authorized to buy at sale of property on which it has a lien.

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

Ratified the 27th day of January A. D. 1891.

CHAPTER 15.

An act to incorporate the People's Bank of Asheville.

The General Assembly of North Carolina do enact:

- Body politic.** SECTION 1. That Natt. Atkinson, Preston F. Patton, Robert U. Garrett, William T. Reynolds, R. M. Furman, E. G. Carrier and S. H. Reed, and their associates, successors, and assigns, be and they are hereby created a body politic and corporate under the name and
- Corporate name.** style of "The People's Bank of Asheville, North Carolina," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the state, and have continual succession for ninety-nine years, and a common seal, for the purposes indicated in the title.
- Corporate powers.**
- Capital stock.** SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars, which may be increased from time to time to a sum not exceeding five hundred thousand dollars in shares or twenty-five dollars each, and the said bank may commence the business of banking when five thousand dollars of the capital stock aforesaid has been paid in.
- Directors.** SEC. 3. That the persons named in section one of this act shall be and remain directors of this corporation until their successors are chosen, and no person shall be such director without having first subscribed and taken at least four shares of said stock.
- Duties of board of directors.** SEC. 4. That it shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, to fix salaries, fill vacancies and generally to do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe, when the same shall have been duly ratified by a majority in number and value of the stockholders voting thereon in person or by proxy.
- Principal office.** SEC. 5. That the office or banking house of this corporation shall be located in the city of Asheville and state of North Carolina.
- Corporate powers.** SEC. 6. That this corporation shall have the power to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for the use and loan of money may charge [as] high a rate of interest as eight per centum per annum, and may take and receive said interest at the time of making said loan, free from all other control, contract or liability whatever, to invest in the stocks, bonds or other securities of this or any other state or of the United States, or of any corporation under the laws thereof, and to take such real and

personal property conditioned in such form from [for] the payment of the principal and interest of the money loaned, advanced or expended as may be most safe, expedient and beneficial.

SEC. 7. That said corporation shall have power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange and other securities and evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and also may charge therefor so high a rate of interest as eight per centum per annum and may take and receive the interest at the time of making said transaction, and may in its discretion use such method and form of making such guaranty, either by indorsement, the issuing [of] 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, and shall also have, use, exercise and enjoy all the powers, privileges, advantages, benefits and rights conferred upon the "French Broad Bank" by its charter as enacted and ratified by the general assembly of North Carolina on the eleventh day of March, eighteen hundred and eighty-five, in as full and ample manner as the same are therein named and conferred, and shall be subject to all the general restrictions specified in the charter of the said "French Broad Bank" and such other restrictions as are provided for by the laws of this state in regard to bodies politic and corporate.

Corporate powers.

SEC. 8. That the said bank shall have all the general powers and be subject to all the general regulations with reference to taxation and [as] otherwise provided for by the laws of this state, or which may be hereafter enacted by the general assembly in regard to banking corporations.

General powers and liabilities.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1891.

CHAPTER 16.

An act to amend section two, chapter sixty-three, private acts, of the laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 63, private laws 1889, amended.
Corporate limits of Ramoth, Buncombe county.

SECTION 1. That section two (2), chapter sixty-three (63), private laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended as follows: beginning at a stake in the north corporate line of the city of Asheville, on the west edge of Charlotte street where said street crosses said corporate line at or near E. T. E. Deakes' dwelling-house, and follows west margin of said Charlotte street to a stake at a point north of Kimberly's stables, and opposite the east corner of the land recently purchased of Wm. M. Cocke by Dan. Reynolds and others; thence due west to this same east corner to a stake on west margin of Beaver-dam road; thence in a westerly course along the line between Prof. Horace King and this said land bought by Dan. Reynolds and others, to a stake on the top of knob known as Woodfin mountain; thence with said mountain in a south-westerly course to the east margin of the old Warm Springs road to a stake; thence running with east margin of said old road to corporate line of the city of Asheville; thence in an eastwardly course along said corporate line to the beginning.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 28th day of January, A. D. 1891.

CHAPTER 17.

An act to amend the charter of the North Carolina Steel and Iron Company.

The General Assembly of North Carolina do enact :

Chapter 34, private laws 1887, amended.

Corporate powers.

SECTION 1. That chapter thirty-four of the private laws of one thousand eight hundred and eighty-seven, entitled "An act to incorporate the North Carolina Steel and Iron Company," and ratified the twenty-second day of February, one thousand eight hundred and eighty-seven, be amended by adding to section two of said chapter the following: "Said company shall have the power to subscribe to the capital stock of any other corporation whenever the directors of the North Carolina Steel and Iron Company may deem it expedient to do so in order to advance the general purposes and interest of their company."

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 28th day of January, A. D. 1891.

CHAPTER 18.

An act to incorporate The Wilkinson Female Institute, of Tarboro, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That Annie M. Wilkinson, Annie W. Hughes, their associates and successors, are incorporated a body politic for educational purposes under the name of "The Wilkinson Female Institute," with all the rights, powers, privileges and duties of such corporations.

SEC. 2. That they shall have power to grant certificates of merit, diplomas or other evidences of merit or proficiency in any of the departments of sciences and languages, either classical or English.

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

Ratified the 28th day of January, A. D. 1891.

CHAPTER 19.

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

The General Assembly of North Carolina do enact :

SECTION 1. That subsection one (1) of section five (5) of chapter eighty-five (85) of the laws of one thousand eight hundred and eighty-nine be amended by striking out all of said subsection after the words "therewith" and in lieu thereof inserting the following:

"*Provided*, this corporation shall not have power to take, hold or own the fee-simple or less interest in land to an amount at any one time greater than five hundred thousand dollars in value."

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

Ratified the 28th day of January, A. D. 1891.

CHAPTER 20.

An act to authorize the Wilmington Light Infantry to purchase or hold a lot for an armory, and to organize a reserve corps.

WHEREAS, The Wilmington Light Infantry was incorporated in the year one thousand eight hundred and fifty-three, under the provisions of an act of the general assembly, entitled "An act to amend the seventy-third section of an act entitled, an act concerning the militia of the state and for other purposes," ratified the twenty-

ninth day of January, one thousand eight hundred and forty-nine, and has kept up its organization continuously ever since, having served during the entire war lately between the states;

AND WHEREAS, The said company has for a long time rendered to the inhabitants of the city of Wilmington most useful and valuable service when called on by its corporate authorities in the protection of property at fires, and in the suppression of riots and disturbances of the peace; and in consideration of such service, and for the sake of the moral influence of said company in the maintenance of the safety and security of the lives and property of the citizens, the board of aldermen of said city, in pursuance of an ordinance passed on the second day of July, one thousand eight hundred and eighty-eight, did cause to be executed to said company a lease for ninety-nine years of a certain lot of land in said city at the north-west corner of Dock and Fourth streets, for the purpose of erecting a convenient armory: Now therefore, in consideration thereof,

The General Assembly of North Carolina do enact :

Corporate authorities of Wilmington authorized to convey land to Wilmington Light Infantry Company.

SECTION 1. That it shall be lawful for the corporate authorities of the city of Wilmington, if they shall see fit, to convey to the said company in fee-simple and unconditionally, the land and premises hereinbefore referred to, and the said company may lawfully take and hold the same.

Reserve corps of company.

SEC. 2. That it shall be lawful for the said company to place all members who have served for the period of five years and fulfilled the requirements of the company's by-laws, and who apply for it, on a list to be called the "Reserve corps of the Wilmington Light Infantry," which reserve corps shall not be compelled to attend the drills and meetings of the company, but shall be subject to the rules and by-laws regarding the reserve corps of said company and all orders of the captain whenever he shall see fit to call them into service, and they shall be armed and equipped by the state whilst said company is a part of the State Guard. Their arms and uniforms and other equipments shall be kept in the company's armory, and annual dues shall be required by the company of them [of] not less than three dollars (§3).

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

Ratified the 31st day of January, A. D. 1891.

CHAPTER 21.

An act to incorporate the Table Rock Academy in Burke county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Rector, J. L. Lisk, M. P. Hemphill, T. C. McGimpsey and T. C. Wakefield, trustees of the Table Rock Academy in Burke county, North Carolina, and their successors in office, are hereby created and declared a body politic and corporate under the name and style of "The Table Rock Academy;" in said name to sue and be sued, plead and be impleaded, to buy, sell, lease and hold real and personal estate for educational purposes, and to have all other rights and privileges incident to such corporations.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That the appointment of said trustees is hereby duly ratified and confirmed, and the said trustees shall hold their offices during life, and in case of vacancy by the death or resignation of any of said trustees, or otherwise, the remaining trustees shall by a vote of their body elect some suitable person to fill such vacancy.

Trustees.

SEC. 3. That it shall be unlawful for any person to make, sell or retail any spirituous or malt liquors or other intoxicating beverage within one mile of said academy, and any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Unlawful to sell,
&c., liquor within
one mile.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 22.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter one hundred and ten of the private laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out the word "half" in the first line and inserting in lieu thereof the words "three-fourths of."

Chapter 110, private laws 1889, amended.
Corporate limits of Brevard, Transylvania county.

SEC. 2. That section eight of said chapter be and the same is hereby amended by adding at the end thereof the following: "And in case of a vacancy caused by death or otherwise, then the commissioners shall have power to fill such unexpired term by electing a mayor from the qualified voters of said town."

Vacancy in office of mayor.

License taxes.

SEC. 3. That section eighteen of said chapter be and the same is hereby amended by adding at the end thereof the following: "And upon every dealer in spirituous, vinous or malt liquors, a license tax not to exceed one thousand dollars."

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1891.

CHAPTER 23.

An act to incorporate the S. W. Skinner Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Samuel W. Skinner, William L. Smith, Thomas E. Wallace and Theodore Marbury, and their associates, successors and assigns, are hereby created a body politic and corporate under the name of "The S. W. Skinner Company," with a capital stock of twenty-five thousand (\$25,000) dollars, with liberty to increase the same to any sum not exceeding two hundred thousand dollars, to be divided into shares of the par value of one hundred dollars each, and to have the privileges and rights hereby specially granted and such as may be necessary to the full exercise and enjoyment of the same.

Corporate name.
Capital stock.

Corporate powers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on a general manufacturing business, and specially to own and operate a ship-yard for building and repairing ships and other marine craft, machine shops and saw-mills, and said corporation is empowered to buy and sell and deal in goods, wares and merchandise of every description at its will and pleasure.

Corporate powers.

SEC. 3. That said corporation shall have power to sue and be sued, to purchase, lease, hold, sell and convey real estate, and borrow money and issue bonds or other evidences of indebtedness, and secure the payment of the same by mortgage of its property, franchise and effects or otherwise, and it may make such bonds or other evidences of debt convertible into the capital stock of the company at such rate of interest and upon such terms as to said corporation may seem best and as may be agreed on.

Powers of stockholders.

SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations necessary for its government; they shall have power to elect in such manner as the majority of the stockholders may prescribe such officers as they may deem necessary, prescribe their duties, compensation and terms of service, and in general said stockholders may make all such by-laws and regulations

for the government of said corporation and the conduct of the business, not inconsistent with the laws of this state and the laws of the United States, as they deem best calculated to serve their interest.

SEC. 5. That the said corporation shall begin business when twenty thousand dollars in cash or its equivalent in property shall have been paid in on its stock. When to begin business.

SEC. 6. That the stockholders shall not be individually liable for the debts of the corporation. Stockholders not individually liable for corporate debts.

SEC. 7. That the said corporation shall have power to adopt a common seal and alter the same at pleasure. The chief place of business of said corporation shall be in Wilmington, North Carolina, and the real estate owned by said company shall not exceed at any one time one thousand acres. Common seal.
Place of business.
Ownership of real estate limited.

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

Ratified the 31st day of January, A. D. 1891.

CHAPTER 24.

An act to amend the charter of the Real Estate Investment Company of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to incorporate 'The Real Estate Investment Company of Wilmington, North Carolina'" be amended by striking out the words "one hundred thousand dollars" in the fifth line of the second section of said act and inserting instead thereof the words "one million dollars." Chapter 41, private laws 1887, amended.
Capital stock increased.

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

Ratified the 20th day of January, A. D. 1891.

CHAPTER 25.

An act to refund and consolidate the debt of the city of Wilmington and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying such bonds of the city of Wilmington as are to become due during the years one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-nine, one thousand nine hundred and one, one thousand nine hundred and three, one thousand nine hundred and four and one thousand nine hundred and ten, the board of aldermen of the city of Wilmington, Board of aldermen, with sanction of board of audit and finance, authorized to issue bonds to refund certain outstanding city bonds.

Description of bonds.	<p>by and with the sanction and approval of the board of audit and finance of said city, are hereby authorized and empowered to issue coupon bonds, bearing interest payable semi-annually, at a rate not exceeding five per centum per annum, to an amount not exceeding the sum of four hundred and nine thousand and eight hundred dollars, and in denominations not less than one hundred dollars, nor more than one thousand dollars; said bonds shall be made payable thirty years after the first day of January, one thousand eight hundred and ninety-two (1892), at the office of the clerk and treasurer of said city, or elsewhere, as the said board of aldermen and board of audit and finance shall see fit, and shall not be valid unless signed by the mayor of said city and by the chairman of said board of audit and finance and countersigned by the clerk and treasurer of the said city; they shall not be sold nor exchanged for less than their par value. At the option of the holder they shall be registered by the clerk and treasurer of said city, and after such registration shall be transferable only by endorsement. And the coupons from and after maturity shall be receivable in payment of any and all taxes or other indebtedness due to the said city.</p>
Not to be sold for less than par. Registration.	
Coupons receivable for city taxes, &c.	
Misapplication of proceeds of bonds a misdemeanor.	<p>SEC. 2. That any officer or employee of said city who shall apply the proceeds of any bond or bonds issued under this act, or exchange any such in any other manner or for any other purpose than is provided for in this act, or shall issue or have issued any more of said bonds than are necessary for the specific purpose of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars or be imprisoned not less than two months or both at the discretion of the court.</p>
Special tax.	<p>SEC. 3. That the corporate authorities of said city shall annually levy a tax upon the property of the citizens of said city and upon the polls to provide for the payment of the interest that may accrue upon said bonds, and in like manner provide for the payment of the principal of said bonds at maturity by creating a sinking fund for that purpose.</p>
Sinking fund.	
Bonds when paid to be burned.	<p>SEC. 4. That whenever any of the bonds referred to in section one of this act shall be paid they shall be burned by the chairman of the board of audit and finance in the presence of the board.</p>
Old bonds, when refunded, to be destroyed.	<p>SEC. 5. That upon the refunding and consolidation of the bonds aforesaid, the chairman of the board of audit and finance, in the presence of said board, shall destroy by burning all bonds and evidence of debt of the city of Wilmington belonging to the sinking fund and in his hands as a commissioner of said sinking fund.</p>
Exchange of bonds by commissioner of sinking fund for certificates of indebtedness.	<p>SEC. 6. That for the better protection of the sinking fund of said city, and to prevent loss or misuse of the same, whenever the commissioner of said fund shall have in his hands any of the bonds of said city belonging to said fund so much as three thousand dollars, he shall exchange the same for certificates of indebtedness of said</p>

city, signed by the mayor and chairman of the board of audit and finance and countersigned by the clerk and treasurer of the city, for the same amount as said bonds so exchanged, which said certificates shall be made payable to the commissioner of the sinking fund, and shall run as long as the bonds for which they are exchanged would run. During their currency they shall draw the same interest, payable at the same time as interest on the bonds for which they were exchanged. They shall be non-transferable, and when mature they shall be destroyed as hereinbefore provided for the destruction of bonds. All bonds so exchanged for certificates shall be at once destroyed as hereinbefore provided, and an entry shall be made on the record of bonds showing the exchange and a memorandum of the certificate.

SEC. 7. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold or who may hereafter hold or become possessed of any of the bonds of said city which may become due during the years mentioned in the first section of this act, are hereby authorized and empowered to exchange the same for the bonds to be issued under this act, or to invest their funds in the same.

Executors, &c.,
authorized to
exchange bonds.

SEC. 8. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

Conflicting laws
repealed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 26.

An act to amend and consolidate the acts incorporating the town of Wadesborough.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Wadesborough in Anson county be and the same is hereby incorporated under the name and style of "The Town of Wadesborough," and that T. S. Crowson, J. A. Little, John Lowe, D. A. McGregor and R. J. W. Redfearn, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body corporate and politic, with succession during the corporate existence of said town, and shall be styled the commissioners of the town of Wadesborough, and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of fifty thousand dollars; that Lee D. Robinson, the present mayor of said town, and the commissioners aforesaid, shall continue

Incorporated.

Corporate name.

Commissioners.

Corporate powers.

Mayor.

in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.

Corporate boundaries.

SEC. 2. That the corporate boundaries of the town of Wadesborough shall be the same that they have been, to-wit, one mile square, one-half mile in each direction north, south, east and west from the intersection of Wade and Green streets.

Officers.

SEC. 3. The officers of said town shall consist of a mayor and five commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.

Election, when held.
Election, how held.

SEC. 4. Said election of said mayor and commissioners shall be held at the court-house in said town, and no person shall be entitled to vote at said election or at any election in said town for municipal purposes unless he shall be an elector of the state of North Carolina, and shall have resided ninety days next preceding the day of election within the said corporation.

Registrar and judges of election.

SEC. 5. It shall be the duty of the commissioners of said town, on the second Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the court-house door and three other public places in said town of his appointment as such. He

Duties of registrar.

shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to register anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for thirty days preceding each election keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town or do not appear on said revised list; but the commissioners of said town may, if they think proper, by giving thirty days' notice at four public places and in some newspaper published in said town, require an entirely new registration of voters before any election held therein.

Registration books.

New registration.

Oath of registrar and judges.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Anson county.

Revision of registration book.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration book on Monday preceding the election from the hour of nine o'clock a. m. until the hour of five o'clock p. m., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the

name of any person appearing on 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 election day when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Provide.

SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock a. m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners shall be counted out by them. They shall keep poll-books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll-list and deposit them with the clerk and treasurer of said town, and said poll-books shall, in any trial for illegal and fraudulent voting, be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Duties of registrar and judges on day of election.

Vacancies.

SEC. 9. The voter 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 persons 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 the case of a tie the judges of election shall determine by ballot who is elected.

Ballots.

Who elected.

Tie vote.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Who eligible to office.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify in writing the mayor and commissioners-elect of their election.

Notice to mayor and commissioners-elect.

SEC. 12. That the mayor and commissioners-elect shall, within three days after having been notified by said 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.

Qualification of mayor and commissioners.

Penalty for refusal to qualify.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of fifty dollars, one half to the use of the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the state of North Carolina.

Quorum.

SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Mayor to preside, &c.

SEC. 15. That the mayor when present shall preside at all meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie.

Mayor *pro tem.*

In the absence or sickness of the mayor the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall while acting as such have all the powers and authority conferred by this charter on the mayor of said town.

Vacancies.

SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for.

Town clerk and treasurer.

SEC. 17. That said commissioners shall at their first meeting after their election select some one as town clerk and treasurer, who shall hold office one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with

Bond.

sureties to be approved by the board of commissioners of said town, in a sum not less than one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of said clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he fail for thirty days after having been required to make such statement to render the same, it shall be and is hereby declared a breach of his official bond and the commissioners are authorized and empowered

Monthly statement. Penalty.

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 Wadesborough against said official and his sureties.

Suits on official bonds.

Constable.

SEC. 18. The said commissioners shall at their first meeting after their election select some one to act as constable of said town, who

shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of two thousand dollars, with good and sufficient sureties to be approved by the board of commissioners, payable to the state of North Carolina, and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of the said town may require.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

SEC. 22. 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 thereof, 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 Wadesborough 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.

SEC. 23. That the mayor of said town shall have power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace

Bond.

By-laws, &c.

Abatement of nuisances.

Misdemeanor to violate town ordinance.

Liability to work on streets on failure to pay fine.

Jurisdiction of mayor.

Duties and powers of constable.

of said town, and within the corporate limits thereof shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the county, and in the collection of the taxes of said town, levied by the authorities thereof shall have same power and authority as are given sheriffs by law, except as is hereinafter provided for by this charter.

Town officers not to receive consideration for work, &c., furnished town.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk, or constable, or any official officer of said town to demand or receive, either directly or indirectly, any consideration for work or labor done or materials furnished to said town by said official: *Provided, however,* that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer, and town constable.

Proviso.

Streets.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section or making [make] compensation [as] hereinafter provided to the owner or owners of said lands. It shall be the duties [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 shall not be accepted in full satisfaction therefor the mayor of said town shall have the power to issue an order directed to the town constable commanding him to summon as jurors six citizens of said town, freeholders connected neither by consanguinity nor affinity with the mayor or commissioners of said town or any person or persons over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out, or changed, or discontinued on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting, and the purpose of their meeting, for five days before the day when the said jurors shall meet to open and lay out any street, or alter, change or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets, as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing

the damages they shall consider the improvements to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them; and the said jurors shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of said commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered or changed, made narrower or wider shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

SEC. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town. Sidewalks.

SEC. 28. That the commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things, and in what manner, whether by weight or measure. Market.

SEC. 29. They may erect at some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats or rye in straw, cotton, crude turpentine and live stock on foot offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher. Public scales.

SEC. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town. Contagious diseases.

SEC. 31. That it shall not be lawful for the board of commissioners of Anson county to grant any license to retail spirituous or malt liquors within the corporate limits of said town without permission first obtained from the board of commissioners of said town in being at the time of application to said county commissioners, and if any license to retail spirituous or malt liquors within said town shall be granted by said county commissioners without such permission in writing, attested by the clerk or secretary of the board of commissioners of said town and exhibited to the board of county commis- County commis-
sioners not to
grant license to
retail liquor
without consent
of town commis-
sioners.

- sioners and filed with their clerk and entered on the minutes of their proceedings, the same shall be utterly void. Every person selling spirituous or malt liquors, including druggists, within the corporate limits of said town in quantities less than five gallons shall be deemed a retailer thereof within the provisions of this section.
- Who deemed a retailer.**
- Taxation.** SEC. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however,* that the taxes levied by them shall not exceed fifty cents on the hundred dollars valuation on all real and personal property and one dollar and fifty cents on each taxable poll, and the valuation of all property within said town as taxed by said town commissioners shall be the same as that at which it is assessed for taxation for state and county purposes.
- Proviso.**
- Valuation of property.**
- Collection of taxes.** SEC. 33. That all taxes levied by said town commissioners shall be due and payable on the first day of October of each year to the constable of said town, or other person appointed by the town commissioners to collect said taxes, and after that time may be collected by him by distraining any personal property of the tax-payer to be found within said town.
- Property, how and when listed.** SEC. 34. On the first Monday in July of each year the town clerk and treasurer, or other person appointed by the commissioners of said town, shall by advertisement at the court-house door and four other public places in said town notify all persons in said town liable to taxation, to come forward and make returns of their tax-list to him within thirty days from publication of said notice. All persons within said town liable to taxation shall make returns of all their taxable property to said town clerk, or other person appointed by said commissioners under oath, and the lister 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 and 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 Wadesborough township to be assessed for taxation for state and county purposes.
- Property of non-residents, minors, &c.** SEC. 35. All persons owning property within said town liable to taxation for town purposes shall return the same to the town clerk, or other person appointed by the town commissioners as provided for in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non*

compos mentis, shall be returned as herein provided by their guardian or guardians, if they shall have any such.

SEC. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized at any time after the taxes may be due the town on said property as aforesaid to distrain any personal property of said guardians, executors, administrators or trustees to be found in said town: *Provided*, that nothing in this section shall conflict with the revenue act or any general law referring to taxation.

Property held by executors, &c.

Collection of tax.

Proviso.

SEC. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk or other person appointed by the town commissioners as herein provided for thirty days after the first Monday in July in each year, the town clerk, or other person appointed list-taker by the town commissioners, 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 or other person appointed by the town commissioners 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 clerk, when placed in the hands of the town constable shall have the force and effect of an execution.

Tax-list.

Double tax.

Tax-list to have force of execution.

SEC. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold after ten days' notice at the court-house and four other public places in said town in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

Lien.

SEC. 39. Whenever the taxes due to said town shall be unpaid the town constable 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 under

Taxes, how collected.

such levy or sale shall be fifty cents ; second, if the party charged have 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 returned to the town clerk and treasurer, who shall enter the same in a book kept for that purpose, charging therefor the sum of twenty-five cents for each levy ; third, the constable shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally, if he be a resident of said town ; if the delinquent does not reside in said town but his residence is known, or can by reasonable diligence be ascertained, the notice shall be mailed 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 the court-house door and four other public places in said town at least thirty days before the sale of said land, and the 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 land 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 a notice of the sale and the date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of taxes and cost to be paid by such delinquent as a condition of its redemption.

Sale of land for taxes.

SEC. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of 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 cost for a less quantity.

Purchase for use of town.

Redemption of land sold for taxes.

SEC. 41. The delinquent may retain possession of the property for twelve months after the sale, and within that time may redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser he shall give to the delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk all rights under the purchase shall cease.

SEC. 42. At the time of such purchase of real estate for taxes, the town constable, on the receipt of the amount bid for such real estate, shall give the purchaser a receipt, stating the amount bid, by whom, and for what purpose, and describing the land sold, stating further the owner of said land and the amount of taxes due.

Receipt to be given to purchaser.

SEC. 43. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty-one hereof for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-two hereof and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service said constable shall be allowed one dollar to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office in Anson 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.

On failure of owner to redeem, purchaser to obtain deed, &c.

SEC. 44. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes, may be redeemed as hereinbefore provided, by the payment on the part of the delinquent, his agent or attorney, of the amount bid and all cost, with twenty-five per centum additional to the town clerk and treasurer within twelve months.

Redemption of land purchased by town.

SEC. 45. The commissioners of said town shall have power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, that is to levy on every merchant, lawyer, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other picturers, on all officers or agents of incorporated companies, on all clerks or employees of other persons or corporations, on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer and not in the name of the person, firm or corporation for which he is acting or doing business, on all editors, printers, painters, butchers, tinners, carpenters, shoemakers, wheel-wrights, carriage, buggy or wagon-makers, jewelers, liquor dealers, confection[ers], grocers, bar-tenders, harness-makers, saddlers, blacksmiths, on billiard or bagatelle table, public or private boarding, nine or ten-pin alley, on all lectures for reward, on all riding or pleasure vehicles, on all gold, silver or metal watches, on all pianos, on all pistols, dirks, bowie-knives, or sword-canes, on every livery stable, cotton gin, or turpentine or other

License taxes.

distillery, on every hotel or boarding house, restaurant or eating-house, 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 trades, peddlers or bankers, on all and every person or persons, company or companies who may exhibit, sing or play, act or perform, or do anything for which they charge or receive any gratuity, fee or pay or reward whatsoever within the limits of the said town, and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Retail liquor license.

SEC. 46. That the tax or license for the privilege of retailing spirituous, vinous or malt liquors within the limits of said corporation shall be five hundred dollars, said tax or license shall not be granted for a greater or less period than one year or twelve calendar months, and shall be paid in advance of the granting of said license or privilege; that in all other respects the board of commissioners of said town shall have full and complete control of the sale or vending of spirituous, vinous or malt liquors, and the board of commissioners of said town may permit the same to be sold by persons of good moral character, may prescribe the rules and regulations under which the same may be sold not inconsistent with law, and shall have full power and authority to revoke and annul for good cause any license by them granted at any time. In case said license should be revoked or annulled, they shall refund the license money for the unexpired term: *Provided*, nothing contained in this act shall have the effect of repealing or changing in any way the provisions of chapter thirty-two, volume two, of The Code as now adopted and in force in said town under the election held therein the first Monday in June, one thousand eight hundred and eighty-nine.

Revocation.

Proviso.

Ordinances to be posted.

SEC. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Repeal of former laws.

SEC. 48. That all laws heretofore passed for the better government and regulation of the town of Wadesborough be and the same are hereby repealed.

SEC. 49. This act shall be in force from and after its ratification.

Ratified the 3d day of February, A. D. 1891.

CHAPTER 27.

An act to incorporate the town of Ayden in Pitt county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Ayden in the county of Pitt be and Incorporated.
the same is hereby incorporated by the name and style of "The town Corporate name.
of Ayden," and shall be subject to all the provisions of chapter sixty-
two, volume two (2) of The Code.

SEC. 2. That the corporate limits of said town shall be as follows : Corporate limits.
Beginning at the railroad in the W. H. Harris and J. S. Hart's line;
thence west with the town plat six hundred yards to a stake ; thence
southwardly parallel with the railroad six hundred yards to a stake ;
then east six hundred yards to the railroad : thence with said railroad
northwardly to Cypress Branch trestle ; thence down said branch to
the mouth of another branch ; thence up said branch to W. H.
Harris' and J. S. Hart's line ; thence westwardly with said line to
the beginning.

SEC. 3. That the officers of said corporation shall consist of a Officers.
mayor and three commissioners and one constable, and the following
named persons shall fill said offices until the first Monday in May,
one thousand eight hundred and ninety-one, or until their successors
are elected and qualified, viz.: J. J. Smith, mayor ; C. K. Johnson, Temporary
J. B. White and John Rooss, commissioners, and J. Z. McLawhorn, officers.
constable.

SEC. 4. That there shall be an election for officers mentioned in Election.
this act on the first Monday in May, one thousand eight hundred and
ninety-one, and annually thereafter, as is required by the general
laws regulating elections in cities and towns in North Carolina.

SEC. 5. That it shall be the duty of the persons appointed to office Officers to
by this act to meet and take the oath prescribed by law for such offi- qualify.
cers before some justice of the peace of said county, or other person
qualified to administer an oath, within thirty days from the passage
of this act, and enter upon the discharge of their respective duties ; Bond of consta-
and the constable, before entering into his office, shall be required to ble.
execute a bond in the sum of two hundred dollars, to be approved
by the commissioners.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 3d day of February, A. D. 1891.

CHAPTER 28.

- **An act to change the name of Chowan Normal Academy to Waters Normal Institute.**

The General Assembly of North Carolina do enact :

Chapter 138,
private laws 1887,
amended,
Name of Winton
Academy
changed to
Waters Normal
Institute.
Chapter 128,
private laws 1889,
amended,
Name of Chowan
Academy
changed to
Waters' Normal
Institute.

SECTION 1. That wherever the name "Winton Academy" occurs in chapter one hundred and thirty-eight (138) of the private laws of one thousand eight hundred and eighty-seven, that the same be stricken out and "Waters Normal Institute" be inserted.

SEC. 2. That wherever "Chowan Academy" occurs in chapter one hundred and twenty-eight (128) of the private laws of one thousand eight hundred and eighty-nine, that the same be stricken out and "Waters Normal Institute" be inserted.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of February, A. D. 1891.

CHAPTER 29.

- **An act to enable the board of commissioners of the town of Washington to procure a railroad for said town.**

The General Assembly of North Carolina do enact :

Commissioners
of town of Wash-
ington author-
ized to make
donation not
exceeding \$10,000
to person or cor-
poration build-
ing railroad to
Washington.

SECTION 1. That the board of commissioners of the town of Washington, North Carolina, are hereby empowered and authorized to donate a sum of money or bonds not exceeding ten thousand dollars to any person or corporation who will construct a railroad from a point on the Albemarle and Raleigh Road, west of Robinsonville, North Carolina, known as the "Junction," to the town of Washington, North Carolina, which said money or the proceeds of said bonds shall be applied to the purchase of terminals in and near the said town and to the necessary rights-of-way, and no greater amount of bonds shall be issued than is necessary for that purpose, not exceeding in any event the sum of ten thousand dollars. The titles to said terminals and rights-of-way may be made directly to the person or corporation contracting to construct said road.

Right-of-way
through town.

SEC. 2. The said commissioners are hereby authorized and empowered to grant to the said corporation or persons constructing said railroad a right-of-way down Third and Fourth streets of the said town free of charge to the said persons or corporation, and any damages which any property owner may be entitled to recover at law for the occupancy and use of said street by the said railroad

shall be primarily ascertained and assessed against the said town and paid for out of the public funds procured from the proceeds of the bonds herein provided for. The method of assessment and ascertaining of damage shall be as in special proceedings before the clerk of the superior court of Beaufort county, who shall appoint three disinterested freeholders of said town who after due notice to all parties shall hear and determine the matter and make their report to said clerk. Either party may file exception thereto and appeal from the judgment of the clerk, affirming or setting aside the same, which said appeal shall be heard by the presiding judge as in case of other appeals from the clerk, except that the same shall be heard in term time during the session of the superior court of Beaufort county. Nothing contained in this act shall be construed as conferring a right to compensation or damages unless such property owner shall be otherwise entitled to the same in law.

Damages payable to town.

Method of assessment.

SEC. 3. That for the purpose of raising the necessary funds to carry out the provisions of this act, the board of commissioners of said town are hereby authorized and empowered to issue coupons or other bonds of said town to an amount not exceeding ten thousand dollars, in denominations not less than one hundred dollars nor more than one thousand dollars, the numbers of said bonds and denominations thereof to be in the discretion of the said board; said bonds shall bear six per centum interest per annum payable annually on the first day of April, one thousand eight hundred and ninety-two, as to such interest as there may be accrued, and on the first day of April of each and every year thereafter whilst the said bonds are unpaid. Each bond shall be signed by the mayor of said town and countersigned by the clerk of said board and shall be payable, as to the principal thereof, in not more than fifteen years from the date thereof as may be determined by the said board: *Provided*, that after the expiration of five years the principal of said bonds may be paid off by means of partial payments as herein provided, and each bond shall have written or printed across the face thereof these words, to-wit: "This bond is redeemable after five years at the option of the board of commissioners of the town of Washington."

Commissioners authorized to issue bonds.

Proviso.

SEC. 4. That the clerk of said board shall keep a book in which he shall keep an account of the numbers and denominations of said bonds issued as aforesaid and the persons to whom the same are payable; said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said book the true state of the bonded debt of the town herein provided for may be readily ascertained; said book shall be at all times open to the inspection of any tax-payer of the town; said bonds shall not be disposed of for less than their par value.

Duties of clerk.

Special tax.

SEC. 5. Said commissioners are directed to provide for the payment of the interest upon said bonds by levying a special tax of not more than thirty-six cents on the poll and twelve cents on the one hundred dollars worth of real and personal property in said town, observing the constitutional equation. After the first day of April, one thousand eight hundred and ninety-six, the said commissioners are directed to levy a special tax, calculated upon the number of polls and the aggregate value of real and personal property in said town, sufficient to pay the annual interest upon the outstanding bonds, together with one-tenth of the outstanding principal of each bond, and to continue the same until the whole of each bond is paid, unless it shall appear to the said commissioners at any time that the ordinary revenue of said town is sufficient to fully comply with the terms of said bonds, in which case they are authorized to dispense with the whole or any part of said tax. Said special tax shall in no year be levied in a larger amount than is sufficient to realize a net sum equal to the interest on said bonds during the first five years, and the interest and one-tenth of the principal after the date aforesaid. The moneys realized from the said special tax shall be applied to no other purpose. In their discretion, instead of paying one-tenth of the principal of each bond, said board, after April first, one thousand eight hundred and ninety-six, may annually call in, pay and cancel by numbers a certain number of said bonds equal in amount to one-tenth of the whole amount issued.

Collection of bonds.

Bonds to be placed in hands of town treasurer.
Duty of treasurer.

SEC. 6. That as soon as the said bonds are issued and signed as hereinbefore provided, the said commissioners shall place the same in the hands of the town treasurer who shall thereupon sell and dispose of the same, or use the same or any part thereof in payment of terminals of rights-of-way under the supervision of the said commissioners. Any officer of said town who shall misapply, or embezzle, or appropriate to his own use any of the said bonds or any part of the proceeds of the sale thereof shall be guilty of a felony and punished as prescribed in sections one thousand and sixteen and one thousand and twenty of The Code.

Misapplication of funds a felony.

Condemnation of land.

SEC. 7. In case it shall be necessary to institute legal proceedings for the purpose of procuring a condemnation of rights-of-way, or for suitable depots and terminals, such proceedings may be instituted in the name of the corporation who shall have agreed with said board of commissioners to construct said road, and the method of procedure shall be as provided in the charter of such corporation, or as is provided in chapter forty-nine of The Code, as the petitioners may elect, and when property is condemned and the damage finally ascertained they shall be paid out of the funds hereinbefore provided. All such legal proceedings shall be instituted in the superior court of the county of Beaufort.

SEC. 8. For the purpose of procuring proper sites for a depot and terminal in the corporate limits of the town of Washington, it shall be lawful to condemn in the manner hereinbefore provided for any parcel or lot of land in said town which is not used as a grave-yard.

Condemnation of land for depot, &c.

SEC. 9. This act shall be in force from and after its ratification by a majority of the qualified voters of the town of Washington. For the purpose of determining the same the board of commissioners of said town are directed to cause an election to be held within forty

Act to take effect when ratified by majority of qualified voters.

days after the passage of this act by the general assembly, when they shall meet in general or special session and order thirty days' notice of the election to be published in some newspaper in the town of Washington, and shall appoint registrars and poll-holders, and cause the said election to be conducted in all other respects as elections for commissioners for the town of Washington are now conducted by law; they shall cause to be provided printed or written ballots, upon which shall be inscribed the words "For donation" and

Election.

an equal number inscribed with the words "Against donation;" the poll-holders shall make their report of the election on the day following the election at a special meeting of the board of commissioners of the town of Washington, who shall ascertain and determine if a majority of the qualified voters of the said town

Ballots.

voted for donation, and shall enter their findings upon the records of said town, and a copy of the report of the poll-holders and the findings of the said board shall be filed with the register of deeds of Beaufort county by the clerk of said board, and in any legal proceedings to test the validity of said election, either the original report and the findings or the said copy shall be *prima facie* evidence

Returns.

of the truth and correctness of the facts stated therein. In case it shall be ascertained and determined by the said commissioners that a majority of the qualified voters of said town voted "For donation"

Prima facie evidence.

this act shall be in full force and effect, and the said board shall at once proceed to carry out its provisions. If the findings of the said board and the report of the poll-holders be otherwise, this act shall be null and void.

Commissioners to carry out provisions of act on ascertainment of affirmative vote.

SEC. 10. This act shall be in force from and after its ratification, and the secretary of state is directed to furnish a certified copy of this act to the board of commissioners of said town immediately upon its passage.

Secretary of state to certify copy of act to commissioners of town.

and void.

SEC. 10. This act shall be in force from and after its ratification, and the secretary of state is directed to furnish a certified copy of this act to the board of commissioners of said town immediately upon its passage.

Ratified the 5th day of February, A. D. 1891.

CHAPTER 30.

An act to amend the charter of the town of Reidsville.

The General Assembly of North Carolina do enact :

Chapter 58, private laws 1887, amended.

SECTION 1. That chapter fifty-eight, laws of one thousand eight hundred and eighty-seven, being "An act to amend, revise and consolidate the charter of the town of Reidsville and amendments thereto," be amended by adding thereto the following sections to be numbered as herein provided.

Commissioners authorized to issue bonds not exceeding \$50,000.

SEC. 1. That the board of commissioners of said town are hereby authorized and empowered to issue from time to time to an amount not exceeding fifty thousand dollars (\$50,000) bonds in the name of the town of Reidsville in such denominations and forms, and payable at such place and time, but running not less than thirty years nor more than fifty years, and bearing interest at no greater rate than six per centum per annum, and payable annually or semi-annually, as said board of commissioners may determine.

Election on question of issuing bonds.

SEC. 2. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such time or times and under such regulations as the board of commissioners may prescribe, at which election those favoring the issue of bonds shall vote "Issue" and those opposing it shall vote "No issue." The board of commissioners shall provide a special registration of the qualified voters of the town to be made for such election, for which no prepayment of taxes shall be prescribed as a qualification to register or vote.

Special registration.

Bonds not to be sold for less than par.

SEC. 3. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value, and the proceeds of the sale of said bonds shall be used solely for public improvements for the said town of Reidsville.

Proceeds, how applied.

Powers of commissioners.

SEC. 4. That the board of commissioners of Reidsville is hereby authorized and empowered to make local assessments for street improvements, to acquire by gift or grant lands or easements thereon or rights-of-ways over the same, or the right to use springs, branches, water-courses or water-powers for the purpose of erecting and operating water-works, to provide water-supplies for the town, either by erecting water-works or contracting with other persons or corporations; to provide a proper system of sewerage for the town, electric lights, and make all such other improvements as the health of its citizens and the safety of its property may require.

Coupons receivable for town taxes.

SEC. 5. The coupons on said bonds shall be receivable in payment of the taxes of said town for any fiscal year in which they shall 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. Interest on bonds after maturity.

SEC. 6. That all bonds of the town issued shall be signed by the clerk and treasurer of the board of commissioners and by the mayor, and 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 now are or may hereafter be embraced in the subjects of taxation under the charter of the town and all amendments thereto, which tax when collected shall be kept separate and distinct for the purpose of paying off, taking up and canceling all the coupons on any and all bonds issued by the said town as the same become due. Bonds, how issued. Special tax.

SEC. 7. That it shall not be lawful for the commissioners of Rockingham county to grant any license to retail spirituous liquors within the town of Reidsville or within one mile of the corporate limits of the same without permission first obtained from the board of commissioners of the town of Reidsville in being at the time of the application to the county commissioners. County commissioners not to grant retail liquor license in town without permission of town commissioners.

SEC. 8. That the board of commissioners of the town of Reidsville shall consist of seven members. Board of town commissioners.

SEC. 9. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 10. That the board of commissioners of the town of Reidsville shall have the power to issue bonds to the amount of one hundred thousand dollars (\$100,000) to be known as "Railroad construction and equipment bonds," under the same rules and regulations as is prescribed in sections one, two and three for the issue of bonds for public improvements in the town of Reidsville, and those favoring the issue of said bonds to vote "Railroad," and those opposing to vote "No Railroad." Commissioners authorized to issue certain railroad bonds if authorized by vote, &c.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1891.

CHAPTER 31.

An act to enable the Young Men's Christian Association of Wilmington, North Carolina, to issue bonds, and for other purposes.

WHEREAS, The Young Men's Christian Association of Wilmington, North Carolina, a corporation organized for the purpose of promoting the spiritual, intellectual, social and physical welfare of young men, is desirous of erecting in the city of Wilmington a spacious and convenient building for the more effectual accomplishment of its objects, and hath not sufficient funds for the completion of the same: therefore, Preamble.

The General Assembly of North Carolina do enact :

Young Men's
Christian Asso-
ciation of Wil-
mington author-
ized to issue
bonds.

SECTION 1. That for the purpose aforesaid it shall be lawful for the said "The Young Men's Christian Association" of Wilmington, North Carolina, to issue bonds of the denomination of fifty, one hundred, five hundred and one thousand dollars, as it may see fit, to be made payable at the expiration of ten and fifteen years after their date, with the privilege of redemption, if it shall see fit, after five years, bearing interest at a rate not exceeding six per centum, with coupons attached for such interest, payable semi-annually.

Limitation of
issue.

SEC. 2. The bonds so issued shall not exceed the sum of twenty thousand dollars.

Bonds, how exe-
cuted.

SEC. 3. The said bonds shall be signed by the president of the corporation and the seal of said corporation shall be affixed thereto.

Authorized to
execute deed of
trust on real
property.

SEC. 4. The said corporation is authorized and empowered to execute to the Wilmington Savings and Trust Company a deed of trust on its real property and the rent resulting from the same to such extent as shall sufficiently secure the payment of said bonds and the interest on the same.

Limitation of
ownership of
property.

SEC. 5. The real and personal property of said corporation shall not exceed the sum of seventy-five thousand dollars, and the same shall be exempt from the payment of all taxes, whether city, county or state.

Exemption from
taxation.

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

Ratified the 5th day of February, A. D. 1891.

 CHAPTER 32.

An act to incorporate the Franklinton Christian College.
The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Charles A. Beck, Byron R. Long, C. W. Garovette, J. F. Uteley and John Blood, their associates and successors, be and they are hereby constituted a body politic and corporate under the

Corporate name.

name of "The Franklinton Christian College," for the education of colored people of both sexes, with their chief place of business in the town of Franklinton in the county of Franklin and state of North Carolina, and as such they shall have full powers to take by gift, devise or by purchase and to hold all such real and personal property as they may desire for the prosecution of their work, with full powers to sell and convey the same; they shall be entitled to all the rights, privileges and immunities and shall have all the power conferred on corporations by the general laws of North Carolina, with full power to sue and be sued, to plead and be impleaded.

Corporate pow-
ers.

SEC. 2. That the American Christian Convention have power to supply all vacancies that may occur in said board of trustees, to determine the length of time said trustees shall hold office, to appoint others in their stead, to increase or diminish the number of the same as the said American Christian Convention may deem best for the interest of said college.

American Christian Convention to appoint trustees, &c.

SEC. 3. That the board of trustees shall have power to elect a president and such other professors, tutors and instructors as they may see fit, and such president and professors, tutors and instructors shall constitute the faculty of said college, with full power to prescribe courses of study, to confer degrees and give diplomas as other colleges and universities in said state now have the power to do.

President, professors, &c.

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

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of February, A. D. 1891.

CHAPTER 33.

An act to amend an act entitled an act to amend the charter of the town of Asheville, ratified the eighth of March, one thousand eight hundred and eighty-three, and all other acts amendatory of said charter and said act.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and aldermen of the city of Asheville shall have power and authority to aid, encourage, uphold and sustain "The Bingham School," a school for the general purpose of education, now located in the county of Orange, when and if the same hereafter within twelve months from the ratification of this act shall be removed and located permanently within the corporate limits of said city or within two miles of the same, by subscribing for part of the capital stock of said school to an amount not exceeding twenty-five thousand dollars, or by donating that or a less sum to said school, or by loaning the credit to the same to secure a debt it may create for its lawful purposes for such or a less sum, and the said city may take, hold and have such indemnity of and for said school by way of mortgage of its property, real or personal, or both, or other property of any person, or by scholarships or otherwise in any way or manner whatsoever, for a period not exceeding thirty years: *Provided, nevertheless,* that before exercising the power hereby conferred, and before the same may be exercised for any purpose whatsoever, the said mayor and aldermen shall submit to the

Mayor and aldermen authorized to aid "Bingham School" by subscribing to capital stock, &c.

Election.

qualified voters of said city the question shall said city so aid the said "The Bingham School," at an election to be held in said city at a time to be designated, whereof notice shall be given for at least thirty days in one or more newspapers published therein; said election shall be held in like manner and under the same rules and regulations, so far as the same are pertinent and applicable, as other elections are held in said city. All voters voting in the affirmative of said question shall have written or printed on his ballot the word "Aid," and those voting in the negative shall vote upon a like ballot "No aid." If a majority of the qualified voters of said city shall so vote in favor of such "aid," then and in that case the said mayor and aldermen shall exercise the power by this act conferred upon them, but not otherwise.

Bonds to be issued, &c.

SEC. 2. If the powers hereby conferred as hereinbefore provided and allowed shall be exercised, the said mayor and aldermen may issue the coupon bonds of said city for the purpose of effecting the purposes contemplated by this act; and they shall have power to execute all necessary paper-writings in and about any and all contracts and agreements necessary in and about such purpose.

If aid granted by city, what "Bingham School" to do.

SEC. 3. If the said election shall result in favor of such aid, then and in that case, and before the powers hereby conferred upon the said mayor and aldermen shall be exercised as contemplated, the said "The Bingham School" shall agree with said city in writing to continue to be so located within or near said city for a period of thirty years and to be a public school for the general purposes of thorough education of such character and extent as it has extended to students generally heretofore; and the said "The Bingham School" shall have power and authority to contract and agree with said city and bind itself to the same by deed or otherwise in all respects for the purposes contemplated and intended by this act, and it may mortgage its property in any pertinent and appropriate connection to secure the said city on account of such aid as the latter may extend to it as herein contemplated.

Power of "Bingham School" to repay money to city, &c.

SEC. 4. The said "The Bingham School" shall at all times have the right to repay to the said city all sums of money and the interest thereon it may in any way or manner advance, lend to or expend for or on account of the same as hereinbefore contemplated and intended; and it may likewise discharge any contract or obligation it may have entered into with said city for the purposes aforesaid when it shall see fit to do so.

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

Ratified the 6th day of February, A. D. 1891.

CHAPTER 34.

An act to amend the charter of the "Tarboro Land and Trust Company" so as to allow it to be organized when ten thousand dollars are subscribed, and to alter the provision that there shall be not less than seven nor more than fifteen directors to not less than three nor more than ten.

The General Assembly of North Carolina do enact :

SECTION 1. That section six of the charter of the "Tarboro Land and Trust Company," being the same as section six in the charter of "The Fidelity Savings and Trust Company of Durham," as appears in chapter seventy, private laws [of] one thousand eight hundred and eighty-seven, be amended in line ten by striking out "twenty-five" and inserting "ten," and in line fourteen by striking out "seven" and inserting "three," and striking out "fifteen" and inserting "ten."

Chapter 244,
private laws 1881,
amended.
Capital stock.

Number of
directors.

SEC. 2. The said charter, as thus amended, shall be in force from and after the ratification of this act.

Ratified the 6th day of February, A. D. 1891.

CHAPTER 35.

An act to incorporate the Smoky Gap and Blue Ridge Turnpike Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purposes of constructing and operating a turnpike road between Aaron in Linville township and Cranberry Station in Cranberry township, both in Mitchell county and state of North Carolina, F. Firmstone, S. T. Kelsey, Luther Banner, Hugh MacRae, W. E. McConnaughey, J. W. Harris, George R. Foulke, and such other citizens of Linville and Cranberry townships 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 Smoky Gap and Blue Ridge Turnpike Company" for the term of thirty years, with all the powers and privileges granted to corporations as set forth in chapter sixteen of The Code, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in any court in this state; may make by-laws, appoint all necessary officers and agents and prescribe their duties; and may purchase, accept, hold and convey any property, real and personal, necessary for the purpose hereinbefore and hereinafter

Body politic.

Corporate name.
Corporate powers.

- mentioned; may make contracts, have and use a common seal and do all other acts incident to and connected with said corporation and necessary for the control and transaction of its business: *Provided*, that nothing shall be done in conflict with the laws of this state.
- Proviso. SEC. 2. That the said company be and is hereby authorized to contract, maintain and operate a turnpike road extending from the town of Aaron to Cranberry Station, and for that purpose use all such parts of the present road between the two mentioned points as they may consider desirable or necessary for the construction of said turnpike road.
- Authorized to construct turnpike road from Aaron to Cranberry station.
- Principal office. SEC. 3. That the principal office of the company shall be at Linville, North Carolina, at which place it shall hold its annual meetings.
- Capital stock. SEC. 4. That the capital stock of said company shall be two thousand five hundred dollars, in shares of twenty-five dollars each, and the shares shall be transferable in such manner as the company may direct: *Provided*, that when the sum of fifteen hundred dollars shall have been subscribed to the 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 of meeting of said stockholders, of which two weeks' notice shall be given in some newspaper published in Mitchell or an adjoining county, at which time and place said stockholders may proceed with the organization of said company by the election of a president, vice-president and three directors who shall hold their offices until the first annual meeting or until their successors are elected and qualified, which board shall be the first board of directors, and may in their by-laws prescribe the time and manner of holding their subsequent annual meetings and elections, 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 by this act shall not work a forfeiture of the chartered rights of said company.
- Proviso. SEC. 5. That when said road is completed between the points hereinbefore specified the company shall have power to erect a gate on any part of said road, and collect such tolls as they may fix for passage over said road not to exceed the following: for hogs, sheep and goats, two cents each; for cattle, three cents each; loose horses, mules, asses, five cents each; single horsemen, ten cents each; for vehicles drawn by one animal, fifteen cents; drawn by two animals, twenty cents; by more than two animals, five cents for each additional animal: *Provided*, that all receipts from said tolls shall be devoted exclusively to the maintenance, operation and improvement of said road.
- Proviso. SEC. 6. The hands living along the line of the road shall, as heretofore, be assigned to work on said road under the general road law of Mitchell county, and shall receive from said company tickets
- Toll-gates.
- Maximum tolls.
- Proviso.
- Road hands to work on road.

over said road in amounts equivalent to the wages which their work amounts to at the rate of seventy-five cents per diem: *Provided*, that such work is well and faithfully performed under the supervision and direction of an overseer approved by the turnpike company.

Compensation.
Proviso.

SEC. 7. That for the purpose of raising the capital stock of said company and to acquire the means of completing said road as contemplated by this charter, it shall be lawful to open books of subscription at such time and place and under the direction of such persons as the said corporators may direct.

Books of sub-
scription.

SEC. 8. That said company shall have the right-of-way of the present public road, and whenever any lands may be required for a right-of-way not to exceed forty feet in width for alterations or amendments to said road, and an agreement cannot be made with the owner or owners of such land, the company or such owners may in writing apply to the clerk of the superior court of Mitchell county 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, one by the said clerk of the court, but should either party, or both, fail to appoint, after ten days' notice of such application to the clerk, then the clerk shall appoint instead. The referees so appointed being duly notified by the clerk, being first duly sworn by some justice of the peace to act impartially, shall lay off a right-of-way forty feet in width, or such less width as the company may elect, and assess the damages, if any, to the owners of the land, taking into consideration any benefit or advantages to accrue to such owner from the making of such road, and shall 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 in ten days after notice of such return, but if either party is dissatisfied and shall within ten days after such award notify the clerk of an intention to appeal to the first term of the superior court of said county, such party shall have ten days after such notice to give an appeal bond or undertaking with two sufficient sureties, in such term 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 fact shall, if either party so request, be submitted to a jury. So soon, however, as an award is returned by such referees as aforesaid, whether there is an appeal or not, the company may enter in 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.

Right-of-way and
condemnation of
land.

SEC. 9. That any person who shall use any part of said road without paying the fare or toll due and payable for such use, and

Misdemeanor to
use road without
paying toll.

demande by any officer or agent of said company, shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace in Mitchell county shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the cost of 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 to said company.

Misdemeanor to injure, &c., road, &c.

SEC. 10. That any person who shall in any manner injure or obstruct the road of said company, or any bridge, gate or other property 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.

Stockholders not individually liable for corporate debts.

SEC. 11. That the stockholders shall not be individually liable for the debts of the corporation.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1891.

CHAPTER 36.

An act to incorporate the Carolina Investment Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Marvin F. Scaife of Pittsburg, Pennsylvania, Samuel T. Pearson, N. B. Dilworth, W. C. Erwin and Isaac T. Avery of Morganton, North Carolina, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and title of "The Carolina Investment Company," by which name they may sue and be sued, plead and be impleaded, shall adopt and use a common seal, which they may alter at pleasure, may make by-laws, rules and regulations for the government of said corporation not inconsistent with law, shall have perpetual succession and enjoy all the rights, privileges, powers, immunities, liberties and franchises pertaining in any way to corporations.

Corporate name, Corporate powers.

Capital stock.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing said stock to an amount not to exceed fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. That whenever the sum of ten thousand dollars or more shall have been subscribed and ten per cent. paid in it shall be the duty of the incorporators, or a majority of them, to call a meeting of the stockholders and elect a board of at least five directors, and said board of directors shall elect a president and vice-president, secretary and treasurer and such other officers as they may see fit, prescribe their duties, fix their compensation, and may require bonds, payable to the company, from any officer or employee for the faithful discharge of their duties. Organization.

SEC. 4. That the principal place of business of said corporation shall be in Morganton, North Carolina, but the directors may establish branch offices elsewhere, and if most convenient hold their meetings for the transaction of business elsewhere. Principal office.
Branch offices.

SEC. 5. The said corporation shall have full power to negotiate, buy and sell stocks, bonds, mortgages and other securities; to make, accept, endorse and issue promissory notes, bonds and bills of exchange, mortgages or other negotiable paper; may borrow and lend money and issue mortgage or debenture bonds; may act as brokers, agents or attorneys and invest such money as may be entrusted to its care or management for investment in bonds, stocks, real or personal property; may receive money on deposit and may carry on all business of estates agents, merchants, lumber or mining companies; may build, equip and operate mills, factories, furnaces, hotels, houses, roads, rail, tram or turnpikes, electric, cable or street-car lines, canals, conduit pipe lines, telegraph or telephone lines, gas or electric-light works, water-works, bridges, dams, culverts or reservoirs; may buy, lease, hold, own, sell and convey real and personal estate not exceeding one million dollars, and do any and all things necessary or expedient for utilizing or improving the property of the company as freely as citizens of this state may or can do; to subscribe for stock in other enterprises or corporations and accept subscriptions for capital stock in this company in real estate or other property, and where any lands or rights-of-way shall be necessary for railway and street railway purposes, and the company and the owners of such lands cannot agree as to the compensation, the same may be taken and condemned and the value ascertained in the manner prescribed by law in case of railroad companies, and said company shall have the right, power, charter and franchise to charge such fees, tolls or compensation as is reasonable or may be agreed upon for the use of any of its property or services: *Provided*, said company shall not charge any greater than the legal rate of interest. Corporate powers.

SEC. 6. That the stockholders shall not be individually or personally liable for the debts, contracts or torts of said corporation.

SEC. 7. That no notice of the first meeting of said corporation shall be required.

Stockholders not individually liable for corporate debts.
No notice of first meeting required

Conflicting laws repealed.

SEC. 8. That all laws in conflict with the provisions of this act are hereby declared inoperative so far as they may affect the privileges, rights and powers herein conferred.

SEC. 9. That this act shall be in force from and after the date of its ratification.

Ratified the 6th day of February, A. D. 1891.

CHAPTER 37.

An act to authorize the commissioners of the town of Lincolnton, North Carolina, to issue bonds for the purpose of providing a system of water-works and other public improvements in said town.

The General Assembly of North Carolina do enact :

Commissioners of Lincolnton authorized to issue bonds.

SECTION 1. That the commissioners of the town of Lincolnton be and the same are hereby authorized to issue coupon bonds to the amount of not less than ten thousand dollars and not to exceed the sum of twenty thousand dollars, and in denominations of not less than one hundred dollars or more than one thousand dollars bearing interest from date at the rate of six per centum, said interest payable annually on the first day of January of each year until all of said bonds are paid; that said bonds shall be payable in twenty and thirty 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 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 for less than par. Proceeds to be used to procure system of water-works, &c., &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 purpose of procuring a system of water-works as nearly adequate as possible for the protection of said town and the property therein against fires, and for the further purpose of making such improvements on the streets of said town and such other public improvement as the mayor and commissioners may deem expedient for the general welfare of the citizens of said town: *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 time as the mayor and commissioners thereof may appoint within twelve months after the ratification of this act. The said election shall be advertised by the mayor and 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 and other public places

Election on question of ratifying this act.

in said town, and the said mayor and commissioners shall cause a registration of the qualified voters to be made as now required by law and shall appoint three electors of said 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 to issuing said bonds shall vote a written or printed ticket with the words "Against bonds" thereon. The result of said election shall be ascertained by the aforesaid inspectors or supervisors and returned by them over their signatures to the mayor and commissioners of said town, who shall verify the same and certify the result of said election and cause the same to be recorded in the minutes of said board of commissioners of said town. If the majority of the votes cast be "For bonds," then the mayor and commissioners of said town shall proceed to issue and sell said bonds, and shall apply the proceeds of such sale 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 inspector[s] shall be appointed and the election held as all other elections are held in said town.

SEC. 3. If said water-works are procured as provided for in this act, then the mayor and commissioners of said town shall have full power over and control of the same, and may lease or sell to any citizen of said town, or other person owning property therein, the right to use water from the same within the corporate limits of said town for such period of time and for such price as may be agreed upon between such citizen or citizens or such property owner or property owners and the commissioners of said town; and the proceeds arising from the sale or lease of such rights shall be applied to the discharge of the aforesaid bonds and the interest thereon and towards keeping said water-works in good repair, et cetera.

Mayor and commissioners to have control of water-works, &c.

SEC. 4. 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 sixty cents on the hundred dollars worth of personal property and real estate in said town and a special tax of not more than one dollar and eighty cents on each poll in said town. Said tax shall be levied annually until the said bonds and interest thereon are paid off.

Application of proceeds of sale or lease.

Special tax.

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

Ratified the 6th day of February, A. D. 1891.

CHAPTER 38.

An act to incorporate Leaksville Cotton Mills.

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 by the
- Corporate name. name, style and title of Leaksville Cotton Mills, and by that name and title shall be known and have perpetual succession and may exercise and enjoy all the privileges, franchise and immunities incident to corporations; 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, sub-lease 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.
- Corporate powers. 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 sub-lease the same, and may also co-operate and unite with any other company in so doing.
- Corporate powers. 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 payments 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 sub-leases 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 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.

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 [this] 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 anywise affected or be dissolved by reason of a failure to elect officers.

Certificates of stock.

Books of subscription.

Organization.

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.

Authorized to borrow money, &c.

SEC. 7. The said company shall have an office at their works near Leaksville, and may have a general office or offices elsewhere.

Offices.

SEC. 8. The stockholders shall not be individually liable for the debts of the company.

Stockholders not individually liable for corporate debts.
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, certificate 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.

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

Ratified the 6th day of February, A. D. 1891.

CHAPTER 39.

An act to amend the charter of the town of Tryon City in the county of Polk.

The General Assembly of North Carolina do enact :

Chapter 106, Private Laws 1885, amended.

SECTION 1. That chapter one hundred and six of the private laws of one thousand eight hundred and eighty-five be amended as follows, viz.: The name of the town shall be changed from "Tryon City" to "The Town of Tryon," and the word "city" shall be stricken out wherever it appears in said charter.

Name changed to town of Tryon.

Corporate rights.

SEC. 2. That all the property and rights of Tryon City shall be held and enjoyed by the town of Tryon, and the said town of Tryon may take and hold such personal and real property as may be needed for municipal purposes and sell the same when not needed as such, and the officers of Tryon City shall deliver over to the officers hereinafter appointed all the books, money and property now in their possession.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor and six commissioners and such town marshals, policemen, tax-collectors, attorneys and subordinate officials as the commissioners may appoint.

Election of mayor and commissioners.

SEC. 4. That the mayor and commissioners shall be elected by the qualified voters of said town on the first Monday in May, one thousand eight hundred and ninety-one. Three of the commissioners shall be elected for two years, and the mayor and three commissioners shall be elected for one year, and annually thereafter three commissioners shall be elected for a term of two years, and a mayor for one year. All the officers appointed by the commissioners shall hold their office at the will of the commissioners.

SEC. 5. That Charles J. Kenworthy shall act as mayor, and Ulysses Doubleday, T. T. Balinge, J. B. Lindsay, Lafayette Clapp, Lee R. Fisher and H. E. Markham as commissioners until their successors shall be elected. Temporary officers.

SEC. 6. That the marshal or arresting officer of said town shall have the right to execute the warrants of the mayor at any point in Polk county, and for offences committed in his presence may arrest without warrant and carry the offenders before the mayor. Powers of town marshal.

SEC. 7. That the commissioners shall have power to pass ordinances for the government of said town, may determine thereby what shall be nuisances and how the same may be prevented or abated, and by an ordinance may send their officers in or upon private property to discover or abate a nuisance, and they may impose fines not exceeding fifty dollars or imprisonment not exceeding thirty days for the violation of a town ordinance, and may work the offenders upon the streets in a chain-gang to pay fines and costs. Powers of commissioners.

SEC. 8. That the said commissioners shall have power to make laws and ordinances regulating the speed of horses, vehicles and engines running through, and may prevent stock from running at large in said town. Powers of commissioners.

SEC. 9. That the said commissioners shall have power to open new streets and avenues through private property, and grade, make and improve sidewalks, to change or widen streets or sidewalks, and grade, pave or macadamize streets or sidewalks, and for that purpose may enter upon the lands of private parties and condemn said lands, and assess the damages to such property as may be effected thereby. The damages shall be paid by the town: *Provided, however,* if the owner of the land shall not be satisfied with the action of the commissioners and shall so notify them within ten days after said streets are opened and graded or paved or sidewalks are graded or made by filing with them a written notice, he may choose one man and the commissioners a man, and these two shall choose a third man, and the three men shall go upon the land and review the assessment and report the same in five days to the commissioners in writing, which report shall be final and bind all parties unless appealed from in five days. If either party desires to appeal to the superior court of Polk county the same may be done by filing with the clerk of said court within five days after the report of said referees a copy of said report certified by the clerk of said town, and the whole case shall then stand for trial: *Provided,* that litigation shall not stop the work of the town in opening, working and using said streets, avenues and sidewalks. Streets. Proviso.

SEC. 10. That for the purpose of preserving the health of the citizens, the commissioners shall have power to pass and enforce such sanitary laws and ordinances to prevent sickness as they may think wise and expedient. They may appoint a board of health, and they Sanitary laws, &c.

may enforce such rules as said board of health may adopt, and may pay the officers and agents of said board for their services.

Commissioners authorized to borrow money for certain purposes, with approval of majority of qualified voters.

SEC. 11. That the said town commissioners shall have power by and with the approval of a majority of the qualified voters of said town, voting, to borrow money and issue town bonds, warrants, scrips or orders for the payment thereof when due, with such interest and at such times and in such manner as they may determine, for the purpose of purchasing land and erecting thereon public buildings, school-houses, work-house and other necessary town buildings, and for the purpose of purchasing land for a cemetery and the erection of necessary buildings and improving same; for the purpose of grading streets and making sidewalks, lighting the streets, constructing culverts and bridges and supplying the town with water and sewerage: *Provided*, that when the said commissioners shall determine to borrow money and pledge the credit of the town for its payment, they shall fix the amount to be borrowed, the purpose for which it shall be used, the time of payment, the interest it shall bear, and spread the same upon their minutes, and call an election to be held, after thirty days' notice by three qualified voters of said town as judges and the registrar to be appointed by them, who shall hold the election and make their returns to the said board, who shall declare the result; and if a majority of the voters voting shall vote a ticket with the word "Approval" thereon, then the said board may borrow and use the money for the purposes mentioned in said order, but not otherwise: *Provided*, the bonds shall not be sold for less than their par value.

Proviso.

Taxation.

SEC. 12. That the said town may levy and collect for general purposes an *ad valorem* tax of sixty-six and two-thirds cents on every one hundred dollars worth of property in said town, whether the same be real, personal or mixed, moneys, stocks, bonds or credits, and two dollars on every taxable poll, and the same shall be listed for taxation before a lister to be appointed by the commissioners during the month of June in each year as upon the first day of June, and shall be due and payable on the first day of October in each year, and if not paid by the first day of December of each year the same may be collected by the tax-collector by levy and sale of property in the same way as sheriffs are required to levy and sell for state and county taxes. And the said commissioners shall have the power to levy and collect a special or privilege tax on all trades, professions and business carried on in said town an annual tax not to exceed one hundred dollars on each person or firm following a trade, profession or running a business in said town, and the said commissioners shall have the power to classify said taxes and may fix them in different amounts, but shall not discriminate in favor of or against different persons in the same line; and upon the business of selling liquors the commissioners may levy a tax of one thousand

License taxes.

dollars; and the said commissioners may pass an ordinance making it a misdemeanor for any person to start to do business without first paying said tax, and each day may be made a separate offence.

SEC. 13. The commissioners shall have power to condemn and take private land for the erection of public buildings, and in the event of the owner refusing to accept a reasonable price for same, the value of said land shall be determined by arbitration, as recited in section nine.

Condemnation of land.

SEC. 14. That in the event of a vacancy occurring in the office of mayor or commissioners, the vacancy shall be filled by a majority of the commissioners at their next regular meeting.

Vacancies.

SEC. 15. That all laws coming in conflict with this act are hereby repealed.

Conflicting laws repealed.

Ratified the 6th day of February, A. D. 1891.

CHAPTER 40.

An act to consolidate and revise the charter of the town of Salem.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Salem shall be and continue, as they heretofore have been, a body politic and corporate, and in the name of the board of commissioners of Salem shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real and personal property.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits shall be, to-wit: Extending north to the southern boundary of the town of Winston in the county of Forsyth; south to Middle Fork of Muddy creek; east one-half mile from the centre of Main street of said town of Salem; west three-quarters of a mile from the centre of Main street of Salem, along the southern boundary of Winston corporation line; thence south nine (9) degrees east one mile; thence north nine degrees one-quarter of a mile; thence south nine degrees east to Middle Fork creek; thence along said creek to the eastern boundary line of said town of Salem.

Corporate limits.

SEC. 3. There shall, on the first Monday in May, one thousand eight hundred and ninety-one, and on the first Monday in May every year thereafter, be elected a mayor and seven commissioners for the said town, and the administration and government of the town shall be vested in such mayor as principal officer and commissioners aforesaid, and such other officers as are herein provided for.

Election of mayor and commissioners.

Who eligible as mayor or commissioner. Provide.

SEC. 4. That any qualified elector of this state shall be eligible as mayor or commissioner: *Provided*, such person shall have been a resident of the corporation ninety days next preceding the day of election. Such mayor and commissioners shall be elected by the qualified voters of the said corporation.

Registrar and inspectors of election.

SEC. 5. That the board of commissioners shall on or before the first Monday in March, one thousand eight hundred and ninety-one, and in each succeeding year in which an election is to be held, appoint a registrar and four inspectors of election, two from each political party, and all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the door of the mayor's office and three other public places in said town and notice to be served on such appointees by the police of said town, and shall give ten days' notice of the registration of voters for the said election at the door of the mayor's office and three other public places, specifying the time, place and name of registrar for said election.

Notice of election.

Duty of registrar.

SEC. 6. That the registrar shall be furnished by the said board of commissioners 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 town in such manner that said books shall show an accurate list of electors previously registered in said town and still residing therein without requiring such electors to be registered anew; and such registrar shall also every day 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 within the corporate limits and entitled to registration, where [whose] names have never before been registered in said town, or do not appear in the revised lists; 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 also their places of residence; and any person offering to register shall be required to take and subscribe an oath that he has resided in the state of North Carolina twelve months and in the town of Salem ninety days previous to the day of election; that he is twenty-one years of age, and that he is an actual and *bona fide* resident of said town and a qualified voter according to the laws of the state. If any person shall wilfully swear falsely in taking such oath, he shall be guilty of perjury and punished as in like cases of perjury. The board of commissioners 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 or for the interest of said town.

Oath of elector.

New registration.

Close of registration books.

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 unless he become of age after the said registration books are closed, when he shall be allowed to register on the day of election.

SEC. 8. That after they have been duly sworn by the mayor or 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 of elections of the members of the general assembly. They shall count the ballots and declare the result, and have all power of officers appointed under chapter sixteen, volume two of The Code and amendments thereto.

Duties of registrar and inspectors on day of election.

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 registrar or mayor at once. The voter shall designate on his ballot the person for whom he votes as mayor and the person[s] for whom he votes as commissioners. Ballots shall all be on white paper and without device.

Vacancies.

Ballots.

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 commissioners having the largest number of votes shall be declared elected commissioners, and said mayor and commissioners shall be notified of their election by the said judges.

Declaration of result.

SEC. 11. That all persons entitled to vote in the election of members of the general assembly who have been residents of said town for ninety days next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for mayor and commissioners. 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.

Electors.

Challenges.

SEC. 12. After the ballots have been counted, the judges of election shall certify and subscribe the poll and registration list, and these shall be returned to the clerk of the board, who shall keep them, and two certificates thereof shall be made under the judges of election setting forth in writing and in figures the number of votes each candidate received, one of which shall be given to the mayor and the other filed with the clerk of the board, who shall publish the result of the election at the door of the mayor's office.

Certificate of result.

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 commissioners there shall be an equal number of votes between two or more of the commissioners, the registrar and judges of election shall decide by ballot the election between such persons; and the persons having the highest number of votes shall be declared elected commissioners of

Tie vote.

the said town, and the person receiving the highest number of votes as mayor shall be declared elected to such office.

Oath of mayor.

SEC. 14. The mayor, before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Salem, North Carolina, while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in discharge of my duties I will do equal justice in all cases whatsoever."

Oath of commissioners.

SEC. 15. That each commissioner, before entering upon the duties of his office, shall take, before the mayor or some justice of the peace, an oath that he will truly and impartially perform the duties of commissioner for the time according to the best of his skill, ability and judgment.

Term of office.

SEC. 16. That the mayor and commissioners shall hold their offices respectively until the next ensuing election and until their respective successors shall be qualified.

Vacancy in office of mayor and commissioners.

SEC. 17. That if any person elected mayor shall refuse to be qualified, or [if] there is a vacancy in the office after election and qualification, or if the mayor be absent from the town or unable to discharge the duties of his office, the commissioners shall choose some person for the term [time] of 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 commissioners shall, on like occasions and in the like manner, choose other commissioners 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 commissioners may appoint one of their number *pro tempore* to exercise his duties.

Mayor *pro tem*.

Penalty for refusal to qualify as mayor or commissioner.

SEC. 18. That any person elected mayor or commissioner who shall refuse to be qualified as such shall forfeit and pay to the use of the town the sum of twenty-five dollars.

Jurisdiction of mayor.

SEC. 19. That the mayor of the town of Salem is hereby constituted a special court, with all the jurisdiction and powers in criminal offences occurring within the limits of said town 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 town 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 deter-

mine all misdemeanors consisting of a violation of the ordinances and regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules and ordinances made by the commissioners, and his endorsement of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint when he is satisfied that there has been a 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. 20. 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 Forsyth; 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 on the public streets or on the public works of the town. Proceedings in mayor's court.
Imprisonment.
Work on streets.

SEC. 21. That the mayor may issue his precepts to the chief of police of the town and to such other officers to whom a justice of the peace may issue his precepts. Mayor's precepts.

SEC. 22. 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 Forsyth 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 Forsyth. Mayor to keep minutes.
Judgments of mayor.

SEC. 23. 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 from time to time shall be prescribed, and he shall receive a salary for his services, to be allowed by the commissioners. Mayor's office, &c.
Salary.

SEC. 24. That the mayor shall preside at all the meetings of the board of commissioners 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. Mayor to preside, &c.

SEC. 25. That the commissioners shall form a board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business and shall fix stated days of meeting for the year, which shall be as often Board of commissioners.

at least as once in every calendar month. Special meetings of the commissioners may be held on the call of the mayor or a majority of the commissioners, and all commissioners when [a] meeting is called by [the] mayor, and those not joining in [the] call when made by a majority of the board, shall be notified.

Powers of com-
missioners.

SEC. 26. That the commissioners when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act, and are consistent with the constitution and laws of the state.

Proviso.

Clerk, treasurer
and tax-collector.

SEC. 27. That the commissioners at their first meeting after their election shall appoint a clerk and treasurer and a collector of taxes, who shall, respectively, hold their office during the official term of the commissioners 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, the person or persons holding said offices shall be sworn to the faithful discharge of his duty, and shall execute a bond, payable to the town of Salem, in such sum as the commissioners shall determine.

Oath.

Bond.

Salary and duties
of clerk.

SEC. 28. 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 commissioners and this charter.

Duties of treas-
urer.

SEC. 29. That the treasurer shall make out annually a fair transcript of the receipts and disbursements in [on] account of the time [town] for the general inspection of the citizens, and cause the same to be posted before the door of the mayor's office at the end of each fiscal year.

Duties of treas-
urer.

SEC. 30. 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 town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise; and during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as town treasurer.

Orders on treas-
urer.

SEC. 31. 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 purposes in his accounts, and also the sources whence are derived the moneys received by him.

SEC. 32. 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 and neglect of duty. He shall be charged with the sums appearing by the tax-lists as due for town taxes. He shall be credited in settlement as sheriffs are credited with amounts in suit by appeal, all poll-taxes 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 uncollectable. The board of commissioners, the meeting before the last regular meeting in each year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax-collector and town treasurer, and to audit and settle the accounts of the town 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 or specified error. It shall be the duty of the 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 for re-election to said office.

SEC. 33. That the board of commissioners 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 town may require, who shall hold their office during the term of the board appointing them and until succeeding policemen are appointed. The members of the police force 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 their hands from fines, penalties, etc. 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 violation 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 rules and judgments of said court; to see that the laws and ordinances of the town 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 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

Tax-collector.

Removal.

Police.

Duties of chief of police.

Powers of police.

- 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 town 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 upon the statement that he will pay fine and costs, upon failure to pay the same or in case of an escape.
- Oath.
- Compensation of police. SEC. 34. 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 commissioners 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.
- Special policemen.
- Suspension of policemen. SEC. 35. 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 commissioners shall convene and take action in the matter, and upon hearing the proofs in the case, the board may discharge or restore such members, 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 violation of the regulations or orders of any superior shall be good cause for dismissal, and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.
- Badges and uniform. SEC. 36. The board of commissioners shall require the entire police force to wear badges and to be so 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.
- Action on official bonds. SEC. 37. That for any breach of his official bond by the town 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 town, at the suit of the town, or any person aggrieved by said board, and the same may be put in

suit without assignment from time to time until the whole penalty be recovered.

SEC. 38. That the sheriff or jailor of the county of Forsyth 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 town, and be lawfully dealt with, and for such services the jailor shall be entitled to such fees as he is in other like cases; or such prisoner may be confined in the county prison.

Sheriff to receive in jail persons arrested.

Fees.

SEC. 39. That the said board of commissioners may, as soon after 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 town in [his] judgment requiring weighing or inspection, and the said officer so appointed shall give bond with approved security, payable to the town of Salem, 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 town, and shall take an oath before the mayor before entering upon his duties; and the board of commissioners shall have power to remove him for misbehavior, or neglect or malpractice in office, and appoint a successor instead. And the board of commissioners are hereby authorized and empowered to regulate the fee to be paid for such weighing and inspection, and by them 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. They shall have power also to appoint building inspectors, and also fire inspectors, who shall make their reports to the board of commissioners.

Weighmaster.

Bond.

Removal.

Fees.

Building and fire inspectors.

SEC. 40. They may also appoint a town engineer, a town 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 town ordinances, when the offence is committed in the town limits to justice, and to use any funds belonging to the town not otherwise appropriated to carry out this purpose.

Engineer, attorney, &c.

SEC. 41. That in order to raise a fund for the necessary expenses of the government of the town, the commissioners may annually levy and collect the following taxes, viz.:

Taxation.

(1). On all real and personal property within the corporate limits, including money in 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 to meet all the liabilities of the town in the way of indebtedness, bonded or otherwise, which now exists or may be hereafter created.

Ad valorem tax.

(2). On all taxable polls, a tax not exceeding three dollars a poll, who may be residents in the town on the first day of June of each

Poll tax.

year, or may have been so resident within sixty days next preceding that day as *bona fide* citizens.

Dogs.

(3). Upon all dogs kept in the town, and which may be so kept on the first day of June, a tax not exceeding one dollar on every male dog and spayed slut and ten dollars on every unspayed slut, and all dogs so taxed shall be subjects of larceny.

Express, &c.,
companies.

(4). Upon every express company and upon every telegraph and telephone company doing business in the town, a tax not exceeding on[e] per centum of its gross receipts in the town, 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 property
for taxation.

SEC. 42. That the clerk, on or before the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the town of Salem who own or have control of taxable property in the town on the first of June, to return to him on or before the last day of June a list of their taxable property in said town. Said 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 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,

Oath.

....., 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, all county bonds and a full and accurate list of all personal property, and a full and accurate list of all other property subject to taxation by the laws of the state and ordinances of said town 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 in [on] file in the register of deeds' office of all property within the city limits, which assessments may be revised, corrected or amended by the board of commissioners.

Tax-list.

Unlisted property
and polls.

SEC. 43. That the clerk shall, within thirty days from the return of the tax-list, make out to the best of his knowlege and belief by comparing his book with the returns made to the register of deeds of Forsyth county, 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 town 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

Double tax.

board of commissioners shall have all the power given to the board of county commissioners to revise the tax-list, except to alter valuations of real estate, and shall, as near as may be made, make the tax-list correspond with the tax-list given in to the county by the citizens of Salem on all subjects embraced in both lists.

Revision of tax-list.

SEC. 44. 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 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 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 list a misdemeanor.

Duty of tax-collector.

SEC. 45. That as soon as the clerk shall have finished the assessment roll as provided, and the same shall have been issued by the board, the board of commissioners 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 January next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector for his compensation shall receive not exceeding five per centum on the amount collected. After the first day of January in each year there shall be added five per centum additional tax on all taxes remaining unpaid in the hands of the collector, which shall be collected as other taxes.

Levy of taxes.

Collection.

Compensation of tax-collector.

SEC. 46. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale after public advertisement for the space of ten days in some newspaper published in the town or county if the property to be sold be personalty, and of thirty days if the property be realty.

Collection of taxes by distress.

SEC. 47. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court-house door in Forsyth county by the collector, after advertising thirty days in some newspaper published in the town or county, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient (for such

Sale of land for taxes.

- 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.
- Purchase by town. SEC. 48. 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 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 town treasury, subject to the demand of the owner.
- Collector to make return. SEC. 49. 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.
- Redemption of land sold for taxes. SEC. 50. That if the 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, shall be *prima facie* evidence that the same was true and done.
- Conveyance to purchaser. SEC. 51. 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.
- Land of infants, &c. SEC. 52. 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 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, viz.:
- License taxes. (1). Upon all itinerant merchants or peddlers vending, or offering to vend, in the town, 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.
- Peddlers. (2). Upon every billiard-table, bowling-alley or alley of like kind, billiard tables, &c. bowling-saloon, bagatelle-table, pool-table or tables, stand or place for any other game or play with or without a name kept for hire, 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 company of circus-riders or performers by whatever name called who shall exhibit within the town, 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.

(4). Upon every person or company exhibiting in the town, except for religious, educational or charitable purposes, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or manageries, 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.

(5). Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled. Artificial curiosities.

(6). Upon each show or exhibition of any other kind, and on each concert for reward (unless for religious or benevolent purposes) in the town, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be double. Shows, &c.

(7). 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.
Proviso.

(8). Upon every stock and bond broker, sewing-machine company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables, livery-stables, or stock-yards doing business in the town, a license tax not exceeding twenty-five dollars a year. Brokers, &c.

(9). 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, water-works, express company and oil company, a license [tax] not exceeding ten dollars a year. Bill posters, &c.

(10). That every telegraph, telephone or electric light company, street railway company, building and loan association, itinerant dealer in lightning-rods and stoves, shall pay a license tax not exceeding twenty-five dollars per annum. Telegraph companies, &c.

(11). Each rope-walker, itinerant optician, itinerant dealer in any specific, carriage, buggy or wagon, each dancing-school, every stallion or jack standing in the town, persons soliciting orders for photo- Rope walkers, &c.

graphs or pictures, selling jewelry or any other article having a prize given therewith, or any itinerant person taking or enlarging a likeness of a human face on order or otherwise, each dealer in patent-rights, itinerant traders, shall pay a license tax not exceeding ten dollars a year.

Distilleries, &c.

(12). Each distillery of fruits or grains, each distiller or compounder of spiritual [spirituous] liquors, each gift enterprise or lottery, every railroad company having a depot or office in the town, a license tax not exceeding fifty dollars a year.

Penalty for carrying on business without license.
Proviso.

(13). Any person carrying on any business in the town without having paid the license tax according to the ordinances of the town 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.

Other subjects.

(14). 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 tax of ten dollars; and the board of commissioners shall have power to impose a license tax on any business carried on in the town of Salem, not before enumerated herein, not to exceed ten dollars a year.

Moneys, to whom payable.

SEC. 53. 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.

Appropriations.

Levy of taxes.

SEC. 54. That taxes for town purposes shall be levied on all real and personal property, trades, licenses [professions] and other subjects of taxation as provided in section three, article five of the state constitution.

Streets.

SEC. 55. That the board of commissioners 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 town, to regulate and protect public grounds and protect the shade trees of the town; that when any land or right-of-way shall be required for the purpose of opening new streets or widening those already open, or for other objects allowed by this charter, and for want of agreement as to the compensation thereof, 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 town, to be chosen one by the commissioners and one by the property owner; if they fail to agree they two to select an umpire, and on making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of the court of record, shall take

Condemnation of land.

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 commissioners 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 commissioners and shall pass the title to the board of commissioners in their corporate capacity of the land so taken; and the land may at once be condemned and used by the town for the purpose intended: *Provided*, that if any person over whose land the 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 term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners opening or widening such street or creating such improvement. Appeal.

SEC. 56. That if any owner or lessee of lands in the town of Salem on being notified to repair his sidewalks according to the laws, regulations and ordinances of the town, shall fail to repair as ordered, he shall be deemed guilty of a misdemeanor and fined not more than one dollar for each day's neglect to make such repairs. A notice of thirty days by the chief of police of the town in writing shall be sufficient in any event. Failure to repair sidewalks a misdemeanor. Notice.

SEC. 57. That no cellars shall be built under any sidewalk in the town, or entrance established on the sidewalk to any cellar whereby the free passage of persons may be delayed, hindered or interrupted; and every offender herein shall forfeit and pay to the town twenty-five dollars for every day the same may remain. Cellars. Penalty.

SEC. 58. 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 in which a sidewalk has been established, shall improve, curb or pave or repair in such manner as the commissioners may direct, such sidewalk as far as it may extend along such lot, and any failure to do so within thirty days after notice by the chief of police to said owner, or if he be a non-resident of the county of Forsyth, to his 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 Salem or Forsyth county calling in [on] the owner to make such repairs, the commissioners may cause the same to be repaired, either with brick, stone or gravel, at their discretion, and the expense shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs, such lot may be sold, or enough of the same, to pay such expenses and costs, under the same rules, regulations and restrictions, rights of Duty of owners of lots to repair sidewalks. Notice. Expenses. Sale of lot.

redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes.

Abatement of nuisances.

SEC. 59. The board of commissioners 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 town, and the power and authority of said board of commissioners for the abatement and removal of nuisance shall extend one mile beyond the town limits. They shall have power, and it shall be their duty, to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or 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 town limits to be removed or abated, and for removing or abating any such nuisance, the person creating the same shall pay the expenses as above required.

Proviso.

Live stock running at large.

SEC. 60. That the commissioners shall have power to prevent dogs, horses, cattle and all other brutes from roaming at large in the town.

Market.

SEC. 61. That the commissioners 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—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.

Public buildings.

SEC. 62. 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. And all persons about erecting any building in said town shall, before erecting said house, obtain a written permit from the mayor and street committee for that purpose.

Wooden buildings.

Interments

SEC. 63. That the board of commissioners shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall also have power to purchase, when they deem it proper, land adjoining the cemetery for its enlargement; they shall also have the power to forbid any and all interments of dead bodies within the limits of said town whenever they shall deem it expedient, and to pass ordinances for the protection of the cemeteries; may appoint and pay a keeper and compel the keeping and returning a bill of mortality.

Fire companies.

SEC. 64. 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 occur-

ring 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. They shall have power to establish fire limits within said town. 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.

Destruction of buildings to prevent fires.

Fire limits.

SEC. 65. 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 and street-cars shall run within the town limits; to prohibit said railroads from stopping their engines or cars in 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 hogs may be kept and to prevent them from running at large in said town; to cause all alleys, lots, cellars, privies, stables, styes and other places of like character to be examined by a sanitary policeman, to be appointed for that purpose. It shall be their duty, on complaint, to cause, by their order, the sanitary policeman to have said places cleansed and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board or charged with that duty, shall have authority to enter the premises described to be in bad order 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.

Corporate powers.

SEC. 66. That they may take such measures as they deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town, or within three miles thereof; may cause any person in the town suspected to be infected with such disease and whose stay may endanger its health to be removed to the hospital, if the town have one, if not, where the mayor may direct; may remove from town or destroy any furniture or other article which shall be

Contagious diseases.

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 to hospital of person having contagious disease.

SEC. 67. 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, burial expenses also, in case of death.

Penalty for attempt to prevent removal, &c.

SEC. 68. 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 town one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Commissioners of Forsyth not to grant retail liquor license without permission of town commissioners.

SEC. 69. That it shall not be lawful for the commissioners of Forsyth county to grant any license to retail spirituous liquors within the bounds of the town without permission first obtained from the board of commissioners 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 town of Salem the sum of fifty dollars.

Borrowing money.

SEC. 70. That among the powers hereby conferred on the board of commissioners, 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 Salem or Forsyth county, 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.

Election.

New registration.

Penalties incurred by minor.

SEC. 71. 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.

Graded schools.

SEC. 72. At any time the commissioners of the town of Salem may wish to establish a system of graded schools, all taxes now paid or which hereafter may be paid by the citizens of the town of Salem for

state and county school purposes shall be paid by the county treasurer to the treasurer of the town of Salem, and by him applied to the graded schools of the town as provided by law.

SEC. 73. That all penalties imposed by law relating to the town, or by this act, [or] by any ordinance of the town, unless otherwise provided, shall be recoverable, in the name of the town of Salem, before the mayor or any tribunal having jurisdiction thereof. Actions to recover penalties.

SEC. 74. That the commissioners shall not have power to impose for any offence a larger penalty than fifty dollars, unless the same be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace. Penalties. Appeal.

SEC. 75. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty, or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the state under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction of the offender, among the other costs; for every warrant to arrest individuals who may have fled from other states or counties, two dollars, to be paid on removal of offender by such as may convey him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents. Fees of mayor.

SEC. 76. That from and after the acceptance of this act the same shall thenceforth be the charter of the town of Salem; and all laws now constituting the charter of the town and affecting the government thereof, or 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 town: *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 town of Salem. Act when accepted to be town charter. Repeal of conflicting laws. Proviso.

Effect of repeal-
ing clause.

SEC. 77. That no offence committed and no penalties or forfeitures incurred upon 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 forfeiture incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be 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 offices which may have been abolished, and those as to which a different provision shall have been made by this act.

Proviso.

Proviso.

Conveyance by
town.

SEC. 78. That the town of Salem may convey lands and all other property, which is transferable by deed, by deed of bargain or 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.

Fines, &c., to
inure to benefit
of town.

SEC. 79. That all fines and penalties imposed by and collected under the judgment of the mayor of Salem, sitting as the justice of the peace, shall belong to and inure to the exclusive benefit of the town of Salem.

Persons failing
to pay fines, &c.,
liable to work on
streets.

SEC. 80. 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 town of Salem, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may be 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.

Collection of
debts owing by
town.

SEC. 81. Debts contracted by the town of Salem in pursuance of authority vested in it, shall not be levied out of any property belonging to the town 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.

SEC. 82. That any officer, mayor, commissioner, or tax-collector of the town of Salem who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of such town, shall be deemed guilty of a misdemeanor, and imprisoned for not more than one year and fined not exceeding five hundred dollars, at the discretion of the court.

Failure of officers to turn over property, &c., to successor a misdemeanor.

SEC. 83. 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 open 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 three thousand eight hundred and twenty-two.

Correction of tax-lists.

Failure of collector to surrender list for inspection a misdemeanor.

SEC. 84. That any person or persons violating any ordinance of the town of Salem shall be deemed guilty of a misdemeanor and shall be subject to the provisions of this act.

Violation of ordinance a misdemeanor.

SEC. 85. That the mayor and a majority of the board of commissioners of the town of Salem shall have power at all times to sell at public outcry (after thirty days' notice) to the highest bidder, any property, real or personal, belonging to the town and apply the proceeds as they think best. The mayor and commissioners are fully authorized to make title to any property sold under this act. The Code, section 3826.

Sale of town property.

SEC. 86. That it shall be lawful for the policemen to serve all civil process that may be directed by 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.

Service of civil process by policemen.

SEC. 87. That it shall be lawful for the corporate authorities of said town 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 and improvement of the same, of the town whose authorities shall so hire such prisoners.

Employment of prisoners in county jail.

SEC. 88. Upon application to them it shall be the duty of the board of county commissioners to hire to the corporate authorities of said town 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 commissioners 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 pro-

Expenses, how paid.

Escape of prisoner.

Misdemeanor.

vision shall not be deemed or held to relieve any person from any criminal liability under existing laws.

May issue bonds not exceeding \$100,000 for public improvements.

SEC. 89. That the town of Salem is hereby authorized and empowered to create a debt for public improvements, grading, macadamizing and paving streets, water-works, sewerage, etc., and other public purposes, to an amount not exceeding one hundred thousand dollars, and for that purpose may issue bonds, in the name of the town of Salem, in such denomination and form and payable at such place and time, but running not less than thirty years nor more than fifty years, and bearing interest at no greater rate than six per centum per annum, and payable annually or semi-annually, as said board of commissioners may determine.

Election on question of issuing bonds.

SEC. 90. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such 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."

Sale of bonds.

SEC. 91. 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 said bonds shall be used for such public improvements in the town of Salem as is indicated by the election aforesaid.

Application of proceeds.

Coupons receivable for town taxes.

SEC. 92. The coupons on said bonds shall be receivable in payment of town taxes.

Special tax.

SEC. 93. That for the purpose of paying off, taking up and canceling the coupons and bonds issued by said town as the same shall become due, it shall be the duty of said board of commissioners, and they are hereby empowered to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless,* that the rate of taxation shall not at any time exceed the rate of one dollar on every one hundred dollars' valuation, and a poll-tax not exceeding three dollars, with which to pay both general and special taxes, as is provided for in section forty-one of this charter.

Limitation of tax

Powers of commissioners.

SEC. 94. That the board of commissioners of the town of Salem is hereby authorized and empowered to erect suitable graded school buildings in such part of the town as they may select; to make local assessments; to provide water supplies for the town, either by erecting water-works or by contracting with other persons or corporations; to provide a proper system of sewerage for the town, and make all such other public improvements as the health of the citizens and the safety of property may require.

SEC. 95. That the board of commissioners may acquire by gift or grant, lands or easements thereon or rights-of-way over the same, or the right to use springs, branches or water-courses for the purpose of erecting and operating water-works, or conducting the water to the town.

Acquisition of land, &c.

SEC. 96. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Salem, before the mayor and any other tribunal having jurisdiction thereof: *Provided*, any person failing to pay the taxes or fines imposed in accordance with the 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.

Recovery of penalties.

Proviso.

SEC. 97. That all lands owned by the town, or which may hereafter be purchased by the town, used or to be used as a cemetery, and all lands on which sewer-pipe is to be located or hereafter may be located, and all lands in [on] which water-works are established or hereafter may be established, or land in which water-pipes are run to and from said works, shall be subject to the police power and municipal authority of the town and such ordinances and regulations as may be prescribed by the board of commissioners; and such property as may be used for the purpose aforesaid shall be protected by such ordinances as the said commissioners may prescribe.

Police powers over lands purchased by town for cemetery, &c.

SEC. 98. That the said board of commissioners shall have power to construct a system of sewerage for the town 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, it shall be done as herein provided for opening new streets and for other purposes.

Sewerage system.

SEC. 99. 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.

No removal of causes pending before mayor.

Appeal.

SEC. 100. That the said board of commissioners shall have power to pass ordinances for the good government and order of said town, and to that end they may pass an ordinance providing that in case any officer of [the] town has sufficient reason to believe, and does believe, that there exists any house of ill fame, or gambling house where games of chance are being carried on, that such officer may, with or without warrant, enter said premises and arrest any person or persons so engaged as keepers or occupants of said houses of ill fame or gambling houses and require such person or persons to

Ordinances.

Arrest of keepers of house of ill-fame, &c.

appear before the mayor for violation of the ordinances against such houses of ill fame or gambling places.

Vagrants.

SEC. 101. That the commissioners of said town shall have authority to pass such ordinances in relation to vagrants as they may deem necessary to 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 not exceeding fifty dollars or be imprisoned not more than thirty days. The said mayor is constituted a special court to hear and determine such offence, and upon failure of any person convicted of such offence to pay such fine and cost of his arrest and conviction, he shall have authority to imprison such person in the county jail or other prison, and the commissioners of Salem may work such person on the streets or the public works of the town, and they may hire such person until the fine and costs are paid.

Misdemeanor.

Mayor a special court.

Imprisonment.

Penalty for assaulting policeman, &c.

Violation of ordinance a misdemeanor.

SEC. 102. That the board of commissioners may use the county jail, or build or rent a house, for the purpose of confining those who disobey the law and the ordinances of the said town. 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 twenty-five dollars or imprisonment thirty days.

SEC. 103. That any person or persons violating any ordinance of the town shall be deemed guilty of a misdemeanor.

SEC. 104. That this act shall be in force from and after its ratification.

Ratified the 5th day of February, A. D. 1891.

CHAPTER 41.

An act to amend the charter of the Piedmont Bank of Morganton, North Carolina.

The General Assembly of North Carolina do enact :

Transfer of charter approved.

SECTION 1. That the transfer and assignment of the charter granted to the Piedmont Bank of Morganton, North Carolina, by the corporators named in said act to the present owners be approved, and the organization of the present corporation be declared valid.

SEC. 2. That said charter (chapter one hundred and forty, laws of eighteen hundred and eighty-seven,) be amended by adding the following sections: Chapter 140, laws 1887, amended.

SECTION 1. That whenever any deposit shall be made in said bank by or in the name of any person being a minor without guardian, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive use and benefit of such depositor free from all control of any person, and shall be paid such person by or in whose name the same was made, and the check or receipt of such minor without guardian, or female, shall be valid and sufficient. Deposits by minors, &c.

SEC. 2. That any executor, administrator, guardian, receiver, trustee or public officer having the care, custody or control of any bonds, stocks, mortgages, securities, moneys or other valuable things, whatsoever they may be, is hereby authorized and empowered to deposit the same in said bank.

SEC. 3. That said corporation may construct fire and burglar-proof vaults, safes and safe-deposit boxes, and receive and keep gold, silver, precious metals, jewels, stocks and securities, deeds, wills and other valuable papers or articles of any kind which may be left or deposited for safe-keeping, and shall be entitled to charge such fees or commissions as may be agreed upon for such services, and generally may transact and perform all duties pertaining to or relating to safe-deposit companies. May construct fire-proof vaults, &c.

SEC. 4. That said corporation shall have power and authority to accept and execute trusts of all kinds which may be committed to its care with its consent. May execute trusts.

SEC. 5. That said bank is hereby authorized to organize, in connection with its general banking business, a savings bank department, and do a savings bank business for the convenience of small depositors, receive deposits in any sum and pay the same with interest as may be agreed upon, to regulate the times of payment and notice of demand, may receive deposits from minors without guardians, or married women, and pay the same upon their checks or receipts, which shall be valid. No greater rate of interest to be charged than is allowed by the laws of North Carolina, or which may be hereafter enacted: *Provided*, that section two of the sections added shall be subject to the provisions of chapter four hundred and seventy, laws of eighteen hundred and eighty-nine. Savings bank department.

SEC. 6. That this act shall be in force from and after the date of its ratification. Deposits by minors, &c.
Rate of interest.
Proviso.

Ratified the 5th day of February, A. D. 1891.

CHAPTER 42.

An act to amend chapter twenty-five (25), private laws of North Carolina of one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 25, Private Laws 1887, amended.

Town of Maxton divided into three wards.
First ward.

SECTION 1. That chapter twenty-five (25), private laws of North Carolina of one thousand eight hundred and eighty-seven, be and the same is hereby amended as follows:

SEC. 2. That the town of Maxton shall be divided into three wards, denominated first, second and third wards respectively, which shall be severally bounded, as follows: The first ward shall include all that part of the town within the following boundaries: beginning at a point in the centre of the track of the Carolina Central Railroad one hundred (100) [feet] east of the intersection of Patterson street with said railroad and running thence parallel to Patterson street, about south twenty-three degrees west to the alley leading to W. S. McNair's stables, or to a point directly opposite to the same; thence north sixty-six and a half [degrees] west parallel to the Carolina Central Railroad to a point in the centre of the old Fayetteville and Florence Railroad bed; thence with the centre of said road-bed across and perpendicular to the Carolina Central Railroad to Hughes street; thence with said Hughes street to Patterson street near the Presbyterian church; thence in the same direction to a point within one hundred feet of the west edge of Main street; thence parallel to Main street one hundred (100) feet from west edge of same to the ditch north of the dwelling of N. B. Harker; thence with said ditch to a point within one hundred (100) feet of McCaskill's avenue or Main street extended; thence with said avenue one hundred (100) feet from west edge of it to the corporate limits; thence with the town line south sixty-six and a-half [degrees] east to a point two hundred (200) feet beyond the east side of E. S. Lathrop's dwelling; thence direct to a point in Henderson street one hundred (100) feet east of the intersection of First street with Henderson street; thence with First street one hundred (100) feet from east edge of it to the centre of the Carolina Central Railroad; thence north sixty-six and a-half [degrees] west with said railroad to the beginning. The second ward shall include all that part of the town of Maxton west of Patterson street, Main street and McCaskill avenue not included in the first ward. The third ward shall include all that portion of the town of Maxton not included within the boundaries of first and second wards.

Second ward.

Third ward.

Board of commissioners.

SEC. 3. Section third (3d) of chapter twenty-five, private laws of one thousand eight hundred and eighty-seven, is hereby stricken out and the following inserted in its stead: "That the corporate powers and authority granted to the said town shall be vested in and exercised by a board of commissioners to consist of five (5) members,

three of whom shall be elected by the qualified electors of the first ward and one shall be elected by the qualified electors of the second ward and one by the qualified electors of the third ward. Said commissioners shall be elected on the first Monday in May, one thousand eight hundred and ninety-one, and annually on the first Monday in May thereafter, and shall hold office for one year from the day of their election and until their successors shall be elected and qualified."

SEC. 4. That section four be and the same is hereby amended as follows: Strike out "sixty" and insert "ninety;" strike out "day of election" and insert "close of registration;" strike out "corporate limits of said town" and insert "ward in which he offers to register;" strike out the concluding word "town" and insert "ward."

Qualification of electors.

SEC. 5. That section six be and the same is hereby amended as follows: Insert after the word "election" and before the word "who" in line three "for each ward or polling place;" strike out "town" in line three and insert "ward;" strike out "ten" in line six and insert "three;" strike out "town" in line seven and insert "ward;" strike out "town" in line ten and insert "ward;" strike out "town" in line twelve and insert "ward;" strike out "next" in line fourteen (14); strike out "town" in line sixteen and insert "ward;" insert after the word "lists" in line seventeen: "*Provided*, said registration books shall be closed on the second Friday before the election." Amend further by adding: "*Provided further*, that the commissioners of the county of Robeson shall appoint the registrars and judges of election provided for in said section six on the first Monday in March, 1891, for holding the election on the first Monday in May, 1891, and for the purpose of said election they shall order a new registration and furnish registration books, which shall be paid for by the town of Maxton."

Election, how conducted.

New registration.

SEC. 6. That section eight be and the same is hereby amended as follows: Strike out "town" in lines two and six, and insert "ward."

Revision of registration books.

SEC. 7. That section nine be and the same is hereby amended as follows: Strike out the words "the person for whom he votes as mayor and."

Ballots.

SEC. 8. That section ten be and the same is hereby amended as follows: Strike out all after the word "inspectors" in line two, down to and including the word "mayor" in line four; strike out the words "mayor and" in line six.

Election of commissioners.

SEC. 9. That section eleven be and the same is hereby amended as follows: Strike out the words "either" and "mayor or" in line one.

Tie vote for commissioners.

SEC. 10. That section twenty-one be and the same is hereby amended as follows: Add thereto the following: "That at the first meeting of each and every board of commissioners elected under the provisions of this act they shall proceed to elect a person, who may be one of their own number or other qualified person, to discharge the duties prescribed by law for mayor of said town during the term of office of said board of commissioners, and in case of the disability, failure

Commissioners to elect mayor.

or refusal of the person so elected to discharge the said duties, it shall be the duty of the said board of commissioners to elect some other qualified person to discharge said duties.

License taxes.

SEC. 11. That section forty-four be and the same is hereby stricken out and the following inserted therefor: "That in order to further provide a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following license-taxes for the privilege of carrying on the business or doing the act named, and nothing in this section contained shall be construed so as to relieve any person from the payment of the *ad valorem* taxes provided for in section thirty-two of said chapter twenty-five of private laws of eighteen hundred and eighty-seven:

Merchandise.

(1). Upon merchandise, a tax not exceeding ten dollars a year.

Commission merchants, &c.

(2). Upon commission merchants, auctioneers or brokers, a tax not exceeding ten dollars a year.

Omnibuses, &c.

(3). Upon every omnibus, hack or other vehicle used for the carriage of persons or [for] hire, a tax not exceeding fifteen dollars per year, and upon every hack or vehicle used for the transportation of freight or other articles of [for] hire, a tax not exceeding ten dollars per year, and a discrimination may be made between one and two-horse vehicles in the tax.

Dogs.

(4). 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.

Peddlers.

(5). Upon every transient merchant, trader or street peddler offering to vend in the town, a tax not exceeding fifty dollars a year, ten dollars a month or two dollars a day, except only such 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 sell under the same license.

Billiard tables, &c.

(6). Upon every public billiard table, shooting-gallery, bowling-alley or alley of like kind, skating-rink, bagatelle table or table, stand, or a place for any other game or play with or without a name, kept for hire, a tax not exceeding fifty dollars a year.

Hotels, &c.

(7). Upon every hotel or restaurant established, opened or kept in the town, a tax not exceeding twenty-five dollars a year.

Circuses, &c.

(8). Upon 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, all of which shall be paid before the exhibition, or if not paid, then the same shall be doubled.

Theatres, &c.

(9). 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.

Wax-works, &c.

(10). Upon each exhibition for reward of wax-works or curiosity of any kind, natural or artificial, a tax not exceeding ten dollars.

(11.) Upon each exhibition of any other kind, and on each concert Shows, &c. 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.

(12.) Upon every auctioneer or crier of goods at public auction Auctioneers, &c. allowed to be taxed by this charter, a tax not to exceed 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.

(13.) Upon every stock and bond broker, sewing-machine company, Brokers, &c. dealer in or manufacturer's agent of musical instruments, keeper of livery or livery and sale stables or stockyards, a tax not exceeding twenty-five dollars a year.

(14.) Upon every street huckster, photographer, merchandise or Hucksters, &c. produce broker a tax not exceeding twenty-five dollars.

(15.) Upon every itinerant dentist, itinerant medical practitioner, Itinerant dentists, &c. optician, portrait or miniature painter, daguerrean artist, photographer and every person taking or enlarging likenesses of the human face, a tax not exceeding five dollars per month.

(16.) Upon every itinerant person or company peddling lightning-rods, corks, stoves or ranges, a tax not exceeding fifty dollars a year or five dollars a day on each wagon (if wagons are used), if wagons are not used the tax shall be paid on each agent. Itinerant lightning rod dealers, &c.

SEC. 12. That sections forty-five, forty-six, forty-seven and forty-eight be and the same are hereby amended by adding: "*Provided*, nothing herein contained shall be construed to interfere with the right of the owner of the land or his agent or legal representative to appeal to the superior court." Appeal in proceeding to condemn land.

SEC. 13. That section seventy-five be and the same is hereby stricken out and the following inserted in its place: "That the sale or manufacture of spirituous, vinous and malt liquors, wines or cider, brandy-peaches, bitters or other intoxicating liquors is forever prohibited within the corporate limits of the town of Maxton or within two miles thereof." Sale, &c., of liquor prohibited.

SEC. 14. That section seventy-six be and the same is hereby stricken out and the following inserted: "That the said board of commissioners of the town of Maxton shall have power to prohibit or regulate the shipping or bringing within the town limits of Maxton by any person or common carrier any of the spirituous, vinous and malt liquors, wines or cider mentioned in the preceding section." Commissioners may prohibit importation of liquor.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified the 10th day of February, A. D. 1891.

CHAPTER 43.

An act to incorporate the Bank of Commerce at Fayetteville, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That R. M. Nimocks, W. S. Cook, B. R. Taylor, J. P. Thompson, C. W. Broadfoot, J. B. Broadfoot, H. W. Lilly, N. W. Ray, H. L. Cook, A. H. Slocumb, A. E. Rankin, F. W. Thornton, W. C. McDuffie, jr., A. J. Cook, E. C. Smith, B. R. Huske, Charles Hay, E. L. Pemberton, D. H. Ray, L. Shaw, J. W. McNeill, B. E. Ledberry, J. A. Hodges, Z. W. Whitehead, D. G. McMillan, W. J. McDonald, jr., G. A. Overbaugh, E. J. Lilly, jr., J. Schlossberg, E. H. Jennings, B. W. Townsend, H. R. Novitzky, W. B. Draughon, N. G. Wade, R. A. Tomlinson, H. I. McDuffie, J. D. Brown, A. Broadfoot, John Underwood, G. W. Lake, T. H. Sutton, John Averitt, W. T. Fisher, G. M. Rose, A. A. McKethan, jr., T. D. Haigh, H. R. Horne, A. B. Williams, C. L. Taylor, W. N. Williams, C. E. Pearce, H. J. Marsh, J. H. Marsh, W. A. Robeson, M. Currie, R. G. Haigh, W. S. Sheetz, G. A. Burns, J. A. Burns, J. M. McIver, C. W. Eliot, J. G. Hollingsworth, F. R. Rose, Q. K. Nimocks, J. P. Cook, A. D. McGill, their present and future associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the

Corporate name.

name and style of "The Bank of Commerce," with its principal place of business at Fayetteville, North Carolina, and by that name

Corporate powers.

may sue and be sued, plead and be impleaded in any court of the state, and shall have a continual succession for thirty years with capacity to take, hold and convey real and personal estate, and with all the powers, rights, privileges and immunities granted to any bank or banking institution by this or any preceding or subsequent legislation of this state, together with the rights, powers and privileges incident to or belonging to corporations as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations."

Capital stock.

SEC. 2. That the capital stock of said corporation shall not be less than one hundred thousand dollars, in shares of twenty-five dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

Books of subscription.

SEC. 3. The incorporators named in the first section, or a majority of them, are hereby empowered at any time within two years from the ratification of this act 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 held after the 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. Whenever one hundred thousand dollars or over shall have been subscribed, the before-named corporators, or a majority* of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such subscribers shall elect by ballot or otherwise, from among their number such directors as they may deem proper, who shall hold office for one year and until their successors are appointed; said directors shall elect a president and vice-president by ballot or otherwise, the same being stockholders, and have authority to fill all vacancies that may occur in their own body or in any office or position in the bank until the next annual meeting of the stockholders: *Provided*, no stockholder shall be eligible to office as director unless he shall own in his own right forty shares of stock.

Organization.

Qualification of director.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, appoint all necessary officers and agents, fix their compensation, prescribe their duties and take security for the faithful discharge of the same, and may, when they deem it to the interest of the bank to do so, discharge any or all of them and appoint others to fill their places. They shall prescribe the manner of paying for stock and the transfer thereof, may do a general banking business, discount promissory notes, bills of exchange, domestic and foreign, and take interest or discount in advance at a rate not greater than is allowed by law. The corporation may invest in bonds of this state or other states and of the United States, or in the bonds or obligations of any corporations or county in this state.

Powers of president and directors.

SEC. 6. The said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold, silver and other coins, bullion, uncurrent paper and public or other securities, including the bonds or other securities of the United States, this state and other states of the Union, also county bonds, township bonds, town bonds or municipal bonds, and the bonds or other evidence of debt of any corporation chartered by this or any other state of the Union, may purchase and hold such real and personal estate and property of any kind as may be conveyed to secure debts or liabilities to the said corporation, or in which the said corporation may be interested, or which may be sold under execution, mortgage or other liens, or by order of any court to satisfy any debt or liability to said corporation, and may sell and convey the same at pleasure, may purchase and hold real estate suitable for the transaction of its business, and at pleasure sell or exchange the same, may discount bills, bonds, notes, drafts and other evidences of debt, and lend money on such terms as may be agreed on, not to exceed the legal rate of interest, and

Corporate powers.

may take and receive interest at the time of making such loan. It may receive deposits of money or other property or evidences of debt from corporations, minors without guardians, *feme covert*, guardians, executors, administrators, trustees and other persons on such terms and time and manner of collection and payment as may be agreed on; and when any deposit shall be made by any person being a minor without guardian or *feme covert*, the said corporation may at its discretion pay to such minor without guardian or *feme covert* such sums as may be due him or her, and the receipt or acquittance of such minor without guardian or *feme covert* shall be to all intents and purposes valid in law [and] fully discharge the said corporation from any and all liability on account thereof.

Duty of president and directors.

SEC. 7. That the president and directors shall exercise all the necessary authority and power for the proper government of the business of the corporation; they shall direct when dividends shall be paid to stockholders; they may call meetings of the stockholders when they may deem it proper, giving ten days' notice; and any number of stockholders holding one-fourth of the capital stock paid up may call a special meeting, giving ten days' notice in a newspaper published in Fayetteville; and at all meetings stockholders not present may be represented by proxy, each share of stock being entitled to one vote.

Stockholders' meetings.

Stock vote.

May loan money on mortgage. Proviso.

SEC. 8. The corporation may loan money on a pledge or mortgage of real or personal estate: *Provided*, it shall not loan on mortgage of real estate exceeding twenty per cent. of the capital stock paid in.

Remedy against subscriber failing to pay.

SEC. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion in the superior court in the county of Cumberland, 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 after advertisement of sale for twenty days in a newspaper published in Fayetteville, and if at such sale the price paid shall not be sufficient to discharge the amount unpaid with all costs of sale, the subscriber shall be liable for the deficiency in a civil action.

Liability of assignee.

SEC. 10. If any subscriber shall assign his stock before its full payment, he and his assignee and all subsequent assignees shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the corporation, as will [well] in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Deposits by executors, &c.

SEC. 11. Any receiver, executor, administrator, trustee, assignee, guardian, committee of a lunatic, and any clerk, clerk of the superior court, treasurer of a county, sheriff, tax-collector or other public

officer is hereby authorized to deposit with the said corporation any money, security or other valuables which may come in his possession or under his control by virtue of his said office or appointment aforesaid: *Provided*, nothing herein contained shall be construed to operate as a discharge from liability [of] any such depositors in case of loss, but they shall have the same legal liability for loss as if they had not so deposited according to law as it now exists. Proviso.

SEC. 12. Said corporation shall have authority to establish and operate a savings bank, under such rules and regulations as its by-laws may prescribe, and such 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 with guardians, and apprentices, and the same may be paid out on their receipt, order or check, unless restrained by law; and deposits may also be made in the name of married women, minors without guardians, and apprentices, by their husbands, parents, guardians and masters, and the same may be drawn out by the person making the deposit, unless restrained by law. But said corporation shall take and receive only such interest as may now or hereafter be allowed by law. Savings bank.
Deposits by married women, &c.
Interest.

SEC. 13. The president and directors shall cause to be published during the first week in January and July of each year a statement of the financial condition of the bank, unless required by the general law of the state to publish the same at other times. Semi-annual statements.

SEC. 14. In case of the insolvency of the bank hereby created or its ultimate inability to pay, shareholders shall be held 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 its par value. Liability of stockholders.

SEC. 15. The total liabilities to the bank of any person, company, corporation or firm for money borrowed, shall at no one time exceed one-tenth part of the amount of the capital stock actually paid in; but the discount of bills of exchange drawn in good faith against existing values, and the discount of commercial or business paper owned by the person negotiating the same and deemed good shall not be considered as money borrowed. Total liabilities of bank.

SEC. 16. The president and directors may, as hereinbefore provided, declare dividends of so much of the net profits of the corporation as they shall judge expedient, but before the declaration of a dividend they shall carry one-tenth part of the net profits of the preceding half-year to its surplus fund, until the same shall amount to twenty per centum of its capital stock paid in. Dividends.

SEC. 17. That this act shall continue in force for sixty years, shall be in force from and after its ratification, and shall not be deemed forfeited by non-user if the corporation shall be organized at any time within two years after the ratification hereof. Corporate existence.
No forfeiture for non-user, &c.

Ratified the 10th day of February, A. D. 1891.

CHAPTER 44.

An act to incorporate the town of Waughtown in Forsyth county.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Waughtown in the county of Forsyth be and the same is hereby incorporated under the name and style of
- Corporate name. Waughtown, 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 limits. SEC. 2. That the corporate limits of said town shall be determined by closing in lines beginning at a point on the old plank road at or near the north-west corner of the John Reight's land and running up said road to the corner of C. A. Reynolds' land, and then run in a northwardly direction one-fourth of a mile to a post, and then to run in an eastwardly direction parallel with the Salem and High Point road to a post at or near the lands of Henry Jenkins, and then to run in a southwardly direction three-fourths of a mile or thereabouts to a post, and then to run in a westwardly direction parallel with the Salem and High Point road to a post on the Thomasville road about one-half of a mile from the Salem and High Point road, and then along said Thomasville road to the Salem and High Point road, and then to cross said road in a northwardly direction to the beginning.
- Officers. SEC. 3. That the officers of said town shall consist of a mayor and five commissioners; the mayor when present shall preside at the meetings of said board of commissioners, but shall not be entitled to 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 ninety-two, and until their successors are elected and qualified, to-wit, mayor, W. H. Sheppard; commissioners, W. L. Link, W. L. Cook, P. E. Leight, C. F. Nisson and W. M. Nisson. 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.
- Mayor *pro tem.*
- Temporary officers.
- 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 ninety-two, 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.

SEC. 5. All qualified electors of the state who have been residents of the town for sixty 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 fifteen cents on the poll, and not, to exceed five 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. By-laws.
Taxation.
Abatement of nuisances.

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 not to exceed thirty days. Misdemeanor to violate ordinances.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 45.

An act to incorporate the East Carolina Land and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. A. Riach, Michael Cranby, Pembroke Jones, J. B. Edgerton and E. B. Borden, and such persons as may be hereafter associated with them, their successors and assigns, are hereby created a body politic and corporate, under the name of "The East Carolina Land and Improvement Company," and by such name may sue and be sued, plead and be impleaded, may adopt a common seal and may make such rules and by-laws for the government of the company as may be desired: *Provided*, the same are not inconsistent with the laws of this state or of the United States, and shall have all the general powers given to and be subject to all the restrictions imposed upon corporations by the laws of this state. Body politic.
Corporate name.
Corporate powers.
Proviso.

SEC. 2. The said company shall have the right to acquire by purchase or gift real estate or lands in any of the counties in the eastern part of this state not to exceed five hundred acres at any one location, and to improve the same by erecting buildings or making other improvements thereon, or to sell the same in lots or parcels to any person, persons or corporations. May acquire land.

SEC. 3. The capital stock of said company shall be five thousand dollars, divided into shares of one hundred dollars each, but the Capital stock.

same may be increased from time to time by the stockholders to any amount or amounts not exceeding two hundred thousand dollars, and any incorporated company organized and incorporated under the laws of this state may take and hold stock in said company.

May sell, &c.
lands.

Conveyance.

SEC. 4. The said company shall have the right to grant, sell and convey any of its lands in lots or parcels by deed, either in fee, in trust or by mortgage, and deeds of conveyance made by the said company shall be signed by the president or the vice-president and attested by the secretary, with the corporate seal of said company affixed.

May borrow
money on mort-
gage.

SEC. 5. That said company shall have the right to borrow money and to issue its notes or bonds for the same and to secure the payment thereof by a lien on any or all of its real estate and improvements thereon.

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

Ratified the 12th day of February, A. D. 1891.

CHAPTER 46.

An act to incorporate The Asheville and Victoria Water Supply Company.

The General Assembly of North Carolina do enact :

Body politic.

Corporate name.

Corporate powers.

SECTION 1. That V. E. McBee, Charles McNamee, William E. Breese, Robert U. Garrett, Melvin E. Carter and Samuel H. Reed, and their associates, successors and assigns, or any three of them, be and they are hereby created and made a body politic and corporate by the name, style and title of "The Asheville and Victoria Water Supply Company," with principal place of business at Asheville, North Carolina, and by such name and title shall continue thirty years for the purpose of obtaining and supplying the city of Asheville, Victoria and vicinity with water for public, domestic, manufacturing and other purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for buying, holding and owning such real and personal estate as may be necessary in connection with or advantageous to the object and purposes of this charter, and by said name shall be capable of suing and being sued, of pleading and being impleaded, and having and using a corporate seal and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name for the purpose of carrying on, enlarging or reducing its business, property real and personal.

SEC. 2. That said corporation when organized and ready for business as hereinafter provided, shall have a right to erect and establish a reservoir or reservoirs of sufficient area and capacity to furnish an adequate supply of water to meet the fullest demand, to erect engines, rams or other machinery necessary or advantageous to the supply or distribution of water, to lay main-pipes, conductors or aqueducts; and for the purpose of erecting or establishing the same, and any or all other things necessary to be done in furtherance of the objects of this act, the said corporation, its agents or employees and the officers thereof may enter upon the land of any person or persons or corporation, and in case an agreement cannot be made between the corporation and the owner of the land or the person entitled to the beneficial interest therein, this corporation may have the same condemned to its use in the manner now provided by chapter forty-nine (49) of The Code of North Carolina, entitled "Railroad and Telegraph Companies": *Provided always*, that the corporation shall pay all damages that may occur or be incurred by reason of the condemnation of land, and it shall at all times have a right to enter upon said land for the purpose of repairing, improving, cleaning out or replacing main-pipes, ditches and the like.

Corporate powers.

Condemnation of land.

Proviso.

SEC. 3. That said corporation shall have a minimum capital stock of twenty thousand dollars, to be divided into shares of not less than ten dollars each, with power to increase the capital stock from time to time to two hundred thousand dollars by a majority vote of the stockholders.

Capital stock.

SEC. 4. That said corporators hereinabove named, and such others as they may appoint, are hereby authorized to solicit and receive subscriptions to the stock of the company, privately or by opening books of subscription, and when ten thousand dollars is subscribed towards the capital stock, the said corporators, or any of them, may advertise for a general meeting of the stockholders, to be held at such time and place as given in the notice, at which meeting the stockholders shall elect, by a majority vote, a president, secretary and treasurer, and also five directors, to be chosen from the number of the stockholders or others, who shall hold their office for one year and until their successors are elected, each stockholder having in such election one vote for every share of stock by them respectively owned, with power to abolish the office of secretary and treasurer, one or both, or combine them into one and have their duties performed by the president alone if the stockholders so prefer.

Subscriptions to stock.

Organization.

Stock vote.

SEC. 5. That the company may in stockholders' meeting make all by-laws which they may deem necessary and proper touching organization under this act not specially herein provided for, and for the accomplishment and conduct of the business contemplated by this act not inconsistent with the constitution of the United States and the constitution of the state of North Carolina and not inconsistent

By-laws.

with this act, the stockholders in all such meetings having the same right as prescribed above in regard to the election of officers, and having [the] right to vote in person or by proxy.

Payment of sub-
scriptions. :

SEC. 6. That the subscriptions to the stock of the company shall and may be paid in such instalments and in such manner as a majority of the stockholders in general meeting may determine, but the stockholders of this corporation shall not be individually liable for any of the debts of said corporation.

Stockholders not
individually lia-
ble for corporate
debts.
Corporate pow-
ers.

SEC. 7. That the said company may issue certificates of stock in such form and subject to such regulations as it may prescribe, with power also to issue bonds with coupons for interest attached to such an amount and on such time as the stockholders in general meeting may determine, and generally may do all other matters and things necessary to the proper and successful transaction of the business for which it is organized, including the power in case of issue of bonds as authorized in this section to secure the same by a mortgage on the corporate property.

Bond of treasurer

SEC. 8. That the treasurer of this corporation, or such other person as has charge of its funds, shall enter into such bond or bonds, payable to the corporation, as the directors thereof shall require, conditioned, among other things, for the faithful performance of all the duties devolving upon him under this act and the resolutions and by-laws of the company.

Misdemeanor to
injure water
mains, &c.

SEC. 9. That any and all persons who shall wantonly, maliciously or negligently interfere with or injure the mains, pipes, ditches, reservoirs, fire-plugs or other property of this said corporation necessary or used in obtaining supply or distributing water, or shall place in the water used by said company before distribution or while in the pipes any poisonous or unwholesome material or matter calculated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both at the discretion of the court.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 47.

An act to amend the charter of the city of Newberne.

The General Assembly of North Carolina do enact :

Chapter 42, Pri-
vate Laws 1879,
amended.

SECTION 1. That chapter forty-two of the private laws of one thousand eight hundred and seventy-nine, section two, be amended by adding in line five on page six hundred and nine after the word

“the” and before the word “second” in line six the word “first,” and in line seven between the word “first” and the word “and” insert the word “third,” and in line eight between the word “second” and the word “and” insert the word “third.” In line ten strike out the words “a councilman” and insert in lieu thereof “above provided only.”

Election of councilmen.

SEC. 2. That section eighteen of chapter forty-two, of the private laws of one thousand eight hundred and seventy-nine, be amended by adding after the word “limits” in line seven of said section the words “and the board of councilmen are hereby specially invested with the power and authority to pass ordinances to prohibit the sale of spirituous, vinous or malt liquors on Sunday and enforce the same by fine or imprisonment or both, and otherwise enforce the due observance of the Lord’s day; also to prohibit and close up houses of ill fame and punish the inmates thereof by fine or imprisonment or both; also to punish by fine or imprisonment or both any person or persons owning and renting or renting for others any house or houses to be used as hawdy houses by women of ill fame.

Prohibition of the sale of liquors on Sunday.

Houses of ill fame.

Persons renting houses.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified the 12th day of February, A. D. 1891.

CHAPTER 48.

An act to incorporate the Charlotte Literary and Library Association.

The General Assembly of North Carolina do enact :

SECTION 1. That Rufus Barringer, William Johnston, H. C. Jones, Joseph Graham, George W. Graham, W. R. Burwell, J. L. Chambers, F. B. McDowell, J. D. Church, E. D. Latta, W. C. Maxwell, Platt D. Walker, E. B. Springs, Hugh W. Harris, Armistead Burwell, R. A. Dunn, R. J. Brevard, Willis B. Dowd, John Wilkes, J. Frank Wilkes, F. I. Osborne, John M. Walker, Jr., J. H. Weddington, P. M. Brown, T. R. Robertson, John E. Brown and George F. Bason, and such other persons as may be associated with them and their successors, be and are hereby constituted and appointed a body politic and corporate under the name and style of “The Charlotte Literary and Library Association,” to be located in the city of Charlotte, North Carolina, for the promotion of useful knowledge.

Body politic.

Corporate name.

SEC. 2. The general management of the association shall be vested in the persons above named, their associates and successors, which

Board of general management.

successors shall be chosen by them as follows: on the death, permanent removal from the city of Charlotte, or resignation of any of the above named persons or their associates, a new member or members of the board of general management to fill such vacancy or vacancies, may be chosen by the remaining members, by a majority vote, at a regular or special meeting, and so on in perpetual succession.

Corporate powers.

SEC. 3. Said corporation shall have power to make and adopt a constitution and by-laws, rules and regulations for the admission, government, suspension and expulsion of its members, the collection of fees, fines and dues, the number, election and duties of its officers, the safe-keeping and protection of its property and funds, and from time to time, to alter, modify, change and repeal such constitution, by-laws, rules and regulations.

SEC. 4. Said corporation shall have power to sue and be sued by its corporate name, and shall have power to take by purchase, lease, gift, grant, devise and bequest any real or personal estate, and hold, convey and transfer the same: *Provided*, it does not hold at any one time real property to the value of more than one hundred thousand dollars.

No personal liability for corporate debts.
No individual ownership.

SEC. 5. The individual members of the corporation shall not in any event be liable for any of the debts or obligations of the corporation, nor shall any member have an individual ownership of the property of the corporation, but the interest of each member in the estate, property, privileges and franchises belonging to the corporation shall cease at death or when such membership is terminated. The property of the corporation shall be exempt from taxation, except the real estate.

Exemption from taxation.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 49.

An act to incorporate the Caledonia Pottery Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That B. F. Hall, James Sprunt, J. A. Holmes, William Sprunt, Louis S. F. Brown and T. E. Sprunt, their associates, successors and assigns, are hereby created a body politic and corporate by the name of "The Caledonia Pottery Company," and as such shall have and possess and enjoy all the rights, powers and privileges given and granted to corporations by sections six hundred and sixty-three and six hundred and sixty-four, chapter sixteen of The Code

Corporate name.
Corporate powers.

SEC. 2. The capital stock of the said corporation shall be fifty thousand dollars, and may be increased from time to time and at any time by a vote of a majority of the stockholders to an amount not exceeding in the aggregate the sum of five hundred thousand dollars. The said capital stock shall be divided into shares of the par value of one hundred dollars; and in all meetings of the stockholders of said corporation every stockholder shall be entitled to one vote, either in person or by proxy, for each and every share of stock owned by him.

SEC. 3. The said corporation shall have power and authority to purchase, hold and lease, sell and convey lands and personal property; to mine, dig and work clay, kaolin, minerals, metals and other ores, deposits and substances, and to manufacture the same into bricks, tiles, pottery, crockery and all other products, fabrics, goods, wares and commodities, and otherwise to mill, smelt, reduce and treat the same for the purposes of manufacture and sale; to build, construct, equip and operate a rail train, turnpike or other road connecting its factories, works, mines and premises with established water or railroad communication; and to borrow money and make and execute all proper and necessary bonds, notes and mortgages or deeds of trust to secure the same.

SEC. 4. Subscriptions to the capital stock of said corporation may be made in real or personal property with the consent of said corporation.

SEC. 5. Upon the passage of this act the said corporators, or any three of them, may call a meeting of the said corporators and their associates, and as soon as the said sum of fifty thousand dollars shall have been subscribed to the capital stock of said corporation proceed to organize the same.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 12th day of February A. D. 1891.

CHAPTER 50.

An act to incorporate the Phœnix Fertilizer Company.

The General Assembly of North Carolina do enact :

SECTION 1. That James Sprunt, William H. Sprunt, T. E. Sprunt, J. A. Holmes, B. F. Hall and Louis S. F. Brown, their associates, successors and assigns, are hereby created a body politic and corporate by the name of "The Phœnix Fertilizer Company," and as such shall possess and enjoy all the rights, powers and privileges

given and granted to corporations by sections six hundred and sixty-three and six hundred and sixty-four, chapter sixteen of The Code.

Capital stock.

SEC. 2. The capital stock of the said corporation shall be one hundred thousand dollars; and may be increased from time to time and at any time by and with the consent of a majority of the stockholders to an amount not exceeding in the aggregate the sum of five hundred thousand dollars; said capital stock shall be divided into shares of the par value of one hundred dollars each, and in all meetings of the stockholders of said corporation every stockholder shall be entitled to one vote, either in person or by proxy, for each and every share of stock owned by him.

Stock vote.

Corporate powers.

SEC. 3. The said corporation shall have power and authority to manufacture and sell superphosphates, fertilizers and all kinds of fertilizing compounds and chemicals; to mine, work and sell phosphates, marls and all kinds of minerals and other substances and materials used in the manufacture and compounding of fertilizers; to catch fish, extract oil therefrom and prepare and use the same in the manufacture of fertilizer or for any other purpose; to manufacture bags, bagging, barrels and such other products and articles as it may deem necessary or convenient in and about its business and operations; to own, employ and use vessels and boats, and to engage in and carry on any kind of agricultural pursuit or enterprise.

Corporate powers.

SEC. 4. The said corporation shall have power and authority to purchase, hold, sell, lease and convey real and personal property; to borrow money and make and execute bonds, notes and mortgages or deeds of trust to secure the same.

Subscriptions, how made.

SEC. 5. Subscriptions to the capital stock of said corporation may be made in real or personal estate with the consent of said corporation.

Organization.

SEC. 6. Upon the passage of this act the said corporators, or any three of them, may call a meeting of the said corporators and their associates, and as soon as the said sum of one hundred thousand dollars shall have been subscribed to the capital stock of said corporation proceed to organize the same.

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

Ratified the 12th day of February, A. D. 1891.

CHAPTER 51.

An act to amend the charter of "The Enterprise Land and Lumber Company," chapter ninety-one, private laws of one thousand eight hundred and eighty-seven.

WHEREAS, The stockholders and members of "The Enterprise Land and Lumber Company," a corporation created and organized under chapter ninety-one (91), private laws of one thousand eight hundred and eighty-seven (1887), are desirous of amending their charter so as to change the name of said company to "Butler's Lumber Company," and to establish the principal office and place of business thereof at Hub in Columbus county, North Carolina: therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That chapter ninety-one (91) of the private laws of one thousand eight hundred and eighty-seven (1887) be so amended as to change the name of the said "Enterprise Land and Lumber Company" to "Butler's Lumber Company," and that wherever the words "The Enterprise Land and Lumber Company" shall appear in said chapter, to strike the same out and insert in lieu thereof the words "Butler's Lumber Company."

SEC. 2. That the said stockholders, under the corporate name of "Butler's Lumber Company," shall enjoy and possess all the privileges, rights and franchises heretofore granted and secured to "The Enterprise Land and Lumber Company" by virtue of chapter ninety-one (91), private laws of one thousand eight hundred and eighty-seven (1887), and that all the property held by the said corporation in its present name shall, upon the ratification of this act, vest in the said corporation as named in this act, and the said "Butler's Lumber Company" shall be liable for the debts and liabilities of the said "Enterprise Land and Lumber Company" in the same manner and to the same extent as said "Enterprise Land and Lumber Company" was liable.

SEC. 3. That the principal office and place of business of said "Butler's Lumber Company" shall be located at the town of Hub in Columbus county, North Carolina.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 12th day of February, A. D. 1891.

CHAPTER 52.

An act to amend the charter of the town of Faison, Duplin county.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the inhabitants of the town of Faison shall continue to be as heretofore a body corporate under the name and style of "The Town of Faison," and under such name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the town of Faison, 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.
- Corporate name. Corporate powers. Temporary officers. SEC. 2. That M. A. Lewis shall be mayor, and J. R. Faison, Thos. Perrett, J. M. Faison, B. B. Wetherington and H. J. Faison shall be commissioners; the same are hereby declared the mayor and commissioners with the powers and duties of the officers of [the] town of Faison until their successors are elected and qualified as hereinafter provided.
- Corporate limits. SEC. 3. That the corporate limits of said town shall be as follows: six hundred yards each way from where the railroad crosses the country road in said town.
- Officers. Election, when held. SEC. 4. That the officers of said town shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year (or on such other day as may be designated and set apart by the general law of the state for municipal elections), also a constable, secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year, or until their successors are elected and qualified; and it shall be the duty of the mayor to give notice of the election ten days previous thereto by posters written or printed and put up at three or more public places within the corporate limits of said town; to provide for a registration of voters of [the] town, and if the board of commissioners of Duplin county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor who, with himself, shall hold said election.
- Duty of mayor. SEC. 5. That any qualified voter of this state shall be eligible as mayor or commissioner and entitled to vote in the municipal election of said town: *Provided*, he shall have resided within the incorporation for ninety days next preceding the election.
- Who eligible as mayor or commissioner. Proviso. Election, how conducted. SEC. 6. That on the day of election the inspectors shall give due attendance at the time and place appointed, shall be judges of the polls, receive the votes and conduct the election in the manner and during the same hours of the day as are prescribed for election of members of the general assembly.

SEC. 7. That at the close of the election the votes shall be counted by the inspectors, and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and of such persons voted for as commissioner the five receiving the largest number of votes shall be declared duly elected; and the officers thus elected shall be notified of their election within two days after the same by the inspectors. Canvass of vote.

SEC. 8. That the inspectors before proceeding to act as such shall be sworn by the mayor or a justice of the peace of Duplin county to conduct the election fairly, impartially and according to law, and in case of the absence of the inspectors his [their] places shall be supplied by the commissioners. Oath of inspectors.
Vacancy.

SEC. 9. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed within five days after their qualification to elect [a] mayor of and from such persons thus tied, and if there should be a like tie among [the] commissioners thus voted for, the remaining commissioners shall decide the tie within three days after their said qualification. Tie vote.

SEC. 10. That the inspectors shall certify and subscribe the poll and registration list and return them to the secretary of the town, who shall take charge of and preserve the same. Returns of election.

SEC. 11. That the mayor and commissioners, after election and before entering upon the duties of their respective offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the oath usually prescribed for state officers by the constitution. Oath of mayor and commissioners.

SEC. 12. That if any person who shall be elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore* or to fill the unexpired term, and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy. Vacancy in office of mayor.
Vacancy in office of commissioner.

SEC. 13. That any person elected mayor or commissioner for said town who shall refuse to qualify and act as such, shall forfeit and pay to the use of the town not more than twenty dollars. Penalty for refusal to qualify as mayor or commissioner.

SEC. 14. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue processes upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation Jurisdiction of mayor.

- thereof; to fine and imprison either in the guard-house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Duplin county upon recognizance with security for his or her appearance at the next term thereof.
- Appeal.
- Mayor's precepts. SEC. 15. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to any constable of the town or to such other officer as the justice of the peace may issue his precepts.
- Duties of mayor. SEC. 16. That the mayor shall preside at all meetings of the town commissioners, and vote in no case except in an equal vote between said commissioners; that he shall give the casting vote. He shall keep a faithful minute of all precepts issued by him and of all judicial proceedings. Judgments rendered by him shall have all the force, virtue and validity rendered by a justice of the peace and may be executed and enforced against the parties in the courts of Duplin and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Duplin county.
- Force of judgments.
- Violation of ordinance a misdemeanor. SEC. 17. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisoned not more than thirty days or both.
- Imprisonment. SEC. 18. That the mayor may have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoners shall only be discharged as now or as may hereafter be provided by law.
- Fines, how applied. SEC. 19. That all fines collected under the provisions of the foregoing act for violation of town ordinances shall go to the use of the town.
- Compensation of mayor. SEC. 20. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases and an additional salary to be allowed by the commissioners, if they see fit, not to exceed one hundred dollars.
- Jurisdiction of mayor. SEC. 21. That the mayor shall have, and it shall be his duty to exercise, all jurisdiction, powers and duties given to justices of the peace in chapter twenty-five of The Code entitled "Crimes and Punishments," subject to the restrictions and limitations contained in that chapter: *Provided*, the mayor shall not take jurisdiction of any offence committed beyond the limits of the town.
- Proviso.
- Board of commissioners. SEC. 22. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year,

which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor the commissioners not joining in the call shall be notified verbally or in writing.

SEC. 23. That the commissioners shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and be consistent with the laws of the land.

Ordinances.

Proviso.

SEC. 24. That the commissioners shall have the power, and it shall be their duty, to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace or irregularities of whatever nature tending to disturb the peace of the citizens. They shall provide for the repairing the streets, sidewalks and alleys, and cause the same to be kept clean and in good order, take all proper means to prevent or extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of the person, by imposing such fines and imprisonments, in all cases within the jurisdiction of a justice of the peace, as they shall deem adequate.

Powers and duty of commissioners

SEC. 25. That the commissioners may require the abatement and removal of all nuisances and shall have power to pull down any old house, barn or other building in said town when the same may be considered dangerous from fire or other causes to the safety of the person or property of adjacent residents: *Provided, however*, that before such removal, the owner of such property shall be notified in writing by the secretary of such board of the action and allow one month for repairing or removing of such building. That all damage may be agreed upon between the mayor and the party whose property is removed under this section, and in case they cannot agree each shall select a disinterested person, and if they cannot agree they may select a third person and the decision of two of these shall be final, except an appeal is filed within ten days.

Abatement of nuisances. Removal of old buildings.

Proviso.

SEC. 26. That the commissioners shall have power to prevent dogs, hogs, horses, and other brutes from running at large in the town, and the town marshal may by order of the mayor seize and detain such animals till such fines and cost as may be imposed for such violation may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice in three public places therein, and apply the proceeds to said cost and fines and pay any surplus to the owner of the stock.

Live stock running at large.

SEC. 27. That they may prohibit the firing of any gun, pistol, fire-cracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds or elsewhere in said town.

Firing guns, &c.

- Guard-house. SEC. 28. That the commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances, and for feeding such prisoners the town marshal shall be allowed such compensation as is allowed the keeper of the common jail in Duplin county: *Provided*, in the above case, that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having his case heard and determined before the mayor.
- Streets. SEC. 29. That the commissioners shall have power to lay out or open any new street or streets within the corporate limits of said town whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where owners of land cannot agree with the commissioners regarding the value of land or property and the damages, the mayor of the town shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who together with two freeholders as above to be selected by party claiming damages, shall determine the value of said property [and] assess the damages, after which they shall return a report of their proceedings, findings and so forth, into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages the parties so summoned shall take oath before the mayor or a justice of the peace to make a fair, just and impartial discharge of the duties of appraiser and assessor and report the same. If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the [three] summoned in behalf of the town shall be final: *Provided*, that if either of the commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the superior court of Duplin county, and in that case the report of the valuation and the proceedings therein shall be sent in by said appraisers to said court, there to be determined.
- Condemnation of land. SEC. 30. That the commissioners may have the power to levy and collect the following taxes, viz.: upon all real estate and personal property within the corporate limits of said town, upon all money on hand, solvent credits, upon all polls and upon all other subjects of taxation taxed by the general assembly and the laws of the state for public purposes: *Provided*, that the annual tax on property shall not exceed twenty-five cents on the hundred dollars valuation thereof, nor shall the poll-tax exceed the sum of seventy-five cents annually.
- Appeal. SEC. 31. That in addition to subjects liable to taxation for state purposes, the commissioners shall have power to levy and collect a specific or license tax upon the following subjects, viz.: All itinerant
- Taxation.
- Limitation of tax.
- License taxes.

traveling or local merchants, peddlers, bar-rooms, liquor dealers or auctioneers who shall offer to sell within the corporate limits of said town: upon all vendors of cider, patent medicines or nostrums of any kind, photograph artists, sewing-machine or crushing machine agents, horse drovers; any capital whatsoever doing business, or fruit-tree sellers offering to exercise their business within the corporate limits; upon every show, concert or menagerie, sleight-of hand or theatrical performance exhibiting in said town; or upon every hog or other stock running at large within the same, whether belonging to persons inside or outside of the corporation.

SEC. 32. That the commissioners may, if they deem it necessary, require all persons resident in said town liable to road duty under the laws of the state to perform five days' work each upon the streets and sidewalks of said town in each year; in lieu of such labor they may pay two dollars and fifty cents, or fifty cents for each day, to the commissioners on the day previous to the appointed time for working said streets, which shall be expended in improvements of the streets and sidewalks; and a failure to perform, such subjects the delinquent to the same fines and penalties as are imposed for a failure to work on the public roads of the state.

Persons subject to road duty liable to work on streets.

SEC. 33. That all persons subject to taxation of any kind in said town shall, on or before the first day of June in each and every year, make a return of their respective lists of taxable property as assessed by the township assessors of the state to the secretary or clerk of said board of commissioners; such list shall give a description of the tracts or lots of land, the taxable polls and all other property liable to taxation by the parties returning the same, and shall be sworn to before some justice of the peace, mayor or the secretary or clerk, who is hereby authorized to administer oaths required by law by persons making such returns. The said list thus taken shall be filed with the secretary or clerk who shall, after the levy of taxes assessed thereon, in the same manner as tax-lists are made or required to be made for the collection of state taxes. The secretary shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double tax. The usual tax-list made as aforesaid by the secretary or clerk and placed in the hands of the town marshal or tax-collector, shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said list respectively, and the same may be collected by levy and sale of the property of the party owing such taxes on giving such notice as is required by law on execution from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the power vested by law in sheriffs or tax-collectors for collection of taxes due the state.

Listing of property for taxation.

Unlisted property and polls.

Tax-list.

Collection of tax.

SEC. 34. That said taxes shall be due on the first Monday of October in each and every year, but the tax-collector shall have no power

Taxes, when due.

- to enforce collection of same by sale before the first day of November next ensuing. When the taxes due shall be unpaid on the first day of November, the tax-collector shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriffs of the state.
- How collected.
- Sale of real estate for taxes. SEC. 35. The marshal or tax-collector appointed by the commissioners is hereby authorized and empowered to sell real estate in said town for taxes, whether such real estate belongs to a resident or non-resident or persons unknown, and so much thereof as may be necessary to satisfy the taxes due and costs of collection ;
- Redemption. and the owner, or any one for him, shall be allowed to redeem any property thus sold at any time within two years from the sale on paying the purchaser the amount of the tax, cost and expense of sale, with twenty-five per centum thereon and one dollar for the expense of reconveyance. If the real estate thus sold is not redeemed within the time specified, then the tax-collector shall convey the same in fee to the purchaser, and the recital in said deed that the taxes were due and unpaid at the time of the sale shall be *prima facie* evidence of the fact.
- Conveyance to purchaser. SEC. 36. That it shall not be lawful for the board of commissioners of Duplin county to grant license to retail spirituous liquors within the limits of Faison, should the prohibition act of one thousand eight hundred and eighty-nine (1889) be repealed, without the written permission of the town commissioners, attested and signed by their secretary and presented by the applicant at the time of application and filed with the register of deeds of said county; and if such license be granted by the board of commissioners of Duplin county without such permission the same shall be void, and the person obtaining such license shall be indictable as in other cases of retailing liquor without license.
- Commissioners of Duplin not to grant retail license without permission of town commissioners.
- Duties and powers of constable. SEC. 37. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all power and authority vested in sheriffs and county constables, and he shall have the same fees on all processes or precepts executed and returned by him which may be allowed to sheriffs of the county on like processes and precepts and also such other compensation as the commissioners may allow. He shall execute all processes or precepts issued or directed to him by the mayor or any justice of the peace of Faison township within the limits of said town and to that end may summons any citizen of said town to his assistance, who upon refusal to act shall be considered guilty of a misdemeanor and upon complaint of said marshal may be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of a justice of the
- Misdemeanor for citizen to refuse to assist constable.

peace. He shall enter into a good and justifiable bond in the sum of three hundred dollars payable to the state of North Carolina and approved by the commissioners, and shall at the end of every month, or at any time designated by the commissioners, pay over to the town treasurer all fines, penalties and forfeitures, together with other moneys collected by him and report the same to the commissioners under oath.

Bonds.

SEC. 38. That the town constable may arrest parties offending against the town ordinances and endeavoring to make their escape within the limits of said town without a warrant, and he shall commit all offenders in a state of intoxication to the guard-house until they become sufficiently sober to appear before the mayor for trial. The town marshal or constable shall by virtue of his office be town tax-collector, unless he fail to give the bond required by the commissioners for that purpose, or is otherwise deemed incompetent.

Arrests without warrant.

To be *ex officio* tax-collector.

SEC. 39. That the secretary or clerk of said town shall by virtue of his office as such after his appointment or election by the commissioners be town treasurer, who shall keep regular minutes of the proceedings of the board, preserve all books, papers and articles committed to his care during his continuance in office and enter into a good and sufficient justified bond as treasurer to honestly and faithfully disburse all moneys coming into his hands, and a just and true account render when required by the commissioners.

Town clerk to be treasurer.

Duties.

Bond.

SEC. 40. That all persons to whom the town shall become indebted shall present their claims, duly sworn to, [to] the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof if considered just, and the treasurer shall in no case pay any claims presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.

Claims against town.

SEC. 41. That the clerk and treasurer shall call upon all persons who may have in their hands any money or securities belonging to the town which ought to be paid and delivered into the treasury and keep safely the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner above specified. He shall keep in a book provided for the purpose a fair and correct account of all moneys received and disbursed by him, [and] at the expiration of his term deliver the same with all moneys and property of said town in his possession to his successor in office.

Duties of clerk.

SEC. 42. That all officers of said town of Faison who shall, on demand, fail to turn over to their successors in office the property, money, books or effects of the town shall be guilty of a misdemeanor, and upon conviction before the superior court of Duplin county shall be fined or imprisoned at the discretion of the same.

Failure of officer to turn over property to successor a misdemeanor.

SEC. 43. That this act shall be in force from and after its ratification,

Conflicting laws repealed.

and all laws and clauses of laws coming in conflict with the same are hereby repealed.

Ratified the 12th day of February, A. D. 1891.

CHAPTER 53.

An act to incorporate the State Volunteer Fire Association of North Carolina.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That William M. Logan, Stephen J. Hawkins, John W. Patterson, Frank Milligan, John N. McDuffie, Elisha Gause, John Smith, D. W. McCain, Peyton H. Smith, Thomas B. Burghes, Lewis McMillan, William Croom, trustees, and their associates and successors in office, are created and constituted a body corporate under the name and style of "The State Volunteer Fire Association," and by such name may sue and be sued, and contract and be contracted with.
- Corporate name.
Corporate powers. 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 Volunteer Fire Association and for which it is incorporated.
- Corporate powers.
Officers. SEC. 3. That the officers of said association shall be a president, two vice-presidents, treasurer, secretary and an assistant secretary and a board of nine directors, five of whom shall constitute a quorum for the transaction of business, and all of whom shall be elected annually by the members of the association at their annual meeting.
- Annual meetings SEC. 4. That the annual meeting of the association shall convene the second Wednesday in September, unless otherwise ordered by a majority of the members present at an annual meeting.
- Perpetual succession. SEC. 5. That the members of the corporation shall have perpetual succession.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified the 12th day of February, A. D. 1891.

CHAPTER 54.

An act to incorporate Jonesboro Lodge, number one hundred and twenty-seven, of the Independent Order of Odd Fellows.

The General Assembly of North Carolina do enact :

SECTION 1. That J. W. Masemore, J. A. Ballentine, W. H. Humber, Body politic.
 E. P. Snipes, W. E. Murchison, M. M. Ferrell, L. T. Brown, J. E.
 Caviness, W. J. Kelly, J. B. Cole, J. H. Mann, G. W. Mann, C. H.
 Russell, J. R. Watson, W. A. Sloan, Redin Bryan, L. M. Chaffin,
 T. N. Campbell, J. D. Gunter, L. M. Fitchett, W. A. Thomas, G. R.
 Underwood, R. W. Dalrymple, Joseph A vent, and their associates
 and successors in office, be and they are hereby created and consti-
 tuted a body politic and corporate to be known by the name and
 style and title of " Jonesboro Lodge, number one hundred and twenty- Corporate name.
 seven (127) of the Independent Order of Odd Fellows," and as such
 and by such name shall be capable in law and in equity to sue and Corporate pow-
 be sued, to plead and be impleaded, to use a common seal, to make ers.
 such by-laws, rules and regulations for the transaction of business
 and the government of the craft as they may desire, not inconsistent
 with the constitution and laws of the state and of the United States;
 and of purchasing, leasing, holding, granting and receiving in its
 corporate name, property, real, personal and mixed.

SEC. 2. That this act shall be in force from and after its ratification.
 Ratified the 12th day of February, A. D. 1891.

CHAPTER 55.

An act to incorporate the Farmers and Merchants Bank of New Berne.

The General Assembly of North Carolina do enact :

SECTION 1. That L. H. Cutler, W. S. Chadwick, O. Marks, P. H. Body politic.
 Pelletier, S. Stinson, J. W. Stewart, W. Cleve, J. Suiter, N. H.
 Street, E. B. Hackburn, N. W. Taylor, N. W. Journey, S. A. Davis,
 C. T. Watson, 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 Farmers and Merchants Bank of New Berne," and shall so
 continue for the period of thirty years, with capacity to sue and be
 sued, maintain and defend actions and special proceedings in its
 corporate 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
 Corporate name.
 Corporate exist-
 ence.
 Corporate pow-
 ers.

the powers, rights, privileges and immunities hereby specially granted, and in addition, those contained in chapter four (4), volume two (2) of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

Capital stock. SEC. 2. That the capital stock of said bank shall be fifty thousand dollars, in shares of one hundred dollars each, with liberty to the stockholders or a majority of them to increase said capital stock from time to time to one hundred thousand dollars.

Place of business. SEC. 3. That the office and place of business of said banking company shall be in the city of New Berne, state of North Carolina, and its officers shall consist of a president, vice-president, cashier and teller, and a board of not less than five nor more than nine directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid, and shall require the president, the cashier, and the teller, each, to give bond, with approved security for the faithful performance of their respective duties.

Officers. SEC. 4. That 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.

Duty of directors, Election of directors. SEC. 5. That the capital stock of this bank shall be taxed as other property in this state to the full amount paid in thereon less the value of its taxable property and all non-taxable bonds, which shall be deducted from the amount paid on the said capital stock.

Taxation. SEC. 6. That the 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 situated 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 anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate now allowed by law.

Corporate powers. SEC. 7. That said company may subscribe to, purchase, acquire or lend money upon any stock, share, notes, 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, without guaranty or collateral obligation by this company, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any 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. 8. Be it further enacted, that said corporation may receive or 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 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 out on their check or order and be bound thereby, and such minor, married woman or apprentice shall be bound by said individual check or order and the said check or order shall be a valid and sufficient release to said corporation against said minors, married women or apprentices and all persons whatever.

May receive deposits.

Deposits of married women, &c.

SEC. 9. 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, commissions 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. 10. 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 to hold any real or personal estate or trust created in accordance with the laws 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 trustee or assignee, 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

Corporate powers.

and silver plate and other valuables and charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposits until paid; and generally to do and carry on the business of a safety deposit and trust company.

Corporate powers.

SEC. 11. 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.

Branch banks.

SEC. 12. That branches of this bank may be established at such times and places as the president and board of directors may designate, and any such branch shall be known as "The Farmers and Merchants Bank" of the town or city in which such branch may be established, and for the further purposes of this section this corporation shall have power to issue stock for said branches or any one of them in amounts not greater than fifty thousand dollars, as may be deemed best by the board of directors of this bank; and such branches or any one of them may be removed at any time and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of this bank: *Provided*, that no branch bank can be established until the fee of twenty-five dollars shall have been paid to the state treasurer.

Stock in branch banks.

Proviso.

Corporate powers.

SEC. 13. That this company is specially invested with the powers and privileges usually incident to savings banks, may receive deposits in very small sums, the limit to be fixed by the board of directors, and may pay interest thereon by way of dividends out of the net earnings or by 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.

By-laws.

May buy property sold under lien.

SEC. 14. That when this 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 such property free from lien or incumbrance, and its title thereto shall be absolute and unconditional, and shall be in all respects valid and binding against all persons.

Annual meeting.

SEC. 15. That the board of directors shall by the by-laws fix the time of the annual meeting of the stockholders of this corporation and how the said meeting shall be called, and also provide for special meetings, and at all general or special meetings the stockholders may be represented in person or by proxy, and each share of stock shall be entitled to one vote.

Special meetings.

Stockholders not individually liable for corporate debts.

SEC. 16. That the stockholders of this corporation shall not be individually liable for any of the debts, contracts or liabilities of the corporation.

SEC. 17. That the stock held by anyone 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.

Transfer of stock.

Corporate lien on stock.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 56.

An act to incorporate the Leaksville Aluminum Manufacturing Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Turner Morehead, Orlando M. Harper, Norman Spang and James S. Negley, their associates, successors and assigns, be and they are hereby created a body corporate and politic by the name, style and title of "The Leaksville Aluminum Manufacturing Company," and by that name and title shall be known 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, sub-lease 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 and for the carrying on of any business, 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.

Body politic.

Corporate name.

Corporate powers.

Proviso.

Corporate powers.

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 sub-lease the same, and may also co-operate and unite with any other company in so doing.

Corporate powers.

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 sub-leases made by any company or companies, individuals or firms whatever.

Corporate powers.

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 said company, and to 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.

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 prices and on such terms as the directors may deem best, and be declared fully paid and not liable to further calls. The corporators 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 posi-

Sale of stock.

Books of subscription.

Organization.

tions 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 anywise effected or be dissolved by reason of a failure to elect officers. The capital stock of said company may be increased from time to time, at the discretion of the stockholders, to an amount not to exceed one million dollars.

Increase of capital stock.

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.

May borrow money on mortgage.

SEC. 7. The said company shall have an office at their works near Leaksville, and may have a general office or offices elsewhere.

Offices.

SEC. 8. The stockholders shall not be individually liable for the debts of the company.

Stockholders not individually liable for corporate debts.
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.

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.

Change of name.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 57.

An act to incorporate Clinton Loan Association.

The General Assembly of North Carolina do enact:

SECTION 1. That A. F. Johnson, L. A. Powell, James Moore, O. P. White, J. L. Stewart, A. M. Lee, J. A. Ferrell, W. L. Faison, Wm. N. Pender, J. L. Boykin, Fred. T. Atkins, H. E. Faison, Bryant Merritt, H. B. Giddens, A. Hobbs, and others, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Clinton Loan Association," and

Body politic.

Corporate name.

- Corporate powers. by that name shall be able and capable in law to have and use a common seal, sue and be sued, to take, hold and convey real and personal estate, and to have and exercise all the powers, rights, privileges and franchises granted to banks under the general laws of North Carolina, or which may hereafter be granted to any bank in the state.
- Capital stock. SEC. 2. That the capital stock of said association shall not be less than forty thousand dollars nor more than one hundred thousand dollars, in shares of twenty dollars each, and the chief office or place of business shall be in the town of Clinton, North Carolina.
- Place of business. SEC. 3. That 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 times and places and for such period as they may determine, and when twenty-five thousand dollars shall have been subscribed to said stock shall call a meeting of said subscribers at such time and place and upon such notice as to them shall seem sufficient for the purpose of effecting an organization and commencing business under [this] charter.
- Books of subscription. SEC. 4. That said corporation shall have power to make and elect such officers and agents as it shall see fit, to prescribe their duties, compensation and terms of services, to require said officers to enter into bond with security for the faithful discharge of their duties; to prescribe when and how the subscription to said capital stock shall be paid in and how the title to said stock shall be evidenced, transferred, assigned or surrendered, and to make, ordain and put into execution such rules, regulations and by-laws as to said corporation shall seem necessary and convenient for the government and management of its business not inconsistent with the constitution and laws of this state or of the United States.
- Organization, SEC. 5. That said association may receive and pay out the lawful currency of the country, deal in exchange, gold and silver, in state, federal, municipal and other bonds, stocks and securities, whether public or private; may purchase and hold all such real and personal property as shall be conveyed to it for the purpose of its business or as a security for any debt due or to be due to said association or the performance of any contract made with it, or for any other purpose, or as shall be sold under any power in any mortgage or deed of trust made for such security or performance or under the order, judgment or decree of any court for the payment of such debt or the performance of such contract, and may sell and convey all such property and reinvest the proceeds thereof at pleasure; may loan money, discount bills, notes drafts and other evidence of debt; may receive money and other property on deposit or in trust and issue certificate for the same on such terms and rates of interest as shall be agreed on by the parties, not inconsistent with the laws of this state, to secure such loans and all debts and contracts by mortgage, deed of
- Corporate powers.

trust or other conveyance of real or personal property or other security, and to do a general banking business under the laws of this state. All bills, notes, certificates of deposit and other commercial paper shall be transferable and assignable under such regulations as said association shall prescribe, and shall be valid against it when issued and signed by such officers thereof as shall be authorized so to do without the corporate seal, and it shall not be required to use said seal except in all cases where such seal is essential to the validity of the instrument executed.

SEC. 6. That said association shall have power to negotiate loans on mortgages of real and personal estate. May negotiate mortgage loans.

SEC. 7. Deposits may be made by married women, minors and apprentices, or by other persons in the name of such married women, minors and apprentices for their use and benefit, and said married women, minors or apprentices shall have power to receive and receipt for all such moneys: *Provided, however,* the instructions of any person making such deposit for the benefit of such other person as to such withdrawal and receipt shall be observed by said association. Deposits by married women, &c.
Proviso.

SEC. 8. That said association shall have a lien upon the stock for debts due it by the holders of said stock and upon all deposits for debts and liabilities to said association from the maker of such deposits in preference to all other creditors, and in case of the insolvency of this corporation the stockholders thereof shall be individually responsible equally and ratably, and not one for another, to creditors of said association to the amount of their stock at the par value thereof. Corporate liens on stock, &c.
Liability of stockholders.

SEC. 9. That said association, at any regular annual meeting of the stockholders thereof, two-thirds of the entire stockholders in number and amount of stock concurring, shall have power to change the corporate name of said association and to conform its corporate seal to such change, but notice of such change when made shall be published in some newspaper published in the state of North Carolina. Change of name.
Notice.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 58.

An act to incorporate the Trustees of Mont Amorna Female Seminary.

The General Assembly of North Carolina do enact :

SECTION 1. That C. A. Rose, W. R. Brown, J. Q. Wertz, C. A. Marks, W. A. Lutz, R. W. Misenheimer, M. A. Holshoman, C. L. Nussman, Chas. H. Fisher, C. M. Pool and Jonas Cook, and their suc- Body politic.

Corporate name.	cessors duly elected, be and they are hereby constituted and declared a body politic and corporate under the name and style of the "Trustees of Mont Amorna Female Seminary," for the religious training and literary education of female youths of the white race; and by that name they shall have perpetual succession and a common seal,
Corporate powers.	may sue and be sued, and may purchase, take, receive and hold any real or personal property whatever, not exceeding the sum of one hundred thousand dollars, 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, devised or conveyed to them contrary to the condition of any such gift, bequest, devise or conveyance.
Faculty.	SEC. 2. That the president and professors of said "Mont Amorna Female Seminary" shall constitute the faculty of the same, and with the advice and consent of the trustees shall have the power to confer such degrees and marks of literary distinction as are usually conferred by similar institutions of learning.
Degrees.	
Trustees.	SEC. 3. That the "Trustees" of said "Mont Amorna Female Seminary" shall at no time exceed twelve in number, and when vacancies occur in the board of trustees by reason of death or removal or resignation or refusal to act or from any cause whatever, they shall be filled by the Evangelical Lutheran Synod of North Carolina.
Where situated.	SEC. 4. That said Mont Amorna Female Seminary shall be situated at Mount Pleasant, Cabarrus county.
Constitution and by laws.	SEC. 5. That said trustees may have power to make a constitution and laws for the government of said Mont Amorna Female Seminary, and for the preservation of order and good morals therein, not inconsistent with the constitution and laws of North Carolina or the United States.
Officers.	SEC. 6. That the trustees of said Mont Amorna Female Seminary shall elect one of their number as president of the board of trustees, and they may appoint a secretary, a treasurer and such other officers as may be deemed necessary. Five members shall be a quorum for the transaction of business.
Quorum of trustees.	
Unlawful to sell, &c., liquor within three miles.	SEC. 7. It shall be unlawful for any person or persons within three miles of said Mont Amorna Female Seminary to buy, sell, give away or otherwise dispose of any spirituous liquors, or to buy or sell wine or malt liquors as a beverage, and any person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace in Cabarrus county be subject to a penalty of fifty dollars, one-half to the person suing for the same and the other half to the use of said Mont Amorna Female Seminary, or be imprisoned not exceeding thirty days or both at the discretion of the court.
Misdemeanor.	

SEC. 8. The trustees of Mont Amorna Female Seminary may and they are hereby authorized to change the name of said seminary and the title and name of the body politic hereby created, and in case of such change of name the new body politic and corporate shall succeed to all the rights, powers, property, privileges and advantages conferred by this act upon the trustees of Mont Amorna Female Seminary. Change of name.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 59.

An act to amend the charter of the town of Salisbury.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners for the town of Salisbury be and they are hereby authorized and directed to issue bonds to the amount of fifty thousand dollars to be due and payable as follows, to-wit : fifteen thousand dollars to be due and payable ten years from the first day of June, eighteen hundred and ninety-one ; fifteen thousand dollars to be due and payable twenty years from the first day of June, eighteen hundred and ninety-one, and twenty thousand dollars to be due and payable thirty years from the first day of June, eighteen hundred and ninety-one, which said bonds shall bear interest from the date of issue at the rate of five per centum per annum, payable annually on the first day of June of each and every year. Commissioners of Salisbury directed to issue bonds of \$50,000.
When due.

SEC. 2. That said bonds shall be coupon bonds of the denomination of one hundred dollars each, and shall be designated Series A, and numbered from one upwards in accordance with the order of issue. They shall be signed by the mayor of said town and countersigned by the treasurer of said town and the clerk of the board of commissioners for said town, and sealed with the corporate seal of said town, but the coupons thereon may be signed by the said treasurer and clerk only. Description of bonds.
How signed.

SEC. 3. That said coupons shall be receivable in payment of taxes due the town of Salisbury, and the same shall be expressed on the face of each coupon. Coupons receivable for taxes.

SEC. 4. That said bonds shall be sold at not less than their par value and the proceeds of their sale shall be applied to the following purposes and no other, to-wit : to defraying the expenses of macadamizing, paving, grading, draining and otherwise improving the streets and sidewalks of the town of Salisbury. Sale of bonds and application of proceeds.

Board of street commissioners.

SEC. 5. That said bonds shall, from time to time and as they are needed by the board named in this section, be placed in the hands of the following named persons, to-wit: R. J. Holmes, J. S. McCubbins, senior, D. A. Atwell, P. A. Frercks and Theo. F. Klutz, who shall constitute the board of street commissioners for said town, and they shall have the right alone to sell said bonds as provided in section fourth of this act, and as it may be necessary to defray the expenses mentioned in said section fourth; and in case of a vacancy or vacancies in said board of street commissioners the said board of street commissioners for said town shall fill the same.

To sell bonds, &c.

Vacancies.

Duty of street commissioners.

SEC. 6. That said board of street commissioners shall semi-annually, and oftener when called upon by the board of commissioners for said town, render to the board of commissioners for said town a full and accurate account of all bonds placed in their hands and sold by them and all money expended by them as provided in this act, and said board of street commissioners shall, before they act, execute to the board of commissioners for said town a bond with good and sufficient sureties in the sum of fifty thousand dollars, conditioned for the faithful expenditure of said money and accounting for the same.

Bond.

Special tax.

SEC. 7. That for the purpose of paying the interest which shall accrue on said bonds, and of accumulating a fund for the principal of said bonds as they shall mature, and for the payment of the same at maturity, the said board of commissioners for said town shall have power annually to levy and collect in the manner and at the time prescribed for the collection of the general town taxes an *ad valorem* special tax not exceeding twenty-five cents on the one hundred dollars of the assessed valuation of all real and personal property in said town, and also a tax on all taxable polls not exceeding seventy-five cents, and said taxes shall be used for the purposes mentioned in this section and no other.

Collection of special tax.

SEC. 8. That said special taxes shall be collected by the town tax-collector under the same rules and regulations as are prescribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, who shall give a bond in a sum double the amount of said special taxes with good and sufficient sureties, conditioned for the faithful and honest management and disbursement of the said special taxes. The treasurer shall renew his bond annually on the first day of June of each year. Said bonds shall be registered in the office of the register of deeds of Rowan county. The said treasurer shall keep an account of the receipts and disbursements of the said special tax money in a separate book to be kept for that purpose, and he shall annually publish a statement showing the balance and condition of the special tax funds in his hands.

Bond of treasurer

Duty of treasurer

Street commissioners may let work, &c.

SEC. 9. That the board of street commissioners may let out the work on the streets by contract to the lowest responsible bidder, or

otherwise, or they may employ hands and have the work done; but they shall require the work to commence at the center of the town at the intersection of Main and Inniss streets.

SEC. 10. That a poll shall be opened on the fourth Tuesday in March, one thousand eight hundred and ninety-one, at the usual polling places in said town, when and where all qualified voters residing within the corporate limits of said town shall be entitled to vote. All persons who shall be in favor of issuing the bonds provided for in this act may vote on a written or printed ticket "For bonds," and all persons who shall be opposed to the issuing of said bonds may vote on a written or printed ticket "Against bonds," and if a majority of all the qualified voters shall vote "For bonds," then the provisions of this act shall take effect and be in force from and after the first day of May, one thousand eight hundred and ninety-one, and if a majority of all the qualified voters shall not vote "For bonds," then each and every section of this act shall be void and of none effect. The judges for holding said poll shall be appointed by the board of commissioners for said town. There shall be three judges for each ward. They shall hold said poll and make return under their hands and seals on Wednesday following to the board of commissioners for said town, and said board shall declare the result. A registrar for each ward shall be appointed by the board of town commissioners, and they shall open the registration books in their respective wards on the sixteenth day of March, one thousand eight hundred and ninety-one, and keep the same open till six o'clock p. m. Saturday, the twenty-first day of March, one thousand eight hundred and ninety-one, and all persons not theretofore registered who are duly qualified may register as provided in the general election law. The mayor of said town shall give thirty days' notice of holding said poll.

Election on question of issuing bonds.

Ballots.

Act to take effect on majority vote of qualified voters.

Judges of election.

Registrars.

Notice of election

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

Ratified the 14th day of February, A. D. 1891.

CHAPTER 60.

An act to incorporate The Soldiers' Home Association and to make an appropriation towards its support.

The General Assembly of North Carolina do enact :

SECTION 1. That Robert F. Hoke, Wm. L. Saunders, Thos. C. Fuller, Alexander B. Andrews, Wm. C. Stronach, Benjamin F. Park, Samuel A. Ashe and Fabius H. Busbee of Wake, John D. Taylor

Body politic.

and Oscar G. Parsley of New Hanover, Rufus Barringer and H. C. Jones of Mecklenburg, A. M. Scales and John A. Gilmer of Guilford, Robert B. Vance and Thos. L. Clingman of Buncombe, David H. Ray of Cumberland, John A. Ramsay of Rowan, James W. Wilson of Burke, Wm. H. H. Cowles of Wilkes, Risden T. Bennett of Anson, Wm. A. Blount of Beaufort, Julian S. Carr of Durham, Oscar R. Rand of Johnston, Thomas L. Emry of Halifax, Wm. P. Roberts of Gates, Swift Galloway of Wayne, Thomas J. Jarvis of Pitt, Matt. Manly of Craven, Wm. F. Beasley of Baltimore, Robert C. Gambill of Alleghany, E. D. Hall, T. D. Love of New Hanover, Charles W. McClammy of Pender, W. H. Chean, D. Y. Cooper of Vance, T. McBride of Robeson, F. M. Parker, W. A. Johnson, W. H. Kitchin of Halifax, W. H. Dail of Greene, John A. McDowell, John C. Monroe, John C. Daniel of Bladen, A. G. Mosely of Duplin, W. A. Graham, H. W. Burton of Lincoln, M. O. Sherrill of Catawba, W. G. Norris, W. A. Stowe of Gaston, Thos. D. Lattimore of Cleveland, W. P. Wood of Randolph, E. J. Holt of Johnston, Riddick Gatling of Gates, James M. Wynn of Hertford, W. B. Shaw of Currituck, G. G. Luke of Camden, C. M. Cook of Franklin, L. J. Fagan, E. R. Latham of Washington, W. H. Lucas of Hyde, W. L. Faison of Sampson, A. H. A. Williams of Granville, F. C. Robbins of Davidson, L. H. Hunt, J. P. Rainey, W. T. Farley of Caswell, J. W. Atkinson of Cumberland, M. W. Ransom of Northampton, V. V. Richardson, A. F. Powell of Columbus, J. C. L. Gudger, G. S. Ferguson of Haywood, A. C. McAlister of Randolph, A. H. Bain, J. H. Courtney, J. M. Ray, A. B. Thrash, J. S. McElroy, J. M. Gudger of Buncombe, C. B. Watson, D. P. Mast of Forsyth, J. C. Mills, J. W. Happoldt of Burke, B. F. Richardson of Union, Richard Ward of Duplin, James B. Pool of Alexander, Aram Cox of Pitt, members of the Confederate Veterans' Association of North Carolina, their associates and successors, be and the same are hereby constituted a body politic and corporate under the name and style of "The Soldiers' Home Association," and by that name may sue and be sued, purchase, hold and sell real and personal property and have all of the powers of a charitable corporation under The Code, enabling them to establish, maintain and govern a home for such deserving, needy confederate soldiers as shall have served in any North Carolina command during the late war, or who shall have served in the confederate army and shall be a *bona fide* citizen of the state. The corporation shall have power to buy, lease or acquire real estate, for the purposes of its incorporation, may solicit and receive donations in money or property, may invest its funds to constitute an endowment fund and shall have a corporate existence of sixty years. It shall also have the power to solicit and receive donations for the purpose of aiding indigent confederate soldiers at their homes in the various

Corporate name.
Corporate powers.

counties of North Carolina, and shall have all powers necessary to this end.

SEC. 2. Within sixty days after the ratification of this act, upon notice published in some newspaper in Raleigh, a meeting of the incorporators herein named shall be called upon some day named in the notice, and any seven of such incorporators shall be empowered to organize. The powers herein conferred shall be exercised by a board of directors consisting of seven members, of whom three shall be elected by the association and four shall be appointed by the governor of the state annually, and in case of a failure to elect or appoint, the members of the board shall hold their offices until their successors shall be elected or appointed. The board of directors shall elect from their number a president, and a secretary who shall not be from their number, and the treasurer of North Carolina shall be the treasurer of the association. The board of directors shall appoint such other officers, agents or employees as it shall see fit, and shall prescribe the duties of such officers and employees. It shall establish rules and regulations for the maintenance and government of the home, and shall have entire control and management of it; it shall prescribe the rules for the admission of inmates and their discharge; it shall take whatever action may be desirable in reference to the collection and disbursement of subscriptions either to the home or to the needy veterans elsewhere in the state. The accounts of its officers and employees shall be duly audited and published.

SEC. 3. That the board of directors at their first meeting shall appoint an advisory board of lady managers, consisting of one member from each congressional district, whose term of office shall be prescribed by the board. The lady managers shall assist the directors in the management of the home as they may be requested to do, shall solicit contributions for the home and generally shall use all the powers given to and perform all the duties required of them by the board of directors, who are hereby empowered to prescribe such duties and confer such powers.

SEC. 4. That the tract of land lying east of and near the corporate limits of the city of Raleigh, known as Camp Russell, and formerly known as "Pettigrew Hospital," the property of the state, shall be and the same is hereby given to the association, to be held and used by them for the purposes of a Soldier's Home, and for no other purpose, and when said land shall cease to be used for the benefit of the confederate veterans the same shall revert and belong to the state. But if the board of directors shall deem it advisable to establish the home elsewhere, they shall have the power, by and with the consent of the board of public works of North Carolina, to sell the said tract and re-invest in some other lot or tract of land, the title to which shall be taken in the name of the state, and which shall be held under the trust mentioned above.

Organization.

Directors.

Officers.

Duty of board of directors.

Advisory board of lady managers.

Land known as "Camp Russell" given to Association.

How to be held.

Sale of land.

\$3,000 appropriated annually.

SEC. 5. That to aid in the maintenance of the Soldiers' Home and the support of its inmates, the sum of three thousand dollars shall be and the same is hereby annually appropriated, to be paid quarterly out of any money in the treasury of North Carolina not otherwise appropriated. This appropriation shall be paid to the treasurer of the association, to be by him disbursed under the orders of the board of directors. A report of the receipts and disbursements and the general affairs of the home shall be annually made to the governor of the state, to be by him laid before the general assembly at its biennial sessions.

Annual report.

Minute book.

SEC. 6. The directors shall cause to be kept a minute book of the home, in which full entries shall be kept concerning memorable incidents in the lives of its inmates. They shall also take steps to form a museum of confederate relics and to perpetuate such historical records of the confederate soldiers of North Carolina as they shall find it practicable to do.

Museum, &c.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 61.

An act to authorize the city of Goldsboro to issue bonds for public improvements and to levy a special tax, and for other purposes.

The General Assembly of North Carolina do enact :

City of Goldsboro may issue bonds not exceeding \$40,000 for system of sewerage, &c.

SECTION 1. That for the purpose of providing a system of sewerage for the city of Goldsboro, or of making other public improvements in the city of Goldsboro, or for either or both of such purposes, as and when the board of aldermen may determine, the city of Goldsboro is hereby authorized and empowered to issue its bonds from time to time to an amount not exceeding in the aggregate the sum of forty 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 six 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.

Description of bonds.

Sale of bonds.

SEC. 2. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation or other-

wise, 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 section.

Application of proceeds.

SEC. 3. That the bonds authorized to be issued by section one hereof and their coupons shall not be subject to taxation by the said 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 said 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.

Not liable to city taxation.

Coupons receivable for city taxes.
When interest to cease.

SEC. 4. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds herein authorized, 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 whatever, said particular tax not to be less than five nor more than twenty cents on the one hundred dollars assessed valuation on property, and not less than fifteen nor more than sixty 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 other city taxes, and shall be applied exclusively to the purposes for which they are 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 to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at the maturity of the principal of the said bonds; 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 Goldsboro," whose duty it shall be, under such 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, and to do and 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.

Special tax.

Collection of tax.

Application of tax.

Commissioner of sinking fund.

Duties.

Bond.
Compensation.

SEC. 5. That before any of the bonds herein provided for shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said city, after thirty days' notice in some

Election on question of issuing bonds.

Notice.

newspaper published in said city, at an election to be held under the same rules and regulations as are now prescribed by law for elections of aldermen for said city. Such notice shall set forth the object for which such bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and the levying and collecting of the taxes to pay the same, shall deposit in a separate ballot-box a written or printed [ballot] with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot, with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the said board of aldermen shall issue the bonds provided for in such notice and shall levy and order the collection of the taxes therein named and authorized by this act. At such election, upon the proper notice being given, as herein provided for, the issuing of bonds for more than one purpose, within the meaning of this act, may be voted on in separate ballot-boxes, under the same rules and regulations as are named above; but in such case the ballots shall contain the purpose of the bonds with the word "Approved" or "Disapproved," as the elector desires, following.

Ballots.

Separate ballot boxes.

City may accept gift of land, and add to it, for park.

Police powers.

Chapter 50, Private Laws 1881, amended
License tax on retail liquor dealers.

Conflicting laws repealed.

SEC. 6. That the city of Goldsboro is hereby authorized and empowered to accept and hold the gift of Henry Weil and Solomon Weil to said city of the tract of land known as "Herman Park," and may add to the same by gift or purchase, for a public park; and the said city shall have and exercise its police powers over the same and a like power over the cemeteries owned by said city, whether the same be in its corporate limits or not, and may enact and enforce ordinances for the proper government of the same.

SEC. 7. That section forty-five, subsection two of chapter fifty of the private laws of eighteen hundred and eighty-one, be amended by striking out the words "one hundred" and inserting in lieu thereof the words "five hundred."

SEC. 8. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 9. That this act shall be in effect from and after its ratification.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 62.

An act to incorporate Mebane Academy.

The General Assembly of North Carolina do enact :

SECTION 1. That Goodridge A. Wilson, Thomas B. Thompson, Nelson D. York, James T. Dick and John H. Fowler, 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 Mebane Academy," of Mebane, Alamance county; and the said corporation shall have power to purchase and hold real and personal estate and to acquire the same by gift or otherwise, and convey the same; shall have perpetual succession and sue and be sued, plead and be impleaded in any court of the state having competent jurisdiction, and have and use a common seal, and have power to elect such officers as they deem necessary.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That in case of death, or from any other cause, there becomes a vacancy, the remaining trustees shall have power to fill the same.

Vacancies in board of trustees.

SEC. 3. That the capital stock of said corporation shall be one thousand dollars, but may be increased to ten thousand dollars by a vote of a majority of the stockholders of said corporation.

Capital stock.

SEC. 4. That the said body politic and corporation [corporate] shall have power to make such by laws and regulations not inconsistent with the laws of the state or the United States as shall be deemed necessary to promote the objects of the corporation.

By-laws.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 63.

An act incorporating the Stockholders of Sparta Institute.

The General Assembly of North Carolina do enact :

SECTION 1. That W. C. Field, W. K. Holbrook, H. K. Boyer, F. P. Field, R. H. Hackler, R. A. Doughton, Geo. Doughton, Wesley Gilliam, J. C. Roup, H. R. Richardson, John Choat, J. Holaway, J. W. Hawthorn, A. S. and J. M. Carson, R. S. Carson, O. McSmith, W. E. Cox, Sowel Choat, J. M. Boyer, J. L. Smith, W. S. and A. M. Edwards, H. Edwards, W. A. Woodruff, H. S. Edwards, W. F. Burchett, 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 Sparta, Alleghany county, for the intellectual and moral training of the children

Body politic.

- Corporate name. of the white race of both sexes, under the name and style of "Sparta Institute," 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 or incident to the ownership of real and personal property and for the promotion of education.
- Corporate powers. SEC. 2. That the members of said corporation shall have perpetual succession, shall elect their officers, and may if they choose have a common seal.
- Officers. SEC. 3. That the officers of said corporation shall be a president, vice-president, treasurer, secretary and five directors, three of whom shall constitute a quorum for the transaction of business, and all of whom shall be elected by the stockholders annually.
- First meeting. SEC. 4. That the first meeting of said corporation for the election of officers shall be held within thirty days from the ratification of this act, and these shall continue to hold their offices until their successors are elected, and the annual meeting of stockholders shall be on Saturday next preceding the first Monday in May of each year, unless otherwise ordered by the stockholders.
- Annual meeting. SEC. 5. That at the first regular meeting of the stockholders they shall have power to make such by-laws not inconsistent with the laws of the state as shall be deemed necessary to promote the object of the corporation, and from time to time to make such changes as they may deem best.
- By-laws. SEC. 6. That the capital stock of said corporation shall not be less than seven hundred nor more than twenty-five hundred [dollars], and shall be divided into shares of ten dollars each, and to be paid at such time and in such manner as the board of directors may direct.
- Capital stock. SEC. 7. That at the meetings of stockholders all questions may be decided by a majority vote, each share being entitled to one vote, and a majority of all the stock shall be represented in [person or by proxy] to constitute a legal meeting of stockholders.
- Stock vote, &c. SEC. 8. That the president of said corporation, with the advice and consent of the directors, shall have power to call a meeting of the stockholders whenever he may deem it proper.
- Special stockholders meetings. SEC. 9. That except for building purposes said corporation shall have no power to contract indebtedness exceeding two hundred dollars, nor shall it have power to execute any mortgage or to create any other lien than mechanics' and laborers' liens upon its property; and the stockholders shall not be individually liable for any indebtedness of said corporation.
- Limitation of corporate powers. SEC. 10. That H. K. Boyer, Esq., one of said stockholders, is hereby authorized to call the first meeting of the stockholders provided for in section four of this act.
- H. K. Boyer to call first meeting of stockholders. SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1891.

CHAPTER 64.

An act to incorporate Globe Academy in Caldwell county.

The General Assembly of North Carolina do enact :

- SECTION 1. That F. P. Moore, Jesse Moore, Patterson Moore, M. L. Moore, W. C. Moore, Job Moore, E. D. Crisp, H. N. Coffey, M. G. Shearer, Joseph Powell, S. M. Green, J. C. Blalock. E. F. Jones, I. W. Thomas, L. W. Estes, H. D. Lequeax, J. A. Rector, T. C. Land, W. A. Pool, J. B. Holman, B. F. Whitesides, J. D. Moore, W. A. Graham, and their successors, be and are hereby declared to be a body politic and corporate for the purpose of educating the youth, to be known and distinguished by the name and style of "The Trustees of Globe Academy," and by this name and style shall have perpetual succession and a common seal, and shall be able in law to sue and be sued, plead and be impleaded in all the courts, and shall take, receive and possess all moneys, goods and chattels which may be given them and shall apply the same to the wish of the donors, to the purpose herein declared, and they shall have power by purchase or otherwise to take, demand, hold and possess rents and tenements in special trust and confidence and apply the same, together with the profits arising therefrom, for the purpose of supporting the school to be known and styled as "Globe Academy," and they may purchase for the purposes aforesaid such chattels and real estate as they may deem necessary, and may dispose of the same in promoting learning and virtue in the aforesaid school at "Globe Academy" in Caldwell county.
- SEC. 2. That in the event of the death, resignation, refusal to act, or removal from the state of any of the trustees for the time being, then the remaining trustees shall have power to fill the vacancies created.
- SEC. 3. That if any one of the trustees shall fail to attend the meetings of the said trustees continuously for a term of four years, his seat is hereby declared vacated, and the said trustees shall be authorized to fill the same as in case of death, resignation or refusal to act or removal from the state.
- SEC. 4. That the said trustees shall have power to appoint a local executive committee, to perform such duties as may be designated by the said trustees.
- SEC. 5. That the said trustees shall have power to appoint their own president, secretary and treasurer and such teachers and other officers in and over said school as they shall deem qualified to discharge the duties of the several offices and may remove the same for misbehavior, inability or neglect of duty; they shall, moreover, have power to make all necessary rules and regulations not inconsistent with the laws of this state for the government of said school.

Body politic.

Corporate name.

Corporate powers.

Vacancies in board of trustees.

When seat of trustee to be declared vacant.

Executive committee.

Officers.

- Meetings of trustees. SEC. 6. That the said trustees shall hold meetings from time to time as often as necessity may require, and nine trustees shall constitute a quorum for the transaction of business.
- Faculty may grant certificates of merit, &c. SEC. 7. That the faculty of said Globe Academy, by the advice and with the consent of the said trustees, shall have power to grant certificates of merit, diplomas, or other evidences of merit or proficiency in any of the departments of said school.
- Exemption from taxation. SEC. 8. That the lands and other property belonging to the said trustees for the benefit of the said school shall be and the same are hereby exempted from all kinds of public taxation.
- Retail license prohibited within three miles. SEC. 9. That no license to retail any spirituous or intoxicating liquors at or within three miles from said school shall be granted, and if granted the same shall be void.
- Penalty for sale, &c., of liquor to student. SEC. 10. That if any person shall sell, give or carry to any student or students of said school at or within three miles thereof any spirituous or intoxicating liquor without special permission in writing from the faculty thereof, the same shall forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, one-half to the use of the informant and the other half to the use of said school, and the offender shall moreover be guilty of a misdemeanor, and upon conviction thereof in the superior court of Caldwell county shall be fined at the discretion of the court.
- Misdemeanor. SEC. 11. That all laws in conflict with this act are repealed.
- Conflicting laws repealed. SEC. 12. That this act shall be in force from and after the date of its ratification.
- Ratified the 14th day of February, A. D. 1891.

CHAPTER 65.

An act to incorporate Spray Water-Power and Land 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 for ninety-nine years, by the name, style and title of "Spray Water-Power and Land Company," and by that name and title shall be known 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 and personal and mixed of what kind and quality soever; may construct, build and erect such
- Corporate name.
- Corporate powers.

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, sub-lease 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. Proviso.

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 sub-lease the same, and may also co-operate and unite with any other company in so doing. Corporate powers.

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 sub-leases made by any company to or with any other company or companies, individuals or firms whatever. Corporate powers.

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 said company, and to 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, not to exceed one million dollars, 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 corporators 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 has been 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 anywise affected or be dissolved by reason of a failure to elect officers.
- Sale of stock.**
- Books of subscription.**
- Organization.**
- Authorized to borrow money, &c.** SEC. 6. The said company may borrow money from time to time on 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 at Spray, and may have a general office or offices elsewhere.
- Stockholders not individually liable for corporate debts.** SEC. 8. The stockholders shall not be individually liable for the debts of the company.
- 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.
- SEC. 11. This act shall be in force from and after its ratification.
Ratified the 14th day of February A. D. 1891.

CHAPTER 66.

An act to amend chapter one hundred and twenty-four, private laws of North Carolina, passed at session of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter one hundred and twenty-four, private laws of North Carolina, passed at session of one thousand eight hundred and eighty-nine, entitled "an act to amend section one hundred and six, private laws of North Carolina," passed at session of one thousand eight hundred and fifty-eight and fifty-nine, be amended as follows: In line two, section two, after the word "plants" insert the words "gas plants;" in line three in the same section after the word "electricity" insert the word "gas;" after the word "purchases" at the end of the said section insert the following: "May contract debts for building or improving gas or electric plants and may issue bonds secured by mortgage and [on] such plants or other property belonging to said Salisbury Gas and Electric Light Company to secure the payment of the principal and interest on said bonds, may also subscribe for and hold stock in other companies."

Chapter 124, Private Laws 1889, amended.

Salisbury Gas and Electric Light Co. may erect gas plants, &c.

May issue mortgage bonds, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 67.

An act to incorporate the Citizens Bank, to be located at Winston, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That George H. P. Cole, J. A. Maddrey, 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 Citizens Bank," and shall so continue for the term of thirty 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 legislation 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 and six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations."

Body politic.

Corporate name. Corporate existence.

Corporate powers.

- Capital stock.** SEC. 2. That the capital stock of said corporation shall not be less than twenty 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, 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 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.
- Organization.** SEC. 4. That whenever twenty thousand dollars shall have been subscribed and ten thousand dollars 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 or 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.
- Officers.**
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: *Provided*, such real estate shall not exceed at any one time in value two hundred and fifty thousand dollars, 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 provided by law, and may receive
- Proviso.**

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.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof at the time 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 superior court of Forsyth 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 Winston, 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.

Remedy against subscriber for failure to pay.

SEC. 8. 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.

Subscription to be deemed a promissory note.

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 Winston. 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.

Stockholders' meetings.

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.

Branch banks.

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 the legal rate of interest.

May negotiate mortgage loans.

SEC. 12. That said corporation shall have power to own, maintain or lease warehouses and carry on the business of warehousemen and

Corporate powers.

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 on 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.

May establish savings bank.

SEC. 13. That said corporation shall have power 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 receipts, orders or checks, unless restrained by law; and deposits may be made also 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.

Deposits by married women, &c.

Corporate powers not forfeited 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 three years from date of ratification of this act.

Liability of stockholders.

SEC. 15. That in case of the insolvency of the bank hereby created, or ultimate inability to pay, shareholders shall be individually responsible, jointly and severally, for all contracts, debts and engagements of the bank to the extent of the amount of their stock therein at the par value thereof.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1891.

CHAPTER 68.

An act to amend the charter of the town of Hendersonville.

The General Assembly of North Carolina do enact :

- SECTION 1. That chapter eighty-three, section third, of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to amend the charter of the town of Hendersonville," be amended by striking out all after the word "aforesaid" in line twenty-eight of said section and by adding the following: "That for the purposes of preserving the health of the people of said town by keeping the water-supply clean and free from filth, and to protect the property of said town, the said commissioners shall have power to pass and the mayor to enforce ordinances making it a misdemeanor for persons to do anything calculated to destroy the purity of said water or injure the water-works, notwithstanding said acts are committed beyond the limits of the town."
- SECTION 2. That the number of commissioners shall be increased from five to six, and at the election in May, one thousand eight hundred and ninety-one, the three who shall receive the greatest number of votes shall hold their office for two years, and the three who shall receive the next greatest number of votes shall hold their office for one year, and at all subsequent elections there shall be elected each year three commissioners who shall hold their offices for two years.
- SECTION 3. That said commissioners shall have power to appoint a board of health, and enforce by ordinances such regulations as said board of health may adopt.
- SECTION 4. That on special occasions the mayor shall have the power to appoint an extra number of town marshals or policemen and qualify them to act for such a time as he, in his discretion, may think proper.
- SECTION 5. That said board of commissioners shall have the power to use such of the town funds as may be wise in their discretion to promote healthy immigration to said town.
- SECTION 6. That all laws in conflict with this act are hereby repealed.
- SECTION 7. This act shall be in force from and after its ratification.
- Ratified the 13th day of February, A. D. 1891.

Chapter 83, Private Laws 1889, amended.

Powers of town of Hendersonville over its water-supply outside of town limits.

Commissioners, number increased. Election.

Board of Health, &c.

Special policemen.

Use of town funds to promote immigration.

Conflicting laws repealed.

CHAPTER 69.

An act to amend, ratify and confirm the charter of the Winston Water Company.

The General Assembly of North Carolina do enact :

Charter of Winston Water Co. confirmed.

Acts validated.

Incorporated.

Corporate name.

Corporate powers.

Corporate powers.

Condemnation of land.

SECTION 1. That "The Winston Water Company," a corporation formed on the twenty-seventh day of September, Anno Domini eighteen hundred and seventy-eight, under chapter twenty-six of Battle's Revisal, be and the same is hereby ratified and confirmed, and all acts and things done or purporting to be done by said corporation under the provisions of said act of incorporation, and all contracts made with and franchises granted to said company by the board of commissioners of Winston, are hereby ratified and confirmed.

SEC. 2. That said Winston Water Company, their successors and assigns, be and the same are hereby confirmed as a body politic and corporate by the name and style of "The Winston Water Company," and by such name, style and title shall have perpetual succession for the purpose of procuring and supplying the city of Winston and all other persons within the county of Forsyth with water for public, domestic and manufacturing purposes, and for building, erecting and owning machinery and fixtures for said purpose, and for buying, owning and holding such real and personal estate as may be necessary in connection with or advantageous to the object and purposes of this charter; shall continue to have the right to make and establish a schedule of prices for water-supply and provide for the collection of the same, and shall be capable of suing and being sued, of pleading and being impleaded, and having and using a corporate seal and the power to alter and change the same at pleasure, and of granting and acquiring in its corporate capacity and name for the purpose of carrying or [on] enlarging or reducing its business, real and personal [property].

SEC. 3. That said corporation shall have the right to erect and establish one or more additional reservoirs of sufficient capacity to furnish an adequate supply of water to meet demands for the same; to erect engines, pumps and all other machinery necessary or advantageous to the supply or distribution of water; to lay mains, pipes, conductors or aqueducts, and for the purpose of erecting or establishing the same, whether reservoirs, machines, ditches, dams, laying of pipes or tapping the same, setting up hydrants, building aqueducts, or anything necessary to be done in the furtherance of the object of said corporation, and for the purposes aforesaid. The said corporation, its officers, agents and employees, may enter upon the lands of any person or corporation, and in case an agreement cannot be made between this corporation and the owner of the land,

or the person entitled to the beneficial interest therein, this corporation may have the same condemned to its use in the manner provided by law for railroads or other public uses: *Provided always*, that said corporation shall pay all damages that may accrue or be necessarily incurred by reason of the condemnation of land; and it shall at all times have a right to enter upon the said lands for the purposes of extending, repairing or replacing mains, pipes, hydrants, ditches, etc.

Damages.

Entry on land.

SEC. 4. The minimum capital stock shall be fifty thousand dollars, to be divided into shares of ten dollars each; and said corporation shall have power to increase the capital stock from time to time by a majority vote of the stockholders to a sum not exceeding five hundred thousand dollars. The present board of directors of said company shall remain and continue in office until their successors shall be elected; books of subscription may be opened under the direction of the board of directors for the additional stock hereby authorized, and the owners of the present capital stock, which is twenty-four thousand dollars, shall have the right to take of the additional stock in proportion to the amount held by each. Anyone failing to take his *pro rata* share in a reasonable time, the board of directors may dispose of the same at par.

Capital stock.

Directors.

Books of subscription.

SEC. 5. That the principal office of the company shall be at Winston, North Carolina, with such branch offices located when and where the said company may deem proper within the state of North Carolina, and as may be deemed necessary and advantageous to the business of the company. The business of the company shall be managed by a board of seven directors, each of whom shall be an owner of not less than one hundred dollars of the capital stock, a quorum of whom shall be a majority of the board or of such other number as may be fixed by the by-laws. In the election of the directors, and in all other matters of business before the general meeting of stockholders, each stockholder shall have one vote for every share of stock owned by him. The board of directors shall elect one of their number as president. The officers of the company shall be a president, treasurer, superintendent and such other officers as the board of directors shall prescribe. Said board of directors shall fix the compensation of the officers and employees of the company. All officers [offices] except those herein named may be abolished or combined by the board of directors, and the offices of president, treasurer and superintendent may be combined and filled by the president.

Offices.

Board of directors.

Stock vote.

President and other officers.

SEC. 6. That the subscription to the capital stock shall be paid in such installments as may be directed by the board of directors, but the stockholders of this corporation shall not be individually liable for its debts. Said corporation may make all such by-laws, rules

Payment of subscriptions.

Stockholders not individually liable for corporate debts.

By-laws.

and regulations for the government for [of] the company as they may deem necessary, not inconsistent with the laws of the state.

Certificates of stock.

SEC. 7. That said company may issue certificates of stock in such form and subject to such regulations as it may prescribe, and it shall have power to contract and create a debt not exceeding one hundred thousand dollars for the purpose of paying its present indebtedness and the extension and improvement of its works, and may issue coupon bonds of such denomination as the board of directors may direct, to mature at the end of thirty years from the day of their issue, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually; and to secure the payment the board of directors may direct the president and treasurer of the company to execute in the name of said company a deed in trust or mortgage to a person or corporation named by said board all the real and personal estate, franchises, rights and privileges owned by said company, embracing reservoir, pump, engines, lines of pipe as now laid, and which may be laid prior to the maturity of the bonds hereby authorized to be issued.

May issue mortgage bonds.

Malicious, &c., injury to reservoir, &c., a misdemeanor.

SEC. 8. That any person who shall wantonly, maliciously or negligently interfere with or injure any reservoir, engine, pump, hydrant, pipe, fire-plug or other property of said company necessary or used in obtaining a supply or distributing water, or shall place in the water used by said company any poisonous or unwholesome materials calculated to make distasteful or unwholesome said water, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both at the discretion of the court.

Tapping water-main without permission a misdemeanor.

SEC. 9. That any plumber or other person who shall tap a main or service-pipe and conduct the water into a house or any other place without a permit from the company shall be guilty of a misdemeanor, and may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. That any person who shall use water for any purpose without a permit from the company, or wilfully open a hydrant or any water-plug and let out and waste the water therein, shall be guilty of a misdemeanor, and fined not less than ten dollars nor more than fifty dollars or imprisoned not less than thirty days.

Use of water, &c., without permission a misdemeanor.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 70.

An act to incorporate the town of Everitts.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Everitts in Martin county be and the same is hereby incorporated by the name and style of "Everitts," and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Town incorporated.
Corporate name.

SEC. 2. That the limits of said town shall be as follows: Beginning at the first culvert on the Albemarle and Raleigh railroad, thence running south four hundred and forty yards to a stake; thence east and parallel with said railroad seventeen hundred and sixty yards to a stake; thence north eight hundred and eighty yards to a stake, a corner; thence west seventeen hundred and sixty yards parallel with said railroad to a stake; thence south to the beginning.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and five commissioners and one constable and such other police officers as the commissioners may provide for by an ordinance for that purpose, and the commissioners shall have power to elect or appoint a secretary and treasurer.

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 ninety-one (1891), and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all male citizens residing within said corporate limits who have been 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.

Election.

Electors.

SEC. 5. That until their successors are elected as provided for in this act, the following named persons shall fill said offices: mayor, L. B. Wynn; commissioners, S. F. Everitts, W. H. Stewart, Joseph Taylor, J. A. Everitts, T. H. Baley; constable, Amlick James.

Temporary officers.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 71.

An act for the benefit of the town of Madison, Rockingham county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the town of Madison, North Carolina, be amended by adding thereto the following sections of the charter of the city of Greensboro, North Carolina, as appears in chapter two hundred and nineteen of the acts of one thousand eight

Chapter 66, Private Laws 1872-'3, amended.

Certain sections of charter of Greensboro (ch. 219, laws 1889) applicable to Madison.

hundred and eighty-nine, sections nineteen to ninety-five, inclusive, sections one hundred and two, one hundred and three, one hundred and four, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten and one hundred and eleven.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 72.

An act to amend the charter of the Salem Water Supply Company.

The General Assembly of North Carolina do enact :

To continue a body politic.

Corporate name.
Corporate existence.
Corporate powers.

SECTION 1. That the Salem Water Supply Company heretofore organized under the general laws of North Carolina under their charter granted on the twenty-seventh day of November, eighteen hundred and seventy-seven, shall be and continue a body politic and corporate under the name and title of "The Salem Water Supply Company," and as such shall exist for a period of ninety-nine years, for the purpose of obtaining and supplying the town of Salem, or any other town in the county of Forsyth, with water for public, domestic, manufacturing or other purposes, and for building, erecting and owning machinery, fixtures and other appurtenances for said purpose, and for buying, owning, holding such real or personal estate as may be necessary in connection with or advantageous to the object and purposes of this charter, and shall be capable of suing and being sued, of pleading and being impleaded, and having and using a corporate seal and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, for the purpose of carrying on or enlarging its business, property, real and personal, hereby ratifying and confirming all powers, rights, privileges, contracts and franchises which it now has under the charter heretofore granted.

Capital stock.

SEC. 2. The capital stock of said corporation shall be ten thousand dollars (\$10,000), divided into shares of ten dollars each, and said corporation shall have power to increase its capital stock from time to time by a majority vote of the stockholders to a sum not exceeding two hundred and fifty thousand dollars.

Corporate powers.

SEC. 3. That said corporation shall have the power and authority to establish, construct, erect and at all times maintain in the town of Salem a system of water-works for the purpose of supplying to the said town and its inhabitants water for drinking, cooking, fire

and all other purposes and uses, to charge, demand and collect such reasonable rates for the use and privilege of water as may be established by it; to make, ordain and establish rules and regulations not inconsistent with the law, for the regulation and government of its dealings with consumers of water. They shall have power and authority and the free and unrestricted right at any and all times to lay, build, construct, maintain, repair, tap and remove all necessary pipes, mains [mains], conductors, stand-pipes, hydrants, fixtures and appurtenances in, upon and through and over all roads, streets, avenues (except Cedar avenue), lanes, alleys and bridges within the said town and its vicinity: *Provided, however*, that the said corporation shall at its own proper cost and expense repair, replace and restore all streets, roads and avenues under, over or through which it may lay, build or construct said mains [mains], pipes and conductors so as to have them in as good condition as they were before; said corporation shall have the right and power to erect and establish a reservoir or reservoirs of sufficient area and capacity to furnish an adequate supply of water to meet the fullest demands, to erect engines, rams or other machinery necessary or advantageous to the supply or distribution of water; and for the purpose of erecting or establishing the same, whether reservoir, machinery, ditches, dams, laying of pipes or tapping the same, building aqueducts or any other thing necessary to be done in the furtherance of the objects of this act, whether in the town of Salem, the vicinity thereof, or between the source of water supply and said town, the said corporation, its agents or employees and the officers thereof may enter on the land of any person or persons or corporation, and in case an agreement cannot be made between this corporation and the owner of the land, this corporation may have the same condemned to its use in the manner now provided by law for the condemnation of lands for railroads or other public uses: *Provided always*, that damages that may occur by the reason of condemnation of land, shall be paid by this corporation and it shall at all times have a right to enter upon said land for the purpose of repairing, improving or replacing mains [mains], pipes, ditches, etc.; said corporation shall also have power to make such contracts for the furnishing of the town of Salem; or other towns, persons or corporations with water, and to make and establish a schedule of prices for water supply, and generally to do all other things necessary to the successful transaction of the business for which it is organized.

Condemnation of land.

Damages.

Entry on land.

SEC. 4. It shall be lawful for the said corporation to borrow money, to make, negotiate and dispose of its promissory notes or bonds given for money borrowed, or given in liquidation of any other debt due or owing from said corporation, or made for the purpose of raising money, and to secure the payment of any such obligation or obliga-

May borrow money on mortgage.

tions by mortgage or pledge of any or all its property, plant and franchise.

Principal office.

SEC. 5. The principal office of the company shall be in Salem, North Carolina, and the affairs of the company shall be managed by a board of directors of such number as the stockholders may select.

Officers.

The officers of the company shall be a president, vice-president, secretary and treasurer, and such other officers as the board of directors shall name.

Malicious, &c.,
injury to water-
mains, &c., a
misdemeanor.

SEC. 6. If any person shall wilfully, wantonly, maliciously or negligently tap, remove, obstruct, injure, destroy or interfere with any main, pipe, fire-plug, hydrant, tank, stand-pipe, or reservoir, ditches, aqueduct, pump, ram, engines, fixtures, machinery, structure, building of any kind or other property of said company necessary or used in obtaining supply or distributing water, or shall open or tamper with any property or works of said corporation, or shall place in the water used by said company before distribution or while in the pipes, stand-pipes or reservoirs, poisonous or unwholesome material or matter calculated to render unwholesome, the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for every such offence, and such persons shall forfeit and pay to said corporation, to be sued for and recovered in civil action, double the amount of damages sustained by any such injury.

Penalty.

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

Ratified the 18th day of February, A. D. 1891.

CHAPTER 73.

An act to incorporate the Trustees of Bell View High School.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. [That] E. S. Nicholson, A. M. Hatchell, J. F. Cobb, T. H. Brown, W. C. Ballew, J. S. Owensby, J. B. Lee, C. Price, J. Y. Allen, James Waters, H. W. Chambers, J. S. Bell, Geo. M. Whitmore, Henry Carol, J. M. Carter, Geo. W. Owensby, Edmund Deweese, J. W. Lawing, Z. T. Olvey, D. B. Little, Dr. C. F. Walker, Robert Hyatt, C. P. Martin, J. M. Parm, M. C. King, and their successors, be and are hereby declared to be a body politic and corporate

Corporate name.

to be known by the name of "The Trustees of Bell View High School," in Cherokee county.

Corporate powers.

SEC. 2. That said corporation may have a common seal, may sue and be sued, may take by gift or otherwise, lease, hold, sell and

convey real and personal property not exceeding one hundred thousand dollars, may make by-laws, may elect members to fill vacancies, may elect officers of the corporation, and do all other acts necessary for the support and protection and control and good government beneficial to the said institution of learning.

SEC. 3. That the faculty of said institution, together with the trustees, may confer such degrees and marks of literary distinction and proficiency as in their opinion may promote the school and corporation. May confer degrees.

SEC. 4. That it shall be unlawful for any person or persons to make, sell or otherwise dispose of any kind of intoxicating liquors within three miles of said institution, and any person violating this act [shall be deemed guilty of a misdemeanor], and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred [dollars] or imprisoned not more than one month. Unlawful to sell, &c., liquor within three miles.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 74.

An act to incorporate the town of Linville and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of Linville shall be a body politic and corporate under the name of the town of Linville, and in that name shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded, to purchase and to hold and to convey real or personal property. Incorporated.
Corporate name.
Corporate powers.

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits.
Beginning at a stake two thousand six hundred and fifty feet due east of a marked stone at the intersection of the centre line of Carolina avenue and the north line of Mitchell avenue, the beginning corner of the Linville Improvement Company, town site survey, and running thence due south five thousand eight hundred feet to a stake; thence due west five thousand three hundred feet to a stake; thence due north eight thousand two hundred feet to a stake; thence due east five thousand three hundred feet to a stake; thence due south two thousand four hundred feet to the beginning.

SEC. 3. That there shall be held on the first Monday in May, one thousand eight hundred and ninety-one, and every year thereafter, an election for a mayor and five commissioners, who shall hold their offices until their successors are qualified, said mayor and commissioners to be elected by the qualified voters of said town. Election,

Who eligible as
mayor, &c.
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 Mitchell for members of the general assembly, and who shall have been *bona fide* residents of the town of Linville 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.

Oath of mayor.

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 Mitchell, 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 for the town of Linville while I shall continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town; and in the discharge of my duties I will do equal justice in all cases "whatsoever."

Oath of commis-
sioners.

SEC. 7. That each commissioner, before entering on the duties of his office, shall take before the mayor or any justice of the peace of Mitchell 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.

Powers of com-
missioners.

SEC. 8. That the board of commissioners shall have power to fill any vacancy in the board that may occur during their term of office, and shall also 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 in the absence of the mayor or in his inability to perform the duties of his office. The person so appointed shall take the oath of mayor as hereinbefore specified, and shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties.

Mayor *pro tem*.

Mayor to make
reports.

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 and 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 of 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 violation 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.

SEC. 10. That the mayor shall have power to commit any person convicted of a violation of any town ordinances to the town or county 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.

Committal to county jail of persons convicted, &c.

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 cause to be executed 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 exceed thirty days.

Jurisdiction of mayor as an inferior court.

Special court.

Proviso.

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 or labor on the streets for thirty days.

Violation of ordinance a misdemeanor.

SEC. 13. The board of commissioners may, if they see fit, appoint a town constable, who shall be qualified in the manner prescribed by law for other constables; and they may also appoint such number of policemen and watchmen as they may see fit, and may prescribe the duties and fix the fees, salary or compensation of all such officers or persons.

Constable.

Policemen.

SEC. 14. That the mayor may issue his precepts to the town constable who may execute the same anywhere in Mitchell county, or to such other officer to whom a justice of the peace may direct his precepts to. 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.

Mayor's precepts.

Arrests.

SEC. 15. 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 forthwith carry him before the mayor for examination or trial, who shall have authority to examine the person arrested, and at his discretion, release, receive bail from, or commit said person to the town or county prison for as early trial as practicable.

Persons failing to pay fine, &c., liable to work on streets.

SEC. 16. 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 the 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 rate for labor and as the commissioners may adopt.

Streets.

SEC. 17. 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,

Condemnation of land.

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 [its condemnation], and in ascertaining said damages they may take into consideration 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.

Appeal.

Ad valorem tax.

SEC. 18. That the board of commissioners of the town of Linville, 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 other subjects of taxation taxed by the general assembly for public purposes, not to exceed one dollar on the hundred dollars worth of property and two dollars on the poll.

SEC. 19. That in addition to subjects liable to taxation for state License taxes, 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 or telephone office, and each railroad or other transportation company doing business within the corporate limits of the town; each itinerant photograph artist or person taking likenesses of the human face; each broker's 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, or any person hiring horses or vehicles for livery; 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 liquor, and each gift enterprise and lottery.

SEC. 20. The board of commissioners shall have power to prohibit Sale of liquor. the sale of spirituous, vinous and malt liquors within the corporate limits of the town, either absolutely or in such qualified way as their discretion may dictate; and they may license and permit the sale of any or all of such liquors by certain persons and in certain houses or places, and forbid the sale thereof by all other persons and in all other places. And in case of any such license or permission, they may prescribe the manner, terms and conditions in and under which it may be used or exercised, and consistently with the general law they may fix the penalties and punishments for using it otherwise than so prescribed; and especially they shall have power to impose upon the persons so licensed a privilege tax as great as they may deem fit, and they may discriminate in the amount of such tax between persons and places.

SEC. 21. That the board of commissioners shall have power to Tax on dogs. 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.

SEC. 22. That the board of commissioners shall have power to Live stock running at large. 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 catch and impound said animals running at large or impose a fine on the owners of said animals, or both: *Provided*, that this section shall not apply to dogs, Proviso.

whose owners have paid such tax as may be imposed on them and otherwise complied with the ordinances in regard thereto.

Impounding of
live stock, &c.

SEC. 23. That the board of commissioners are empowered to make such reasonable rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in section twenty-two of this act found roaming at large within the corporate limits of said town, contrary to the ordinances of the town: *Provided*, that no animal shall be sold without being first advertised for five days at three public places in said town. All strays so taken shall, after due advertisement, be sold at public auction at some suitable place designated in said notices, and the proceeds to be applied, first, to the payment of the fine and keeping, advertising and selling of said animals, balance, if any, to be paid to the owner of said animals, if known; if the owner be not known and no claim 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.

Notice of sale.

Sale.

Application of
proceeds.

Tax on circuses,
theatres and
other exhibitions

SEC. 24. That the board of commissioners shall have power and authority to levy and collect a special tax not exceeding one hundred 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, 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 exhibitors: *And provided further*, that the tax-collector in case of a failure on the part of any of the exhibitors above specified to pay said tax before exhibiting, shall immediately after the exhibition closes demand from said exhibition, 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 upon 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.

Proviso.

Proviso.

Proviso.

Abatement of
nuisances.

SEC. 25. That the board of commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same. They may also prevent the establishment of, and may regulate if allowed to be established, any slaughter-house or the 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, and shall have power to condemn and cause to be cut down any tree or trees which in their judgment are dangerous to person or property within the corporate limits, and to condemn and cause to be removed or made safe any structure which in the report of the board of three citizens, appointed annually by the commissioners for the purpose, is adjudged unsafe or dangerous to the occupants or others, at the expense of the owner thereof.

SEC. 26. That the board of commissioners may make such reasonable fire regulations as they may deem proper and advisable for the interest of the town, and shall have power to enforce the same. Fire regulations.

SEC. 27. 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. 28. 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 meat for consumption in the town. License tax on dealers in fresh meat.

SEC. 29. That the board of commissioners shall have power to construct sidewalks on such streets or parts of streets as they may deem it advisable, and shall have power to charge one-half of the expense of same to the owner or owners of lots adjoining said sidewalks, which charge shall be a lien upon said lots, and the said lien may be enforced by the commissioners in such manner as they may direct in their ordinances. Sidewalks.

SEC. 30. That the town of Linville is hereby vested with all the powers, rights, privileges, immunities enumerated in chapter sixty-two, volume second of The Code of North Carolina, entitled "Towns and Cities," not inconsistent with the provisions of this act. Corporate powers.

SEC. 31. 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 by the board of commissioners; 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 except as hereinafter provided. He shall receive such compensation and fees as may be allowed by the board of commissioners. Duties of mayor.
Compensation.

SEC. 32. 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 two weeks 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 Board of commissioners.

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 of mayor or commissioners to attend meeting.

SEC. 33. 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 town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar.

Ordinances, &c.

SEC. 34. 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: *Provide*, the same be consistent with this act and with the laws of the land.

Proviso.

Ordinances to be recorded.

SEC. 35. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that distinct purpose, and which shall set forth the date of their passage.

Moneys payable to treasurer.

SEC. 36. All moneys arising from taxation, donation or other sources, shall be paid to the treasurer of the town, and no appropriation thereof shall be made except by a concurring vote of four-fifths ($\frac{4}{5}$) of all the commissioners, or by three-fifths ($\frac{3}{5}$) of all the commissioners with the approval of the mayor; and no account shall be valid against said town unless the same has been contracted by order of the board of commissioners; and no account shall be paid by the treasury [treasurer] until the same has been presented to the board at a regular meeting and is ordered to be paid, and is entered on a book to be kept for that purpose and to be known as "The Record of Accounts."

How appropriated.

Annual statement of receipts and disbursements.

SEC. 37. That the commissioners shall cause to be made out annually a correct 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 three public places 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.

Penalty.

Penalty for refusal of mayor or commissioners to qualify.

SEC. 38. 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.

Contagious diseases.

SEC. 39. 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 diseases; may cause any person within the town believed to be infected with such contagious diseases, and whose stay endanger the public health, to be removed to some place within or without the town limit; 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 which there shall be reasonable cause to apprehend will germinate or propagate diseases; and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury.

SEC. 40. 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 the disturbances and apprehending offenders, and for that purpose they shall have all power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the mayor or other judicial officers, and in the execution thereof shall have the same power which the sheriffs or constables of the county have, and their remuneration, whether by salary or fees, shall be fixed by the commissioners: *Provided*, no person under twenty-one years of age shall be elected or appointed a policeman.

Duty of policemen.

Powers.

Compensation.

Proviso.

SEC. 41. That the board of commissioners shall have power and authority to designate such of the officers elected by them as shall give bond, which bond 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 Linville, with conditions for the faithful discharge of the duties of the office held by said officer.

Official bonds.

SEC. 42. That no person shall erect, put up, keep, use or maintain for pecuniary gain 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 Linville without first having paid the tax and obtained from the board of commissioners a license therefor as herein after provided.

Billiard tables, &c., to be licensed

SEC. 43. 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 and 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 established or maintained for pecuniary profit as mentioned in section forty-two of this act.

Tax on billiard tables, &c.

SEC. 44. That any tax-collector elected by the commissioners of the town of Linville shall have the same power and to be subject to

Powers and liabilities of tax-collector.

the same penalties in collecting the taxes levied in said town as the sheriffs of the state in the collection of the taxes by them.

Notice of ordinances.

SEC. 45. That no ordinance adopted by the commissioners shall be of any effect until public notice shall have been given by posting the same at three public places in said town.

Temporary officers.

SEC. 46. That until their successors are elected and qualified the following persons shall constitute the officers of the town: S. T. Kelsey, mayor; J. R. Ervin, J. W. Farthing, C. H. Ricksecker, George R. Foulke and A. S. Church commissioners, with full powers to act until their successors are qualified, and shall be authorized to hold the first election as provided under the general law.

Oath of elector.

SEC. 47. 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 (or affirm) that I have been a citizen and a resident of the State of North Carolina for the last twelve months, and a *bona fide* resident of the town of Linville for the last ninety days: so help me God."

Election.

SEC. 48. That the election for mayor and commissioners shall be held as provided for in chapter sixty-two, sections three thousand seven hundred and eighty-eight and three thousand seven hundred and eighty-nine of The Code.

Water-works, &c.

SEC. 49. That the corporation shall have the right to establish, own and control plants for its water-works, lighting, sewerage and transportation, and to operate the same.

Rights-of-way of railroad companies.

SEC. 50. That the board of commissioners shall have the power to refuse or by a four-fifths ($\frac{4}{5}$) vote grant the right-of-way to railroad companies through the streets of the corporation; and no railroad line shall be located through the corporation except when the route has been approved by the commissioners.

SEC. 51. This act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1891.

CHAPTER 75.

An act to incorporate "Cherryville Manufacturing Company" at Cherryville, North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That the following named persons, to-wit: David Mauney, W. A. Mauney, J. S. Mauney, Jacob Black and D. K. Tate, of Cleveland county, North Carolina; Lee Dellinger, Rufus Carroll, Dr. A. W. Howell, J. M. Rhodes, D. P. Rhodes, W. O. Harrelson, E. A. Rudisill, Rev. M. L. Little and B. M. Carpenter, of Gaston

- county, North Carolina, their associates and successors, are hereby created a body politic and corporate under the name of "The Cherryville Manufacturing Company" of Gaston county, North Carolina, with a capital stock of thirty thousand dollars (\$30,000), with liberty to increase the same from time to time to any sum not to exceed two hundred thousand dollars (\$200,000), to be divided into shares of one hundred dollars (\$100) each, said stock to be paid for by [in] installments as follows: five per centum (5) on the first day of May, one thousand eight hundred and ninety-one; five per centum (5) on the first day of August, one thousand eight hundred and ninety-one; thirty per centum (30) on the first day of November, one thousand eight hundred and ninety-one; thirty per centum (30) on the first day of November, one thousand eight hundred and ninety-two, and thirty per centum (30) on the first day of November, one thousand eight hundred and ninety-three, or may be paid entire at the option of the subscriber, when in such case interest will be allowed for priority of time of payment; and said corporation to have the privileges and rights hereby specially granted and such as may be necessary to the full exercise and enjoyment of the same.
- SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the manufacture and sale of cotton and woolen goods, either or both, of all descriptions whatsoever, and said corporation may erect and operate cotton gins, grist-mills, saw-mills and such other machinery as they may deem necessary, and buy and sell and deal in goods, wares and merchandise of every kind and description at its own will and pleasure.
- SEC. 3. That said corporation, by its corporate name, shall have power to sue and be sued, to purchase, own, lease, hold, take options, sell and convey real estate and personal estate; to borrow money, for which it may issue its bonds, and may secure the same by executing mortgage or mortgages or deeds of trust on all its property, both personal, real and personal or mixed; to contract and be contracted with, and shall have perpetual succession.
- SEC. 4. That said corporation may have a common corporate seal, which they may make and alter at pleasure.
- SEC. 5. That the 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 or engagements of the corporation.
- SEC. 6. That the principal place of business of said corporation shall be at Cherryville, Gaston county, North Carolina, with power and authority to establish such other places of business as said corporators may desire.
- SEC. 7. That all property and estate owned by said corporation shall be liable for taxes according to the assessed value, and the taxes
- Corporate name.
Capital stock.
- How paid.
- Corporate powers.
- Corporate powers.
- Corporate powers.
- Corporate seal.
- Stockholders not individually liable for corporate debts.
- Place of business.
- Taxation.

thereon shall be given in and paid by the corporation and not by the several stockholders or parties owning stock therein.

President and directors.

SEC. 8. The affairs of said corporation shall be managed by a president and six directors to be elected annually and to hold office till their successors are elected and qualified, and said directors shall have power to fill any vacancy that may occur.

Officers.

SEC. 9. The officers of said corporation shall be a president, vice-president, secretary and treasurer, and the same person may be secretary and treasurer, and the said officers shall be elected annually at the meeting of the stockholders by the stockholders of the corporation; and in all elections by the stockholders of the corporation each share of the stock shall be entitled to one vote.

By-laws.

SEC. 10. That the stockholders of the corporation shall have power to make their own by-laws, rules and regulations for their government, which by-laws shall prescribe the manner of enforcement of all just penalties and forfeitures: *Provided*, that said by-laws, rules and regulations shall not be in conflict with the constitution and laws of this state or the United States.

Proviso.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 76.

An act to incorporate Rural Hall Male and Female Academy.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. G. Hailey, B. L. Bitting, A. L. Payne, their associates and successors, are hereby incorporated a body politic for educational purposes under the name and style of "The Rural Hall Male and Female Academy" in the county of Forsyth, state of North Carolina, and as such may have all the powers of like institutions, and may sue and be sued, plead and be impleaded.

Corporate name.

Corporate powers.

May purchase property, &c.

SEC. 2. That said corporation may purchase and hold such property, real and personal, as they may deem necessary, not more than one hundred thousand dollars, for the purposes above named, and may convey the same at pleasure.

Certificates of merit.

SEC. 3. That the said "Rural Hall Male and Female Academy" is hereby incorporated [authorized] to grant such certificates of proficiency and merit as may be deemed advisable.

Unlawful to sell, &c., liquor to students.

SEC. 4. That it shall be unlawful for any person to sell or give or in any manner deliver to a student of the Rural Hall Male and Female 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. That any person violating the provisions of section four shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment not more than thirty days. Misdemeanor.

SEC. 6. That it shall be unlawful to sell spirituous liquor within one mile of said academy. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars at the discretion of the court. Misdemeanor to sell liquor within one mile.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 77.

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

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and twenty-two of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the Wilson Banking and Trust Company," ratified the seventh day of March, Anno Domini one thousand eight hundred and eighty-nine, be amended by striking out the words "The Wilson Banking and Trust Company" wherever they occur in said chapter and inserting in lieu thereof the words "The State Bank of Wilson," and by striking out the words "the said banking and trust company" wherever they occur and inserting in lieu thereof the words "the said corporation." Chapter 122, Private Laws 1889, amended.
Name of Wilson Banking and Trust Co. changed to "The State Bank of Wilson."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 78.

An act to incorporate the town of Parkersburg in the county of Sampson.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Parkersburg in the county of Sampson be and the same is hereby incorporated by the name and style of the town of Parkersburg, and it shall have the benefit of and be subject to all the provisions of law now existing in reference to Town incorporated.
Corporate name.

incorporated towns as set out in chapter sixty-two, volume two of The Code of North Carolina, not inconsistent with this act.

Corporate limits. SEC. 2. That the incorporate limits of the said town shall be as follows: one-half mile north and south, east and west, from the centre of the railroad depot in said town.

Officers. SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-two, or until their successors are elected and qualified, viz: mayor, Geo. D. Patterson; commissioners, Hanson Honeycutt, W. R. Patterson and W. I. Wright. The mayor and commissioners shall appoint a constable.

Temporary officers.

By-laws, &c. SEC. 4. 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 this constitution of this state or of the United States.

Tax on liquor dealers.

SEC. 5. The mayor and commissioners of said town may levy a tax yearly not exceeding two hundred dollars on every person selling spirituous or malt liquors in said town in addition to other taxes provided for by law.

SEC. 6. This act shall be in force from and after its ratification.
Ratified the 18th day of February, A. D. 1891.

CHAPTER 79.

An act to incorporate the town of Hayesville in the county of Clay, and to provide a local government therefor.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Hayesville in the county of Clay be and the same is hereby incorporated by the name and style of "The Town of Hayesville," and it shall be subject to all the provisions of law now existing in relation to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. The corporate limits and boundaries of said town shall be as follows: Beginning on the south bank of Hiawassee river at the corner of the tracts of land numbers one hundred and eighty-nine and one hundred and ninety-two and runs a straight line to the south-east corner of the Methodist church lands; thence to a stake in the forks of the public road west of the Baptist church; thence a direct line to the south-west corner of R. B. Chambers' land; thence a straight line to Quall's creek where T. H. Hancock's line crosses

said creek ; thence down said creek with its meanders to Hiawassee river ; thence up said river with its meanders to the beginning.

SEC. 3. The officers of said town shall consist of a mayor and three commissioners, who, when elected and qualified, shall elect or appoint a marshal, who shall also be chief of police, and such additional police officers as they may deem necessary for the preservation of good order and the enforcement of the ordinances adopted by said commissioners. They shall also elect a secretary and treasurer who shall be a member of said board of commissioners. Any officer appointed or elected by said commissioners, as in this section provided, may for sufficient cause be removed from office; and the said commissioners may fill vacancies occurring by death, resignation or removal at any time when such vacancies shall occur.

Officers.

Removal.

Vacancies.

SEC. 4. There shall be an election for mayor and commissioners on the first Monday in May, one thousand eight hundred and ninety-one, and annually thereafter, under the same rules, regulations and 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 all acts and laws amendatory thereof, 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.

Application of fines.

SEC. 7. That the board of commissioners shall have authority to put to [work] 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 said 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 fine, 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 establish.

Persons failing to pay fines, &c., liable to work on streets.

SEC. 8. That the mayor of said town shall be entitled to receive such fees as are by law allowed to justices of the peace for similar or like services, and that the marshal or any policeman shall be

Fees of mayor, &c.

Fees of marshal, &c. 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 said office shall take the oath prescribed for the mayor of said town.

Mayor *pro tem.*

Oath of mayor.

SEC. 10. That the mayor on or before 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 Hayesville 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.

Oath of commissioners.

SEC. 11. That on or before Thursday after 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 Hayesville," 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.

Board of commissioners incorporated.

Corporate powers.

Taxation.

SEC. 12. That in order to raise a fund for the expenses incident to the proper government of 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, 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 seventy-five 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 twenty-five cents on every one hundred dollars valuation thereof. Third, a special license or privilege tax on all professions and tradés, 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.

Poll-tax.

Ad valorem tax.

License tax.

SEC. 13. That said board of commissioners shall have full power and authority, 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 rights 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.

Powers of commissioners.

Conflicting laws repealed.

SEC. 14. That the mayor and commissioners of the 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 books 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 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 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.

Registrar of election.

Judges of election.
Election.

Duty 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 ninety-one, and qualified, the following named persons shall fill said offices of mayor and commissioners, viz.: mayor, G. W. Sanderson; commissioners, W. J. Walker, J. C. Standridge and G. H. Haigler.

Powers of commissioners over streets, nuisances, &c.

SEC. 16. That the board of commissioners shall have power to open any closed or obstructed street and to remove any obstruction from the public square or any street established by the original survey of said town and to make any improvements on the streets, crossings, sidewalks or public square of the town. They shall have power to abate, suppress and to remove nuisances, to prohibit all trades or occupations which they may deem a nuisance from being carried on within said corporation: *Provided*, nothing in this act shall be construed to authorize said board of commissioners to license, permit or authorize the manufacture or sale of spirituous, vinous, malt liquors or bitters anywhere within the limits of said incorporation.

Proviso.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1891.

CHAPTER 80.

An act to incorporate The Bank of Marion, to be located at Marion, North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That J. S. Dysart, Wm. M. D. Burgin, J. L. Morgan, B. B. Price, P. J. Sinclair and J. L. C. Bird, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of "The Bank of Marion," and shall continue for the term of thirty years, with the capacity to take, hold and convey real and personal estate, and with all the powers, rights, privileges and immunities granted under the laws of North Carolina.

Corporate name.
Corporate powers.

Capital stock.

SEC. 2. That the capital of said corporation shall not be less than twenty-five thousand dollars, in shares of one hundred dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding one hundred thousand dollars.

Books of subscription.

SEC. 3. That the corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such

places and for such periods as they shall determine, and the stockholders at any general meeting called after 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 said capital stock of said corporation, the before named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be chosen. And said directors shall elect a president to serve during their continuance in office. Organization.

SEC. 5. That the president and directors of said corporation may adopt and use a common seal, and may alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as is now provided by law. The said corporation shall have a lien on its stock for debts due it by the stockholders before and in preference to other creditors of the same dignity. Powers of president and directors.

SEC. 6. That the said corporation may receive and pay out the lawful currency of the country, and deal in exchange, gold and silver coin, uncurrent paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to said corporation or may be sold under execution to satisfy any debt due to said corporation, and may sell and convey the same; may purchase and hold real and personal estate and property, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as is now provided by law; may receive deposits and issue certificates therefor bearing interest, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officer of said corporation shall be as binding as if under the seal of the same. Lien on stock.

SEC. 7. That whenever any deposits shall be made in said bank by or in the name of any person being a minor without guardian or a female being or thereafter becoming a married woman, the same shall be held for the exclusive use and benefit of such depositors, free from all control of any person, and shall be paid such person by or in whose name the same was made, and the check or receipt of such minor or female shall be valid and sufficient. Corporate powers.

Deposits by minors, married women, &c.

Corporate powers.

SEC. 8. That said corporation may construct fire and burglar-proof vaults, safes and safe-deposit boxes, and receive and keep gold, silver, precious metals, jewels, stocks and securities, deeds, bills and other valuable papers or articles of any kind which may be left or deposited for safe-keeping, and shall be entitled to charge such fees or commissions as may be agreed upon for such services, and generally may transact and perform all duties pertaining to or relating to safe-deposit and trust companies.

Corporate powers.

SEC. 9. That said corporation shall have power and authority to accept and execute trusts of all kinds which may be committed to its care with its consent.

Proceeding against stockholder failing to pay.

SEC. 10. That if any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock of such delinquent may be sold by order of the directors, for cash, at the banking house of said corporation in the town of Marion, after advertisement of such sale for twenty days in some newspaper published in said town or in the city of Raleigh, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs of such sale, the subscriber shall be liable for the delinquency in a civil action.

Liability of assignee of stockholder.

SEC. 11. 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 said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Subscription deemed a promissory note.

Powers of president and directors.

SEC. 12. That the president and directors of said corporation shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation. They shall have power to prescribe the rules for the conduct of said corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders not inconsistent with the laws of this state, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the corporation, and they shall direct when dividends of profits shall be made and declared. They may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding one-tenth of the stock may call a special meeting on giving thirty days' notice in some newspaper published in the town of Marion or the city of Raleigh. At all meet-

Stockholders' meetings.

Stock vote.

ings stockholders may be represented by proxy, each share being entitled to one vote.

SEC. 13. That said bank is hereby authorized to organize in connection with its general banking business a savings bank department, and do a savings bank business for the convenience of small depositors, receive deposits in any sums and pay the same with interest as may be agreed upon; to regulate the times of payment and notices of demand; may receive deposits from minors without guardian or married women, and pay same upon their checks or receipts which shall be valid.

May organize a savings bank.

SEC. 14. That in case of the dissolution of the said corporation or at the expiration of the said term of thirty years depositors shall be paid first, and then the other creditors of the corporation, out of the assets of the corporation; and the stockholders shall not be liable to the corporation beyond the amount subscribed by each stockholder, and shall not be personally liable to the depositors or other creditors of the corporation except that the president and directors of the corporation being stockholders shall be liable for fraud, as prescribed in section six hundred and eighty-six, chapter sixteen of The Code of North Carolina.

Distribution of assets.

Liability of stockholders.

Fraud of president, &c.

SEC. 15. This act shall take effect from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 81.

An act to incorporate Stanly Hall Industrial School for white boys.

The General Assembly of North Carolina do enact :

SECTION 1. Miss Francis E. Ufford, Miss Clara F. Glover and William R. Hartsell, Jr., teachers in Stanly Hall School at Locust Level, Stanly county, and their successors, associates and assigns, are hereby declared a body politic and corporate under the name and style of "Stanly Hall Industrial School," and as such shall have power to sue and be sued, plead and be impleaded and have all the powers of like institutions.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That said corporation may purchase and hold such real and personal property as they may deem necessary for the purpose above named and may convey the same at pleasure.

May buy property, &c.

SEC. 3. The said Stanly Hall Industrial School is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable.

Certificates of merit, &c.

SEC. 4. That it shall be unlawful for any person to sell or give or in any manner deliver to a student of "Stanly Hall Industrial School" within a radius of two miles thereof any spirituous, vinous

Unlawful to sell liquor to student within two miles.

- Proviso. or malt liquors: *Provided*, this act shall not apply to regular practicing physicians who may prescribe the same.
- Misdemeanor. SEC. 5. Any person violating the provisions of the foregoing section 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.
- Unlawful to sell liquor within two miles. SEC. 6. That it shall be unlawful for any person to sell spirituous, vinous or malt liquors within two miles of Stanly Hall Industrial School.
- Misdemeanor. SEC. 7. Any person violating the provisions of the foregoing section 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.
- SEC. 8. This act shall be in force from and after its ratification.
Ratified the 18th day of February, A. D. 1891.

CHAPTER 82.

An act to amend the charter of the town of Edenton.

The General Assembly of North Carolina do enact :

- Northern boundary. SECTION 1. That the northern boundary of the town of Edenton shall begin at the north-west corner of what is known as Moore's Hastefield, and of the lots of H. A. Bond and Mrs. J. H. Garrett to the Collins line.
- Divided into six wards. First ward. SEC. 2. That the said town shall be divided into six wards as follows, to-wit: That part within the following boundaries: beginning at the south end of Moseley street, thence north along said street to Church street, thence along Church street to Broad street, thence south down Broad street to Water street, thence west along Water street to Granville street, thence up Granville street to Blount street, thence along Blount street to the first station, shall constitute the first ward. That portion within the following boundaries: beginning at the south end of Broad street, thence up said street to Church street, thence eastwardly along Church street to the eastward line of the academy lots, thence down said line to Queen street, thence eastwardly along Queen street to the Collins rope-walk line, thence south along said line to King street, thence west along King street to Oakwood street, thence north up Oakwood street to the southern line of the Leary Haughton lots, thence westwardly along said line a direct course to the main drain of the town, thence down the main drain to Edenton bay, thence along the water shore to the first
- Second ward.

station, shall constitute the second ward. That portion within the following boundaries: beginning at the corner of Moseley and Church streets, thence eastwardly along Church street to Broad street, embracing the voters residing immediately upon the north side of West Church street, thence north along Broad street to the northern limit of the town, thence westwardly to the dividing line between the lots designated in the new plan of the town by the numbers eighty-six and eighty-seven, thence southwardly along said line and across Carteret street, thence the same line extended between lots seventy-four (74) and seventy-five (75) and across Albemarle street, thence continuing a direct course between lots sixty-two (62) and sixty-three (63) and across Gale street to Church street, shall constitute the third ward. That portion within the following boundaries: beginning at the corner of Oakwood and Church streets, thence westwardly along Church street to Broad street, embracing the voters residing immediately upon the north side of East Church street, and within these limits, thence up Broad street to the northern limit of the town, thence eastwardly to the dividing line between the lots designated in what is known in the old plan of the town by the numbers one hundred and forty-seven (147) and one hundred and forty-eight (148), thence southwardly along said dividing line and across Carteret street and between lots one hundred and twenty-four (124) and one hundred and twenty-five (125), thence continuing a direct course between lots one hundred and one (101) and one hundred and two (102) and across Gale street and between lots one hundred and seventy (170) and one hundred and seventy-one (171) to Church street, shall constitute the fourth ward. All that portion of the town of Edenton lying upon the west side of Broad street not included within the boundaries of the first and third wards shall constitute the fifth ward. All that portion of the town lying upon the east side of Broad street, not included in the boundaries of the second and fourth wards, shall constitute the sixth ward.

SEC. 3. That the municipal affairs of the town of Edenton shall be controlled by a mayor and six councilmen, who shall be known as the board of councilmen of Edenton, and who shall be elected as follows: The first and second wards shall by their joint vote elect two councilmen; the third and fourth wards shall in like manner by their joint vote elect two councilmen; and the fifth and sixth wards shall by their joint vote elect two councilmen, but in their selection no two members of the board shall be chosen from any one ward. The councilmen so elected shall at their first meeting elect a mayor from among the citizens of the town exclusive of themselves, who shall qualify within one week after his election.

SEC. 4. That the mayor and councilmen shall hold their offices for two years from the day of their qualification, and the said board shall fill by appointment all vacancies on the board from among the

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

Mayor and councilmen.

How councilmen elected.

Election of mayor.

Terms of office.

Vacancies.

voters of the wards where any such vacancy may occur during their term of office.

Qualification of councilmen.

SEC. 5. That the councilmen shall be qualified before any justice of the peace or other officer authorized to administer oaths, upon the first Monday after their election, and their terms of office shall begin on that day.

Mayor *pro tem*.

SEC. 6. That the board of councilmen shall, as soon as practicable after their qualification, elect one of their number to act as mayor *pro tempore* in event of the absence of the mayor or his inability to serve, who shall, when so acting, have the same powers as the mayor.

Election, how held.

SEC. 7. That the election for councilmen and other officers of the town of Edenton shall be held at such places as the board of councilmen may designate, and by judges appointed by the said board, on the last Thursday in April, one thousand eight hundred and ninety-one, and every two years thereafter.

Electors.

SEC. 8. That at the election herein provided for no one shall be qualified to vote unless he has resided in the state twelve months and in the ward in which he offers to vote ninety days immediately preceding such election, and the judges of election for the several wards shall certify the number of votes for each officer voted for to the mayor of the said town on the day after each election and shall declare the result.

Returns of election.

Registrars.

SEC. 9. That the board of councilmen shall, twenty days before such election, appoint registrars of voters for each voting place and cause written notice of such election to be posted in each ward of said town.

Present officers to hold until successors elected. Conflicting laws repealed.

SEC. 10. That the present mayor and councilmen shall hold office until their successors are elected and qualified.

SEC. 11. That all laws coming in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1891.

CHAPTER 83.

An act to amend the charter of the town of Weldon, North Carolina.

The General Assembly of North Carolina do enact :

Town incorporated.

SECTION 1. That the inhabitants of the town of Weldon shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall have the name and style of "The Town of Weldon," and under such name and style is hereby

Corporate name.

invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may acquire and hold, for the purposes of its government, welfare and improvement, all such estate as may be demised, bequeathed or conveyed to it not exceeding in value three hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate powers.

SEC. 2. That the corporate limits of the town shall be as follows, to-wit': Commencing at the mouth of that part of the canal belonging to the Roanoke Navigation and Water-power Company that passes under the old foundry, and running thence along the bed of said canal to a point adjacent to a break in the old embankment of the Petersburg Railroad Company; thence running in a straight line until it strikes the bluff lying east of the town of Weldon; thence along the base of said bluff until that stream of water known as Long's bayou is reached; thence along said bayou to the junction of the bayou and the waters of Gravelly branch; thence along the meanderings of Gravelly branch to the county road leading from Halifax to Weldon; thence along said road to a point where the said road turns at a corner of Day's farm towards Weldon; thence [in] a straight line to the railroad track of the Wilmington and Weldon Railroad Company; thence along the track of the Wilmington and Weldon Railroad Company until the road is reached leading from the Halifax road to Zollicoffer's; thence along said road leading from the Halifax road and by the fair grounds of the Roanoke and Tar River Agricultural Society to Zollicoffer's to Chockayotte creek; thence down said Chockayotte creek to the Roanoke river; thence along the low-water mark of the southern bank of said Roanoke river to the point of beginning; and all ordinances now in force or hereafter enacted by the board of commissioners of said town shall be applicable to the territory within the limits of the town as established by this section.

Corporate limits.

SEC. 3. That there shall on the first Monday in May one thousand eight hundred and ninety-one, and on the first Monday in May biennially thereafter, be elected a mayor and seven commissioners for said town who shall hold their offices until their successors are qualified.

Election of mayor and commissioners.

SEC. 4. That the board of commissioners of the town of Weldon shall elect at their regular meeting in March, 1891, and biennially thereafter, a registrar of voters of the said town of Weldon, and shall cause publication thereof to be made at four public places in said town and notice to be served on such person by the chief of police, and said registrar shall give ten days' public notice by posting at four public places in said town specifying the time and place of registration.

Registrar.

Notice.

- Registration of voters. SEC. 5. That said registrar shall be furnished with registration books and it shall be the duty of the corporate authorities of said town of Weldon to cause a registration to be made of all the qualified voters residing therein under the rules and regulations prescribed
- New registration. for the registration of voters for general elections: *Provided*, that after the first registration shall have been made by virtue of this act a new registration shall not biennially be had unless the board of commissioners shall at their regular meeting in March 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 open.
- Judges of election. SEC. 6. That the board of commissioners shall in the year one thousand eight hundred and ninety-one, at their regular meeting in April, and biennially thereafter, appoint two judges or inspectors of elections to open the polls and superintend the same for the municipal election to be held on the first Monday in May next succeeding, and the polls shall be opened at such places as said inspectors, together with the registrar, shall designate. Such elections shall be held as near as may be agreeable to the provisions of the law of this state under the same rules and regulations and penalties governing general elections; and the registrar and the 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 laws governing general elections in the state of North Carolina.
- Election, how held. SEC. 7. That the qualification of electors shall be the same as is provided for under the laws governing general elections in North Carolina.
- Powers of registrar and judges. SEC. 8. That on Wednesday succeeding the day of each election the mayor and commissioners elected thereat shall qualify by taking the prescribed oaths of office before some officer authorized to administer oaths, and when organized shall succeed to and have all the rights, powers and duties heretofore prescribed by law.
- Electors. SEC. 9. That all elections held by virtue of this act shall be held under the supervision of the chief of police of the said town of Weldon, who shall attend the polls and by his deputies preserve order.
- Qualification of mayor and commissioners. SEC. 10. That if any person chosen mayor shall refuse to be qualified or there is any vacancy in the office after election and qualification, the board of commissioners shall choose some qualified person mayor for the town for the unexpired portion of the term as the case may be; and on like occasion and in like manner the commissioners shall choose other commissioners to supply the places of such as shall refuse to act and all vacancies which may occur, and such persons shall be chosen as are declared eligible under the laws of the state: *Provided*, that in selecting a mayor no member of the board of commissioners during the existing time shall be eligible.
- Elections under supervision of chief of police.
- Vacancies in office of mayor or commissioners.
- Proviso.

SEC. 11. That any person elected mayor or commissioners who shall refuse to be qualified and act as such shall forfeit and pay to the town for its use twenty-five dollars, the same to be recovered by action brought by the treasurer of said town of Weldon.

Penalty for refusal of mayor or commissioner to qualify.

SEC. 12. That the mayor of the said town of Weldon 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 are now or may hereafter be given by law to justices of the peace, and shall also have jurisdiction to hear and determine all causes of action which may arise from a violation of the ordinances and regulations of said town. The said court shall have the power to enforce penalties by issuing executions upon any adjudged violations thereof and to execute the by-laws, ordinances, rules and regulations made or passed by the board of commissioners of the town. The mayor's court shall further be a special court within the corporate limits of the town to try all persons who may be charged with a misdemeanor for violating any by-law, ordinance, rule or regulation of the town, and if the accused be found guilty he shall be fined the amount specified in the by-law, ordinance, rule or regulation, or at the discretion of the mayor or court trying the same such offender may be imprisoned for thirty days in the town lock-up or in the county jail of the county of Halifax; and that in all cases where a defendant may be adjudged to be imprisoned by said court or mayor, it shall be competent for the said court or mayor to adjudge also that the said defendant work during the period of confinement on the public streets or other public works of said town. Any offender failing to pay the penalty and costs adjudged to be paid in any action before the mayor's court, may be committed to the lock-up or the common jail of Halifax county until he is discharged as is prescribed by law for insolvent debtors. 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 Halifax county.

Jurisdiction of mayor.

Special court.

Persons convicted liable to work on streets.

Imprisonment.

Procedure.

Appeal.

Mayor's precepts.

SEC. 13. That the mayor may issue his precepts to the chief of police and to the constables of the town and to such other officers to whom a justice of the peace may direct his precepts.

SEC. 14. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace.

Mayor to keep record.

Force of judgments.

SEC. 15. That the commissioners shall form one board, and a majority shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided; this board is to be presided over by the mayor as is prescribed by law. Within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year,

Board of commissioners.

which shall be as often at least as once in every calendar month. Special meetings of the board of commissioners may also be held on the call of the mayor or a majority of the commissioners, and every such meeting when called by the mayor all the commissioners, and when called by a majority of the board of commissioners, such as shall not join in the call shall be notified in writing.

Ordinances, &c.

SEC. 16. That the board of commissioners 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 the town as they may deem necessary: *Provided*, the same be consistent with the laws of the land.

Proviso.

Commissioners may borrow money, if authorized at election.

Election, how held.

SEC. 17. That among the powers hereby conferred on the board of commissioners they may borrow money (only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those who do not consent shall vote "Not approved," said notice to be given at four public places by posting in said town); a registrar and two inspectors to be appointed at a regular meeting of said board of commissioners at least sixty days prior to such an election; the registration books of said town to be opened the same length of time as is provided in this chapter for the municipal election, and the said election to be conducted under the same rules and regulations, and the board of commissioners to have the same authority as to registration as is hereinbefore provided for municipal elections; the registrars and inspectors are to count the votes and make their returns to the next meeting of the board of commissioners succeeding said election. They may provide water, provide for repairing and cleansing the streets; take all proper means to prevent and extinguish fires; to make regulations to cause the due observance of Sunday; appoint and regulate policemen; suppress and remove nuisances; tax by license trades, professions, business and occupations conducted within the corporate limits; preserve the health of the town from contagious or infectious diseases; provide ways and means for the collection and preservation of vital statistics; appoint constables; to execute such precepts as the mayor and other persons may lawfully issue to them; to preserve the peace and order and execute the ordinances of the town. They may lay, not oftener than annually, a tax on real and personal estate within the corporate limits; on such polls as are taxed by the general assembly for public purposes; on all persons, apothecaries and druggists excepted, retailing or selling liquors or wines of the measure of a quart or less; on all such shows and exhibitions for reward as are taxed by the general assembly; on all dogs; they may regulate the running at large of stock within the town. They may also lay taxes for municipal purposes on all persons, property, privileges and sub-

Other powers of commissioners,

jects within the corporate limits which are liable to taxation for state and county purposes. They may appoint such officers 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 the salaries or compensation of such officers, and also the compensation of the mayor; may impose oaths of office upon them and may require bonds from them payable to the state in proper penalties for the faithful discharge of their duties. They may also provide for public schools and public school facilities by purchasing land and erecting buildings thereon and equipping the same; they may also construct or contract for the construction of a system of sewerage for the town and regulate the same by adequate ordinances.

SEC. 18. That the board of commissioners, at their first meeting after their election, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police and a street commissioner (the chief of police and collector of taxes may be one and the same person), who shall respectively hold their offices during the official term of the commissioners, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect of office. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and when the board of commissioners shall so determine shall execute a bond as is hereinbefore provided in such sum as the board of commissioners shall deem necessary.

Town officers.

Oath.

Bond.

SEC. 19. That it shall be the duty of the clerk to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the commissioners.

Duties of clerk.

SEC. 20. 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 town which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so by them. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as town treasurer.

Duties of treasurer.

SEC. 21. 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 account.

Orders on treasurer.

Clerk to make annual statement of receipts and disbursements.

SEC. 22. That the clerk shall make out annually a fair transcript of the receipts and disbursements on account of the town, and cause the same to be posted in some public place and published as the board of commissioners shall direct 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 town to be recovered by action brought by the treasurer the sum of one hundred dollars.

Penalty for failure.

Duties and powers of chief of police.

SEC. 23. That it shall be the duty of the chief of police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and county constables; he shall have authority to execute precepts lawfully directed to him by the mayor or others having authority, and in the execution thereof shall have the same powers which the sheriff and constables of the county have. It shall be lawful for the chief of police to serve all civil and criminal process that may be directed to him by any court within his county, under the same regulations and penalties as [are] prescribed by law in case of constables, and he shall have the same fees in all processes and precepts executed or returned by him which may be allowed to constables on like process and precept, and also such other compensation as the commissioners may allow. The police officers of the town of Weldon shall have the power when in the pursuit of a criminal charged with the commission of any offence within the corporate limits of said town of Weldon to follow him to any part of Halifax county and may arrest him.

Policemen.

Duties of street commissioner.

SEC. 24. That it shall be the duty of the street commissioner to control the repairs of the streets of said town, to examine the same and make report to the board of commissioners as to their condition with his recommendations, and he shall carry out the directions of the said board in all things relating to work performed on the streets of the town.

Treasurer and street commissioner to be commissioners.

SEC. 25. That in the selection of a treasurer and street commissioner, the board of commissioners shall select one of their number to fill each of the places named.

Selection of clerk

SEC. 26. That in the selection of a clerk the board of commissioners may either select one of their own number or some other qualified person.

Commissioner not eligible as chief of police or tax-collector. Action on bonds.

SEC. 27. No member of the then existing board of commissioners shall be eligible to the positions of chief of police or collector of taxes.

SEC. 28. That for any breach of his official bond by any officer who may be required to give an official bond, he shall be liable to an action in [on] the same by the commissioners as is provided by law upon the bonds of other officers.

SEC. 29. 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 :

(1). On all real and personal property within the corporate limits, including money on hand, and upon all other subjects taxed by the general assembly *ad valorem*, a tax not exceeding fifty cents on every hundred dollars value. Taxation.
Ad valorem tax.

(2). On all taxable polls, a tax not exceeding two dollars a poll who may be resident of the town on the first day of June of each year. Poll-tax.

(3). On every hundred dollars value of goods, wares and merchandise purchased for re-sale by any merchant trading in the town, the same to be returned to the tax-collector in the same manner as in purchases returned to the register of deeds for the county, a tax not exceeding twenty-five cents. Purchase tax.

(4). Upon all itinerant merchants or peddlers offering to vend in the town, a license-tax not exceeding twenty-five dollars a year. Not more than one person shall peddle under a single license. Peddlers.

(5). Upon every billiard table, bowling-alley or alley of like kind, bowling-saloon, bagatelle table, pool-table, kept for hire or kept in a house where liquor is sold, or a house used in connection with such a house, or used or connected with a hotel or restaurant, a license tax not exceeding ten dollars. Upon every hotel, restaurant or eating-house, a license tax not exceeding ten dollars. Billiard tables,
&c.

(6). Upon every permission by the board of commissioners of Halifax county to retail within the corporate limits of the town of Weldon spirituous, vinous or malt liquors by the small measure, a tax not to exceed twenty-five dollars; to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons, a tax not to exceed twenty-five dollars; and in quantities of five gallons or more, a tax not to exceed fifty dollars. License to sell
liquor.

(7). Upon every company of circus-riders or performers by whatever name called who shall exhibit within the town, a license tax not exceeding twenty-five dollars for each exhibition; and upon every side-show connected therewith, a license tax not exceeding ten dollars. Circuses.

(8). Upon every person or company exhibiting in the town hall, or theatrical plays, sleight-of-hand performances, rope-walking, tumbling or menageries, a tax not exceeding ten dollars. Theatres, &c.

(9). Upon every exhibition for reward of artificial curiosities in the town, a tax not to exceed five dollars. Artificial curiosi-
ties.

(10). Upon every show or exhibition of any other kind, and each concert for reward in the town, a tax not to exceed five dollars. Shows.

(11). Upon every dog a tax not to exceed five dollars: *Provided, however,* that a discrimination within this limit may be made in the different sexes of dogs. Dogs.
Proviso.

Merchants, law-
yers, &c.

(12). Upon every merchant, trader of whatever kind or character, lawyer, physician, dentist, cotton-broker, bill-poster, street-huckster, photographer, or any occupation not hereinbefore enumerated, a tax not to exceed ten dollars.

Collection of
license taxes.

SEC. 30. That the license on privilege taxes shall be collected by the tax collector when fixed, and if the same be not paid on demand the same may be recovered by suit brought by the tax-collector for the use of the town or the articles upon which the tax is imposed or any other property of the person liable for such tax may be forthwith distrained and sold to satisfy same after ten days' advertisement at three public places within the limits of the town.

Listing of proper-
ty for taxation.

SEC. 31. That the citizens of Weldon and others liable for taxes under the charter shall, on the days prescribed for listing state and county taxes, render to a list-taker appointed by the board of commissioners, who is hereby appointed a commissioner of affidavits for that purpose, on oath a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed for listing state and county taxes; and if any person shall fail to render such list within the time prescribed, he shall pay double the tax assessed on any subject for which he is liable to be taxed; the list-taker shall procure from the register of deeds of Halifax county a list of the assessments of the value of property made by the county assessors and such other records pertaining to matters taxable by the town as shall be kept in his office. The board of commissioners shall have all the power given to the board of county commissioners except to alter the valuation of real estate.

Double tax.

Duty of list-taker.

Powers of com-
missioners.

Levy of taxes.

Collection.

Penalty.

Collection by
distress, &c.

SEC. 32. That as soon as the tax-list can be completed, and not later than the first day of September, the board of commissioners shall proceed to lay the tax on such subjects of taxation as they shall determine and shall place the tax-list in the hands of the tax-collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer. On the first day of January there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

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 at three public places in said town of Weldon if the property to be sold be personalty; and the said collector shall have the right to levy upon and sell any personal property outside of the limits of the town and within the county of Halifax belonging to a delinquent tax-payer of the town,

in order to enforce the payment of taxes due the town by said delinquent.

SEC. 34. That if the poll-tax shall not be paid on or before the time herein specified to the collector of taxes, it shall be the duty of the tax-collector, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable, or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax.

Collection of poll-tax by attachment.

SEC. 35. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January the tax-collector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot or 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 before the mayor's office in the town of Weldon by the tax-collector. The tax-collector shall, before selling the same, make a full advertisement of the said real estate at three public places in said town for twenty days, and shall also serve upon the owner thereof a written or printed notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the town, or for any cause cannot be served with notice, then such notice shall be given by advertisement for one week in some newspaper published in said town of Weldon, and if no person will pay the whole of the taxes and expenses for the said lot or other land, the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to the said town of Weldon in fee.

Sale of land for taxes.

SEC. 36. That the tax-collector shall return an account of his proceedings to the commissioners, specifying the purchaser of the real estate and the price paid, which shall be entered in the book of proceedings of the commissioners.

Return of tax-collector.

SEC. 37. That the owner of any land sold under the provisions of this act, 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 centum on the amount of taxes and expenses.

Redemption of land sold for taxes.

SEC. 38. That if the real estate sold as aforesaid shall not be redeemed within the time specified the corporation shall convey the same in full [fee] to the purchaser or his assigns, and the recital in such conveyance or in any other conveyance of land sold for taxes due the town that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Conveyance to purchaser.

Purchase by town.

SEC. 39. That in all cases where real estate sold under the provisions above set forth shall be struck off to the town and the same shall not be redeemed within the time specified, the tax-collector shall convey the same in full [fee] to the said town and the same shall belong to the said town of Weldon in fee.

Collection of taxes on land of infants, &c.

SEC. 40. That the real estate of infants or persons *non compos mentis* shall not be sold for tax; the taxes due on same shall be collected as is provided in section three thousand six hundred and ninety-one, volume two of The Code of North Carolina, in the matter of revenue for state and county.

Powers of tax-collector.

SEC. 41. That in the collection of taxes for the said town the tax-collector shall have all the powers and authorities and may use the same methods as is provided by law for sheriffs.

Condemnation of land for streets, &c.

SEC. 42. That when any land or right-of-way shall be required by said town of Weldon for the purpose of opening new streets or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town chosen by the commissioners, and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace of the county, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass or improvement be erected or the commissioners be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the superior court of Halifax county, and the said freeholders shall return to the court to which the appeal is taken their valuation with their proceedings, and the lands so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner, the town shall have the right to remove any improvement under its authority erected.

Appeal.

Proviso.

Appropriations of money.

SEC. 43. No appropriation of any money belonging to the town shall be made but by a board consisting of a majority of all the commissioners.

Officers not to be interested in town contracts.

SEC. 44. That no mayor or commissioner or other officer of the 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.

SEC. 45. That the mayor shall be entitled to fees in cases brought before him, and whereof he may have jurisdiction, as are prescribed by law for justices of the peace.

SEC. 46. That from and after the acceptance of this act the same shall thenceforth be the charter of the town of Weldon, and all laws now constituting the charter of the town and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, and all laws of a public and general nature inconsistent with or coming within the provisions of this act, are hereby repealed, so far only, however, as they may affect this town: *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; neither shall any rights, estates, duty or obligation possessed by or due to the corporation by its present name, from any corporation or persons 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 Town of Weldon."

SEC. 47. That all persons who at the time when this act shall take effect shall hold any office under any charter hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

SEC. 48. That the town of Weldon may convey lands and all other property which is transferable by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and attested by a witness.

SEC. 49. That the provisions of the general law of the State of North Carolina in regard to cities and towns as are not in conflict with this charter are made part thereof and supplementary to it. That nothing in this act shall be construed to authorize the commissioners of said town to in any way interfere with the provisions of chapter thirty-nine (39), laws of one thousand eight hundred and eighty-seven (1887).

SEC. 50. That this act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1891.

Misdemeanor.

Fees of mayor.

Repeal of former charters, &c.

Proviso.

Present officers continued.

Conveyance of land.

Provisions of general law applicable.

No interference with provisions of chapter 39, Laws 1887.

CHAPTER 84.

An act to consolidate and amend the several acts heretofore passed for the better regulation and government of the city of Burlington in Alamance county.

The General Assembly of North Carolina do enact :

Incorporated. SECTION 1. That the inhabitants of the city of Burlington shall be a body politic and corporate; and henceforth the corporation shall bear the name and style of "The City of Burlington," and under such Corporate name. name and style is invested with all property and rights of property Corporate pow- which now belongs to the corporation under any other corporate ers. name or names heretofore used, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate pow- SEC. 2. That all the rights, franchises, privileges, power and author- ers. ity derived from or granted by any law now in force in reference to the town of Company Shops, or town of Burlington, as amended by the acts of eighteen hundred and eighty-seven, for the government of said town, or any law granting franchises or powers of any kind to the corporation styled the commissioners of the town of Company Shops or of the town of Burlington as aforesaid, in addition to the power conferred on incorporated towns in chapter sixty of The Code of North Carolina, not inconsistent herewith, are hereby invested in the city of Burlington, and the same shall be exercised and administered for the government and benefit of the city of Burlington by the mayor and aldermen thereof: *Provided, however,* that all laws in reference to the town of Company Shops or town of Burlington, or affecting the government of said town, or granting any powers or franchises to the town of Company Shops or town of Burlington, or any laws of a public or general nature inconsistent with or coming within the purview of this act are hereby repealed, so far only as they may effect the city of Burlington: *Provided further,* that no ordinance, by-law, regulation or rule of the former corporation of the town of Company Shops or town of Burlington shall be affected or annulled by this act unless the same be inconsistent therewith; neither shall any right, estate, duty or obligation possessed, or due to the town of Burlington or said former corporation from any corporation or person whatsoever, 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 city of Burlington; nor shall any duty, obligation or liability whatsoever of said former corporation accrued or owing to the state or any corporation or person

Proviso.

be lost, affected or impaired by this act, but the same shall remain in full force and be enforced, possessed and enjoyed by the state or such corporation or person against the corporation of this act styled the city of Burlington.

SEC. 3. That the present corporate limits of the city of Burlington shall remain the same as in the original charter of the town of Company Shops. The same special enactments prohibiting the sale and manufacture of spirituous or fermented liquors within one and one-half miles of the corporate limits of said city, or within one and one-half miles of the E. M. Holt plaid mills, shall forever remain in full force and effect.

Corporate limits.

Prohibitory laws.

Divided into four wards.

SEC. 4. That the city of Burlington shall be divided into four divisions or wards denominated first, second, third and fourth, and shall be bounded as follows, to-wit: The first ward shall contain all that part of the city west of the North Carolina Railroad and north of Main street; the second ward shall contain all that part of the city east of the North Carolina Railroad and north of Main street extended; the third ward shall contain all that part of the city east of the North Carolina Railroad and south of Main street; the fourth ward shall contain all that part of the city west of the North Carolina Railroad and south of Main street.

Mayor and commissioners.

SEC. 5. That there shall annually, on the first Monday of May in each year, be elected a mayor and eight commissioners, who shall hold their offices until their successors are qualified, the mayor to be elected by the qualified voters of the whole city, and for the eight commissioners there shall be chosen: from the first ward, two; for the second [ward], two; for the third [ward], two, and for the fourth [ward], two, by the voters therein. If from any cause such election shall not be held, the commissioners shall designate some other time and give ten days' notice by advertising in a city paper or otherwise as to them may seem best, at which time the election shall be held as prescribed in the charter.

Election.

Who eligible as mayor or commissioner.

SEC. 6. 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 sixty days next preceding the day of election, and no person shall vote in said election unless he is eligible to vote for members of the general assembly, and every commissioner shall be a resident in the ward for which he is chosen.

Inspectors of election.

SEC. 7. That for the purpose of electing said officers the commissioners shall, twenty days before the election, appoint one inspector for each ward who shall be a qualified voter, and the inspector shall give ten days' notice thereof by public advertisement, and if from any cause such inspectors shall not be appointed the mayor of the city shall designate inspectors qualified in like manner.

Duties of inspectors of election.

SEC. 8. That on the day of election the inspectors shall give attendance at the time and place appointed, shall be judges of the polls,

- Electors. receive the votes and conduct the election as electors for the members of the general assembly. 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 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 election. The voter shall designate on his ballot the person for whom he votes for mayor, and the persons [for] whom he votes for commissioners, otherwise the votes shall not be counted. Every inspector 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.
- Registration. SEC. 9. That on the day of election it shall be the duty of the inspectors of the election to challenge the vote of any person known or suspected not to be a duly qualified voter. At the close of the election the votes shall be counted by the inspectors, and such persons voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared duly elected commissioners in their respective wards, and the mayor and commissioners shall be notified of their election by the inspectors.
- Ballots. SEC. 10. That the inspectors, before they proceed to act, shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially and according to law, and in case of the absence of any inspector his place shall be forthwith supplied by the commissioners.
- Challenges. SEC. 11. That in case there shall be a tie between the persons voted for as mayor the commissioners shall elect within five days after their qualification a mayor of such persons, and in case of a tie between persons voted for as commissioners the remaining commissioners within five days after their qualification shall elect of such the person or persons to be commissioners.
- Challenges. SEC. 12. That the inspectors shall certify and subscribe the poll list and return them to the clerk of the board of commissioners, who shall keep them among the archives of the city.
- Canvass of votes. SEC. 13. That the mayor, immediately after the election and before entering upon the duties of his office, shall take the following oath: "I, -----, 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 Burlington while I continue therein, and will cause to be executed, as far as my power lies, all the 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."
- Notice to persons elected. Oath of inspectors. Vacancies. Tie vote. Returns of election. Oath of mayor.

SEC. 14. That each commissioner, before entering on the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the city of Burlington according to the best of his skill, ability and judgment.

Oath of commissioner.

SEC. 15. That the mayor and commissioners shall hold their office respectively until their successors shall be duly qualified.

Terms of office.

SEC. 16. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, or if the mayor be absent from the city or unable to discharge the duties of his office, the commissioners shall choose some qualified person mayor for the time or the unexpired portion of the time, or during such absence or inability, as the case may be; or on like occasions and in like manner the commissioners shall choose other commissioners to supply their [the] place of such as shall refuse to act or be absent or unable, and all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible.

Vacancy in office of mayor or commissioner.

SEC. 17. That any person elected mayor or commissioner who shall refuse to be qualified and act as such, shall forfeit and pay to the use of the city of Burlington twenty-five dollars.

Penalty for refusal of mayor or commissioner to qualify.

SEC. 18. That if the commissioners or any of them shall fail to give notice of the election as herein prescribed, he shall forfeit and pay for the equal use of the city and of him who will sue thereof [therefor] one hundred dollars.

Penalty for failure of commissioners to give notice of election.

SEC. 19. That the mayor, within the corporate limits, shall have all the powers and authority of a justice of the peace to preserve and keep the peace, and may cause to be arrested and detained criminals who fly to the city from other states or counties, and shall cause to be arrested and bound for their appearance at the proper tribunal to answer for their offences all persons offending against the laws of the state, or against the laws, ordinances and regulations of the corporation. He shall also have within the same limits as a judicial officer all the powers, 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 city, to enforce penalties by issuing execution upon any adjudged violations thereof, and to execute the laws and rules which may be made by the commissioners: *Provided, nevertheless*, he shall not have jurisdiction of cases of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

Jurisdiction of mayor.

Proviso.

SEC. 20. That the mayor may issue his precepts to constables of the city or to such other officers to whom justices of the peace direct his [their] precepts.

Mayor's precepts.

SEC. 21. That the mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The judg-

Mayor to keep record.

- Force of judgments. 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 county of Alamance 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 Alamance.
- Mayor's office. Duties. SEC. 22. That the mayor shall keep his office in some convenient part of the city designated by the commissioners. He shall keep the seal of the corporation and perform such duties as may from time to time be prescribed, and he shall receive such compensation and fees as are allowed to justices of the peace and the ordinances of the corporation.
- Compensation. Mayor to preside, &c. SEC. 23. That the mayor shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to execute his duties at the board.
- Board of commissioners. SEC. 24. That a majority of the board of commissioners shall constitute a quorum for the transaction of any business herein prescribed; within five days after their election they shall convene for the transaction of business, and shall then fix their stated days of meetings for the year, which shall be as often at least as once in every calendar month. Special meetings may be called by the mayor or a majority of the commissioners, and of every such meeting when called by the mayor, all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing; and every commissioner failing to attend after notice as herein prescribed, unless prevented by satisfactory cause to the board, he shall be fined four dollars, and it shall be the duty of the mayor to enforce such forfeiture.
- Penalty for failure to attend meeting. Ordinance. SEC. 25. That the commissioners 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 not inconsistent with the laws of the land.
- Proviso. Powers of commissioners. SEC. 26. That in addition to the powers already conferred on commissioners of incorporated towns enumerated in chapter sixty-two of The Code of North Carolina, the said commissioners of the city of Burlington may borrow money, provide water, provide for the repairing and cleaning of the streets, regulate the market, take all means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate city watches and prescribe their pay, suppress and remove nuisances, preserve the health of the city from contagious and infectious diseases, appoint constables to execute such precepts as the mayor or other persons

may lawfully issue to them to preserve peace and order and execute the ordinances of the city, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary; to contract for public conveniences of all kinds allowed by law and usually enjoyed by the cities of the state; to levy such taxes on real and personal estate, and collect them by execution, as hereinafter prescribed.

SEC. 27. That the commissioners at their first regular meeting after their election shall appoint a clerk, a treasurer, a collector of taxes, an attorney, and one or more constables. The constables shall respectively hold their office for three months and until the appointment of their successors, subject, however, to be removed at any time and others appointed in their stead for misbehavior or any neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duty, and shall (except the attorney) execute a bond, payable to the city of Burlington, in such sum as the commissioners shall determine.

Town officers.

Oath.

Bond.

SEC. 28. That the clerk shall keep regular and correct minutes of the proceedings of the board, and preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successor, and perform such other duties as may be prescribed by the commissioners. And every person may be allowed to inspect the journals and papers of the board in the presence of the clerk on paying him ten cents for each inspection. Any clerk refusing inspection as aforesaid when application is lawfully made shall pay a penalty of two dollars to any one suing for the same.

Duties of clerk.

Penalty for refusing inspection of journal, &c.

SEC. 29. That the treasurer shall safely keep all moneys, funds, securities and accounts belonging to the city and disburse them according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping, or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as city treasurer.

Duties of treasurer.

SEC. 30. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purposes for which the money is applied, and the treasurer shall specify the purposes in his account and also the sources whence are derived the money received by him.

Orders on treasurer.

SEC. 31. That the commissioners 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

Commissioners to make annual statement of receipts and disbursements.

Penalty. cause the same to be posted before the mayor's office ten days before the annual election of commissioners, and publish an abstract of the same in a city newspaper or otherwise; and the commissioners failing to comply with the duties prescribed in this section shall forfeit and pay for the use of the city, and him who shall sue thereof [therefor], fifty dollars.

Duties and powers of constable. SEC. 32. That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners 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 authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others; and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and he shall have the same fees on all process and precepts executed or returned by him which may be allowed to the constables of the county on like process and precepts, and also such other compensation as the commissioners shall allow.

Additional compensation. Arrests by constable. SEC. 33. That the constable shall have the same powers and be bound by the same rules in this respect as constables of the county of Alamance to apprehend all offenders against the state within the limits of the city and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constables of said county, to be paid by the party offending if found guilty, otherwise by the city; unless the mayor should be satisfied that there is no probable cause for the prosecution, and in such cases he may ascertain the instigator of the prosecutor and tax him with the costs.

Night watch. SEC. 34. That the commissioners may provide a patrol or night-watch for the city and prescribe the duties and powers of the several officers, numbers and classes thereof, and may pay such patrol or watch, or may class the inhabitants into such patrol or watch.

Duty of inhabitants to serve as watch. SEC. 35. That the inhabitants when classed into a watch shall each one, either in person or by a good substitute, serve in turn when ordered out by the mayor or other person appointed by the mayor as commandant of the watch.

Penalty for failure. SEC. 36. That any such person being of the watch or patrol, and failing to serve and faithfully discharge his duty, shall forfeit and pay to the city for each default, if an officer of the watch two dollars, if not one dollar.

Taxation. SEC. 37. That in order to raise a fund incident to the proper government of the city and other expenses which [it] may be authorized by law to pay, the commissioners may annually collect the following taxes, namely:

Ad valorem tax. (1). On real estate and personalty situate within the corporate limits of the city, a tax not exceeding twenty cents on every hundred dollars value.

(2). On all taxable polls, a tax not exceeding sixty cents per poll on persons eligible to vote who may be residents in the city. Poll-tax.

(3). On every hundred dollars worth of goods, wares and merchandise purchased for resale by any merchant trading within the city one year next preceding the first day of May of each year, a tax of not more than twenty cents on each hundred dollars worth purchased. Purchase tax.

SEC. 38. That the commissioners may have power to levy such privilege tax upon lawyers, physicians, livery-men, barbers, butchers and all other trades, occupations and professions as they may deem proper, but such tax shall be uniform and reasonable. License taxes,

SEC. 39. That the citizens of Burlington and others liable to be taxed on account of any of the foregoing subjects, shall, on the first day of June, or within five days thereafter, render to the mayor 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 deliver such list he shall pay double the tax assessed on any subject for which he is liable to be taxed. Listing of property for taxation.

SEC. 40. That within one week after receiving the tax-list the mayor shall return the same to the commissioners, who shall forthwith appoint four respectable freeholders, one from each ward of the city, not of their body, as assessors, who, being duly sworn before the mayor to do equal and impartial justice to all in the discharge of their duties, shall assess the cash value of the taxable real estate with its improvements lying within the corporate limits of the city, and they shall make a list thereof, together with the names of the owners thereof, previous to laying the tax, and return it to the commissioners on or before the first day of May next ensuing, and the value of the real estate of the assessors shall be assessed by the commissioners. License tax.

SEC. 41. That as soon as the assessors shall make their return the board shall proceed to lay the taxes on such subjects of taxation as they may choose and shall place the tax-list in the hands of the collector for collection, who shall complete the same on or before the first day of June next ensuing, and shall pay the moneys as they are collected to the treasurer, and the collector for his compensation shall receive such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. Assessors.

SEC. 42. 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 levy and sale, after public advertisement for the space of ten days in some newspaper or otherwise as the commissioners may direct, if the property be personalty, and thirty days if the property be realty. Oath.

SEC. 43. 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 collection by levy, &c. Levies of taxes.

SEC. 44. That the collector for his compensation shall receive such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. Collection.

SEC. 45. That the collector for his compensation shall receive such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. Commissions of tax-collector.

SEC. 46. That the collector for his compensation shall receive such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. Collection by levy, &c.

SEC. 47. That the collector for his compensation shall receive such commission on the amount collected, not to exceed five per centum, as the commissioners may prescribe. Sale of land for taxes.

- first day of September, and there is no other visible estate but such lot of land of the person in whose name it is listed liable to levy and sale known to the collector, he shall report the facts to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold upon the premises by the collector, after advertising for thirty days in some city newspaper or otherwise as the commissioners may direct, 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 may sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole of the land the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to the said city in fee.
- Purchase by city.** SEC. 44. That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the books of the proceedings of the commissioners, and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury subject to the demands of the owner.
- Returns by collector.**
- Surplus.** SEC. 45. That the owner of any land sold under the provisions of said charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and 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.**
- Conveyance to purchaser.** SEC. 46. 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 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. And the deed when so made and signed by the mayor and commissioners of the city shall have the same force, validity and effect as a sheriff's for delinquent county taxes.
- License taxes.** SEC. 47. 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 city constable instantly; and if the same be not paid on demand the same may be recovered by distress and levy on the articles upon which the tax is

imposed, or any other property of the owner may be levied [on] and sold to satisfy the same, namely:

- (1). Upon all itinerant merchants or peddlers vending or offering to vend in the city, a tax of twenty dollars a 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. Exceptions.
- (2). Upon every billiard table or bowling-alley, or other game allowed by law, a tax not exceeding fifty dollars a year. Billiard tables, &c.
- (3). Upon every company of circus riders who shall exhibit in the city or within one mile thereof, a tax not exceeding twenty-five dollars for each exhibition, the tax to be paid before the exhibition, and if not, to be double. Circuses.
- (4). Upon any company exhibiting in the city or in one mile thereof, stage or theatrical plays, sleight-of-hand performance, rope dancing or menagerie, a tax not exceeding twenty dollars, to be paid before exhibition or the same shall be doubled. Theatres, &c.
- (5). Upon each show or exhibition of any other kind, on each concert for reward, and on every traveling musician, a tax not exceeding fifty dollars, to be paid before exhibition or otherwise to be double. Shows, &c.
- (6). Upon every goat or hog running at large in the city there may be levied a tax of three 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 shall designate, after three days' notice at the mayor's office. Goats and hogs.
- (7). Upon every horse, mule or bull going at large, a tax not exceeding five dollars. Horses, &c.
- SEC. 48. 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. Moneys, to whom paid. Appropriations.
- SEC. 49. That the commissioners of Burlington shall not at any time have authority to increase the taxes herein specified, or to levy a special tax for any purpose unless authorized to do so by the vote of a majority of the authorized voters of said city. Limitations of powers of commissioners as to taxation.
- SEC. 50. That the commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and ascertain the location of those already provided and lay out and open others and may reduce the width of all of them; they may also establish and regulate public grounds and protect the shade trees of the city. Streets.
- SEC. 51. That when any land or right-of-way shall be required by said city of Burlington for the purpose of opening new streets or for other objects allowed by the charter, and for want of agreement as to the value thereof the same may [cannot] be purchased from the owner or owners, the same may be taken at a valuation to be made Condemnation of land.

- by five freeholders of the city, to be chosen by the commissioners, and in making said valuation said freeholders, after being duly sworn by the mayor or justice of the peace of the county or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, and also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way: *Provided, however*, that either party dissatisfied with the valuation there made may appeal to the next term of the superior court, and the said freeholders shall return to the court to which the appeal is taken, their valuation, account the proceedings thereon, and the land so valued by the freeholders shall vest in the city so long as it may be used for the purpose of the same: *Provided, however*, that such appeal shall not hinder or delay the commissioners [in] opening such streets or erecting such improvement: *And provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner the city shall have the right to remove any improvement under its authority erected.
- Appeal.
- Proviso.
- Proviso.
- Abatement of nuisances. SEC. 52. That the commissioners may require and compel the abatement and removal of all nuisances within the city at the expense of the person causing the same or the owner or tenant of the ground whereon the same may be; they may prevent the establishment within the city, and may regulate the same if allowed to be established, of any slaughter-house or place, or the exercise within the city of any dangerous, offensive or unhealthy trade, business or employment.
- Commissioners may prevent dogs, &c., from running at large. Speed of cars, &c. SEC. 53. That the commissioners shall have power to prevent dogs, horses and cattle and other brutes from running at large in the city. SEC. 54. That they may prohibit and prevent by penalties the running of cars, the driving of horses or other animals at a greater speed than six miles per hour within the city; and also the firing of guns, pistols, crackers, gunpowder or other explosives, combustible or dangerous materials in the streets, public grounds, or elsewhere within the city.
- Gun-firing, &c.
- Markets. SEC. 55. That the commissioners may establish and regulate the markets, and prescribe what time and place within the corporation marketable articles shall be sold, and shall have full power to prevent forestalling and regrating.
- Public buildings. SEC. 56. 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, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and may prohibit interments in the city.
- Wooden buildings. Interments.

- SEC. 57. That the commissioners may provide for the establishment, organization, equipment and government of fire companies; and in cases of fire a majority of such of the commissioners as shall be present, may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or torn down, and the town shall be responsible for the reasonable value thereof. Fire companies.
- SEC. 58. That the commissioners may, for the purpose of inducing manufacturers to come and invest in Burlington, exempt their business and the productions of the same from a city tax for ten years. Exemptions from taxation.
- SEC. 59. That the commissioners have power to lay such tax upon the owner or owners of any estate or tenements used for the purposes of ill fame as in their discretion shall seem just and proper. Tax on houses of ill fame.
- SEC. 60. 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 recovered in the name of the city of Burlington before the mayor or any tribunal having jurisdiction thereof. Recovery of penalties.
- SEC. 61. That the commissioners shall not have power to impose for any offence a larger penalty than fifty dollars unless the same be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals of [from] a justice of the peace. Maximum penalty.
- SEC. 62. That the mayor's fees shall be the same as those provided by law for justices of the peace, together with any additional compensation allowed by the commissioners. Mayor's fees.
- SEC. 63. That this act shall not go into effect until it has been ratified by the people of Burlington at a public convention to be held for that purpose. If at the convention a majority of the votes cast are for accepting this charter, then it shall be proclaimed by the mayor within five days thereafter that it is the law of the city, and if a majority of the votes cast be for rejecting this charter then it shall not be in force. When act to take effect.
- SEC. 64. That from and after the acceptance of this act the same shall thenceforth be the charter of the city of Burlington, and no suit or prosecution pending at the time of its adoption shall be affected, but remain in full force and effect under the new charter. To be charter of city after acceptance.
- SEC. 65. That the city of Burlington may convey lands and all other property which is transferable 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 attested by a witness. Conveyance of land.
- SEC. 66. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.
- SEC. 67. That this act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1891.

CHAPTER 85.

An act to incorporate the Enterprise Land and Improvement Company of Cumberland county.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Robert M. Nimocks, A. H. Slocumb, S. H. Cotton, Alexander Sessoms, Benjamin R. Taylor, and such other persons as they may hereafter associate with them, their successors and assigns, be and the same are hereby created and declared a body politic and
- Corporate name. corporate, under the name and style of "The Enterprise Land and Improvement Company," of Cumberland county, North Carolina, and under that name and style may sue and be sued, plead and be
- Corporate powers. impleaded in any and all of the courts of the state; contract and be contracted with; adopt and use a common seal, which may be changed or altered at their pleasure.
- Capital stock. SEC. 2. That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to an amount not exceeding the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each.
- Organization. SEC. 3. That whenever the sum of ten thousand dollars shall have been subscribed to the capital stock and five per centum thereon paid in, it shall be the duty of the incorporators or any three of them to call a meeting of the stockholders and at such meeting to elect five directors, one of whom shall be elected president by the said directors, whose term of office shall be one year, and he and the directors so elected, as well, shall hold their offices until their successors are chosen, and upon this the said company may commence business under the rights and privileges of this charter.
- President and directors. SEC. 4. That said directors may also elect a secretary and treasurer, and one person may hold both these offices if a majority of said directors shall so elect, and they may appoint such other officers as they shall deem necessary to a safe conduct and profitable management of the business of the corporation, which said officers shall hold their respective offices for a term of one year and until their successors may be qualified, subject, however, to the right and power of the directors to remove any or all of the officers for misconduct in office or other proper cause.
- Secretary and treasurer. SEC. 5. That it shall be the duty of the president and treasurer to make a report at least once a year to the stockholders of the company at their annual meetings, which shall be held at such times and places as the president may appoint, giving due notice thereof. The
- Other officers. principal place of business of said corporation shall be Fayetteville, N. C., and such other places as the president or a majority of the directors may appoint for the best interest of the company; and the said corporation shall make such rules and regulations for the con-
- Removal.
- Reports of president and treasurer.
- Places of business
- Rules, &c.

duct of said business and to require bonds from such officers as they may appoint, payable to the corporation in such sums as they may think proper, for the security and safe conduct of their respective offices.

SEC. 6. That said corporation shall have power to construct, own, equip and operate a tram or railway, beginning at or near Hope Mills village, or Hope Mills Number One, in Cumberland county, and running westwardly, *via* Glen Echo in said county, to Aberdeen on the line of the Raleigh and Augusta Air-Line Railroad in Moore county, on which steam may be used as a motive power, and for the purposes of a right-of-way for said tram or railroad, in the event that said corporation may be unable to acquire the same by gift or purchase, they shall have such power to condemn lands for the purposes of right-of-way as is prescribed for railroads by chapter forty-nine (49) of The Code.

Corporate powers.

Condemnation of land.

SEC. 7. That said corporation shall have power to take by purchase, lease or other operation of law, any lands, tenements and hereditaments 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 or other proper officer; they shall have power to develop the resources of said land, to cut timber and make other produce as they may desire, and transport or haul the same at their pleasure; to deal with, manufacture and render salable the timber on said land, or such other timber as the company shall buy: *Provided*, said company shall not own at any one time more than twenty thousand acres of land; to construct mills, work-shops, depots, factories or other business premises, and to operate and maintain them; to build and equip rolling and other stock, and build and operate rail, tram, turnpike and other roads connecting the property of the corporation with any other roads, and to build lateral or branch lines, and especially a lateral or branch line from McNatt's station or depot on the line of the Cape Fear and Yadkin Valley Railroad in Robeson county to Glen Echo in Cumberland county, North Carolina; and to these ends and for these purposes may build bridges, dams and culverts across streams and depressions, provided the same does [do] not interfere with navigation; to establish and maintain telegraph lines, canals, aqueducts and other works that may be necessary; to buy, have and to hold real and personal property, and to grant, sell, convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the company; to raise money in any way the company may deem proper; to issue mortgage bonds upon any or all of the company's property, and to do such other things as may be incident or conducive to the attainment of any or all of the objects herein specified or as may be convenient and profitable to the company.

Corporate powers.

Proviso.

Corporate powers.

SEC. 8. That said company shall have the power and right to transport passengers and produce and charge fares and tolls for the same at such rates as may be agreed upon and that are not in conflict with the laws of North Carolina in relation to railroads, and under the same rules and regulations, with the same rights and liabilities of common carriers and the laws relating thereto.

Former incorporation before clerk validated.

SEC. 9. That the letters of incorporation heretofore issued to the said company by the clerk of the superior court of Cumberland county, North Carolina, and all the lawful acts of said company done by virtue and in pursuance of the same, are hereby ratified and declared valid.

Corporate existence.

SEC. 10. That said corporation shall exist and be in full force and effect for a period of thirty years from and after the ratification of this act.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 86.

An act to incorporate Bethel Academy in Mecklenburg county.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. B. Alexander, M. D., W. A. Gillespie and John B. Gibeon, and their associates, be and are hereby constituted and made a body corporate and politic with perpetual succession under the name and style of "The Trustees of Bethel Academy," and by that name may sue and be sued, plead and be impleaded in all the courts of law and equity, and may purchase and hold, sell and convey real estate and goods and chattels whatsoever necessary to the objects of this incorporation. They shall have power to make and use a common seal and alter the same at will, and they are hereby invested with all the powers and privileges necessary for conducting educational work in advancement of education in the State.

Corporate name.
Corporate powers.

SEC. 2. That said corporation[ors], or a majority of them, 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.

By-laws.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 87.

An act to incorporate Duke's Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That B. L. Duke, F. C. Greer, G. C. Farthing, W. S. Halliburton and R. M. Jones, their associates, successors and assigns, are hereby created and constituted a body politic and corporate under the name and style of "Duke's Bank," and as such corporation they may have and exercise all the rights and powers, privileges and franchises, and be governed by all the restrictions contained in the charter granted to "The Fidelity Savings and Trust Company of Durham" by the general assembly of North Carolina in an act ratified March the third, eighteen hundred and eighty-seven, and being chapter seventy of the private laws of eighteen hundred and eighty-seven.

SEC. 2. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouse and depots for the storage of leaf tobacco or cotton, or both, and demand, receive and collect commissions, rent and compensation for the storage and keeping thereof; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, form of receipts, governing insurance of property stored by it, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credits upon cotton or tobacco stored with said company, and do all such other things as may be wise or profitable in and about said storage business as are not forbidden by law. And the receipts issued by said company shall be and are hereby declared to be negotiable instruments, passing by delivery or endorsement, and entitling the holder thereof to the property marked and designated therein without regard to the depositor of said property.

SEC. 3. That said company shall provide one or more inspectors for its said warehouses, who shall weigh and inspect or have weighed and inspected all property stored therein, and who shall sign the receipt containing the weight and quality or grade of such cotton or tobacco, unless there be more than one such inspector, in which case the signature of only one shall be necessary; and in all questions arising about the said property, the weight and grade or quality so certified by said inspector and stated on the receipt accepted by the depositor or his agent or carrier shall be conclusively presumed and held to be correct and to show the true weight, quantity and quality of said cotton or tobacco as the case may be.

SEC. 4. That in the absence of any stipulations in the receipt or any contract between the said company and any depositor of such property in its storage warehouses, the said company shall be held and

Body politic.

Corporate name.

Corporate powers.

Corporate powers.

Warehouse inspectors. Duties.

Conclusive presumption as to weights, &c.

Liability of company.

deemed to be liable to exercise only ordinary care in the custody and protection of such property.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 88.

An act to amend chapter forty (40), section two (2) of the private laws of one thousand eight hundred and eighty-nine (1889), in relation to Rock Spring Camp-ground.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter forty (40), section two (2) of the private laws of one thousand eight hundred and eighty-nine, entitled "An act concerning Rock Spring Camp-ground," state of North Carolina, be amended as follows: Strike out in said section two the words "one to erect a stand or saloon for the purpose of selling" and insert in lieu thereof the words "person or persons to sell."

Ratified the 20th day of February, A. D. 1891.

Chapter 40, Private Laws 1889, amended.

Misdemeanor to sell lemonade, &c., within one mile of Rocky Spring Camp Ground, Lincoln county, while occupied for divine service.

CHAPTER 89.

An act to amend chapter two hundred and fifty-two, private laws of one thousand eight hundred and eighty-nine, in reference to "Battery Park Hotel and Improvement Company."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and fifty-two of private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the Battery Park Hotel and Improvement Company," be amended as follows: In section four, line two, strike out the word "five" between the words "of" and "directors" and insert in lieu thereof the words "not less than five nor more than twelve." Add to section seven thereof the following words: "The bank to be established in Asheville, North Carolina, to be called 'The Battery Park Bank,' and any branches established elsewhere to have such name as the corporation may designate, and said bank is to have the right and power to loan money or to receive deposits of money or other property or evidences of debt from corporations, minors, appren-

Chapter 252, Private Laws 1889, amended.

Number of directors.

Name of bank.

Corporate powers.

tices, *femes covert* or other persons on such terms, time and manner of collection and payment as may be agreed upon between the parties, and may take and receive interest at the time of making the loan free from all other control, contract or liability, and said bank shall have, use, exercise and enjoy all the powers, privileges, advantages, benefits and rights conferred upon the 'French Broad Bank' by its charter as enacted and ratified by the general assembly of North Carolina on March eleventh, one thousand eight hundred and eighty-five: *Provided*, that the rates of interest charged by this bank shall not exceed the rate allowed by law." Amend section eight, line one, by inserting between the words "this" and "corporation" the words "bank or." Amend section nine, line one, by striking out the word "company" and inserting in lieu thereof the words "bank or corporation." Amend section eleven by striking out the word "company" wherever it appears and inserting in lieu thereof the words "bank or corporation." Amend sections twelve, thirteen and fourteen by striking out the word "company" wherever it appears and inserting in lieu thereof the words "bank or corporation." Amend section fifteen, line one, by inserting the words "bank or" between the words "said" and "corporation." Amend sections sixteen and seventeen by striking out the word "company" wherever it appears and inserting in lieu thereof the words "bank or corporation."

Provido.

Agencies of bank. Certain sections made applicable to bank.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 90.

An act to incorporate the Wachovia Loan and Trust Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Henry W. Fries, William A. Lemly, James A. Gray, John C. Buxton, William S. Ball and John W. Fries, and their associates, successors and assigns, are hereby constituted a body corporate by the name of "The Wachovia Loan and Trust Company," by which name said corporation shall have all franchises, rights and privileges incident to a corporation.

Body politic.

Corporate name. Corporate powers.

SEC. 2. The corporators above named or any three of them may open books of subscription, and after five hundred shares of one hundred dollars each shall have been subscribed upon ten days' notice issued by said corporators or any three of them, the subscribers may meet and organize by the election of a board of five directors who shall manage the affairs of the company for one year, or until their successors are elected, and who shall elect all necessary

Books of subscription. Organization.

When business may be begun.

officers and agents. The company shall have authority to transact business whenever one thousand shares of one hundred dollars each have been subscribed to the capital stock and ten per centum paid thereon. Further assessments shall be paid in as called for by the directors. The capital stock may be increased from time to time to an amount not to exceed six hundred thousand dollars, either by additional subscriptions of stock or by application of the surplus earnings of the corporation, and not more than one hundred thousand dollars of the same to be invested in real estate; and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders, *pro rata*. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.

Increase of capital stock.

Dividends.

Stock vote.

Corporate powers.

SEC. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Corporate powers.

SEC. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account or on certificate of deposit and pay interest thereon or not. It may receive on deposit for safe-keeping, gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor. It may guarantee, or become surety upon any official or other bond or undertaking required or authorized by law; and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come in the possession, custody or control of trust moneys or funds, either as guardians, executors, administrators, collectors, receivers or trustees of any sort or as employees of any person, company or corporation, however or by whomsoever chosen or appointed, under such regulation as may be provided in the by-laws, and may receive therefor compensation: *Provided*, the above and other things of similar nature done by the company shall be consistent with the laws of the State.

Corporate powers.

SEC. 5. The said company may loan money on mortgage or deed of trust conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said company

fails to meet his obligations, it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in case of sale of either real or personal security, make title to the purchaser.

SEC. 6. The said company may act as the fiscal or transfer agent of or trustee for any state, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness. May act as fiscal agent, &c.]

SEC. 7. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court, the said company shall file in the office of the clerk of the superior court of Forsyth county an undertaking with sufficient security, with either personal sureties or bonds of the state of North Carolina, or of the United States, or of any county or city of the state of North Carolina, or any other security satisfactory to the court, and to be approved by the said clerk, and the said undertaking so secured may be accepted by the said clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina as aforesaid. In case of wilful default in the performance of any trust so committed to said company as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative, in the superior court of any county of North Carolina where such default may have been made (and the superior court of Forsyth county, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same). A copy of such undertaking duly certified by the seal of the superior court of Forsyth county, and if secured by the bonds of the state or of the United States, or of any county or city or May act as executor, &c.

Undertaking in lieu of bond.

Action.

Increase of undertaking.

Evidence.

- Orders of court. other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina. And the superior court wherein the said company shall have been appointed guardian, executor, administrator, receiver, trustee or depository shall have the power to make orders respecting such trusts, and to require the said company to render all accounts which said court might lawfully make or require if such trustees were a natural person. And in accepting any of the trusts or powers hereunder, the said corporation may qualify by one of its executive officers.
- Investment of trust funds. SEC. 8. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any state, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe, real and personal securities; but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments, the capital stock, property and effects of said corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands; but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.
- Offices and agencies. SEC. 9. The said company may establish offices and agencies or transact business at such places as it may deem proper, but the principal office shall be in Winston or Salem, in Forsyth county, North Carolina.
- SEC. 10. This act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 91.

An act to incorporate the Oakland Heights Sanatorium Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That for the purpose of creating and perpetuating an ideal health institution in North Carolina, Miss Emilie Vaughn, Dr. P. W. Neefus, Alex. Garrett, Melvin E. Carter, D. C. Waddell, Charles M. Stedman, Henry T. Collins, their associates, successors and assigns, are hereby constituted a body politic and corporate under the name of "The Oakland Heights Sanatorium Company," with a capital stock of three hundred thousand dollars, with liberty to increase the same from time to time, in the discretion of the stockholders, to any sum not to exceed one million dollars, to be divided into shares of
- Corporate name.
Capital stock.

one hundred dollars each, and to have the privileges and rights hereby specially granted, and also those proper by incident to such a corporation.

SEC. 2. That said corporation shall have power to have and use a common seal and the same to alter at pleasure; to lease, purchase, hold, sell and convey real estate, and to borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects or otherwise; and it may make such bonds or other evidences of its indebtedness convertible and provide for their conversion into the capital stock of said corporation at such rate of interest and upon such terms as to said corporation may seem best, not incompatible with the laws of this state and of the United States.

Corporate powers.

SEC. 3. That the stockholders of said corporation shall have power to make 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[holders] 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 as they may consider best calculated to serve their interest.

Powers of stockholders.

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

Ratified the 20th day of February, A. D. 1891.

CHAPTER 92.

An act to incorporate The Young Men's Christian Association, of Asheville, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That C. E. Graham, J. A. Porter, W. H. Ballard, Elmer T. Rhinehardt, J. P. Kerr, H. T. Collins, T. W. Patton, F. Stikleother, J. E. Dickerson, P. P. Claxton, R. U. Garrett, J. H. Weaver, H. D. Child, Jesse R. Starnes, J. R. Rich, and their associates and successors, be and they are hereby made, constituted and declared a corporation and a body politic and corporate under the name and style of "The Young Men's Christian Association, of Asheville, North Carolina," and by that name and style they shall have 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.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. That said association shall have power and be capable in law to lease, purchase, take and receive by deed, gift or devise, and

Corporate powers.

hold in fee-simple or other less estate all manner of lands, rents, annuities and other hereditaments, not to exceed seventy-five thousand dollars, and shall further be able and capable to take, receive and possess all moneys, books, goods and chattels which have been or which may hereafter be given, sold, released, bequeathed or in any way transferred by any person or persons to said association or to any one for its use.

Purposes of corporation.

SEC. 3. That all such lands, tenements, rents, annuities and other hereditaments, moneys, books, goods and chattels of whatsoever kinds, nature or quality, the said association shall hold, possess and use for the improvement of the spiritual, mental, social and physical condition of young men, in such manner and by such means as said association shall adopt and provide by by-laws, ordinances and regulations.

May sell, &c., land, &c.

SEC. 4. That said association shall be able and capable in law by and with the consent of the board of trustees hereby created to bargain, sell, grant, convey and mortgage to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association, but said land and real estate shall not be liable for any future debt or obligation of said association unless the same shall have been contracted with the approval of said board of trustees.

Board of trustees.

Said board of trustees shall be composed of nine members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such nine trustees. J. S. Adams, J. E. Ray, E. E. Eagan, B. M. Lee, S. R. Kepler, J. H. Law, J. D. Brevard, H. J. Greenwell, together with said president, are hereby created such board of trustees, and whenever a vacancy shall occur by death or otherwise in said board of trustees the same shall be filled by a majority vote of those remaining.

Vacancies.

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 and business affairs; they shall have power to elect in such manner as they may decide such persons as they may desire to be members of said association, and prescribe the requirements for membership; they may elect such officers as they deem necessary, prescribe their duties, compensation, term of office and service, and the methods by which said officers shall be succeeded by others; and in general said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the government of said association and the preservation of order and good morals therein, and for the proper conduct and management of its members and officers and its business affairs as they may deem necessary and expedient and best calcula-

ted to carry out the objects of said association: *Provided*, the same Proviso. be not repugnant to the constitution and laws of this State or of the United States.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 93.

An act to amend chapter sixty-four of the acts of the general assembly of North Carolina ratified on the twenty-eighth day of February, Anno Domini eighteen hundred and eighty-three, entitled "An act to incorporate the Southern Mining, Smelting and Manufacturing Company."

The General Assembly of North Carolina do enact :

SECTION 1. That section one of an act of the general assembly of North Carolina, ratified on the twenty-eighth day of February, Anno Domini eighteen hundred and eighty-three, entitled "An act to incorporate 'The Southern Mining, Smelting and Manufacturing Company,'" be amended after the word "lines" at the end of said section by adding the words "electric light plants and motors and compressed air plants and motors."

Chapter 64, Private Laws 1883, amended.

Authorized to construct electric light plants, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 94.

An act to amend sections seventy-five and one hundred and nine of chapter two hundred and nineteen of the private laws of eighteen hundred and eighty-nine, entitled "An act to amend the charter of the city of Greensboro."

The General Assembly of North Carolina do enact :

SECTION 1. That section seventy-five (75) of chapter two hundred and nineteen (219) of the private laws of eighteen hundred and eighty-nine be amended by striking out the words "retail spirituous liquors" in line two of said section and inserting instead thereof the words "sell spirituous liquors in quantities less than five gallons."

Chapter 219, Private Laws 1889, amended. County commissioners not to grant license to sell spirituous liquors in quantities less than five gallons, without permission of aldermen.

Penalty for resisting police-men.

SEC. 2. That section one hundred and nine (109) of chapter two hundred and nineteen (219) of the laws of eighteen hundred and eighty-nine be amended by striking out the word "ten" in line seven of said section and inserting instead thereof the words "not exceeding fifty."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 95.

An act to incorporate the Commercial Bank of Shelby, North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That B. Blanton, S. J. Green and D. Beam, 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 Commercial Bank of Shelby," North Carolina, and shall so continue for the term of thirty 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."

Corporate name.
Corporate existence.
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 three hundred thousand dollars.

Books of subscription.

SEC. 3. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said bank may, at their discretion, from time to time 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 to the capital stock of said bank and the same paid in, the before named corporators, or a majority of them, shall call a meeting of the subscribers of said stock at the banking house of H. D. Lee & Co., in the town of Shelby, North Carolina, after giving twenty days' written

notice of said meeting to the said subscribers or stockholders, and said stockholders shall elect such directors as they may think proper, who shall hold office for one year or until their successors shall be elected as may be provided for by the by-laws of said corporation, and said directors so elected shall elect a president and such other officers as may be provided for by the by-laws of said corporation, whose term of office shall expire as may be provided in said by-laws.

SEC. 5. The president and directors of the bank may adopt and use a common seal, and alter the same at pleasure; and 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 or all of them at their pleasure; and prescribe the manner of transferring stock; these and all other things subject to the provisions of the by-laws of said corporation. It may do a general banking business on such terms and rates of discount and interest as may be agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations.

Powers of
president and
directors.

SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in or exchange, gold, silver and other coins, bullion, uncurrent paper and public or other securities of the United States, this state and other states, also county bonds, township bonds, town bonds or municipal bonds and the bonds of any corporation chartered by this or any other state; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank or may be sold under execution, mortgage or other lien to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business and at pleasure sell or exchange the same; may discount notes or other evidences of debt, and lend money on such terms as may be agreed upon, not to exceed [the] legal rate of interest; it may receive on deposit money on terms to be agreed on between the officers and the depositors; the bank may receive on deposit moneys held in trust by administrators, guardians or others: *Provided*, that nothing in this charter shall be construed as to exempt the depositors of such bank from the provisions of the general law or laws of the state relative to their liability or liabilities as such in their fiduciary capacity.

Corporate pow-
ers.

Proviso.

SEC. 7. The president and directors shall be capable of exercising all such power 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 the dividends of profits shall be made. They may

Powers of presi-
dent and direct-
ors.

Stockholders' meetings.

call a meeting of the stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in Shelby or in some adjoining county. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Mortgage loans. Proviso.

SEC. 8. The said bank shall have power to make loans upon mortgages or other pledges of real or personal property: *Provided*, the amount loaned on real estate shall not exceed twenty-five per cent. of the capital stock.

Corporate powers not forfeited by non-user. Proviso.

SEC. 9. The powers and privileges granted herein shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within two years from date of ratification of this act.

Distribution of assets.

SEC. 10. In case of the insolvency of the bank hereby created or ultimate inability to pay, shareholders or stockholders shall be held 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, and no shareholder or stockholder in said bank shall be liable for the indebtedness of the corporation except to the extent of the amount of stock subscribed or owned.

Liability of stockholders.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1891.

CHAPTER 96.

An act to incorporate the North Carolina Slate Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That C. C. Wade, of the county of Montgomery; W. T. Harris and H. C. Ivey, of the county of Stanly, all of the state of North Carolina; S. P. Halsey, Thomas P. Williams, N. R. Bowman and D. C. Jackson, of the city of Lynchburg, in the state of Virginia, and such other persons as may hereafter be associated with them, and their successors and assigns, be and the same are hereby declared to be a body politic and corporate under the name and style of "The North Carolina Slate Company," and by such name may contract and be contracted with, sue and be sued, make and use a common seal and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of said corporation, and the due and orderly conduct of its affairs as may be

Corporate name. Corporate powers.

deemed necessary: *Provided*, the same do not conflict with the constitution and laws of the state of North Carolina or of the United States. Proviso.

SEC. 2. That the capital stock of said company shall not be less than fifty thousand dollars, to be divided into shares of one hundred dollars each, and the same from time to time may be increased by additional subscriptions or the issue and sale of shares to such an amount, not exceeding five hundred thousand dollars, as the stockholders may at any general or special meeting authorize and prescribe. The said company may receive subscriptions to its capital stock or payment for its shares so issued in money, lands, mineral rights or other property, real or personal, upon such terms as may be agreed upon or authorized by the board of directors, and may sell any of its shares of stock below par in case its board of directors deem such sale for any reason advantageous to the interests of the company. Capital stock.
Subscriptions.
Sale of stock.

SEC. 3. That the corporators above named, or any two of them, or several committees composed each of two of them respectfully [respectively] may receive subscriptions to the capital stock of said company, and when the minimum capital stock of fifty thousand dollars shall have been subscribed, the said subscribers may organize said company by the election of seven directors, stockholders of said company, of whom they shall elect one as president and one as vice-president, to remain in office for one year from the date of their election, and until their successors shall have qualified, unless sooner removed by the stockholders in general meeting. After organization as aforesaid the stockholders in general meeting may change the number of directors and may provide for the proper government of the said company by such by-laws as they may deem fit and proper, as hereinbefore authorized. The board of directors may appoint such subordinate officers or agents of the company as they may deem necessary for the proper and convenient dispatch of business of the company, and may take from them such bonds and assurances for the faithful performance of their respective duties as such board may require; such officers and agents so appointed shall hold their respective offices and employments only during the pleasure of the board of directors, who shall also fix their compensation and prescribe their duties. Organization.
Directors.
Officers and agents.

SEC. 4. That the stock of said company shall be deemed personal estate, and under no circumstances shall any stockholder of the said company be held liable or made responsible for its debts and liabilities in a larger or further sum than the amount of any unpaid balance due to the said company for stock subscribed or purchased by such stockholder at the price agreed upon between him and the said company. Stock personal estate.
Liability of stockholders.

Corporate powers.

SEC. 5. That the said company is hereby authorized to carry on the business of mining and manufacturing any ores, minerals, metals, materials or products of whatsoever nature, and may conduct business at one or more points in the county of Stanly in this State, or in any of the neighboring counties, and for these purposes the said company shall have authority to buy, hold, sell, lease or otherwise acquire and dispose of any real or personal estate or property, rights of whatsoever nature deemed necessary for the proper prosecution of its business. The said company, however, not to hold more than ten thousand acres of land in fee-simple at any one time, and may on any property so acquired open mines, develop quarries, erect and maintain buildings and other structures, machinery and other fixtures and things needful for its purposes, and may operate, lease, sell, donate, or otherwise dispose of the same or any part thereof, and may on its own lands contiguous or adjacent to any such manufactory, mines or works to be erected or opened, survey and lay out lots, streets, alleys, squares, parks or such other divisions of said lands and improve the same by buildings or otherwise for sale, lease or other disposition or use, with the right to make such donations of its lots or other property real or personal, as the board of directors may deem conducive to the interests of said company, including the right to dedicate to the use of the public, in whole or in part, any streets, alleys, ways, parks and other easements and rights as it may see fit; it may also by its board of directors establish such lawful and reasonable rules and regulations in the use of any of its property so laid off, improved, divided, sold, leased, donated, dedicated or otherwise dealt with as aforesaid as the board of directors may deem necessary or proper to secure the comfort and welfare of the owners, lessees, occupants, and others engaged or interested in any manufactory or works so to be established; and the said company may in connection with [the] use or improvement of any of its properties make, build and operate any canals or water-ways, or tram-ways, or railways operated by horse, steam or electric power or otherwise, not exceeding twenty miles in length, or electric plants for lights or other purposes, and for this purpose when necessary may acquire by contract or condemnation such lands or other property or rights-of-way as may be necessary therefor, proceedings for such condemnation to be in accordance with the general law of this State regulating condemnation proceedings by internal improvement companies: *Provided*, the said roads authorized to be constructed by this act shall begin at the quarry near Stony Mountain and go either to Albemarle or Wadesboro.

Proviso.

Corporate powers.

SEC. 6. That it shall be lawful for the said company, through its board of directors, to issue and sell bonds of the company from time to time for such sums and on such terms as the board may deem expedient and proper in the prosecution of any of its works or business, and may secure the payment of the same, principal and inter-

est, by mortgages or deeds of trust upon all or any portion of its property, rights and franchises, including its franchise to be a corporation; and it shall be lawful for the said company to purchase or subscribe to and hold shares in the capital stock of any railroad company or other corporation in Stanly, Montgomery and Anson counties whenever the board of directors shall deem it to the interests of said company. Each stockholder in said company shall be entitled to one vote for each share held by him, and there shall be no limit except such as the by-laws shall prescribe, upon the number of shares of the stock which any stockholder may own and hold, and the whole capital stock may become the property of not less [than] three persons, and a majority of the stock may be held and owned without limit as to time by one person. The powers of the company may be exercised by the board of directors, or any committee thereof where the by-laws of the company do not prohibit the use of such power by the board.

Stock vote.

How stock may be held.

Exercise of powers by directors.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1891.

CHAPTER 97.

An act to repeal the old and grant a new charter for the town of Ruffin, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Ruffin in the county of Rockingham shall be a body politic and corporate, and in the name of the board of commissioners of Ruffin shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase, hold and convey real and personal property.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits of the town of Ruffin shall be as follows, to-wit: Beginning at the railroad depot in said town and running one-half a mile in every direction from said depot.

Corporate limits.

SEC. 3. That the officers in said corporation shall consist of a mayor and six commissioners and a town constable; that the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-one: Mayor, J. A. Gibson; Commissioners, W. B. Wright, C. S. Carter, J. C. Hanna, J. J. Worsham, J. S. Johnson and R. L. Rawley; constable, R. A. Stokes.

Officers.

Temporary officers.

SEC. 4. There shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-one, and each succeeding year thereafter, who shall hold office

Election.

until their successors are qualified, all to be elected by the qualified voters of the town.

Who eligible as mayor or commissioner. Proviso.

SEC. 5. That any qualified elector in the state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the incorporation ninety days next preceding the day of election.

Electors.

SEC. 6. That all persons entitled to a vote in the county of Rockingham for members of the general assembly and who shall be *bona fide* residents of the town of Ruffin ninety days next preceding the day of election shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes.

Election, how held.

SEC. 7. That all elections held in said corporation for the election of mayor and commissioners, or other municipal purposes, shall be held and conducted as provided for in statutes for state and county elections.

Oath of mayor and commissioners.

SEC. 8. That the mayor and each commissioner before entering upon the duties of his office shall take before some justice of the peace or clerk of the superior court an oath that he will truly and impartially perform the duties of his office for the town according to the best of his ability and judgment. And the acts of a quorum of the board of commissioners for the town shall be valid to all intents and purposes.

Acts of commissioners.

Vacancies.

SEC. 9. That the board of commissioners shall have authority to fill any vacancy on the board that may occur during their term of office, and also appoint a treasurer, town constable and all officers that they may deem necessary for the administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number as mayor *pro tempore* to act as mayor in case of the absence of the mayor or his inability to perform the duties of his office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security payable to the state of North Carolina: *Provided*, however, that the duties of the collector of taxes may be performed by a constable if the board so direct, and those of the treasurer by members of the board.

Officers.

Mayor *pro tem*.

Oath.

Bond.

Proviso.

SEC. 10. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace and issue process, and hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violations thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused

Jurisdiction of mayor.

Special court.

be found guilty he shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated; or, at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county and fined not more than fifty dollars. If the accused is dissatisfied with the judgment of the mayor or court he may appeal in like manner as prescribed for Appeals.

SEC. 11. The mayor shall issue his precepts to the town constable who shall execute the same, or to such other officer to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. Mayor's precepts.
Mayor to keep record.

SEC. 12. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied under such rules for labor and board as the commissioners may adopt. Persons failing to pay costs, &c., liable to work on streets.

SEC. 13. That any town constable, policeman, watchman or other town officer arresting any person or persons in the night for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the common jail for Rockingham county, or some other place for safe-keeping until the morning, when the offender shall be brought before the mayor or some other magistrate resident in the town and be dealt with according to law. Committal to jail of persons arrested at night.

SEC. 14. That the treasurer shall keep in a book provided for the purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the commissioners whenever required to do so; on the expiration of his term of office he shall deliver to his successor in office all the moneys, securities and other property entrusted to him for safe-keeping, and during his continuance in office he shall faithfully perform all the duties lawfully imposed on him as town treasurer. Duties of treasurer.

SEC. 15. That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens and cause the same to be posted in some public place in the town ten days before the annual election of commissioners. Annual statement by commissioners.

Orders on treasurer.

SEC. 16. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account and also the source whence are derived the moneys received by him: *Provided*, all claims against the corporation shall be audited by the board of commissioners before any order shall issue for the same.

Proviso.

Duties and powers of constable.

SEC. 17. That it shall be the duty of the constable to see that the laws, ordinances and orders of the commissioners are enforced; to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others; and in the execution thereof he shall have the same power which the sheriff and constable of the county have, and he shall have the same fees on all processes and precepts, executions or returns by him which may be allowed to a constable of the county on like processes or precepts, and also such other compensation as the board of commissioners may allow.

Condemnation of land for streets, &c.

SEC. 18. The commissioners of the town of Ruffin shall have power, whenever they deem it necessary or to the interest of the town, to condemn any land for the purpose of opening any streets or for the purpose of lengthening or widening any street, and for that purpose shall appoint a jury of not less than three nor more than five freeholders of the town, who, after being notified of the appointment, shall meet on or at the premises or land to be condemned and assess the damages that the owner may sustain by reason of such condemnation, deducting, however, from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street; the owner or owners of the land shall first have at least five days' notice of the time and place of meeting of the jurors, said notice to be served by the town constable or any other person authorized by law to serve notices. The jury shall return a report of their proceedings to the board of commissioners, who may confirm the same, and, after paying or tendering to the owner the amount of damages assessed, may subject the land condemned for the desired purpose: *Provided, however*, that the owner of the land, if he be dissatisfied with the report of the jury, may, if the same be confirmed, appeal to the superior court of the county, when the same may be heard anew as to the amount of the damage sustained, but such appeal shall not have the effect to stay proceedings for making the desired improvements.

Appeal.

Taxation.

SEC. 19. That the board of commissioners of the town shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all moneys on hand, solvent credits, and upon

all polls and other subjects of taxation taxed by the general assembly for public purposes not exceeding thirty-three and one-third cents on the one hundred dollars valuation of property and one dollar on the poll, and the said board shall have power to levy and collect a commutation upon all persons residing in the corporate limits of Ruffin who may be liable to work on the public roads, in lieu of requiring of them such personal services on the roads and streets.

Commutation tax for work on roads.

SEC. 20. The board shall proceed on the first Monday in June in each and every year to levy the taxes on such subjects of taxation as they may choose, and shall place the tax-list, with an endorsement of the mayor to the collector authorizing him to collect the tax in said list, in the hands of the collector for collection, who shall complete the same on or before the first day of October next ensuing, and shall pay the moneys to the treasurer on or before the first Monday in November, and the collector shall receive such per centum on the amount so collected as may be determined by the board of commissioners: *Provided*, the board of commissioners may extend the time for collecting and paying over said tax.

Levy of taxes.

Collection.

Compensation of tax-collector.

SEC. 21. That [if] any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed to collect the same by distress, and shall, after public advertisement for the space of ten days at four public places in the corporation if the property be personal, or twenty days if the property be real, without any judgment or execution.

Collection of taxes by distress

SEC. 22. That the commissioners shall have power to declare all horses, cattle, hogs, dogs and sheep running at large within the corporate limits of the town a nuisance, and the commissioners at their option may impose a fine upon the owner or owners of such animals running at large, or may treat the same as a nuisance and have it abated or impound the same under such regulations as they may adopt.

Live stock running at large.

SEC. 23. That no person or persons shall sell any spirituous or intoxicating liquors within the corporate limits of said town without first obtaining a license from said commissioners, and they shall fix the amount to be paid for said license which shall not be less than twenty-five dollars nor more than one hundred dollars per annum upon such license granted by the board of commissioners for the county. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the mayor not exceeding fifty dollars or thirty days' imprisonment, and shall moreover pay a penalty of five dollars for each day that he shall thus violate the ordinance.

License to sell liquors.

Misdemeanor.

Penalty.

SEC. 24. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the persons causing the same or the owner or tenant of the ground wherever the same may be; they may also prevent the establishment

Abatement of nuisances.

Slaughter-houses.

of, and may regulate if allowed to be established any slaughter-house or place for the exercise within the town of any offensive or unhealthy business, trade or employment.

Powers of commissioners.

SEC. 25. That the board of commissioners shall have power to provide water and take all proper means to prevent and extinguish fires; to make regulations to cause due observation [observance] of the Sabbath; appoint and regulate town police; suppress and remove nuisances; preserve the health of the town from contagious and infectious diseases; to control and regulate the keeping of powder within the town; to regulate the speed of riding or driving on the public streets, and to keep or require to be kept the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending or overhanging the sidewalks or streets at the expense of the owners of adjacent lots who may refuse to do the same on five days' notice from the mayor of the town.

Imprisonment.

SEC. 26. That every imprisonment or commitment by virtue of this charter shall be in the public jail of the county.

Mayor's fees.

SEC. 27. The mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty or for other causes of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend any offender against the criminal laws of this state, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction of the offender, among the other costs.

Corporate powers.

SEC. 28. The town of Ruffin is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two, volume two of The Code of North Carolina, entitled "Cities and Towns," not inconsistent with any of the provisions of this act.

Conflicting laws repealed.

SEC. 29. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 30. This act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1891.

CHAPTER 98.

An act to incorporate the Grimm Brownstone and Improvement Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the following named persons, viz.: L. Grimm, A. H. McNeill, James D. McIver, D. A. McDonald, John L. Currie, A. W. Shaffer, Robert M. Evans, John W. Hinsdale, John E. Reyburn, H. H. Bingham, George A. Taylor, W. O. Jones, H. B. Tilden,

their associates, successors and assigns, are hereby created a body politic and corporate under the name and style of "The Grimm Brownstone and Improvement Company," with a capital [of two hundred and fifty thousand dollars, with liberty from time to time to increase the same to any sum not to exceed one million of dollars, to be divided into shares of one hundred dollars each, and to have all the privileges hereby specially granted, and also all those conferred upon corporations by the statutes embodied in the sixteenth and forty-ninth chapters of the first volume of The Code.

Corporate name.

Capital stock.

Corporate powers.

SEC. 2. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the quarrying of brownstone and all other stones, the manufacture of lumber, and to engage in any species of manufacturing and mining enterprise at pleasure; and also to build and to contract for the building of bridges, reduction mills and furnaces and the erecting of machinery, and also to explore, work and mine coal, coal-oil, gold, silver, copper, iron and all other metals, minerals and fossils, and to vend, smelt and reduce such mineral ores, and the said corporation may buy, sell and deal in goods, wares and merchandise and carry on and engage in a mercantile business in all its branches.

Corporate powers.

SEC. 3. That said corporation shall have power to lease, purchase, hold, sell and convey real estate at pleasure, not to exceed five thousand acres at one time, to borrow money and issue bonds or other evidences of indebtedness so created, and to secure the payment of the same by mortgage on its property or otherwise.

Corporate powers.

SEC. 4. That said corporation may organize and commence and carry on its business whenever twenty-five thousand dollars of its stock shall be subscribed and ten per cent. of said subscriptions shall be paid in.

Organization.

SEC. 5. That said corporation may issue stock, both common and preferred, with such regulations as to such stock and dividends thereon as may be prescribed by the stockholders in general meeting.

Issuance of stock.

SEC. 6. That said corporation shall be managed by a board of directors, to be elected by the stockholders; the said board of directors to consist of such a number of said stockholders, and to hold their offices for such term or length of time as may be prescribed by the stockholders in general meeting. And said board of directors shall have power to elect such officers as they may deem necessary or expedient, to prescribe their duties, compensation and terms of service; and to make all such by-laws, rules and regulations for the management and proper conduct of the corporation and its business, not inconsistent with the constitution and laws of this state and of the United States, as they may deem proper and necessary.

Directors.

Powers of directors.

SEC. 7. That said corporation shall have power and authority to construct, equip with rolling and other stock and operate a turnpike, tram-way or other railway from its quarries, mines or timber lands

Organization.

situated in Moore county to Carthage or any other point on the line of the Raleigh and Augusta Railroad, or to any point on the Cape Fear and Yadkin Valley Railroad, or to any other railroad constructed in Moore county, and shall have the power to condemn lands and to do all other things necessary for the establishment of this purpose conferred on corporations by chapter forty-nine of The Code.

Corporate powers,

SEC. 8. That this corporation shall have the power to lease or sell any railroad that may be constructed by it to any other railroad company operating in Moore county in North Carolina, and any other railroad shall have the power to lease or buy from this corporation any such railroad as may be constructed by it; and said corporation shall have the power to subscribe to, purchase or hold the capital stock or bonds of any other railroad or branch railroad in this state.

May construct telegraph or telephone line.

SEC. 9. That this corporation shall have the power to construct and operate a telegraph or telephone line between its quarries or mines and Carthage or any point on the Raleigh and Augusta or Cape Fear and Yadkin Valley railroad, or to any other railroad constructed in Moore county.

Liability of stockholders.

SEC. 10. The private property of the stockholders of the corporation shall not be liable for the debts of the company.

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

Ratified the 21st day of February, A. D. 1891.

CHAPTER 99.

An act to incorporate Robeson Institute.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That A. E. Melke, B. Godwin, R. D. Caldwell, Frank Gough and E. K. Proctor, Jr., and their successors duly elected in the manner hereinafter prescribed, be and they are hereby made and created a corporation and body politic, to have perpetual succession under the name and style of "Robeson Institute."

Corporate name.

Corporate powers.

SEC. 2. That said corporation shall have a seal; may purchase or receive by gift or devise or otherwise real and personal property, to hold in fee-simple or otherwise, amounting in the aggregate to one hundred thousand dollars; may sue and be sued and enjoy any and all rights incident to and appropriate for conducting an institution for the education of males and females.

Trustees.

SEC. 3. That the said trustees shall hold their office for life or during good behavior, each being subject, however, to be removed at

any time by a majority of the others for inefficiency or neglect of duty.

SEC. 4. That three members of said board of trustees shall constitute a quorum for the transaction of business, and when a vacancy shall occur in said board by death, resignation, refusal to act, removing from the state or otherwise, such vacancy or vacancies may be filled at any regular meeting of the board by a majority vote of the trustees present.

Quorum of trustees.
Vacancies.

SEC. 5. That such trustees shall have the right to elect a president, secretary and treasurer of said board under such rules and regulations as they may prescribe, who shall hold their offices not longer than two years, and the treasurer elect, before entering upon the discharge of his duties, may be required to enter into bond to said trustees as trustees and their successors in a sum not exceeding five thousand dollars, conditioned for the faithful performance of his duties as treasurer.

Officers.

Bond of treasurer.

SEC. 6. The president shall preside at all meetings of said board of trustees when present, and when absent the president *pro tempore* designated by those present shall preside. The secretary shall keep a record of all the proceedings of the board and all the by-laws made by said trustees for the government of said corporation and record the same in a book to be kept for that purpose.

Duty of president.

Duty of secretary.

SEC. 7. That the said trustees shall receive no compensation for their services, but the treasurer and secretary of said board shall receive such compensation as the trustees may allow.

Trustees to receive no compensation.
Compensation of secretary.

SEC. 8. That the individual property of the aforesaid trustees shall not be liable for the debts or obligations of said corporation.

Liability of trustees.

SEC. 9. That said trustees shall have the right to open books for the purpose of receiving donations to said school to be used for any purpose in connection therewith: *Provided, however,* that in all cases where the donor provides in the instrument making the donation to said school as to what uses and purposes the donation shall be used for, that the said trustees and their successors forever shall comply with the directions of the donor as near as practical in the use of the donation.

Books to be opened for donations.
Proviso.

SEC. 10. That it shall be the duty of the treasurer of said corporation to issue to all persons making donations to said corporation for the benefit of said school a certificate stating the amount or nature thereof under his hand and seal of said corporation, and to make a permanent record of the same in the records of said corporation. That said certificates shall not be transferable by the donors unless by unanimous vote of all the trustees in meeting assembled.

Certificates of donations.

Transfer of certificates.

SEC. 11. That should a majority of the aforesaid trustees or their successors at any time conclude that the purposes and objects for which the donations received have failed, then it shall be the duty of such trustees to make advertisement thereof for four weeks in a

Distribution of assets in event of failure of purposes of corporation.

newspaper published in the town of Lumberton, North Carolina, and to convert all the funds received by donation to said corporation into money on such terms as they may think right and just and for the best interest of all parties concerned, and after paying all debts and obligations against them as trustees of said school and retaining all costs and expenses incurred in making sale of the property of said corporation, to divide the surplus, if any, among all the donors or their legal representatives equally in proportion to the amount donated to said school, and when such conclusion as aforesaid shall have been published and declared, and the distribution of the assets of said corporation shall have been made as herein provided, then the said corporation shall cease to exist to all intents and purposes in law.

Cessation of corporate existence.

Teachers, &c.

SEC. 12. That the board of trustees and their successors aforesaid shall have full power to employ such teachers and other employees in and for said school as they may deem qualified to discharge the duties of their several offices and as are necessary for the management of said school, and may remove the same at any time for good cause. They shall also have the power to make all necessary by-laws, rules and regulations for the government of said school and for the government of the corporation not inconsistent with the laws and constitution of North Carolina and the United States. They shall have power to erect and fully equip suitable buildings in or near the town of Lumberton for school purposes, and such other buildings as they may think proper to use in connection therewith, and to exercise a general supervision and control over the school at all times.

By-laws.

Buildings.

Exemption from taxation.

SEC. 13. That the property, real and personal, owned by the said corporation, not exceeding in value twenty-five thousand dollars, shall be exempt from all taxation.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed, so far as the said corporation is concerned and no farther.

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

Ratified the 21st day of February, A. D. 1891.

CHAPTER 100.

An act to change the name of and incorporate the town of Conoho, formerly known as Goose Nest, in Martin county.

The General Assembly of North Carolina do enact :

Name of Goose Nest, Martin county, changed to Conoho.

SECTION 1. That the name of the town of "Goose Nest," Martin county, be and is hereby changed to "Conoho" and incorporated by the name and style of "The Town of Conoho," and it shall be sub-

ject 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: Eight hundred and eighty yards east, west, north and south from the centre of the street between Hyman's, Taylor's and Jeffrey's stores, and shall run with the cardinal points of the compass. Corporate limits.

SEC. 3. That the officers of the said town shall consist of a mayor, three commissioners and a constable, and the commissioners shall have power to appoint a secretary and treasurer. Officers.

SEC. 4. There shall be an election of officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-one, and every year thereafter under the same restrictions that county and state elections are held. All male citizens over twenty-one years of age who have resided in the state twelve months and ninety days within said corporation previous to the day of election shall be entitled to vote at said election. Election.
Electors.

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.

SEC. 7. That until their successors are elected on the first Monday in May, one thousand eight hundred and ninety-one, the following persons shall fill said offices: Mayor, Z. M. Whitehurst; commissioners, W. B. Ross, R. T. Edmundson and Samuel Hinson, and for constable Lawrence Howard. Temporary officers.

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

Ratified the 21st day of February, A. D. 1891.

CHAPTER 101.

An act to incorporate the town of Hub in the County of Columbus
and State of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Hub in the county of Columbus and state of North Carolina be and the same is hereby incorporated under the name and style of "The Town of Hub," and that Charles E. Butters, P. O. Connor, Joseph Murray, H. O. Fanning and John Fisher, and their successors in office, shall be and are hereby Incorporated.
Corporate name.

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 Hub."

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.

Term of office. SEC. 4. That the mayor and town constable elected by the said commissioners (and commissioners) shall continue in office as such and perform all the duties pertaining to their offices of mayor, commissioners and constable until their successors shall be elected and qualified as hereinbefore provided.

Powers of commissioners. SEC. 5. The said commissioners and their successors in office, under the name and style of "The Commissioners of the Town of Hub," may acquire and hold for the purpose of the government, welfare and improvement of said town all such estates, real and personal, moneys, 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 two, chapter sixty-two, entitled "Towns and Cities," and shall also have all the other powers, rights, privileges and jurisdiction that are hereinafter conferred by this act.

Corporate limits. SEC. 6. That the corporate limits of said town shall be as follows: Beginning at a pine and several pointers on the south edge of Big swamp in Columbus county, Tatum's township, a corner of the land conveyed by Simpson Fields to Horace Butters and others, and runs south thirty-four chains and twenty-five links to a stake; thence west fifty-six chains and twenty-five links to a stake by an oak, gum and holly by the side of the River swamp, near the one-mile post on the road leading from Ivey Bluff to Elizabethtown; thence up the edge of said River swamp to Bee Bluff; thence up the edge of the Big swamp to the beginning.

Mayor and commissioners. 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.

Election, when held. 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.

Electors.

SEC. 9. It shall be the duty of the said 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 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.

Registrar and judges of election

Duty of registrar.

New registration.

SEC. 10. The registrars 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 Columbus county.

Oath of registrar and judges.

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 open 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.

Challenges on registration books.

Proviso.

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

Duties of registrar and judges on election day.

- 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.
- Vacancies.
- Ballots. 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.
- Who elected.
- Tie vote.
- Who eligible to office. SEC. 14. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.
- Notice to persons elected. SEC. 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.
- Oath of mayor and commissioner. 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.
- Penalty for refusal of mayor or commissioner 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.
- Quorum of commissioners. SEC. 18. That a majority of said commissioners shall constitute a quorum for the transaction of business.
- Mayor to preside, &c. 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 *pro tem*. 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.

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
 of the duties of his office, shall give good and sufficient bond, with sure-

Clerk and treasurer.

ties to be approved by the board of commissioners of said town, in
 the sum of two thousand dollars, payable to the state of North Car-
 olina, 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

Bond.

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

Monthly statement by clerk.

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

Penalty for failure.

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 commis-
 sioners of the town of Hub against the said official and his sureties.

Action on bonds.

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,

Constable.

with good and sufficient sureties, to be approved by the board of
 commissioners, payable to the State of North Carolina, and condi-
 tioned 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 faith-
 fully all the duties imposed upon him by this charter or by the board
 of commissioners of said town.

Bond.

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

Ordinances, &c.

said town, for the improvement of the streets and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

Powers of commissioners.

SEC. 24. The commissioners of said town may pass laws abating and preventing nuisances of any kind therein, and 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 or structure, or make any wooden additions to any building or repair or cover the outside surface of 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 as they shall establish, and shall have power to enforce obedience to their regulations under this section by punishing such persons as violate the same by fine of not more than fifty dollars or imprisonment of not more than thirty days, and shall further have the power to cause the removal of any structure or building erected contrary to the laws by them enacted under the power vested in them by this section.

Person violating this ordinance guilty of 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.

Persons convicted liable to work on streets.

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 upon such offender for said violation, the mayor of said town at the time of entering judgment against him 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 Hub put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Powers of mayor.

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.

Duties and powers of constable.

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.

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 material 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.

Officers may not receive consideration for work done, &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 to issue an order directed to the town constable commanding him to summons 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 land 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 summons said jurors to meet on the lands 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 lands, 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 improvement 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

Streets, &c.

Condemnation of land.

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 commissioners of said town: *Provided*, that in all cases each party shall have the right of appeal.

Appeal.

Sidewalks.

SEC. 31. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town.

Markets.

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.

Public scales.

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 the straw, cotton, crude turpentine and live stock on foot offered for sale in said town; and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid; and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

Contagious diseases.

SEC. 34. The commissioners of said town may take such measures as they may deem requisite or pass such ordinances or regulations as they may think necessary to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

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.

Limitations of tax.

Valuation of property.

Taxes, when due.

SEC. 36. That all taxes levied by said town commissioners, except licenses or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after

that time may be collected by him by distraining any personal property of the tax-payer to be found within said town.

Collection by
distress.

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 Tatum's township to be assessed for taxation for state and county purposes.

Listing of prop-
erty for taxation.

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-seven 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: *Provided*, that no personal property belonging to any minor, lunatic or person *non compos mentis* shall be subject to taxation in said town unless the said minor, lunatic or person *non compos mentis* shall be a resident of said town, and the personal property belonging to the same shall also be located in said town.

Duty of property
owner to list.

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 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: *Provided*, that the residence in said town of any executor, administrator or trustee shall not subject the personal property of his intestate or trustor in his hands to taxation in said town unless said trustor actually resides in said town, and unless the intestate of said executor or administrator was a resident of said town at the time of his death.

Property of
minors, &c.

Proviso.

Property held by
executors, &c.

Liability of
executors, &c.

Duty of constable.

Proviso.

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

Clerk to make
tax-list.

- Double tax. person or persons in said town liable to taxation shall fail to make returns 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
- Tax-list to be given to constable. 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 the 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.
- Lien on real estate. 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
- Sale of personal property. 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.
- Collection of taxes. 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
- Sale of personal property. 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,
- Sale of land. if the party charged has not personal property to be found in said town he shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of 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
- Notice of sale. cents for such levy. Third, the constable shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, post-paid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice substantially as above described at 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
- Sale, how made. of sales of land for taxes in said town. Fourth, the sale shall be

made at the door of the town hall 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.

Notice of sale to non-resident.

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 cost for a less quantity.

How land to be sold.

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.

Redemption of land sold for taxes.

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 for 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.

Receipt to be given purchaser.

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 Columbus 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.

Conveyance to purchaser.

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

Redemption of land purchased by town.

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.

License taxes.

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 reward 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.

Unlawful to manufacture, sell, &c., liquors within corporate limits or within five miles.

SEC. 49. That it shall be unlawful for any person to manufacture spirituous or malt liquors or 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 Hub or within five 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 one hundred dollars or by imprisonment not exceeding twelve months.

Misdemeanor.

Ordinances to be posted.

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.

When ordinances to take effect.

Conflicting laws repealed.

SEC. 51. That all laws in conflict with the provisions of this act are hereby repealed in so far as they affect this chapter.

SEC. 52. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1891.

CHAPTER 102.

An act to incorporate the Farmers' Loan and Trust Company.

The General Assembly of North Carolina do enact :

SECTION 1. That N. B. Dilworth, Samuel T. Pearson, Isaac T. Avery and W. C. Ervin of Morganton, North Carolina, and Marvin F. Scoife of Pittsburg, Pennsylvania, together with such other persons as they may associate with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Farmers' Loan and Trust Company," by which name they may sue and be sued, plead and be impleaded, shall have the right to adopt and use a common seal, to make such by-laws, rules and regulations as they may deem best for the government of said corporation not inconsistent with the laws of this state, and enjoy all the rights, privileges, powers, immunities, liberties and franchises pertaining to corporations.

SEC. 2. That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, but the capital stock may be increased from time to time to an amount not exceeding one million dollars (\$1,000,000).

SEC. 3. That said corporation shall have full power to receive and pay out the lawful currency of the country, deal in exchange, gold or silver coin or bullion, stocks, bonds, notes, mortgages and other securities; to loan money on real estate, personal or other security; to receive deposits from all persons, firms, associations or corporations, including apprentices, minors and *femes covert*; to purchase, hold, own and retain or sell and convey and assign real and personal estate, stocks, bonds, mortgages or other property or securities of any kind, nature or quality, whether real, personal or mixed, and for the use and loan of its money may charge not exceeding eight per centum per annum, and may take and receive said interest at the time of making said loan or otherwise; to invest in stocks, bonds or securities of this or any other state or of the United States, or any corporation; may borrow money and secure same by mortgages; may issue bills, bonds, or promissory notes, accept and indorse same; may construct fire and burglar proof vaults, safes and safe-deposit boxes, and receive and keep gold, silver, precious metals, jewels, plate, certificates, stocks, bonds, mortgages or other securities, deeds or muniments of title, wills or other valuable papers or personal property, or any article of any kind whatever which may be left or deposited with said company for safe-keeping, and shall be entitled to charge, demand and receive such commission and fees therefor as may be agreed upon, and generally may transact and perform all business relating to safe-deposit and trust companies.

Deposits by
executors, &c.

SEC. 4. That any executor, administrator, guardian, receiver, trustee or public officer having the care, custody or contract of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is authorized and empowered to deposit the same with said company.

Corporate powers.

SEC. 5. That said corporation shall have power and authority to accept and execute trusts of all kinds which may be committed to its care with its consent, may act as agent, executor, administrator, guardian, trustee, receiver, commissioner, assignee, broker or attorney for any person or corporation, or by appointment of any court, and for its services shall receive such fees, compensation or emoluments as are or may be allowed individuals in like capacities and like cases.

May guarantee
bonds, &c.

SEC. 6. That said corporation shall have power and authority to guarantee principal or interest of notes, bonds, bills of exchange, acceptances, checks or other securities, or evidence of debt, including the obligations of such persons or corporations as may have secured their payment by deed of trust made to this corporation, and to charge and receive for any guaranty such compensation as may be agreed upon by the parties.

May become
surety, &c.

SEC. 7. That said corporation may become surety for any person or persons or corporations upon bonds of public or private officers, agents or clerks holding positions of trust or confidence, and also upon bonds for costs in any case in any of the courts of the several states or United States, and may charge and receive for such services such sums as may be agreed upon.

May insure
titles, &c.

SEC. 8. That said company may issue policies of insurance of titles to real estate and mortgages in guaranteeing titles or payment and special insurance against debts, loans, etc., and may charge and receive for such services such sums as may be agreed upon.

Deposits by
minors, &c.

SEC. 9. That 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 use and benefit of such depositor, free from all contracts of any person, and shall be paid to such person, and the check or receipt of such minor or female shall be valid and sufficient.

May purchase at
mortgage sales,
&c.

SEC. 10. That whenever any real or personal property upon which the company shall have any lien shall be sold the president or other officer of said company shall have the right to purchase same though same may be sold by the company, and such sale and purchase shall be valid and binding upon all persons claiming an interest therein.

Stockholders not
individually lia-
ble for corporate
debts.
Organization.

SEC. 11. That the stockholders of this company shall not be individually liable for the debts or torts of the corporation.

SEC. 12. That when twenty-five thousand dollars of the capital stock is subscribed the corporation named herein, or a majority of

them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than five nor more than fifteen, who shall serve for such terms as the by-laws adopted may prescribe; and the directors so elected shall elect a president, vice-president, secretary and treasurer and such other officers as they may think necessary, and prescribe their duties and fix their compensation, and no person shall be a director who is not a stockholder in the company, and the directors may require of such officers as they think fit bonds payable to the corporation in such amount as they may decide for the faithful discharge of their duties.

Officers.

Bonds.

SEC. 13. That the officers [office] of said company shall be in Morganton, North Carolina, but the directors may establish branch offices elsewhere if they see fit.

Offices.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 103.

An act to authorize a change in the corporate name of Blackwell's Durham Co-operative Tobacco Company.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, of chapter one, private laws of the State of North Carolina, session 1887, entitled "An act to incorporate Blackwell's Durham Co-operative Tobacco Company," be and the same is hereby so amended as to authorize the board of directors of said company, whenever they see fit, to change the name of said company by striking out the word "co-operative," so that thereafter the name of said company shall read "Blackwell's Durham Tobacco Company:" *Provided, however,* the name of said company shall be and remain as in the aforesaid act of incorporation until a resolution making the change therein hereinbefore authorized shall have been passed by the board of directors of said company, and a certified copy thereof signed by the president and secretary of said company under its corporate seal shall be filed in the office of the secretary of State.

Chapter 1, Private Laws 1887, amended.

Directors may change name to "Blackwell's Durham Tobacco Company."

Proviso.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 104.

An act to incorporate the Marion Hotel and Belt Railway Company.*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That General John T. Wilder, Peter J. Sinclair and Fred. R. Tiffany, now incorporated under the general laws of North Carolina as the "Catawba Hotel Company," of the town of Marion, in the county of McDowell, be, and with their associate, Francis T. Sanford, and such other persons as they may hereafter associate with them, and they are hereby declared a body politic and corporate under the name and style of the "Marion Hotel and Belt Railway Company."

Corporate name.

May own Catawba Hotel Co.

SEC. 2. That said company may own by transfer all the property and choses in action of the Catawba Hotel Company, and upon such transfer it shall become liable for and assume all the debts and liabilities of said Catawba Hotel Company.

Corporate powers.

SEC. 3. That said Marion Hotel and Belt Railway Company shall have the power to complete, furnish and add to the Catawba Hotel and maintain the same as a health and pleasure resort; to acquire by gift or purchase the lands known as Mount Ida, on the south of Marion, and to lay off the same or a portion thereof in parks, drives, pleasure-grounds, and construct booths and tennis-lawns thereon, and to connect the same with its other property, known as the Catawba Hotel, now in process of construction and nearing completion, by means of a railway or tram-way to run by animal, steam or electric motive power.

May construct belt or street railway.

SEC. 4. That it shall have power to construct, maintain and operate in connection with its other property a belt or street railway, or both, within the town of Marion and to any point within the township of Marion, and over any of the streets of the town of Marion, after first obtaining the consent of the board of aldermen, and over and upon the roads of said township after first having obtained the permission of the board of commissioners of the county, and to charge and collect reasonable fares for the carriage of freight and passengers on their cars and railroads.

Consent of aldermen.

Consent of county commissioners.

Corporate powers.

SEC. 5. They shall have the right of eminent domain possessed by other railroads under the general laws giving said bodies power to condemn land for public road. May borrow money for the purpose of carrying out the objects of its incorporation; may execute bonds and other evidences of debt, and to secure the same may mortgage any or all of its real or personal property, or both, or its franchise, as the by-laws may provide.

Subscriptions to stock.

SEC. 6. That any person or corporation may subscribe for the capital stock of said company, paying for the same in money or in

land upon such terms as may be agreed upon between the parties and as the by-laws may prescribe.

SEC. 7. The capital stock of the company shall not exceed two hundred and fifty thousand dollars, to be divided into two thousand and five hundred shares of the par value of one hundred dollars each. Capital stock.

SEC. 8. The persons named in this charter shall within ten days after the ratification of this act organize the said Marion Hotel and Belt Railway Company, open books of subscription to the capital stock; elect a president, who shall appoint a secretary and treasurer, and that other officers shall be elected at any regular meeting as shall be provided for in the by-laws. Organization.

SEC. 9. That the term of existence of this corporation shall be the term of sixty years. Corporate existence.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 105.

An act to charter the Charlotte Chamber of Commerce.

The General Assembly of North Carolina do enact :

SECTION 1. That I. L. Chambers, president; R. H. Jordan, first vice-president; D. A. Tompkins, second vice-president; Dr. Joseph Graham, J. R. Holland, M. C. Meyer, E. F. Young, J. T. Anthony, Solomon Cohen, R. A. Dunn, John Vallandingham and J. E. Brown, directors, and W. B. Dowd, secretary and treasurer, and their successors in office and associates, are hereby incorporated and declared to be a body politic under the name and style of "The Charlotte Chamber of Commerce," with all the rights and powers of a corporation under the laws of North Carolina. Body politic.
Corporate name.
Corporate powers.

SEC. 2. They shall have the right to adopt a constitution and by-laws, and the constitution and by-laws under which the body is now governed shall be in force until changed. Constitution and by-laws.

SEC. 3. That said corporation shall have the right to purchase or take by gift or devise, real and personal property, not to exceed fifty thousand dollars in value, and hold or convey the same, and may lend its aid to building up and promoting the interests of the city of Charlotte in such enterprises and in such manner as to it may seem best. Corporate powers.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 106.

An act to incorporate the Glendon and Gulf Mining and Manufacturing Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That O. E. Maltby, George F. Edmiston and Ransom F. Rankin and their associates be and the same are hereby incorporated under the name and style of "The Glendon and Gulf Mining and Manufacturing Company" (limited,) and under that name may sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, make by-laws, rules and regulations consistent with the laws of this State, and have, use and enjoy all the rights and privileges granted to corporations by the Code of North Carolina.

Corporate name.
Corporate powers.

Capital stock.

SEC. 2. The capital stock of said company shall not be less than fifty thousand dollars and may be increased to any amount not exceeding one million dollars by a vote of the stockholders. The shares shall be of the par value of one hundred dollars, and real and personal property may be received in the payment of the capital stock at such valuation as may be agreed upon between the subscribers and the company or its representative. The stockholders shall not be individually liable for the debts or obligations of the corporation.

Stockholders not individually liable for corporate debts.
Corporate powers.

SEC. 3. The said company shall be empowered to search for and develop mineral properties, to mine, smelt and work all minerals, ores, metals and earth, to reduce the same, to erect works of any kind for mining purposes, to manufacture metal, earthenware or brick of any kind, and have and enjoy all privileges and powers necessary to a free enjoyment of such rights.

Powers.

SEC. 4. The said company shall have power to purchase, mortgage and sell real and personal estate, not to exceed five thousand acres at any one time; may hold the same; may lay out land in smaller tracts or parcels and dispose of the same at pleasure. It shall have the power to lend money on real or personal security and to take mortgage or other security for the same only so far as necessary for the purposes of mining and manufacturing.

Corporate powers.

SEC. 5. The company shall have the power to issue bonds and to secure the same by a mortgage upon its real and personal estate and franchises or upon a part thereof, to lease the property and franchise of other similar corporations, and to make a lease of its own properties and franchises or a part thereof, the rights of its stockholders protected. It shall be empowered to borrow money, to execute notes, and in general to do such other things as may be necessary to carry into effect the powers herein granted.

May build railroad.

SEC. 6. That the said company be and is hereby authorized and empowered to build, contract, maintain and operate a railroad from

a point at or near Fair Haven, in Moore county, to a point at or near Termini, Gulf, in Chatham county; and if it so desires, may extend its road to some point on the Raleigh and Augusta Air-Line Railroad, to be selected by the president and directors of the company hereby incorporated, with the privilege of building and operating branch roads not exceeding twenty-five miles in length; that in constructing and operating said branch roads the said company shall have all the rights and privileges granted to it with respect to the main line, and with all the powers granted in The Code of North Carolina, volume one, chapter forty-nine, entitled "Railroad and Telegraph Companies."

SEC. 7. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, and as much additional land as may be necessary for the station-house, depots and all other purposes necessary for the construction and operation of said railway and its branches under the same rules and terms as are prescribed for the acquisition and condemnation of land under the general laws for railroad companies in North Carolina.

SEC. 8. The persons named in section one shall have power to open books of subscription to the capital stock, and when the same shall be subscribed and paid in to an amount not less than twenty thousand dollars may call a meeting of the stockholders and organize the company. The number of the directors shall be fixed by the stockholders but shall not be less than three, and the other officers shall be fixed and their duties determined by the stockholders. Until the election of directors the persons named in section one shall be the directors of the company. Vacancies shall be filled by the board. The principal and branch offices of the company shall be at some point in the state of North Carolina, and the place of holding the annual meetings of the stockholders shall be determined by the stockholders, and until so determined it shall be in the city of Raleigh.

SEC. 9. The charter granted is declared to be subject to the general law, and shall exist for thirty years: *Provided*, that the charter may be adjudged to be forfeited under the laws of the state unless the company shall be formed and work commenced within two years.

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

Ratified the 25th day of February, A. D. 1891.

Branch roads.

Condemnation of land.

Books of subscription.
Organization.Offices.
Stockholders' meetings.Corporate existence.
Forfeiture of charter.

CHAPTER 107.

An act to amend the charter of the town of Morganton, North Carolina.

The General Assembly of North Carolina do enact :

Chapter 120, Private Laws 1885, amended.

Terms of office of commissioners.

SECTION 1. That chapter one hundred and twenty of the private laws of one thousand eight hundred and eighty-five be amended by striking out so much of said chapter as provides for the election by the qualified voters of said town of a mayor and five commissioners annually and by inserting in lieu thereof : " That at the election to be held on the first Monday in May, one thousand eight hundred and ninety-one, in said town, there shall be elected six commissioners, two of whom shall hold their office for one year, two for two years and two for three years, and the six commissioners first elected shall by lot decide which of their number shall serve for three years, which for two years and which for one year, and that there shall, on the first Monday in May, one thousand eight hundred and ninety-two, and annually thereafter, be elected two commissioners to serve for three years each, and when any vacancy occurs in said board the said board shall have power to fill the same.

Mayor, how elected.

Term of office.

SEC. 2. That the board of commissioners of said town shall, at their first meeting and annually thereafter, elect by ballot from their number or otherwise a mayor for said town, who shall hold his office for one year or until his successor shall be elected and qualified ; said mayor shall be a qualified voter of said town.

Corporate limits.

SEC. 3. That section two of said chapter be amended by striking out all of said section after the words " shall be " in line two of said section and inserting in lieu thereof as follows, to-wit : " Beginning at Morgan's Hill bridge across the Western North Carolina Railroad track and runs to a point one hundred yards due south of the residence of Rev. Nelson Falls ; then to the one-mile post on the Asheville road ; then to and including Neil Caldwell's house on the road above McDowell's ford ; thence to the Cascade ; then a direct line to the north corner of the lot of S. J. Ervin's on the Lenoir road ; thence to the south corner of the fair ground so as to include the residence of W. E. Rowe ; then to the east corner of the white cemetery, including all the cemetery ; thence a direct course by way of John Campbell's former residence to Hunting creek, to the mouth of the branch at the foot of Vine hill ; thence up said branch to the Western North Carolina Railroad track at the " Spa " spring ; thence with the Western North Carolina Railroad to the beginning.

Limitation of tax.

SEC. 4. That section seventeen of said chapter shall be amended by striking out the words " thirty-three and one-third cents " in lines seven and eight of said section and inserting in lieu thereof the words " fifty cents," and by striking out the words " one dollar " in line nine and inserting in lieu thereof " one dollar and fifty cents."

SEC. 5. That chapter fifty-six of the private laws of one thousand eight hundred and eighty-nine be amended by striking out the word "five" in line seven of the first section thereof and by inserting the word "ten" in lieu thereof, and by striking out the word "twenty" in third line of section two and inserting "thirty," and by striking out the word "sixty" in line four thereof and inserting "ninety." *Provided*, that all property taxes levied by virtue of this or any previous act shall not exceed sixty-six and two-third cents on one hundred dollars and two dollars on the poll. Section sixty-two of chapter one hundred and twenty, private laws of one thousand eight hundred and eighty-five, be amended by striking out the word "eighth" in lines fourteen and fifteen of said act and inserting in lieu thereof the word "tenth."

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

Chapter 56, Private Laws 1889, amended.
May issue bonds not exceeding \$10,000 for certain purposes.
Special tax.

Proviso.

Chapter 120, Private Laws 1885, amended.
Report of sale of portion of public square to be made to judge of tenth judicial district.

CHAPTER 108.

An act to incorporate the town of Pikeville in the county of Wayne.

The General Assembly of North Carolina do enact :

SECTION 1. That the village of Pikeville in the county of Wayne be and the same is hereby incorporated by the name and style of "The Town of Pikeville," and shall have and be entitled to all the rights and privileges, and be subject to the restrictions and liabilities as are now provided by law for incorporated towns in this state.

SEC. 2. That the corporate limits of said town shall be as follows : Beginning at a stake in J. P. Smith's field about two hundred yards south of the Slough swamp and runs thence north four and a half degrees east twenty-five chains to the Snow Hill road; thence the same course continued twenty-five chains to a stake in J. T. Edgerton's field; then north eighty-five and a half degrees west twenty-five chains to the center of the Wilmington and Weldon Railroad, just north of the switch target; then the same course continued twenty chains to a stake in Dickerson's field; then south four and a half degrees west fifty chains to a stake in W. H. Horn's field; then south eighty-five and a half degrees east forty-five chains to the beginning.

SEC. 3. That the officers of said corporation shall be a mayor and three commissioners, who shall be elected at an election to be held on the first Monday in May, A. D. 1891, and annually thereafter, under the rules and regulations prescribed by law for holding municipal

Incorporated.

Corporate name.
Corporate powers.

Corporate limits.

Election.

Officers.

Temporary
officers.

elections in this state; and the following named persons shall fill said offices until the first Monday in May, 1891, and until their successors are duly elected and qualified, to-wit, W. L. Pike, mayor; J. P. Smith, J. T. Edgerton and S. F. Worrell commissioners, who shall take the oath of office within thirty days after the ratification of this act before some justice of the peace of Wayne county, or other officer duly qualified to administer oaths.

Commissioners
of Wayne not to
grant retail
liquor license
without recom-
mendation of
mayor and com-
missioners.

SEC. 4. That the board of commissioners of the county of Wayne shall grant no license to retail spirituous liquors in the corporate limits of said town without the recommendation of the mayor and commissioners of said town, and the fee for such recommendation shall not exceed one hundred dollars.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1891.

CHAPTER 109.

An act to amend the charter of the town of Elizabeth City.

The General Assembly of North Carolina do enact:

Chapter 126, Pri-
vate Laws 1889,
amended.

Corporate limits.

SECTION 1. That chapter one hundred and twenty-six, private laws of North Carolina of one thousand eight hundred and eighty-nine, entitled "An act to amend the charter of the town of Elizabeth City," be amended as follows: By striking out that part of section one commencing with the words "beginning at a point on the" in line two of said section down to and including the words "branch or swamp" in line thirteen of said section, and inserting in lieu thereof the words: "Beginning on Pasquotank river at the mouth of Knobb's creek; thence up said creek to the northerly projection of Fourth street as laid down in the map of the property of the late Conrow, Bush and Lippincott's property; thence southwardly along the east side of Fourth street to Walnut street; thence along the south side of Walnut street to Road street; thence along the west side of Road street to the line between the lines of C. C. Green and the lands of J. Walter Brothers recently sold to M. N. Sawyer, W. Lynch and L. F. Wright; thence along said line westwardly to where it first crosses the swamp of the north branch of Poindexter creek; thence down said Poindexter creek, swamp or branch."

Boundaries of
first ward.

SEC. 2. By striking out that part of section two of said chapter commencing with the words, "beginning on Pasquotank river" in lines four and five down to and including the word "place of beginning" in line fourteen and inserting instead thereof "beginning in

Pasquotank river at the centre of the mouth of Poindexter creek, thence westwardly up the north branch of said Poindexter creek to Road street, thence southwardly along Road street to Cotter street, thence westwardly along Cotter street to Poplar street, thence northwardly along Poplar street to the centre of Poindexter creek swamp, thence up the centre of said swamp to the line of C. G. Green, the town boundary line, thence along the town boundary line eastwardly to Knobb's creek, thence down said Knobb's creek to its mouth in Pasquotank river, thence southwardly along Pasquotank river to the mouth of Poindexter creek, the place of beginning."

SEC. 3. By striking out sections nine and ten and inserting in lieu thereof: "That the town commissioners of Elizabeth City accept the valuation adopted by the county commissioners of Pasquotank county as the true valuation of all property for taxation for the corporation of Elizabeth City."

Assessment of property for taxation.

SEC. 4. By adding after section thirteen the following: "The board of town commissioners of Elizabeth City shall have the power to require every owner of real estate in Elizabeth City to furnish material for paving the sidewalks in front of his or her land in the improved portion of said town with such material, either brick, stone or other durable material, and enforce such requirements by proper fines and penalties: *Provided, however,* the said town commissioners may in their discretion assess against the owner or owners of said lots only a portion of the costs of the same, as in their judgment and discretion may seem just; and upon the failure of such owner or owners to furnish said material the corporation of Elizabeth City may have the same done, and the cost thereof may be assessed upon the property of such delinquent and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the corporation of Elizabeth City before any justice of the peace or the mayor of Elizabeth City if under fifty dollars, or in the superior court of Pasquotank county if over fifty dollars, for the actual cost of such material delivered at the place for paving."

Sidewalks.

Proviso.

SEC. 5. The town commissioners shall have the right to regulate and establish rates of wharfage and prescribe the limits of the port of said town; also the power to appoint wood inspectors whose duty shall be to inspect all firewood brought to the city for sale.

Rates of wharfage.

Wood inspectors.

SEC. 6. The town commissioners are hereby empowered to appoint a harbor-master for the port of Elizabeth City, whose office shall continue four years and until his successor is appointed and to prescribe his fees; he shall take an oath to faithfully perform the duties of his office before the mayor or some other person qualified to administer oaths. It shall be the duty of the harbor-master to enforce all rules and regulations which may be prescribed by the said town commissioners for the government of the port of Elizabeth City, and he shall

Harbor master.

Oath.

Duties.

have the right to settle all matters of dispute between the masters of boats, vessels or steamboats as to the priority of right to land or fasten to a wharf in said town.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 110.

An act to amend the charter of the town of Washington.

The General Assembly of North Carolina do enact :

Section 3, chapter 109, Private Laws 1885, repealed.

SECTION 1. That section three (3), chapter one hundred and nine (109) of the private laws of one thousand eight hundred and eighty-five be and the same is hereby repealed.

Corporate limits.

SEC. 2. That the boundaries of the town of Washington shall be as follows : Beginning at a cedar post upon Pamlico river, the eastern corner of the MacNair land and being the same cedar post referred to in the private laws of one thousand eight hundred and eighty-five, section three of chapter one hundred and nine, and thence running with the eastern line of the MacNair land north thirty-four degrees east to its intersection with a line drawn two hundred and ten feet north of and parallel with Fifth street ; thence with the said intersecting line to the east side of Market street ; thence northwardly with the eastern line of Market street extended a distance of nine hundred and forty-five (945) feet ; thence westwardly on a line parallel with Fifth street to its intersection [with] a line drawn two hundred and ten feet west of and parallel with Washington street ; thence with the said intersecting line on a line parallel with Washington street to the north side of Fourth street extended ; thence with the north side of Fourth street extended westwardly a distance of one thousand five hundred and eighty-four feet ; thence on a line parallel with Washington street to Pamlico river, and thence with the river to the beginning.

Town divided into four wards.

SEC. 3. That the town of Washington shall be divided into four (4) wards and the limits thereof shall be as defined in section one, chapter one hundred and eighty-one of the private laws of one thousand eight hundred and eighty-nine, but that the limits of [the] second and third wards shall be extended so as to include the area hereinbefore added to the boundaries of said town in section two hereof.

Interments.

SEC. 4. That the board of commissioners of the town of Washington shall have the power to prohibit the interment of the dead within the corporate limits of said town, and to provide that any

cemetery in said town heretofore used for the burial of the dead shall no longer be used for such purposes; and all ordinances heretofore passed by said board forbidding the burial of the dead in said town and the means of enforcing the same are hereby declared valid and legal.

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 25th day of February, A. D. 1891.

CHAPTER 111.

An act to amend chapter seventy-six, section six, private laws of eighteen hundred and eighty-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy-six, section six, private laws of eighteen hundred and eighty-one, be amended by inserting the word "manufacture" after the [word] "to," and before the word "sell" in line second in section six. Chapter 76, Private Laws 1881, amended. Unlawful to manufacture liquors within three miles of Shady Grove Methodist Episcopal church, Haywood county

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 112.

An act to amend an act entitled "An act to incorporate the Champion Compress and Warehouse Company," being chapter seventy-five of the private acts of eighteen hundred and seventy-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section two (2) of the above-recited act be and the same is hereby amended by striking out the words "one hundred thousand" in the first line of said section, and inserting in lieu thereof the words "five hundred thousand." Chapter 75, Private Laws 1879, amended. Capital stock.

SEC. 2. That in addition to the powers and privileges specified in said act the said corporation, "The Champion Compress and Warehouse Company," is hereby authorized and empowered to manufacture cotton, wool, jute and any and all other textile materials into Corporate powers.

warps, yarns, cloths, prints, bagging and any and all other fabrics, goods, wares and merchandise of every kind.

Change of name. SEC. 3. The said corporation, by a vote of a majority of its stockholders, may change the name thereof and adopt any other corporate name that to them may seem suitable, and a copy of the resolution of said stockholders, certified by the secretary and under the seal of the corporation, shall be competent evidence in any court of this State of such change and adoption of corporate name.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 113.

An act to change the name of the town of Toisnot to that of Elm City.

The General Assembly of North Carolina do enact :

Name changed to Elm City. SECTION 1. That the name of the town of Toisnot, N. C., be and is now changed to that of Elm City.

What laws applicable. SEC. 2. That all laws heretofore enacted governing the town of Toisnot shall apply to the government of Elm City.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 114.

An act to amend chapter one hundred and eighty-three, private laws of one thousand eight hundred and eighty-nine, entitled an act to incorporate the town of Marion, in the county of McDowell.

The General Assembly of North Carolina do enact :

Commissioners of McDowell not to grant retail liquor license in Marion except on recommendation of three-fifths of aldermen. SECTION 24a. That no person shall be licensed to keep a bar-room, or sell spirituous or intoxicating liquors by retail, within the corporate limits of the town of Marion by the board of commissioners of McDowell county, excepting such person or persons as shall have been recommended to such board of commissioners by at least three-fifths of the board of aldermen of said town.

Unlawful to sell liquor to minors, habitual drunkards, &c. SEC. 24b. It shall be unlawful for the keeper of any bar-room or other place where spirituous or intoxicating liquor is sold, to sell or permit to be sold any spirituous or intoxicating liquor to any minor

or person under twenty-one years of age, or to permit any minor to receive or carry away, or drink on his premises, any spirituous or intoxicating liquor, or to sell or permit to be sold to any intoxicated person or to any person who is known or reputed to be an habitual drunkard, or to permit such minor or intoxicated person or reputed habitual drunkard to receive, drink or carry away from such bar-room or other place where spirituous or intoxicating liquor is had for sale, any spirituous or intoxicating liquor, furnished to him by the reputed owner of such bar-room or other place where spirituous or intoxicating liquor is had for sale. Upon complaint being made by any person, it shall be the duty of the mayor to have the owner of such bar-room or establishment where such liquor is being sold summoned before him to answer the charge, and if it shall appear that the keeper of such bar-room or any employee thereof or person in charge of such place has been guilty as aforesaid, then the owner thereof or the reputed owner shall be fined not less than twenty dollars for the first offence thirty dollars for the second offence, and on conviction for the third offence, the board of county commissioners shall revoke the license of such bar-room keeper and the mayor of said town shall cause said bar-room to be closed, and such person as shall have been convicted and whose license has been revoked shall not be licensed to sell spirituous or intoxicating liquors in said town again.

Duty of mayor to prosecute.

Penalty.

SEC. 24c. That whenever any person shall have been convicted and fined in any instance as aforesaid, the mayor of said town shall cause said bar-room to be closed, and all sale of spirituous and intoxicating liquors by the owner and licensee thereof be suspended till said fine and costs shall have been paid; and all fines levied under the preceding section of this act shall be appropriated to the improvement and maintenance of the streets and sidewalks of said town.

On conviction mayor to close bar-room, &c.

Appropriation of fines.

SEC. 24d. That it shall be unlawful for any person or persons, company or firm carrying on the business of grocer, druggist or dealer in general merchandise, to sell or allow to be sold on his premises any spirituous or intoxicating liquors within the corporate limits of said town, without first having paid the license established to be paid for selling spirituous or intoxicating liquors in said town of Marion.

Unlawful for grocer, &c., to sell liquor without license.

SEC. 24e. That any person selling or offering for sale or gratuitously disposing of any spirituous or intoxicating liquor within the corporate limits of said town without first having secured a license for the sale thereof from the board of commissioners of said county as herein provided for shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars, one-half to go to the town to be appropriated as herein provided, and the other half to go to the party furnishing sufficient evidence to convict.

Misdemeanor to sell, &c., liquor without license.

Closing of bar-rooms.

SEC. 24f. That the board of aldermen shall regulate the time for the closing of all bar-rooms and other places in said town where spirituous and intoxicating liquors are had for sale.

Disorderly places
Revocation of
license, &c.

SEC. 24g. That whenever any bar-room or other place where spirituous or intoxicating liquors shall be had for sale shall become an habitual resort for idle and dissolute persons, or shall be a place of frequent affrays, or shall become a source of disturbance to the quiet and peace of said town, the mayor of said town may cause the licensee of such place to be summoned to appear before him as in case of misdemeanors, and if it shall be proven that such place is as charged in the complaint, then the mayor shall adjudge that the licensee shall pay the costs of such summons and the attendant charges, and shall report said case and the findings therein to the board of commissioners of said county, who shall thereupon revoke the license of said party so charged and found guilty as aforesaid.

Chapter 183, Private Laws 1889, amended.

SEC. 27. That section twenty-seven of the act of incorporation of one thousand eight hundred and eighty-nine, page eight hundred and thirty-four, be and the same is hereby amended by striking out in paragraph nine, referring to bar-rooms, the word "three" preceding the word "hundred" and inserting the word "five," and by striking out all of the second line of said paragraph nine.

Tax on bar-rooms.

Election on question of prohibition.

SEC. 39. That the following be added as section thirty-nine of said act: "That the board of aldermen shall cause an election to be held in the town of Marion in the manner prescribed for municipal elections in sections ten and eleven of the charter of said town and submit the matter of license or no license to the qualified voters of said town. Said election shall be held on the second day of April, one thousand eight hundred and ninety-one. Those favoring license shall vote on separate ballots on which shall be written or printed 'License,' and those opposing shall vote ballots on which shall be written or printed 'No license.' If it shall be found that a majority of the ballots cast shall be in favor of license, then so much of chapter two hundred and thirty-two, laws of one thousand eight hundred and seventy-nine, as prohibits the sale of spirituous liquors, bitters or intoxicating drinks within the territory included within the corporate limits of the town of Marion shall be and the same is hereby repealed. The judges of election shall make a full return of the votes cast, the number polled for and against license, and return the same to the clerk of the board of aldermen, who shall make a record of the same and file the return of the judges in the office of the register of deeds for McDowell county."

Election, when held.

Ballots.

If majority vote in favor of license, chapter 232, laws 1879, repealed.

Returns of election.

Town attorney.

SEC. 40. That the board of aldermen shall elect some competent attorney in said town who shall be the legal adviser of said board, and whose special duty it shall be to prosecute any and all violations of the liquor law as provided for in this chapter and in the by-laws or ordinances of said town; said attorney shall receive as his fees the

Special duty.

Fees.

sum of ten dollars for each and every conviction, to be taxed in the bill of costs and collected as is provided for the collection of fines in this chapter, and such further compensation as the said board may determine for his services as legal adviser of said board.

SEC. 41. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1891.

CHAPTER 115.

An act to incorporate the French Broad Lumber Company.

WHEREAS, the French Broad Lumber Company was, by letters of Preamble. the clerk of the superior court of Buncombe county, issued under the general laws of the state on the 25th day of May, A. D. 1889, declared a body corporate; and whereas, the objects of said corporation cannot be attained under general laws: therefore

The General Assembly of North Carolina do enact :

SECTION 1. That the said "French Broad Lumber Company" is and shall be, for the term of ninety-nine years from the ratification of this act, a body corporate under the name and style of "French Broad Lumber Company," and by and under that name shall sue and be sued, contract and be contracted with, and shall adopt a corporate seal, which they may alter at their pleasure.

Incorporated.
Corporate existence.

Corporate powers.

SEC. 2. The said corporation shall have power to buy, sell, own and hold and deal in real estate, standing trees and lumber, and to buy, sell, own, hold, deal in and manufacture lumber, lumbermen's materials, lumbermen's supplies, furniture, utensils, implements, and all other articles manufactured from wood or a combination of wood and metal; and to operate saw-mills, planing-mills, stove-mills, shingle-mills, dry-kilns, and all other mills, machinery and apparatus necessary or convenient for the conduct of their business. To float logs down any river or streams capable of floating logs, to which said corporation may desire to extend its operations, unmolested by riparian owners or others without due process of law; to erect one or more booms in such rivers as they may wish to float logs upon; to build and equip with rolling and other stock and operate all such railroads, tram-roads, turnpikes and other roads, and to open all such canals as may be necessary or useful to the conduct of their business; and to this end the said corporation has hereby conferred upon it all the powers, rights and privileges and immunities conferred upon

Corporate powers.

railroads and telegraph companies by chapter forty-nine of The Code of North Carolina. In case said corporation is unable to agree for the purchase of any real estate required for the purpose of constructing any road or canal, it shall have the right to acquire the title of the same in the manner and by the special proceedings prescribed in said chapter forty-nine of The Code of North Carolina; and further, the said corporation has hereby conferred upon it all the other rights, privileges and powers conferred upon the Scottish Carolina Timber and Land Company, "limited," by section two (2) of chapter fifty-five (55) of the laws of one thousand eight hundred and eighty-five.

Capital stock.

SEC. 3. The capital stock of the said corporation shall be one hundred and two thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing said capital stock to two hundred thousand dollars. The principal place of business of said corporation shall be in or near the city of Asheville in the county of Buncombe, but it may establish and maintain such other branch offices as may be necessary or convenient for the transaction of its business, and all property of the company shall be listed for taxation in the county where located.

Place of business.

Conflicting laws repealed.

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

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 116.

An act to amend chapter eighty of the private laws of the state of North Carolina, ratified March sixth, one thousand eight hundred and eighty-five, entitled "An act to incorporate the Davis School."

The General Assembly of North Carolina do enact :

Section 1, chapter 80, Private Laws 1885, repealed.
Body politic.

SECTION 1. That section one of chapter eighty, private laws of one thousand eight hundred and eighty-five be repealed, and that the following be inserted in lieu thereof: "That A. F. Moses, A. C. Davis, Jr., W. G. Sutton, J. Davis, J. H. Rose and J. W. Yerex, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of 'The Davis School,' with a capital stock of forty-five thousand dollars, which shall be divided into nine hundred shares of the par value of fifty dollars each, with the power to increase the said capital stock at any time and from time to time

Corporate name.
Capital stock.

to any sum not exceeding in the aggregate one hundred thousand dollars.”

SEC. 2. That the said chapter be amended by inserting after section three thereof the following new section, which shall be section four thereof: “That said corporation is hereby empowered to carry on a school or schools in or near the town of Winston, North Carolina, for the education of such pupils as it may admit thereto, and to employ teachers and do all things necessary to organize and conduct a school in which the branches of learning taught in the schools and colleges of the state may be taught, and to grant diplomas and to confer degrees upon its graduates under such rules and regulations as it may prescribe.”

Corporate powers.

SEC. 3. That said chapter be amended by adding thereto a new section which shall be section five thereof, as follows: “That the said corporation is hereby empowered to acquire by gift, purchase or otherwise real property and to hold the same in fee-simple, and also to acquire personal property in the same manner and to sell and convey the said real and personal property, and to borrow money and issue bonds or other evidences of any indebtedness so created and to secure the payment of the same by mortgages of its property, franchises and effects or otherwise.”

Corporate powers.

SEC. 4. That said chapter be amended by adding thereto a new section which shall be section six thereof, as follows: “That the stockholders of said corporation shall have power to make all necessary rules and regulations for the government of said corporation and the transaction of its business; that they shall have power to elect, in such manner as a majority of the stockholders may prescribe, such officers as they deem necessary, prescribe their duties, compensation and terms of service, and in general said stockholders may make such by-laws and regulations for the government and conduct of said corporation and its business as they may consider best calculated to serve its interest.”

Powers of stockholders.

SEC. 5. That said chapter be amended by adding thereto a new section, which shall be section seven thereof, as follows: “That said corporation may have a common seal and alter the same at pleasure, and may sue and be sued.”

Common seal, &c.

SEC. 6. That said chapter be amended by adding thereto a new section, which shall be section eight thereof, as follows: “That the incorporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable for the debts, liabilities, contracts, engagements or torts of the corporation.”

Stockholders not individually liable for corporate debts.

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

Ratified the 25th day of February, A. D. 1891.

CHAPTER 117.

An act to incorporate the Commercial and Farmers' Bank.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That A. F. Page, Fred. Phillips, Alf. A. Thompson, R. B. Raney, C. G. Latta, J. N. Holding, H. W. Jackson and B. S. Jerman, their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate by the name and style of "The Commercial and Farmers' Bank" of Raleigh, North Carolina, and shall so continue for a period of thirty 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 legislature of this state, together with the rights, powers and privileges incident or belonging to corporations set forth or referred to in the first, second and third sections of chapter sixteen of volume one of The Code entitled "Corporations."
- Corporate name, Corporate existence, Corporate powers. and style of "The Commercial and Farmers' Bank" of Raleigh, North Carolina, and shall so continue for a period of thirty 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 legislature of this state, together with the rights, powers and privileges incident or belonging to corporations set forth or referred to in the first, second and third sections of chapter sixteen of volume one of The Code entitled "Corporations."
- Capital stock. SEC. 2. The capital stock of said bank shall not be less than fifty thousand dollars, in shares of five dollars and fifty dollars each or either and both, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five hundred thousand dollars.
- Books of subscription. SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank, at such time and place and for such period or periods as they shall determine.
- Organization. SEC. 4. Whenever twenty-five thousand dollars is paid up, the said corporators or a majority of them may call a meeting of the stockholders, in the city of Raleigh, at such place as may be designated by advertisement in one of the city papers for ten days; and if, at such meeting, the stockholders who are present have a majority of the votes (if not another meeting shall be called), they may proceed to adopt such by-laws and regulations for the government of the bank as they please, not inconsistent with the laws of the state, and may elect such number of directors as they may deem necessary, to serve for one year and until their successors shall be chosen, or for such term as they may prescribe.
- Officers. SEC. 5. The directors shall elect one of their number to be president, and shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors, during the continuance in office of said directors; and the directors shall prescribe their duties, and may take from them bonds with security for the faithful discharge of their duty, and may fix their compensation.

SEC. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same, may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations, especially those set forth in chapter four, volume two of the Code; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans on mortgages of real and personal estate, at a rate of interest not exceeding the legal rate, and may charge and receive from the lender or borrower or either of them, a reasonable commission therefor, and they shall direct when dividends of profit shall be made and declared.

Corporate powers.

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 by an 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 Raleigh, after advertisement of such sale for ten days in some newspaper published in said city, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Remedy against subscriber failing to pay.

SEC. 8. That said corporation shall have the 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 or other personal property; to make advances in money on merchandise and produce, and to 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 for 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. 9. That when married women, minors or apprentices deposit money or other things of value in said bank, or its branches, either generally or specifically to their own credit, they or any of them

Deposits by married women, &c.

may draw the same on their check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against such married woman, minor, or apprentice, and all other persons whatsoever.

Corporate powers.

SEC. 10. That said corporation shall have the right to act as agent, factor or trustee for any state, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any state, county, township, town, municipality, corporation, company or individual, any bonds, certificates of stock, notes, or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc., and generally for managing such business; and for doing any or all of the matters and things authorized by this charter said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon.

May organize savings' bank.

SEC. 11. The bank is authorized to organize in connection with its general banking business a department for savings and 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 the savings department, and to give certificates or other evidence of deposit, and to pay such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, and to regulate the time of payment and notice of demand.

Stockholders not individually liable for corporate debts.

SEC. 12. No stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or engagements of said bank, except that the president and directors of said corporation, being stockholders, shall be liable for fraud as prescribed in section six hundred and eighty-six, chapter sixteen of volume one of The Code of North Carolina.

Fraud of president or directors.

Location.
Branch banks.

SEC. 13. That the said bank shall be located at Raleigh, North Carolina; but branches or agencies of the bank may be established at such times and places as the stockholders may designate or authorize the president and directors to 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: *Provided*, the sum of twenty-five dollars each for all branches or agencies established as aforesaid shall be paid to the state treasurer before such branch or agency is established.

Proviso.

Stock vote.

SEC. 14. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock of the par value of five dollars, and ten votes for each share of stock of par value of fifty dollars held by him or her.

SEC. 15. The powers and privileges granted herein shall not be deemed forfeited by non-user : *Provided*, the corporation is organized within five years from the date of ratification of this act. No forfeiture for non-user. Proviso.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1891.

CHAPTER 118.

An act to incorporate the Waynesville Library Association in the County of Haywood, State of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That Charles Goodyear, Geo. Wharton, W. B. Ferguson, H. Taylor Rogers, W. T. Lee, W. W. Stringfield, G. H. Smathers, A. Howell, Mrs. Fannie Howell, Miss Inez Gudger, J. M. Moody, G. S. Ferguson, J. C. L. Gudger, Miss Maria Love, J. H. Way, Mark Rheinheart, J. K. Boone, R. C. Ellis, B. F. Smathers, Miss Ida L. Ferguson, Mrs. S. Lewis, Mr. Lewis, D. M. Killian, J. M. Davis, W. C. Brown, H. B. Moore, R. Q. McCracken, E. C. Chastain, R. D. Gilmer, W. T. Crawford and others, their associates and all persons that shall be stockholders, and their successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name of the Waynesville Library Association, and in and by that name may make contracts, sue and be sued, plead and be impleaded, have perpetual succession, use a common seal and alter the same at pleasure, with power to make by-laws, to purchase, lease, hold, use, sell and enjoy all such real and personal property as may be necessary to and will advance the interest of said association. Body politic.
Corporate name.
Corporate powers.

SEC. 2. That the officers of the said association shall be a president, vice-president, librarian, secretary and treasurer and twelve directors. Officers.
Directors. The directors shall be elected by the stockholders on the first Tuesday in April of each year. They shall be divided into three equal classes — the first class to hold office one year, the second class two years, and the third class three years, and annually after the first election four directors shall be elected to hold office three years and until their successors are elected and qualified; and from their own number the board of directors shall elect the officers, whose term of office shall be one year; and they shall hold their respective offices to which they are elected as aforesaid until their successors are elected and qualified; and the incorporators herein named and their successors shall constitute the board of directors until the first regular election in April, 1891; and both males and females over the

- Who eligible to office. age of fifteen years may be eligible and entitled to hold any office in this association when elected to the same.
- Stock vote. SEC. 3. That in the election of directors, at the regular annual election each shareholder shall have one vote for each share of stock owned and held by him or her: *Provided*, that no shareholder shall have more than five votes at such election, and the shareholder's stock in excess of twenty-five dollars (\$25) shall not be liable to assessments; and at such election the stockholders may vote by written or printed proxy signed by them.
- Assessments.
- Capital stock. SEC. 4. That the capital stock of this association shall be the amount of all shares sold or subscribed for in this association, not to exceed fifty thousand dollars, and shall be divided into shares of five dollars each, and may be paid for in full at the time of subscription, or in such installments and at such times as may be fixed in the by-laws.
- Objects of corporation. SEC. 5. That the object of this association shall be to foster and promote education and provide the means of establishing and furnishing a library of good and useful books, papers and magazines for the use of all persons who may be entitled to the same by complying with the terms fixed in the by-laws; and to enable said association to successfully carry out and accomplish an undertaking so laudable, it is hereby empowered to take subscriptions to its capital stock, receive gifts, donations and bequests, and invest the same in books and other reading matter, and to invest in real estate in the town of Waynesville, N. C., for the purpose of a suitable building to carry on the business of the association, and sell and convey the real estate so purchased by this corporation, and make title thereto in the mode to be prescribed in its by-laws.
- Compensation of officers. SEC. 6. That the incorporators herein named till the first election of directors, and thereafter the board of directors, shall fix the compensation of all officers and agents and provide for their compensation, and may adopt suitable by-laws and provide therein for the removal of officers for the neglect of duty or misconduct in office and for filling all vacancies, and fix suitable penalties by reasonable fines for failure to pay installments of stock, or return books or other property which have been let to any person in furtherance of the objects of this association which is that of education and mental improvement: and shall determine what officers shall be required to execute bonds for the faithful discharge of their duties, and said bonds when executed shall be binding obligations upon the officers executing the same and upon his sureties thereto, and said bonds shall be payable to the Waynesville Library Association, and suits may be prosecuted on such bonds in the name of said association for the benefit of said association by the direction of the board of directors; and said board of directors may adopt all other suitable
- By-laws.
- Removal of officers.
Vacancies.
Penalties.
- Bonds.

by-laws, rules and regulations reasonable and necessary to the proper management of the business of the association not inconsistent with this act or the laws of the land.

SEC. 7. That this incorporation, by its proper officers, shall keep a record of the financial condition of the incorporation, and the indebtedness of this association or incorporation shall at no time exceed ten per cent. of its paid in capital stock, and the private property of the incorporators and all officers and stockholders shall be exempt from corporate debts, and the property of the corporation, both personal and real, shall be exempt from taxation.

Record to be kept.

Property of stockholders exempt from corporate debts. Exemption from taxation.

SEC. 8. That this association and incorporation may begin business whenever fifty shares shall have been subscribed to its capital stock, and this act shall take effect and be in force from and after its ratification.

Organization.

Ratified the 27th day of February, A. D. 1891.

CHAPTER 119.

An act to amend the charter of the town of Durham in Durham county.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the town of Durham as contained in chapter one hundred and ten, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and the acts amendatory thereto, be and the same is hereby amended as follows, namely: By inserting after the words "limits of the town" in line four (4) of section forty-one (41) of said charter the words "and within one-half mile thereof." By striking out in line three (3) of section seventy (70) of said charter the words "one hundred" and inserting in lieu thereof the word "fifty." By striking out in line two (2) of section seventy-three (73) of said charter the words "twenty-five," and inserting in lieu thereof the word "fifty." By inserting after the words "said freeholders" in line nine (9) of section fifty-four (54) of said charter the words "or a majority of them." By inserting in line twenty-four (24) of said section fifty-four (54) after the word "thereafter" the words "under the same rules, regulations and restrictions as now govern appeals from judgments of justices of the peace," and also by inserting after the word "freeholders" in the same line of said section the words "or a majority of them."

Chapter 110, Private Laws 1874-'5, amended.

Powers of constable.

Penalty for violation of town laws.

Penalties imposed by commissioners.

Condemnation of land for streets, &c.

Appeals in condemnation proceedings.

Returns to appeal

SEC. 2. That section fifty-nine (59) of said charter be stricken out and the following inserted in lieu thereof: "That if any owner or lessee of land in the town of Durham on being notified to repair his

Failure to repair sidewalks a misdemeanor.

sidewalks shall fail or neglect 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. A notice of ten days by any officer of the town shall be sufficient in any event."

Fines, how applied.

SEC. 3. That all fines and penalties collected for violation of this charter or the ordinances made in pursuance thereof shall go into the town treasury and belong to the town of Durham.

Town attorney.

SEC. 4. That the board of commissioners of said town may, at their first regular meeting in May, or at any time during the year, elect a town attorney, prescribe his duties, fix his term of office and rate of compensation.

Protection at street crossings by railroad tracks.

SEC. 5. That the board of commissioners of said town may, by such ordinances as they deem necessary, provide for the better protection of life and property at the crossing of the streets of said town and the railroad tracks now located or which may hereafter be located within said town by requiring the railroad companies owning or operating said tracks to erect and maintain at said crossings suitable gates, or to place there a flagman who shall warn all persons using said crossings of the approach of trains and engines, and any person attempting to cross said tracks after being warned not to do so by said flagman may be arrested by him or any policeman of said town and carried before the mayor and fined not more than ten dollars for each offence.

Presumption of grant from use of streets, &c.

SEC. 6. That in the absence of any contract or contracts with said town in relation to land used or occupied by it for the purpose of streets, sidewalks or alleys, or other public works of said town, signed by the owner thereof or his agents, it shall be presumed that said land has been granted to said town by the owner or owners thereof; and said town shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same shall be used for the purposes of said town and no longer, unless the owner

Application for assessment.

or owners of said land at the time of the occupation of said land as aforesaid, or those claiming under them, shall apply for an assessment of the value of said land, as provided for in the charter of said town, within two years next after said land was taken; and in case the owner or owners or those claiming under them shall not apply within two years next after said land was taken he or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, nothing herein contained shall effect [affect] the rights of *femes covert*, or infants under ten years after the removal of their respective disabilities: *Provided*, that this act shall not be construed as repealing or modifying section 150 of The Code of North Carolina.

Proviso.

Proviso.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 120.

An act to amend the charter of the Durham Water Company.

The General Assembly of North Carolina do enact :

SECTION 1. That if the Durham Water Company is unable to agree for the purchase of any real estate for the purposes of its incorporation and business, the maintenance, improvement, enlargement of its works, plant and reservoir, or the protection of its water supply from contamination, or for the laying of its mains, pipes and conduits, it may present to the clerk of the superior court of the county in which the real estate it desires to acquire the title or right to use lies, its petition praying for the appointment of commissioners of appraisal; if such real estate is situated in two counties said petition may be filed in either, at the option of said company; such petition shall be signed and verified according to the rules and practice of the superior court, and must contain a description of the real estate which the company desires to acquire; and it must in effect state that the company is duly incorporated, and that such real estate is in good faith desired for the purposes of said company, and that it has been unable to agree with the owner for the purchase of the same. The petition must also state the names and residences of the parties who own or claim to own such real estate, so far as the same are known, and if any such parties are infants, their ages, or as near as may be, must be stated; and if any such persons are idiots or lunatics, or unknown, that fact must be stated, together with such other allegations of liens and encumbrances on said real estate as the company may see fit to make; a copy of such petition shall be served with the summons issued by the clerk on all persons whose interests in such real estate are to be affected by the proceedings at least ten days prior to the hearing of the same by said court. The clerk shall issue a summons containing a statement of the time and place when said petition will be heard.

Condemnation of land.

SEC. 2. That all said proceedings shall be conducted according to subdivisions (1) (2) (3) (4) (5) (6) and (7) of section 1944 of The Code and sections 1945, 1946, 1947, 1948, 1949, 1950 and 1951 of The Code as near as may be, and said subdivisions and subsequent sections of The Code shall apply to said company and its proceedings as fully as if incorporated herein at length, as far as the same may be made applicable to a water company.

Proceedings for condemnation, how conducted.

SEC. 3. That all parts of the charter or letters of incorporation of said company in conflict with this act are hereby repealed and declared void.

Conflicting provisions of charter repealed.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 121.

An act to Incorporate the town of Kenilworth.

The General Assembly of North Carolina do enact :

- Incorporated.** SECTION 1. That Kenilworth Park in the county of Buncombe be and the same is hereby incorporated and made a body politic by the name and style of "The Town of Kenilworth," and shall have all the powers conferred upon towns and cities in chapter sixty-two (62) of The Code of North Carolina, and shall be subject to all the provisions contained in said chapter not inconsistent with this act.
- Corporate name.**
- Corporate powers.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows : Beginning at the intersection of the Asheville and Hendersonville turnpike with a road between the Baird property and the old Newton Academy lot, it runs with said road in an easterly direction to the corner of the Rasselle property in the south line of the Baird place; then with the Baird line north 57 degrees and 24 minutes east 591.85 feet to a stake; then north 16 degrees and 29 minutes east 167.5 feet, crossing a small branch to a rock, a corner of the Baird land; then with east line of said Baird land north 43 degrees and 31 minutes west 102 feet to a stake, Wm. McDowell's south-west corner; then with McDowell's south line south 86 degrees and 45 minutes east 313 feet to Thomas Randall's north-west corner; then with said Randall's west line south no degrees 56 minutes west 220.35 feet to a stake on the north edge of a road; then with said road north 84 degrees and 56 minutes east 280 feet to Randall's southeast corner; then with said Randall's east line north no degrees 56 minutes east 230 feet to a stake in a branch in McDowell's south line; then with McDowell's neighbor's and Randall's lines south 86 degrees and 45 minutes east 1329.8 feet to a stake near a spring at a poplar stump, the north-east corner of the Rasselle property; then continuing same course south 86 degrees and 45 minutes east to a point in land where the prolongation of Wm. Cheesborough's east line would intersect it; then in a straight and southerly course with said prolongation and Wm. Cheesborough's east line and lane crossing the Swannanoa river to its south bank; then down the south bank of said river in a westerly direction to the Asheville and Hendersonville Turnpike at the south end of the county iron bridge, then in a northerly direction with the west side of said turnpike about three thousand two hundred and fifty feet to the beginning, and shall include the public highway or road from the line of the city of Asheville to Biltmore bridge on the Buncombe turnpike, which said road shall be a street and shall be kept in first-class fix: *Provided*, that as the town of

Victoria travels said street, said town shall jointly with the town of Kenilworth keep up said street, and for this purpose, and it shall be considered a joint street of Kenilworth and Victoria.

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.

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, W. E. Breese; commissioners, W. C. McBrowning, M. P. Cheesborough and O. B. Nelson, 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.

SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and ninety-one, and every two years 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.

Election.

Notice.

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.

After first election notice may be omitted.

Proviso.

SEC. 7. That any qualified elector in this state shall be eligible to the office of 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 for mayor or commissioner.
Proviso.

SEC. 8. That all persons entitled to vote in the county of Buncombe for members of the general assembly and who have been *bona fide* residents of the town of Kenilworth Park ninety days next preceding the day of election and shall be otherwise qualified to vote as required by law, shall be entitled to vote at any and all municipal elections for said town.

Electors.

SEC. 9. That in addition to the powers conferred on the commissioners of incorporated towns enumerated in chapter 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 corporate limits of said town whenever by them deemed necessary (and of such necessity said 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

Streets.

Condemnation of land. shall have full power and authority to condemn, appropriate and use any land or lands necessary for any of the purposes named in this section upon making just and 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 assessors, 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 shall refuse to choose such assessor, then the mayor shall in his stead choose such assessor for him; and in case the two assessors chosen as aforesaid cannot agree, 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 damages that will be sustained by and the special 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 finding of the assessors shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use said land for the purposes for which it is condemned, and the damages agreed upon between the owners of the land and the commissioners, as awarded by the assessors, shall be paid as other town liabilities: *Provided*, that either party may appeal from the finding of said assessors within ten days after knowledge of the same to the next term of the superior court of Buncombe county.

Appeal.

Live stock running at large.

SEC. 10. That the said commissioners may prohibit the running at large of horses, mules, 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 for impounding and sale of all animals mentioned in said section, as well as other live stock not mentioned, found roaming at large within the corporate limits of said town contrary to the ordinances thereof.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 122.

An act to amend the charter of the town of Gastonia in the county of Gaston.

The General Assembly of North Carolina do enact :

SECTION 1. That section five (5) chapter fifty-two (52) of the laws of one thousand eight hundred and seventy-six and seventy-seven be and the same is hereby amended by adding at the end thereof the following: "The said board of commissioners shall also have full power and authority to purchase and hold, in fee-simple, to them and their successors in office for the use of said town, a parcel of land not exceeding one acre, situated on Main street in said town, the same to be known and designated as "The Public Square" and to be kept open by said town for public purposes; and the said board of commissioners or their successors in office may, when a majority of them shall elect so to do, dispose of said land, either publicly or privately, in the manner provided for the sale of corporate property in chapter sixty-two (62) volume two of The Code of this state.

Chapter 52, laws 1876-'7, amended.

Commissioners may purchase land for public square.

Sale of land.

SEC. 2. That all laws or parts 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 27th day of February, A. D. 1891.

CHAPTER 123.

An act to amend the charter of the Bank of Henderson.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter sixty-five, private laws of one thousand eight hundred and eighty-five, be amended by striking out the names T. W. Ford, N. S. Parker, C. W. Raney and R. L. Daingerfield as appear in the first three lines of said section and substituting in the place of the same the names Josiah H. Vase, Harry B. Baker and J. Alvestor Burgwyn.

Chapter 65, Private Laws 1885, amended.

Substituted incorporators.

SEC. 2. That section three of said act be amended by striking out the word "fifty" in line two of said section and substituting for the same the word "twenty."

Capital stock not less than \$20,000.

SEC. 3. That section four of said act be amended by striking out the words "thirty-five" in the first line of said section and substituting for the same the word "twenty."

May organize when \$20,000 subscribed and twenty-five per cent. paid.

SEC. 4. That said Bank of Henderson is hereby granted two years from the passage of this act within which to complete its organiza-

Time extended for organization.

Corporate powers. tion and shall have such other banking powers and privileges as have been granted other banking corporations by the General Assembly of North Carolina.

SEC. 5. This act shall be in force and effect from its ratification.
Ratified the 27th day of February, A. D. 1891.

CHAPTER 124.

An act to incorporate the Phoenix Hose-reel Company of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That George Raford, Louis McMillan, Lish Richardson, John Webber, Robert Johnson, Henry Bradly, Alex. Davis, Samuel Merrick, William Harris, Alex. Gainson, Cornelius Hayes, and such other persons as may be associated with them, and their successors, be and they are hereby created a body corporate under the name of
- Corporate name. "The Phoenix Hose-reel Company," of Wilmington, N. C., and by that name shall have perpetual succession and a common seal, plead and be impleaded, sue and be sued, have, purchase and hold such real and personal property as may be deemed necessary for its purposes, and in general exercise and enjoy all other rights and privileges as are usually incident to corporations of the same nature.
- Corporate powers.
- By-laws. SEC. 2. That the said corporation shall have power to pass all necessary by-laws and regulations for their own government, not inconsistent with the laws and constitution of the United States and the constitution and laws of the state of North Carolina.
- Officers. SEC. 3. That the officers of the corporation, together with their duties and term of office, shall be fixed and contained in their by-laws, and that all officers of the same shall hold until their successors qualify.
- Number of members limited. SEC. 4. That the number of members of said corporation shall not exceed fifty active members at any one time.
- Exemption from jury duty. SEC. 5. That members of said corporation, during membership, shall be exempt from all jury duty, tales, regular or otherwise.
- SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 27th day of February, A. D. 1891.

CHAPTER 125.

An act to incorporate the Golden Star Lodge, number one thousand six hundred and eighty, Grand United Order of Odd Fellows, of Fayetteville, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That John H. Cunningham, Solomon T. Evans, William S. Leary, John Gill, George H. Henderson, Louis Beard, Jackson Campbell and John S. Leary, and other officers and members of Golden Star Lodge, number one thousand six hundred and eighty, Grand United Order of Odd Fellows, located at Fayetteville in the county of Cumberland and state of North Carolina, be and they are hereby incorporated into a body politic under the name and style of "Golden Star Lodge, number one thousand six hundred and eighty, Grand United Order of Odd Fellows." Body politic.
Corporate name.

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common corporate seal, [may] sue and be sued, plead and be impleaded before any court of record, a justice of the peace in this state; contract and be contracted with; acquire, hold, 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 corporation. Corporate powers.

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 27th day of February, A. D. 1891.

CHAPTER 126.

An act to incorporate the Biltmore and Asheville Street Railroad.

The General Assembly of North Carolina do enact :

SECTION 1. That W. E. Breese, W. H. Penland, Walter C. Brown, C. E. Graham, J. S. Adams, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name and style of "The Biltmore and Asheville Street Railway Company," and by that name and style may acquire and hold, own and transfer real and personal estate; may contract and be con- Body politic.
Corporate name.
Corporate powers.

tracted with, sue and be sued, plead and be impleaded in any of the courts of this state; have a common seal with power to revise and change the same, with all the rights, powers, privileges and immunities of all other corporations of like nature in the state for ninety-nine years, with the usual powers of renewal and succession so long as there shall be no violation of its franchises.

Authorized to build street railway.

SEC. 2. That said corporation shall have power to construct a street railway or street railways, and run cars upon the tracks of the same, to be propelled by steam, animal, electrical or such other powers as may be desired, from the public square in the city of Asheville in the county of Buncombe to the railroad depot at Biltmore in said county, with a branch line from some intermediate point to "Kenilworth Inn," and also to construct such other line or lines within a radius of five miles of the main line as said company may desire, having first obtained permission from the authorities of said city of Asheville and the town of Kenilworth for the use of such streets and alleys as may be deemed necessary for the business of said company and the construction of its ways for such term of years as may be agreed upon between said corporation on the one part and said authorities of said city on the other.

Permission to be obtained from municipal authorities.

Capital stock.

SEC. 3. The capital stock of said corporation shall be twenty thousand dollars, with power to increase the same to one hundred thousand dollars, and shall be divided into such number of shares and of such amounts as the directors of such company shall deem expedient, and the company shall have the right to mortgage its property, rolling stock, franchise and all other real and personal property, and issue bonds and other securities on the construction of said road, depots and other requirements for the operation of the same.

Authorized to mortgage property.

Directors.

SEC. 4. That the officers [affairs] of said company shall be managed by a board of not less than three nor more than nine directors, one of

Officers.

whom shall be chosen as president, and said directors shall have the right to appoint such other officers, agents and employees as they shall deem expedient, all of which and all the duties and regulations

By-laws.

not herein enumerated shall be fixed by the by-laws which may be adopted at any time by the corporation or stockholders; said company shall also have all such other powers and privileges as may be granted by the municipal authorities of the city of Asheville, and also such other powers and privileges as are necessary to the construction and operation of its road and telegraph companies in chapter forty-nine, volume one of The Code of North Carolina.

Corporate powers.

Organization.

SEC. 5. Said company shall be deemed to be fully organized immediately on the ratification of this act, and a majority of the corporators named in the first section of this act may meet at any time thereafter and elect a board of directors, adopt a code of by-laws, elect and appoint officers, issue stock, bonds and other securities,

Corporate powers.

obtain subscriptions and enter into contracts for the construction of their line or lines of railroad, depots and buildings, and to do all other things necessary to carry out the purposes of this act: *Provided*, that said company within a reasonable time after the ratification of this act apply to the corporate authorities as herein set forth for permission to construct said railway, and shall complete the main line from Asheville to Biltmore within twelve months from this [the] date when such promise is given, and in case of a failure to do so then this charter shall be forfeited.

Proviso.

Forfeiture of charter.

SEC. 6. That all laws and clauses of laws in conflict with [this] act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 127.

An act to incorporate Middlebrook Cotton Mills.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Williams, S. M. Finger, J. T. Mehaffey and H. F. Smith, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "Middlebrook Cotton Mills," with a capital stock of fifty thousand dollars, with liberty to increase the same from time to time as the stockholders may determine, to be divided into shares of one hundred [dollars] each, and to have the privileges and rights hereby specially granted, and also those conferred upon other corporate bodies by the laws of this State.

Body politic.

Corporate name.

Capital stock.

SEC. 2. That said corporation is hereby empowered and authorized to conduct, transact and carry on in all its branches the business of manufacturing, making and finishing warps, yarns, cloths or any other fabrics of cotton, wool or any other material, or to engage in any species of manufacturing enterprise, and said corporation may buy, sell and deal in goods, wares and merchandise. Its principal place of business shall be in Catawba county.

Corporate powers.

Place of business.

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 indebtedness, and to secure the payment of the same by mortgage of its property, effects or otherwise, and it may make such bonds or other evidence of its indebtedness convertible and provide for the conversion into the capital stock of said corporation at such rate and upon such terms as to said corporation may seem best.

Powers of stockholders. SEC. 4. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation and the transaction of its business; they shall have power to elect in such manner as a majority of the stockholders may decide such officers as they may deem necessary, prescribe their duties, compensation and terms of service; and in general said stockholders may make such by-laws and regulations for the government and proper conduct of the corporation and its business as they may consider best calculated to serve their interest.

Certificates of stock. Transfer of stock. SEC. 5. That said corporation may issue certificates of stock and prescribe the manner of its transfer and assignment, and when any stockholder shall have transferred his stock in this corporation he shall cease to be a member of and stockholder in the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges, and be subject to all the liabilities of the former owner of said stock as a stockholder.

Dissolution of corporation. SEC. 6. That said corporation may be dissolved at such time and in such manner as the stockholders may determine, and all of its works, property and debts due to it shall be subject to the payment of debts due by it, and then to distribution among the stockholders according to their respective interests; and the corporation may sue and be sued as before for the purpose of collecting debts due to it, prosecuting rights under previous contract with it and enforcing its liabilities and distributing its effects among those entitled thereto.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 128.

An act to incorporate the Scottish Brownstone Company.

The General Assembly of North Carolina do enact :

Body politic. SECTION 1. That for the purpose of quarrying brownstone and other stone used for building purposes, N. H. Smith, Julius A. Gray, J. W. Fry, W. E. Kyle, F. H. Steadman, H. R. Horne, A. A. McKethan T. H. Sutton, Chas. M. Steadman, their associates, successors and assigns, are hereby constituted a body politic and corporate under the name of the "Scottish Brownstone Company," with a capital stock of one hundred thousand dollars, with liberty to increase the same from time to time in the discretion of the stockholders to any sum not to exceed one million dollars, to be divided into shares of one hundred dollars each, and to have the privileges and rights hereby

Corporate name.
Capital stock.

specially granted, and also those properly incident to such a corporation.

SEC. 2. That said corporation shall have power to have and use a common seal and the same to alter at pleasure, to lease, purchase, hold, sell and convey real estate, and to borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects or otherwise; and it may make such bonds or other evidences of its indebtedness convertible and provide for their conversion into the capital stock of said corporation, and at such rate of interest and upon such terms as to said corporation may seem best, not incompatible with the laws of this State and of the United States.

Corporate powers.

SEC. 3. That the stockholders of said corporation shall have power to make 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 [holders] 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 as they may consider best calculated to serve their interest. The principal place of business of said corporation shall be at Sanford.

Powers of stockholders.

Place of business.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1891.

CHAPTER 129.

An act to amend the charter of the Cashie and Roanoke Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-seven of the private acts of eighteen hundred and eighty-five be amended as follows: That the Cashie and Roanoke Railroad Company be permitted to construct and operate a railroad from some point on Salem creek in Bertie county to within two miles of the mouth of said creek in the direction of its main track at Austin not exceeding fifty miles in length, and lateral or branch roads on either side of the same not exceeding fifteen miles in length, for the purpose of carrying freight and passengers.

Chapter 67, Private Laws 1885, amended.

Authorized to build railroad, &c.

SEC. 2. That for the purpose of connecting said railroad with its main track, the said company may bridge the Cashie river: *Provided*, it shall not obstruct navigation.

Authorized to bridge Cashie river. Proviso.

Corporate powers.

SEC. 3. That it shall have the said rights, privileges and authority with respect to the said roads that it now has under previous acts with respect to its main track.

Authorized to run boats, &c.

SEC. 4. That the said company be permitted to run in connection with its railroad to Edenton or any other point, boats propelled by steam and by any other means for the purpose of carrying passengers and freights.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 130.

An act to incorporate the Leaksville Collegiate Institute.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That N. S. Smith, Sr., and those who may hereafter be associated with him, be incorporated for educational purposes under the name and style of "The Leaksville Collegiate Institute," and as such may have all the powers of trustees of like institutions, may sue and be sued, may plead and be impleaded.

Corporate name.
Corporate powers.

Corporate powers.

SEC. 2. That said corporation may have a common seal, and may have power to pass all necessary rules and regulations for its government not inconsistent with the constitution and laws of this state or of the United States.

May confer degrees, &c.

SEC. 3. That under this act of incorporation power is hereby conferred upon said Leaksville Collegiate Institute to confer degrees, issue diplomas and award certificates of proficiency.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 131.

An act to amend chapter eighty-nine, private laws of one thousand eight hundred and eighty-three, entitled "an act to amend and consolidate the acts incorporating the town of Lumberton."

The General Assembly of North Carolina do enact:

Chapter 89, Private Laws 1883, amended.

SECTION 1. That said chapter eighty-nine, private laws of one thousand eight hundred and eighty-three, be amended by striking out sections thirty-one and forty-six and by inserting in lieu thereof:

“That it shall be unlawful for any person or company to manufacture any spirituous or malt liquor, or to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors, wine or cider or any other intoxicating liquor within the corporate limits of said town of Lumberton or within five miles of the corporate limits thereof as set out in section two of said chapter; 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 one hundred dollars or by imprisonment not exceeding six months.”

Misdemeanor to manufacture, sell, &c., liquor within five miles.

SEC. 2. That said chapter eighty-nine, private laws of one thousand eight hundred and eighty-three, be further amended by adding thereto as follows, viz.: “That the board of commissioners of the town of Lumberton shall have power to provide for the establishment, organization and equipment, government and pay of such number of fire companies as they may deem necessary and proper for the protection of the said town against damage by fire; that in case of a fire occurring in said town the mayor, or in his absence a majority of the commissioners of said town who may be present, may order the blowing up or pulling down or destroying any house or building deemed necessary to stop the progress of the fire.”

Fire companies.

Destruction of buildings to stop fires.

SEC. 3. That 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 or structure, or make any wooden addition to any building or repair or cover the outside surface of 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 as they shall establish, and shall have power to enforce obedience to their regulations under this section by punishing such persons as violate the same by a fine of not more than fifty dollars or imprisonment of not more than thirty days, and shall further have the power to cause the removal of any structure or building erected contrary to the laws by them enacted under the power vested in them by this section.

Fire limits.

Penalty.

Removal of buildings.

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 27th day of February, A. D. 1891.

CHAPTER 132.

An act to incorporate the Baptist Female University of North Carolina.*The General Assembly of North Carolina do enact:*

Body politic.

SECTION 1. That L. L. Polk, C. A. Rominger, W. R. Gwaltney, R. R. Overby, T. H. Pritchard, J. D. Hufham, R. T. Vann, N. B. Broughton, R. H. Marsh, A. G. McMannaway, H. W. Battle, C. Durham, J. W. Carter, B. Cade, G. W. Greene, W. C. Petty, E. K. Proctor, Jr., J. M. Currin, J. H. Lassiter, W. G. Upchurch, W. T. Faircloth, R. P. Thomas, D. F. King, Charles E. Taylor and J. L. White, trustees, and their successors, be and they are hereby declared to be a body politic and corporate for the purpose of providing for the higher education of females, under the name and style of "The Baptist Female University of North Carolina," and by that name and style they shall have perpetual succession and shall be capable in law to take, receive, hold and purchase all manner of lands, tenements, rents, and annuities, and other hereditaments, which at any time may be granted, sold or otherwise conveyed to the said corporation, and shall also be capable in law to take, receive and possess all moneys, goods and chattels that may be given, sold or bequeathed by any person or persons for the use of said corporation, and apply the same according to the will of the donors, all the aforesaid lands, tenements and personal property the said corporation shall have, hold and use to carry out the purposes of the said corporation.

Corporate name.
Corporate powers.

SEC. 2. That the said corporation shall be capable in law to bargain, sell and convey to any purchaser or purchasers, such land, tenements and hereditaments and personal property which may be owned by said corporation as aforesaid, when the condition of the grant to the said corporation does not forbid the same; and the proceeds arising therefrom shall be held and used for the benefit of the said corporation.

By-laws.

SEC. 3. That the said corporation shall have power to make and establish such by-laws, rules and regulations for the government of the aforesaid university as to them may seem necessary: *Provided*, the same are not in conflict with the constitution and laws of the state and the United States.

Proviso.

Corporate powers.

SEC. 4. That the said corporation may sue and be sued, plead and be impleaded in all the courts, and shall have power to make and use a common seal with such device and inscription as the aforesaid trustees may think proper.

Trustees divided into classes.

SEC. 5. That the trustees of said corporation as named in section one of this act shall be divided into three classes, and the first nine named of the said trustees shall hold their office for two years, and the next eight shall hold their office for four years, and the next eight names shall hold their office for six years, but their successors

shall hold their office for six years, and be elected by the remaining trustees.

SEC. 6. That no person shall be eligible to membership among said trustees unless he shall be a member of a Baptist church. That whenever any of said trustees above provided shall die, resign, remove their residence to another state, refuse to act or shall fail to attend the meetings of said trustees continuously for the space of two years, the membership of said trustee shall be considered vacant, and the remaining trustees shall fill the vacancy.

Who eligible as trustees.
Vacancies.

SEC. 7. That the said trustees shall have the power to remove any one of their number for improper conduct, of which they shall be the judges: *Provided*, the cause thereof shall be entered upon their minutes: *And provided further*, that the accused shall have thirty days' notice of the procedure, and a majority of two-thirds of the members present shall be necessary to effect such removal: *And provided further*, that at such trial a majority of the whole board of trustees shall be present.

Removal of trustee.

Proviso.

Proviso.

SEC. 8. That the said trustees shall have power to appoint their own president, secretary and treasurer for such time as they may deem best, and to elect such professors and tutors and other officers of the aforesaid university as they shall deem qualified to discharge the duties of their several offices, and may remove them for misbehavior, inability or neglect of duty or other cause which shall be deemed advisable to said trustees, and do any and all acts usually given trustees of literary associations.

Officers.

Removal.

SEC. 9. That the said trustees shall hold their meetings from time to time as often as necessity may require, and nine trustees shall constitute a quorum for the transaction of all kinds of business.

Meetings of trustees.

SEC. 10. That the faculty of the aforesaid university, by the advice and consent of the aforesaid trustees, shall have power to confer all such degrees and marks of literary distinction as are usually conferred by colleges and universities.

Faculty may confer degrees, &c.

SEC. 11. That the amount of real and personal property held by said trustees shall not at any one time exceed the sum of one million dollars, and the same shall be exempt from public taxation.

Limitation of ownership of real estate.

SEC. 12. That the said, "The Baptist Female University" shall be located in or near the city of Raleigh, county of Wake, State of North Carolina.

Exemption from taxation.

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

Ratified the 27th day of February, A. D. 1891.

CHAPTER 133.

An act to amend the charter of the Guilford Battle-ground Company.

Preamble.

WHEREAS, Some doubt may exist as to whether the "old Salisbury or New Garden road," running over the lands of the Guilford Battle-ground Company has been annulled and whether the powers granted in the charter of the Guilford Battle-ground Company extend to said road; and whereas, said road has been disused for many years,

The General Assembly of North Carolina do enact:

"Old Salisbury or New Garden road," over lands of company, to be under its control.

SECTION 1. That said road over the lands of the Guilford Battle-ground Company is hereby declared to be under the control of said company, and that all the powers of the Guilford Battle-ground Company as granted in its charter shall extend to said road.

Police powers to extend to right-of-way of C. F. & Y. V. R. R. Co.

SEC. 2. That the police powers and ordinances of the Guilford Battle-ground Company shall extend to the right-of-way of the Cape Fear and Yadkin Valley Railroad Company which runs through the lands of said Guilford Battle-ground Company: *Provided*, that nothing herein contained shall in any manner interfere with the use of said right-of-way by the Cape Fear and Yadkin Valley Railroad Company as provided in its charter.

Proviso.

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

Ratified the 28th day of February, A. D. 1891.

CHAPTER 134.

An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine, entitled "an act to incorporate the town of Waxhaw, in Union County."

The General Assembly of North Carolina do enact:

Chapter 119, Private Laws 1889, amended.

SECTION 1. That section two of chapter one hundred and nineteen of the private acts of one thousand eight hundred and eighty-nine, entitled "an act to incorporate the town of Waxhaw, in Union county," be and the same is hereby repealed, and the following is inserted in lieu thereof: "The corporate limits of said town shall be as follows, to-wit: Beginning at a stake or hub at the north-west corner of the town, as surveyed and laid off by the Georgia, Carolina and Northern Railroad Company, S. M. Howie's corner, and running thence south eighty-one degrees forty minutes, west one thousand six hundred and eighty feet to a stake or hub; thence south eight

Corporate limits.

degrees twenty minutes, east one thousand three hundred feet, crossing the railroad to a stake, Emeline Givin's corner; thence north eighty-one degrees forty minutes east one thousand six hundred and eighty feet to a stake or hub in Washington Givin's land; thence north eight degrees twenty minutes west one thousand three hundred feet crossing the railroad to the beginning.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 135.

An act to amend the charter of the city of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the city of Asheville shall have full power and authority and it is hereby made their duty to grade, pave, macadamize and otherwise improve for travel and drainage the streets and public lawns and alleys of said city and to construct sidewalks and pave the same and put down crossings, curbings and cross drains, and otherwise properly improve them, and that the said mayor and board of aldermen shall begin the said work at once and prosecute the same as vigorously as practicable under the provisions of the charter of the said city.

Improvement of streets, &c.

SEC. 2. For the purpose of properly carrying out the duty imposed by the preceding section, the said mayor and board of aldermen are hereby authorized and fully empowered and directed, within two years from the date of the ratification of this act, to issue bonds of the denomination of five hundred dollars each, aggregating the sum of five hundred thousand dollars, the said bonds to be denominated street improvement bonds, to be signed by the mayor and countersigned by the clerk, bearing the corporate seal of said city, be written in the usual form and bear interest from date until paid at five per centum per annum, which interest shall be payable semi-annually from the date of said bonds and shall be evidenced by coupons thereto attached in the usual form; that said bonds shall mature at the end of twenty years from this date, and shall be fully binding upon said city and its property; that the mayor and board of aldermen shall issue said bonds in installments of one hundred thousand dollars each, as the work on the streets progresses and the necessity for payment thereof arises, but all of said bonds shall bear the same date and bear interest as aforesaid, but the coupons for interest on the installments delayed shall be torn off before issuing to the date of maturity of the coupons next preceding the date of such issue.

Mayor and aldermen to issue bonds not exceeding \$500,000.

To be issued in installments.

Assessment of costs of sidewalks on abutting real estate.

SEC. 3. In order to more effectually carry out the authority delegated and the duty imposed by section one of this act, the said mayor and board of aldermen shall assess the cost of paving and otherwise improving the sidewalks of said city, exclusive of the necessary curbing for the same, on the real estate abutting on the streets and on the side of the street on which the sidewalk is so improved.

Assessment of one-third of costs of improving streets on abutting real estate.

SEC. 4. In order to more effectually carry out the authority delegated and the duty imposed by section one of this act, the said mayor and board of aldermen shall assess one-third of the cost of the grading, paving, macadamizing, constructing side drains, cross drains and all other necessary drains and crossings, or otherwise improving the roadway or street proper, on the real estate abutting on each side of the street so improved or repaired: *Provided*, that the provisions of the next preceding section, authorizing the assessment on the abutting property owners of the whole cost of paving sidewalks exclusive of curbing shall in no way be affected hereby, but that these assessments, by virtue of this section (four) upon the abutting property, shall be in addition to whatever may be thereon assessed under the said preceding section.

Proviso.

Method of assessment.

SEC. 5. To equalize the assessments on real estate for the purpose described in section four, next above, the said mayor and board of aldermen shall assess a [the] total cost of such improvement made throughout the entire length of such work and improvement, and shall then *pro rate* the cost thereof on the real estate abutting thereon, according to the frontage on the street or portion of the street so improved, and charge to such real estate on each side of the street upon which such work is done its *pro rata* share of one-third the cost of such street improvement made under the provisions of this act: *Provided, however*, that in order to avoid embarrassing landowners in subdividing and selling their property by reason of the liens hereby created upon the same they may be subdivided in any such manner as they may see fit, and shall furnish the city engineer with a plot of the same, the lots fronting on the streets to be so paved and improved to be of any desired frontage, but not less than one hundred feet in depth, and the assessment made and lien created by virtue of this act for sidewalks or street improvement or both shall be made upon such front lots only, and where any such cases of frontage is [are] subdivided into lots, each of said lots shall be charged with its ratable proportion of said assessment and lien according to its frontage, and when the board of aldermen shall order paving or other improvements to any street they shall have the same accurately surveyed, and a permanent grade thereof established, and accurate map made of the various lots and properties abutting upon said street, showing the exact frontage of each lot and also of the subdivisions, if any, of the frontage of each, and the said map shall be filed, together with a tracing of the same, in the office

Proviso.

of the clerk of the city to be subject to public inspection; when the assessment and liens herein provided shall have been made upon the various lots and properties on the street the said clerk shall write in ink upon said map the amount assessed upon the same, and he shall keep a record book showing such assessment and liens, and the date and amount of all payments made upon any of said assessments and liens.

Record of assessments, &c.

SEC. 6. The amount of assessment for such street's improvement and for sidewalks exclusive of curbing and for road-ways, as hereinbefore provided, on each piece of real estate, being estimated as above directed, shall be a lien on such real estate, and the said mayor and aldermen shall cause the city engineer to make a survey and a report of the amount of work done [and] the cost thereof, upon which street and sidewalk, the name of each abutting owner thereon, the number of feet of each lot, and the *pro rata* share of such cost of such street and sidewalk improvement to be assessed against such real estate; and upon the adoption of said report the said lien shall become complete and operative, which said report shall be transcribed upon the minutes of said board of aldermen, and the amount of said lien and of said assessment against all property abutting on said street as aforesaid shall become due as follows: one-sixth in six months and the balance in five equal amount installments. The adoption of said report of said surveyor by such board of aldermen shall constitute the said lien for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in case of failure to pay either of said assessments in thirty days after its maturity then all shall become due at once and an execution shall issue by the clerk of said board of aldermen, directed to the marshal of said city, who shall advertise the land upon which said defaulting assessments are made as aforesaid, or [as] required by law for sale of land for taxation under the provisions of the charter of said city, and shall sell the same and give to the purchaser a receipt stating the time the land was advertised, the day of sale, the purchaser, the price paid, the assessment due thereon, the cost of sale, the name of the owner of the land, and the description of the lands sold; and the owner of the land sold shall have twelve months within which to redeem said land by paying to the purchaser the amount he paid and twenty per centum additional; but if the land is bid off for the city or for said sinking fund then the owner in order to redeem the same must pay the assessment due on said land, the cost of sale and twenty per centum on said assessment; if the land is not redeemed within twelve months then the marshal shall make to the purchaser a deed for said land, and the same shall operate to pay [convey] to the purchaser the title to said land, and the proceeds of said sale shall be applied, first, to the payment of all that then may remain unpaid upon said assessment and

Assessment to constitute a lien, &c.

Survey, &c.

Assessment, when due.

Issuance of execution.

Sale, &c.

Redemption by owner.

Deed to purchaser.

Application of proceeds.

- liens, together with the cost of such sale, which cost shall be the usual fees allowed the marshal for selling land for taxation and receive; the balance, if any, of such proceeds shall be paid to the owner of said land at the time of said sale: *Provided, however*, that any owner of said land may have the privilege of paying off all of said assessment before due, and upon such payment the said lien shall be released and discharged *pro facto*: *Provided further*, that any owner of land upon which said lien for such assessment exists, shall have the right to file before the mayor and board of aldermen of said city [an] affidavit denying that the whole or any part of the amount, if any he admits to be due, which amount so admitted to be due he shall pay or tender, accompanying his affidavit with it, and before it shall be received, and then the said affidavit shall be received only for the balance, and all such affidavits so received shall be returned to the superior court of Buncombe county for trial, and it shall be considered that the issue as to the amount then due is raised upon reception of such affidavit and without any plea upon the part of the city of Asheville, but this shall not be construed to prevent the said city of Asheville from filing an answer or any other defence to which it may be entitled under the laws of North Carolina; and upon such trial if the issues be all found in favor of the affiant then the lien shall be discharged; if, however, the issues shall be found in favor of the said city of Asheville to any amount, and if it be thereby ascertained that the affiant is due to said city any amount by virtue of the matters therein referred to, then the said amount so found, together with eight per centum (8 per centum) interest thereon from the date of its maturity, and together with the costs thereon accrued, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed, and shall be collected by an execution issuing from said superior court directed to the marshal of said city, which shall be collected by him by the sale of said land as hereinbefore provided in case of execution issuing from the clerk of said city.
- SEC. 7. That the said mayor and the board of aldermen of said city, by its proper officers, shall have the exclusive control and management of said work upon the sidewalks and streets for all the work and improvements thereon herein contemplated and shall complete the same, and the whole of the cost thereof shall be paid for out of the proceeds of the sale of the bonds hereinbefore in this act authorized to be issued and sold, the said city itself being liable for the costs of curbing and for one-third ($\frac{1}{3}$) of the street or road-way between the curbing, and the abutting land on each side assuming the liability hereinbefore created: *Provided, however*, that whatever of the cost of street improvements which may be paid by or assessed against any street railway hereinafter provided for shall be deducted from the proportion of the costs thereof for which the said city is
- Proviso.
- Proviso.
- Mayor and aldermen to have control of work.
- Cost, how paid.
- Proviso.

liable as aforesaid: *Provided*, that in case the said city may not have on hand at any time sufficient funds arising from the sale of said bonds to meet the amount then due for the work aforesaid, the mayor and board of aldermen are directed hereby to advance the same from the general revenues of said city, but such amount so advanced shall be refunded out of the funds arising from said bonds as soon as it is realized. Proviso.

SEC. 8. That any and all street railroads which heretofore have or hereafter may construct any such roads over the streets of the city of Asheville shall do so only upon the following conditions, to-wit: First, that they shall use only such rails and of such character as shall be designated by the board of aldermen of said city. Second, shall properly place, grade and complete the street and pave the same between the lines of rails and for eighteen inches upon the outside of each rail in such manner and at such grade as they shall be directed by the said board of aldermen of the city of Asheville. Third, and the said railroad company shall be required to keep the said streets between its rails and for eighteen inches upon the outside of each rail in good condition and repairs as required by the said board of aldermen of said city so long as the same shall be used by the said railroad. Fourth, that in case any such railroad company shall fail to comply with the conditions of this act or to keep the streets as above required in a proper condition and repair, as required by the said board of aldermen of the city of Asheville, then the said board of aldermen may cause the same to be done, and the cost thereof shall be taxed against and shall constitute a lien upon the road-bed, cross-ties, stringers and rails of such railroad, and the same may be sold as hereinbefore provided to collect liens against abutting owners for improvements to streets, and such failure may also, in the discretion of the said board of aldermen, operate as a forfeiture of the right of said railroad to pass over its streets: *Provided, however*, that before the same shall be declared a forfeiture the said railroad shall have thirty days time, after notice by the city engineer, in which to put the same in proper condition and repair, and upon their failure to do so within the said time after such notice the same may be declared a forfeiture of the charter as above provided. *And provided further*, that whatever sum may be paid to said city by any railroad company for constructing its railroad of [on] the streets of said city, or for paving or repairing the same between its rails on each side thereof, as hereinbefore stated, shall be deducted from the costs of improving or grading the streets assessed against the city, and that whether the said railroad shall run though the center or upon either side of the street, and shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this act; and further, that any and all amounts received by the city from this source shall be added to and become a part of the sinking Street railroads,
how constructed,
&c.

Proviso.

Proviso.

fund hereinafter created, to be applied to the payment of the bonds hereinbefore authorized to be issued for street improvement purposes.

Chapter 223, Private Laws 1889, amended.

Water and sewerage pipes. Duties of mayor and aldermen.

Builders, &c., failing to connect, &c.

Duty of city engineer.

Lien

Proviso.

Mayor and aldermen to issue water and sewerage bonds not exceeding \$100,000

SEC. 9. That section four of chapter two hundred and twenty-three of the acts of the general assembly of North Carolina, entitled "an act to amend the charter of the city of Asheville," ratified on the eleventh day of March, one thousand eight hundred and eighty-nine, be and the same is hereby stricken out, and the following shall be inserted in lieu thereof, to wit: "That the mayor and board of aldermen of said city shall cause the proper water and sewerage pipes to be properly laid throughout all the principal streets of said city as rapidly as practicable, and shall keep the same in proper condition and repair, with proper connections, and shall require each and every house bordering upon any street where said water and sewer pipes have been laid to connect with the sewers and also for such water connections as may be necessary for the proper cleansing and carrying out the sewerage system; and the said mayor and board of aldermen shall direct the contractor, builder, owner or other person having the charge and control of such building to make such sewerage and water connection as above stated under the directions of the city engineer, who shall execute such notice, and in case such builder, owner, contractor or other person having charge of the property shall fail to make such connection with sewer and water within sixty days after such notice shall have been served upon him, then it shall be the duty of the city engineer to make due report of such failure to the said mayor and board of aldermen, who shall thereupon at once order such connection with sewerage and water to be made under the direction of the city engineer, and as by him shall seem best to be done, and the reasonable cost thereof, which shall be certified by the city engineer and whose certificate shall be *prima facie* evidence thereof and of its reasonableness, shall be paid by the city and shall constitute from the date of the first report of said engineer a lien upon the land and buildings into and upon which such connection has been made and work done, and the same shall become due, and payable as follows: one-third at end of ninety days from the filing and acceptance of the engineer's certificate of cost thereof and the balance in equal installments of one and two years from said date. The said amounts shall bear interest from the date of said report until paid at the rate of six per centum per annum, and they shall be collected as herein provided for the collection of assessments upon land for street improvements: *Provided, however,* that the same may be paid at any time before their maturity if the owner of the land desires."

SEC. 10. For the purpose of meeting the necessary expenditure by the said city of Asheville for the laying of sewerage and water pipes and making the connections referred to in the next preceding section of this act, the said mayor and board of aldermen are hereby

fully authorized, empowered and directed to issue the bonds of said city, which shall be fully binding upon it to a necessary amount, not exceeding in the aggregate the sum of one hundred thousand dollars, in the denominations of five hundred dollars each, bearing interest from their date at five per cent. per annum, which said interest shall be payable semi-annually and shall be evidenced by coupons attached to each bond in the usual form. Said bonds shall be denominated "Sewer bonds"; they shall be signed by the mayor, countersigned by the clerk, and bear the corporate seal of the said city of Asheville, and they shall mature at the end of twenty years from their said date.

SEC. 11. That the National Bank of Asheville, the First National Bank of Asheville, the Western Carolina Bank of Asheville and the Battery Park Bank of Asheville as corporations, and their successors, shall be and they are hereby appointed trustees, and as such, shall constitute a commission to be known as the "Sinking Fund Commission" for the purposes herein stated, with a several and joint liability for the safe-keeping of said funds and their proper payment. As the said bonds hereinbefore provided for shall be issued by the mayor and board of aldermen, as hereinbefore directed, they shall be delivered to the said "Sinking Fund Commission" above constituted, and by it sold at a price to be designated by the said mayor and board of aldermen, not less than their par value, and that the "Sinking Fund Commission" shall receive the proceeds of such sales and apply them under the direction of the mayor and board of aldermen, and upon the proper warrant issued by them, as herein provided, to the payment of expenses for which each of the several funds are constituted; that is to say, that all funds arising for street improvement purposes and from the sale of "street improvement bonds" shall be applied only to such purposes, and all funds arising from sewerage and water purposes, or from the sale of the sewerage bonds, shall be applied only to such purposes; each of said funds shall be considered and kept separately, and no payment shall be made by the said "Sinking Fund Commission" out of either of said funds except upon proper warrants issued by the mayor and board of aldermen, as required by the charter of said city for other expenditure of its revenues. And each of which warrants shall state the fund out of which it is to be paid and its purposes, and no part of either of said funds shall be applied to any other purpose except that for which it is created under the provisions of this act. The "Sinking Fund Commission" above constituted shall also receive the proceeds of all liens created by virtue of this act upon any of the land for street improvement, sewerage or water purposes. If any such fund shall be collected by the city marshal as hereinbefore provided for, it shall be at once paid over to the said "Sinking Fund Commission." If any lien hereinbefore created shall be paid before maturity, or at maturity, the

Trustees.

Sinking fund
commission.Delivery and sale
of bonds.Application of
proceeds.Payments, how
made.Proceeds of liens
payable to com-
mission.

person paying the same is hereby authorized to pay it direct to said "Sinking Fund Commission." All such payments made to such commission from any source shall be at once reported to the city clerk, who shall keep a due record thereof in a book provided for such purposes. In addition to the moneys assessed as liens against such property as hereinbefore provided, the city shall set apart out of its general revenue each year and pay to the said "Sinking Fund Commission" such an amount as may be necessary and needed to pay the interest upon said bonds and to meet the proportionate part thereof to be paid by the city at their maturity, in which estimate shall always be considered the amount in the hands of said commission from other sources to be applied to such purposes. Whenever payments made to the "Sinking Fund Commission" upon any of the sources herein created (street improvement fund and the sewerage [and] water fund being considered separately, as aforesaid) shall amount to as much as ten thousand dollars, then the said commission shall from said date become liable and responsible to the city of Asheville, not only for such money so received but also for five per centum interest thereon from the several dates at which any such sum shall amount to ten thousand dollars, each of said funds being considered separately as aforesaid; that is to say, each installment of ten thousand dollars received by said commission upon either fund shall bear interest as aforesaid from the date at which each said installment of ten thousand dollars is reached. That all moneys paid to the said "Sinking Fund Commission" for the purpose of street improvement as aforesaid, other than that arising from the sale of the bonds aforesaid, shall constitute a sinking fund to be applied only to the redemption of said street improvement bonds. If the holders of any of such bonds shall consent the same may be redeemed at any time out of said fund, in which case interest shall be paid only to the date of such redemption. Out of the said sum not so applied in redeeming bonds before maturity, the said commissioners shall first pay as it becomes due the interest upon said bonds, and all of said funds not used for said purposes shall be by said commission re-invested in interest-bearing securities, to become due not later than the maturity of said bonds, and all such investments shall be by such commission collected and applied to the payment of said bonds and the interest thereon as they respectively become due as aforesaid. And all the funds collected by said commission from the sale of said sewerage bonds shall be by it applied, upon proper warrants from the city authorities, only for sewerage and water purposes, as provided in this act, and upon warrants as hereinbefore provided for payment of street improvement funds; and all moneys that shall be paid to said commission upon said sewerage fund (other than that arising from the sale of said sewerage bonds) shall constitute a sinking fund for the payment of said sewerage bonds as they respectively become

Duty of city clerk.

City to pay certain amount to commission, &c.

Liability of commission for interest, &c.

Sinking fund.

Redemption of bonds.

Payment of interest and investment of fund.

Application of proceeds of sewerage bonds.

Sinking fund.

due, and shall be applied to the payment thereof in the same manner and condition as hereinbefore provided for the application of street funds to payment of street improvement bonds. And the said commission shall keep all of said funds separate, and shall make an annual report of the condition of each of said funds, showing an itemized statement of all deposits and all credits, and the balance in the hands of said commission upon each of the said funds separately, which said report shall be filed with the clerk of the city of Asheville on the Saturday preceding the first Monday in June of each year. And the said clerk shall report the same to the board of aldermen, and also record the same in the said book hereinbefore directed to be kept by him for reports of said "sinking fund." The said "sinking fund commission" shall receive no compensation for services under this act. Each of said banks hereinbefore named shall notify the said board of aldermen in writing, signed by its president, within sixty days after the ratification of this act, of its acceptance of the trusts herein created as a part of said "sinking fund commission"; and as such trustees and each bank failing to give such notice in said time shall be deemed to have waived its right thereto, subject, however, to the right of the board of aldermen thereafter by consent of the other banks so accepting to admit it. In case the said banks or any two of them shall fail to accept the trust hereby created within the time aforesaid, and such time is not extended by the board of aldermen, then the board of aldermen, together with the city treasurer and mayor, shall constitute said sinking fund commission, and shall be invested with all the powers and all the duties conferred by this act upon said commission. That each report of either bank accepting said trust, and any other report that may be made by any of them in reference to such matter, shall be recorded by the city clerk in a book hereinbefore provided for, and the originals of all such reports by him filed and retained among the records of his office.

SEC. 12. That the bonds hereinbefore in this act authorized to be issued denominated "street improvement bonds" shall be and have a lien upon any and all funds paid to the "sinking fund commission," to be applied to the purpose of the liquidation of the said bonds by virtue of the provisions of this act. And the bonds hereinbefore in this act as directed to be issued denominated "sewerage bonds" shall be and have a lien upon all funds to be paid to the "sinking fund commission" to be applied for the purposes of the liquidation of the said bonds: *Provided*, that before any of the bonds hereinbefore in this act authorized shall be issued the proposition shall be first submitted to the qualified voters of the city of Asheville at an election as hereinafter provided. At any such election those who are in favor of issuing the bonds hereinbefore provided for to be applied to the purposes and upon conditions hereinbefore imposed

Funds to be kept separate.

Annual reports of commission.

Sinking fund commission to receive no compensation. Notice by banks of acceptance of trust.

Waiver.

If banks fail to accept, who to constitute sinking fund.

Record to be made of banks accepting, &c.

Lien in favor of street improvement bonds.

Lien in favor of sewerage bonds.

Election on question of issuing bonds.

and to be subject to all the provisions of this act, shall vote upon printed ballots the word "Approved," and those opposed shall vote upon a printed ballot the words "Not approved." If at such election a majority of votes cast shall be in favor of the proposition and shall be voted "Approved," then the board of aldermen of said city shall issue the bonds hereinbefore directed, which shall be applied to the purposes, and upon the terms and conditions, and subject to all the requirements stated in this act. The first election under this act shall be held at the next general election for mayor and aldermen of said city; and if at such election a majority of the votes cast shall be opposed to said proposition, then the board of aldermen shall at any time as often thereafter as they deem best, upon the petition of one-third ($\frac{1}{3}$) of the qualified voters of said city, order an election to be held under the rules and regulations prescribed by law for the general election of mayor and board of aldermen of said city, and at each of the said elections the ballots shall be as hereinbefore directed, and if at any such election a majority of the votes cast shall be in favor of the proposition and voting "Approved," then the said bonds shall be issued by said mayor and board of aldermen, to be applied to the purposes and upon the terms and conditions stated in this act.

Ballots.

Bonds to be issued on majority vote.

Election, when held.

Additional elections.

Mayor and aldermen may issue "city market house bonds," not exceeding \$20,000.

Application of proceeds.

Mayor and aldermen may borrow not exceeding \$20,000 annually for city expenses, &c.

SEC. 13. That in addition to the bonds heretofore directed to be issued under this act said mayor and board of aldermen shall have power to issue other bonds of said city and sell the same at such sum as they may designate to an amount not exceeding the sum of twenty thousand dollars, which said bonds shall be called "City Market House Bonds," the denominations of which shall be five hundred dollars each; they shall bear interest from their date at the rate of five per cent. per annum, which said interest shall be paid semi-annually and evidenced by coupons attached to each in the usual form. Said bonds shall be signed by the mayor, countersigned by the clerk of said city, and have the corporate seal thereof attached, and the proceeds of the sale of said bonds shall be applied only to the completion of the market house for said city, now in contemplation or process of erection, or to the payments for the site or improvement or ornamentation of either, and this in addition to bonds heretofore issued by said city for this purpose by virtue of the power heretofore given it by the act of the General Assembly of North Carolina.

SEC. 14. That said mayor and board of aldermen of said city shall have power, and the same is hereby given them by resolution duly passed at a regular meeting of said board, to borrow during each fiscal year not exceeding the sum of twenty thousand dollars (\$20,000) in such amounts as the same may be needed by them for the necessary expenses of said city, and in addition to the rights to issue the bonds hereinbefore provided for, and the said city for such loans may execute its promissory note or notes and pay not exceeding the legal

rate of interest thereon for such loan: *Provided, however,* that this shall not be construed to give to the said board of aldermen power to expend and borrow during any one year under the provisions of this section, exceeding the levy that year made for general taxation for said city. Nor shall this section be construed to in any way effect [affect] the issuing of the bonds hereinbefore provided for.

SEC. 15. That the regular appointed policemen of said city of Asheville shall have power to arrest without a warrant, in addition to the cases for which arrest may be made under the present existing laws, any person for whom any warrant as a matter of fact has been issued by a proper officer under the laws of this state and the same is outstanding and unexecuted, and that whether the policemen making the arrest shall at the time have such warrant in his possession or not.

Arrests by police-
men without
warrant.

SEC. 16. That whenever any land shall be condemned by virtue of any provision of the charter of the city of Asheville for street or for other purposes, the commissioners or jury in assessing damages to the landowner shall consider all benefits special to said land, and also all benefits, whether real or supposed, which the parties may derive from the construction of the said improvements, whether it be common to other lands or only special to their own, and such benefits so assessed shall be deducted from any damages which the landowner may sustain by virtue of such condemnation, and upon the acceptance of the report of the jury in such cases and its approval by the mayor and board of aldermen no irregularity in the proceedings of such condemnations shall vitiate the same.

In condemnation
proceedings,
benefits to land-
owner to be
deducted from
damages, &c.

SEC. 17. Whereas, doubt exists as to the proper construction of the acts of this General Assembly passed by its present session and ratified the twentieth day of January, one thousand eight hundred and ninety-one, entitled "an act to amend the charter of the city of Asheville:" therefore the General Assembly do declare that the object and meaning of said act is to create a recorder and give him the same jurisdiction now vested in the mayor of said city, and in addition thereto the civil jurisdiction of the justices of the peace of this State, but it was not the meaning of said act to deprive the mayor or mayor *pro tempore* of any of the jurisdiction given him under the laws of this State prior to the passage of said act; and furthermore, that the word "shall" in the first and second sections of said act shall be construed "may," and that the board of aldermen in their discretion may elect or not such recorder. And be it further enacted, that said act last above referred to, ratified on the twentieth day of January, one thousand eight hundred and ninety-one, be and the same is hereby amended as follows, to-wit, by adding to section four the words, "that when the board of aldermen shall elect such recorder, they shall at the time of such an election fix the salary of the mayor as well as that of the recorder."

Proceeding not
vitiating by
irregularity.

Construction of
chapter 3, *ante*.

Chapter 3, *ante*,
amended.

Salary of mayor.

Retail liquor license tax.

SEC. 18. That the mayor and board of aldermen of said city may fix (and the power is hereby given them) a license tax to retail spirituous, vinous or malt liquors within the limits of said city at any sum not exceeding one thousand dollars per year for each place for which such license may be granted; and any person who shall retail spirituous, vinous or malt liquors without first having obtained such license shall be subject to the pains and penalties of the law now existing for retailing without license: *Provided*, that nothing contained in this act shall be construed to abridge the right of the commissioners of Buncombe county to grant or refuse said license.

Penalty.

Proviso.

Jurisdiction of mayor and recorder to try keepers of bawdy houses, &c.

SEC. 19. That the mayor and mayor *pro tempore*, or recorder of said city, shall have power to try and determine any person or persons charged of keeping a bawdy house, a house of ill fame or a disorderly house within the corporate limits of said city, and upon complaint made to either of said officers by any policeman of said city that any such house exists, it shall be the duty of the mayor, mayor *pro tempore* or recorder to issue his warrant directed to the proper officer requiring him to arrest the person or persons so charged with keeping such house; and if upon such trial the person so arrested shall be adjudged guilty they shall be fined fifty dollars or imprisoned thirty days, or both, for each and every offence. Such warrant may be issued for such offence each day, and the keeping of such house shall constitute a new offence each day that it is kept and so adjudged; and upon such adjudication three times the mayor, mayor *pro tempore* or recorder may, and the power is hereby expressly

Duty of mayor or recorder to issue warrant, &c.

Penalty.

Continuing offence

given him, to issue a writ directed to the chief of police of said city, to remove from such house the person so adjudged to be guilty, and all agents and abettors thereof: *Provided, however*, that any person so convicted shall have the right of appeal, as under the existing laws of this state, but said appeal shall not be construed to hinder or delay the power of the mayor, mayor *pro tempore* or recorder from abating said nuisance by the writ above directed to be issued; that any person owning a house occupied by any person who has been convicted under the preceding sections shall upon three days' notice thereof, to be served upon him by the marshal of said city, be deemed an agent, aider or abettor in such offences, unless within said time he shall have ejected the said person so convicted from said house: *Provided*, said owner has the right to eject her or him; and upon failure, after said notice and such adjudication, he shall be liable and shall be fined as such person and as authorized by the preceding section.

Removal of offenders from house.

Right of appeal.

Appeal not to prevent abatement of nuisance.

Owner of house failing to eject occupier deemed an agent, &c.

Proviso.

Definition of "house of ill fame."

SEC. 20. That any house in which prostitution, lewdness or illicit connection of the sexes is permitted, shall be considered a house of ill fame within the meaning of section nineteen above.

Chapter III, Private Laws 1883, amended.

SEC. 21. That section twenty-four of chapter one hundred and eleven of the act of the general assembly of North Carolina, entitled

“An act to amend the charter of the town of Asheville,” ratified the eighth day of March, eighteen hundred and eighty-three, be amended as follows: strike out from the word “Asheville” in the fifth line of said section to the word “and” at the end of the sixth line thereof and insert in lieu of that portion so stricken out the following, “within fifteen days after the end of each fiscal year, which is hereby declared to begin on the first day of June of each year.”

Aldermen to post annual statement of receipts and disbursements.

SEC. 22. That section fifty-three of the act of the general assembly of North Carolina, entitled “An act to amend the charter of the town of Asheville,” ratified the eighth day of March, eighteen hundred and eighty-three, be amended as follows: by striking out from and after the word “city” in the sixth line of said section the words “who shall be a physician, skilled in the science of medicine,” and by adding the following section: “That whenever a vacancy occurs in the board of aldermen, the mayor or recorder, such vacancy shall be filled by the board of aldermen surviving, a majority deciding, and any such person so elected to fill such vacancy shall hold office till the next general election for city officers, when such vacancy shall be then filled as provided by law for election of such officers, and after due expiration of the term of office of the present incumbent no alderman of said town shall hold any other city office during the term of his office as such alderman.”

Health officer not required to be a physician.

Vacancy in board of aldermen.

SEC. 23. That whenever any officer of said city shall ask from the board of aldermen any moneys to be paid out for city purposes such request shall be made in writing and shall be accompanied by a written and itemized statement showing the purposes for which it is needed and for which it is to be applied, which said statement, together with said request, shall be filed with the clerk among the records of said board of aldermen.

Aldermen not to hold other city office.

Application for money by city officer, how made.

SEC. 24. That all laws and parts of laws coming in conflict with the provisions of this act shall be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 25. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1891.

CHAPTER 136.

An act to incorporate New Wilkesboro Land Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Millard F. Trogdon, E. S. Blair, T. B. Finley, of Wilkes county; S. L. Trogdon, of Guilford county, and C. L. Trogdon, of Randolph county, and their associates and successors and assigns, are hereby constituted and declared to be a body politic and corporate, under the name and style of “New Wilkesboro Land

Body politic.

- Corporate name. Company," and shall have for thirty years succession, and by that name and style may sue and be sued, plead and be impleaded in any and all courts of this state; adopt and use a common seal, and may alter and reserve the same at will, and to have the privilege, franchise, rights and powers hereby specifically granted, and also those conferred upon corporations by the laws of North Carolina.
- Corporate powers. SEC. 2. That the capital stock of said company shall be divided into shares of one hundred dollars each and shall be for such total sum as the stockholders in general meeting may determine: *Provided*, the capital stock shall not exceed two million dollars. That if it shall at first be determined by the stockholders to issue less than two million dollars of such stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of a majority stock vote, to be given at any general or special meeting called for the purpose of considering any proposed increase of such capital stock.
- Capital stock. SEC. 3. That whenever the sum of twenty thousand dollars shall have been subscribed to the capital stock and five per centum paid in, it shall be the duty of said corporators to call a general meeting of the stockholders, and at such meeting to elect a board of 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 and qualified, and also said directors at their first meeting after their installation shall elect a secretary and treasurer and require bonds of them, and the president may be required to give bond also.
- Proviso. 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 may deem necessary, prescribe their duties, compensation, term of service, and require bonds for their faithful performance of duties and trusts 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 United States, as they may consider best calculated to serve their interests.
- Increase of capital stock, how made. SEC. 5. That the corporators in the first section named, or a majority of them, are hereby empowered to solicit subscriptions to the capital stock of said corporation and to enter said subscriptions on the books of the corporation, and to re-open books of subscription to said capital stock from time to time until the same be wholly taken.
- Organization. SEC. 6. That the capital stock may be created by subscription on the part of individuals, firms, or corporations of any kind, and may be made payable in money, land, material for construction, machinery, ores or other such equivalent as the majority of the cor-
- Bonds of officers.
- Powers of stockholders.
- Corporators may solicit subscriptions.
- Books of subscription.
- Subscriptions, how made.

porators may direct or determine, or as may be determined by a majority of the directors who shall succeed them. The said corporators or directors shall fix the value of any lands, machinery, bonds and other equivalent offered in payment for its stock, and shall make such assessments upon the subscribers to the capital stock of the corporation and collect the same as to them may seem best, not in excess of amount of stock subscribed for: ten days' notice to be given by mail of any assessment of stock.

Assessments.

Notice.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the corporation, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the principal office of the corporation after advertisement of such sale for twenty days in some newspaper published in Raleigh, N. C., 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.

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 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 corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber: *Provided*, that said conditions shall be set forth on the face of the certificate of stock so issued and that the subscriber to said stock be informed of this provision of this act at the time of making any such subscription.

Remedy against assignee.

Subscription deemed a promissory note.

Proviso.

SEC. 9. The president and board of directors may establish offices and agencies at such times and places as they may think proper in this state, but the principal office shall be located at some point within the limits of the state of North Carolina.

Offices and agencies.

Principal office.

SEC. 10. 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.

Stockholders not individually liable for corporate debts.

SEC. 11. 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. 12. If, after such demand or notice as by laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such by-laws may be limited in that behalf,

Forfeiture of shares.

the directors, in their discretion, by vote to that effect reciting the fact, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the corporation and may be disposed of as by the by-laws or otherwise the directors may ordain.

Prima facie evidence of by-law.

SEC. 13. A copy of any by-law of the corporation, under its seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law

Transfer of stock.

or equity in North Carolina. No share of stock shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon, nor shall the directors allow a transfer of stock whereon any call has been made which has not been paid in.

Stock vote.

SEC. 14. That [at] all general or special meetings of the stockholders the vote shall be by stock vote, and each stockholder shall be entitled to as many votes as he owns shares, and may vote the stock of others by proxy deposited with the secretary, and every stockholder who has pledged his stock, nevertheless may vote such stock as a stockholder.

Quorum.

SEC. 15. That no less than three shall be a quorum of the board of directors; and at all meetings of the stockholders no less than a majority of the whole stock shall be a quorum for the transaction of any business.

Corporate powers.

SEC. 16. That said corporation shall have power to take by purchase, lease or other operation of law, any lands, tenements, or hereditaments in the state of North Carolina to such an amount as to them shall seem (not exceeding five thousand acres at any one time) 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 town building, advertising for immigrants in this and other states and in foreign countries, the organization of colonies, improving, building, manufacturing, 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 the said property; to subscribe to the capital stock of any like enterprises which may be projected in this state; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to construct mills, workshops, hotels or other business premises and maintain them; to sink mines for the purpose of mining minerals and coal; to build and equip with rolling and other stock, and build and operate rail, tram, turnpike or other roads connecting the property of the corporation with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams or depressions; to establish and maintain telegraph, telephone and electric

light, and car lines, water-works, canals, gas and water-pipe lines, aqueducts, reservoirs, streets, alleys, sewerage, 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 their road, canals, water-works, water or gas-pipe lines, telegraph, telephone, electric light or car lines, dams or other works to enter upon any lands to which the corporation may not have title or the right of possession and is unable to agree with the owner thereof for the compensation therefor, the mode of procedure to secure the condemnation of such lands shall be as prescribed by law. They shall have power to purchase, lease or otherwise acquire any real or personal property and take title thereto in the name of the company; to sell, grant, convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with all or any parts of property of the company through their proper officers; to lend money upon real and personal security and discount bonds, notes and bills of exchange, and to receive in advance the interest that may be agreed upon, not to exceed, however, the rate of eight per centum; to guarantee the payment of notes, bonds, bills of exchange and other evidences of debt and receive compensation therefor; to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit, and other negotiable instruments and on agricultural products and merchandise; 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 and execute mortgages and deeds of trust upon the purchases and property of the company; to secure the payment of the said bonds and to use its money and property in any manner whatsoever that is lawful, and shall have power to receive and pay interest on deposits as the directors may agree upon; and whenever any deposit shall be made by or in the name of any person being a minor or a female or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor and shall be paid to such depositor, and their receipt shall be a valid release to the corporation. That said corporation may act as agent of any person, persons or corporations wishing to lend money in this state or sell lands in this state, and to convey such lands or land by deed in the name of the principals acknowledged by the corporation as such agent when so authorized by power of attorney and to charge and receive compensation therefor; that the corporation is hereby authorized to accept and execute any trusts which may be transferred to it by any person, bodies corporate, public or any court; and to accept the appointment of executor or administrator, receiver, trustee, assignee, guardian, and whenever such trust funds are deposited with the corporation the capital stock as paid in shall be taken as lawful security for the faithful performance of its duties as such

agent, executor, administrator, trustee, receiver, assignee or guardian, and shall be absolutely liable for any default; that the corporation may deal in all mineral products, crude and manufactured; that it shall have power to erect and maintain factories and mills which the said corporation shall deem suitable to erect and maintain, and do all such other things as are incidental or conducive to the attainment of any or all of the above; they shall have power to erect and maintain iron and steel furnaces; to back water upon the lands of others and have damages assessed as practiced by law. That all sections or parts of sections of chapter forty-nine, volume one 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: *Provided*, that the powers to such telegraph and telephones and railways shall extend only to the land owned by said company.

Proviso.

Authorized to
take mortgages,
&c.

Power of sale.

Authorized to
insure goods, &c.,
real estate
titles, &c.

SEC. 17. That said corporation 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 estate or personal property to secure purchase-money or money lent by or a debt due the said corporation a power of sale to the said corporation, whereby said corporation, upon default of payment of such loan or debt, may sell the property mortgaged to secure the payment thereof, after giving notice of the time and place of sale specified in each [such] mortgage or deed of trust; and the said corporation shall have power to make insurances upon goods, wares or merchandise, or personal property, or dwelling-houses, warehouses or stores, or other buildings against risk arising from fires, 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 incumbrances; and shall have power to make insurances of every kind pertaining to or connected with titles of real estate, and to make, execute and perfect such, and to make contracts, agreements, policies or other instruments as may be required therefor, and to receive compensation for such insurances. That said corporation shall have power to conduct a safe-deposit and storage business and receive compensation therefor.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 137.

An act to incorporate the town of Hazel in the county of Buncombe.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Hazel in the county of Buncombe be Incorporated, and the same is hereby incorporated in the name and style of "The Town of Hazel," and shall be subject to all the provisions contained Corporate name, in chapter sixty-two (62) of The Code of North Carolina not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits, Beginning on the west bank of the French Broad river at the point where the northern boundary line of the town of West Asheville crosses said river, and running thence a northerly direction to the northeast corner of J. A. Murdock's new line; thence with said line to the Pearson road; thence with said road to the river road at or near John Murdock's store-house; thence with said river road to the old burnt gate road; thence with said last named road to Richmond Pearson's line; thence with said line west to W. M. Smith and John Miller's corner at or near the said Pearson's line; thence south with John Miller's line to J. W. Cockrham and Frank Chapman's corner; thence with their line to L. H. Smith's line; thence with said Smith's line to J. B. Parham's line; thence with said Parham's line to W. P. Williams' south-east corner; thence with Williams' line with its several turns to his south-west corner; thence a straight course to the Leicester road at a point forty rods north-west of J. B. Parham's residence; thence a south-easterly course with the western margin of the Leicester road to John Ingle's line; thence east to his corner; thence south with his line to the eastern margin of the Leicester road leading to W. E. Logan's mills; thence with the eastern margin of said road to the bridge across the Murphy Division of the Western North Carolina Railroad; thence with said railroad west to R. B. Johnstone's line; thence with his line to Smith's mill creek; thence down and with the south bank of said creek to the northern boundary line of the said town of West Asheville; thence with the line of said town to the beginning.

SEC. 3. That the officers of the said town shall consist of a mayor, Officers, three commissioners and a marshal, and the commissioners, when qualified as required by law, may elect a town clerk.

SEC. 4. That until the election hereinafter provided for, the mayor Temporary officers, and three commissioners provided for in the preceding section of this act shall be as follows: Mayor, J. M. Ledford; commissioners, D. J. McLellan, J. W. Cockrham and E. Clayton, Jr., 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 Town marshal and clerk.

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.

SEC. 5. That there shall be held on the first Monday in April, in the year of our Lord one thousand eight hundred and ninety-one, 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.

Notice.

After first election, notice may be omitted.

SEC. 6. That after the first election held in pursuance to the provisions of the preceding section of this act, 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 as 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 Hazel 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 the power to lay out and open any new street or streets within the corporate limits of the 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,

Condemnation of land.

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 who shall be 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, or assess against the owner or owners the amount or amounts that shall be paid by him or them to said town for the benefits accruing to his or their property by reason of any public improvement, 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 owners of the land and the commissioners, or awarded by the arbitration, shall be paid as other town liabilities, and any benefits assessed shall as long as unpaid be a lien on the lands adjudged to be benefited in the same manner and to the same extent that unpaid State and county taxes are a lien on property taxed, and the collection of benefits so assessed may be enforced in the same manner as the collection of State and county taxes: *Provided*, that either party may appeal to the Superior Court of Buncombe county. Appeal.

SEC. 10. 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. Live stock running at large.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 138.

An act to incorporate American Home, Mineral and Timber Land Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. F. Trogdon and E. S. Blair, of Wilkes county, N. C., and J. W. Causey, of Guilford county, N. C., and their associates and successors and assigns, are hereby constituted and declared to be a body politic and corporate under the name and style of "The American Home, Mineral and Timber Land Company," and shall have succession for thirty years, and by that name and style may Body politic. Corporate name.

- Corporate powers. sue and be sued, plead and be impleaded in any and all the courts of this state, and adopt and use a common seal, and may alter and reverse the same at will, and to have the privilege, franchise, rights and powers hereby specifically granted, and also those conferred upon corporations by the laws of North Carolina.
- Capital stock. SEC. 2. The capital stock of said company shall be divided into shares of ten dollars each, and shall be for such total sum as the stockholders in general meeting may determine: *Provided*, that such capital stock shall not exceed five million dollars; *And Provided*, that if it shall at first be determined by the stockholders to issue less than five million dollars of such stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of a majority stock vote, to be given at any general or special meeting called for the purpose of considering any proposed increase of such capital stock.
- Proviso.
Proviso.
- Organization. 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 to call a general meeting of the stockholders, and at such meeting to elect a board of directors, one of whom shall be elected president by said directors, whose terms of office shall be one year, and hold their offices until others are chosen and qualified; and also said directors at their first meeting after their installation shall elect a secretary and treasurer and require bonds of them, and the president may be required to give bond also.
- Powers of stockholders. 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, term of service and require bonds for their faithful performance of duties and trusts; 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 United States, as they may consider best calculated to serve their interest.
- Corporators may solicit subscriptions.
Books of subscription.
- SEC. 5. The corporators in the first section named, or a majority of them, are hereby empowered to solicit subscriptions to the capital stock of said corporation and to enter said subscriptions on the books of the corporation and to reopen books of subscription to said capital stock from time to time until the same be wholly taken.
- Subscriptions, how made. SEC. 6. That the capital stock may be created by subscription on the part of individuals, firms or corporations of any kind, and may be made payable in money, land, material for construction, machinery, ores or other such equivalent as the majority of the corporators may direct or determine, or as may be determined by a majority of the directors who shall succeed them. The said corporators or directors

shall fix the value of any lands, machinery, stocks, bonds and other equivalent offered in payment for its stock, and shall make such assessments upon the subscribers to the capital stock of the corporation and collect the same as to them may seem best, not in excess of amount of stock subscribed for; ten days' notice to be given by mail of any assessment of stock.

Assessments,
Notice.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof as the same is required of him the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the principal office of the corporation, after advertisement of such sale for twenty days in some newspaper published in Raleigh, North Carolina, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all cost of such 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 severally by motion as aforesaid or by civil action; in every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Remedy against
assignee.

Subscription
deemed a promissory
note.

SEC. 9. The president and board of directors may establish offices and agencies at such times and places as they may think proper in this state.

Offices and
agencies.

SEC. 10. 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.

Stockholders, &c.,
not individually
liable for corpor-
ate debts.

SEC. 11. 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. 12. If, after such demand or notice as by the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such by-laws may be limited in that behalf, the directors, in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the corporation, and may be disposed of as by the by-laws or otherwise the directors may ordain.

Forfeiture of
stock.

Prima facie evidence of by-law.

SEC. 13. A copy of any by-law of the corporation under its seal and purporting to be signed by any officer of the company shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina. No share of stock shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon, nor shall the directors allow a transfer of stock whereon any call has been made which has not been paid in.

Transfer of stock.

Stock vote.

SEC. 14. That at all general or special meetings of the stockholders the vote shall be by stock vote, and each stockholder shall be entitled to as many votes as he owns shares, and may vote the stock of others by authority of a written proxy deposited with the secretary, and every stockholder who has pledged his stock, nevertheless may vote such stock as a stockholder.

Quorum.

SEC. 15. That at all general or special meetings of the stockholders a majority of the capital of the corporation shall constitute a quorum, and no less than three of the board of directors shall be a quorum for a directors' meeting.

Corporate powers.

SEC. 16. That said corporation shall have power to take by purchase, lease or other operation of law any lands, tenements and hereditaments in the state of North Carolina to such an amount as to them shall seem proper, and to hold and to convey the same through their president, treasurer and other proper officers as freely as citizens of this state can or may do. They shall have power to develop the resources of said lands by town building, advertising for immigrants in this and other states and in foreign countries, the organizing of colonies, improving, building, manufacturing, 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 the said property; to subscribe to the capital stock of any and all enterprises which may be projected in this state; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to construct mills, workshops, hotels or other business premises and maintain them; to sink mines for the purpose of mining minerals and coal; to build and equip with rolling and other stock, and build and operate rail, tram, turnpike or other roads connecting the property of the corporation with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams or depressions; to establish and maintain telegraph, telephone and electric light and electric car lines, water-works, water-supply pipes, canals, aqueducts, reservoirs, streets, alleys, sewerage, gas-works, gas-pipe lines, elevated or underground railroads, and any other works that may be deemed necessary or convenient for the corporation; and to further each and all of these ends this corporation has hereby conferred upon it all the powers, rights, privileges and immunities conferred upon railroad

companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies;" and whenever it may become necessary for the purpose of constructing their roads, canals, water or gas-pipe lines, sewerage pipes, telegraph or electric light or electric car lines, dams or other works, to enter upon any lands to which the corporation may not have title or 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 the power to purchase, lease or otherwise acquire any real or personal property, and take title thereto in the name of the company; to sell, grant, 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 upon real and personal security, and to discount bonds, notes and bills of exchange, and to receive in advance the interest that may be agreed upon, not to exceed, however, the rate of eight per centum; to guarantee the payment of notes, bonds, bills of exchange and other evidences of debt, and receive compensation therefor; to make advances on warehouse receipts, bills [of] lading, certificates of stock, certificates of deposit and other negotiable instruments, and on agricultural products and merchandise; 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 and execute mortgages and deeds of trust upon the purchases and property of the company to secure the payment of the said bonds, and to use its money and property in any manner whatever that is lawful; and shall have authority to conduct a general banking business in such towns and cities in this state as the directors of the corporation shall determine upon, and shall receive and pay interest on deposits as the directors may agree upon, and whenever any deposit shall be made by or in the name of any person being a minor or a female or thereafter becoming a married woman the same shall be held for the exclusive benefit of such depositor and shall be paid to such depositors, and their receipt shall be a valid release to the corporation; that said corporation may act as agent of any person, persons or corporations wishing to lend money in this State, or sell land or lands in this State, and to convey such land or lands by deed in the name of the principals acknowledged by the corporation as such agent when so authorized by power of attorney, and to charge and receive compensation therefor; that the corporation is hereby authorized to accept and execute any trusts which may be transferred to it by any person, bodies corporate, public, or any court, and to accept the appointment of executor or administrator, receiver, trustee, assignee, guardian, and whenever such trust funds are deposited with the corporation the capital

Corporate powers.

stock as paid in shall be taken as lawful security for the faithful performance of its duties as such agent, executor, administrator, trustee, assignee or guardian, and shall be absolutely liable for any default; and the corporation shall have power to conduct a general banking business as provided by The Code of this State the same as any other banking institution; that the corporation may deal in all mineral products, crude and manufactured. That it shall have power to erect and maintain factories and mills which the said corporation shall deem suitable to erect and maintain, and 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 and steel furnaces. That all sections or parts of sections of chapter forty-nine of The Code of North Carolina in conflict with the provisions of this act are hereby declared inoperative so far as they affect the privileges, rights and powers hereby conferred.

Conflicting provisions of Code, chapter 49, declared inoperative as to this act.

Authorized to take mortgages, &c.

Power of sale.

Authorized to insure goods, &c., real estate titles, &c.

SEC. 17. That said corporation 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 purchase-money or money lent by or a debt due the said corporation, a power of sale to the said corporation, whereby said corporation upon default of payment of such loan or debt may sell the property mortgaged to secure the payment thereof, after giving notice of the time and place of sale specified in such mortgage or deed of trust. And the said corporation shall have power to make insurances upon goods, wares or merchandise or personal property, or on dwelling-houses, warehouses, or other buildings or stores against risk arising from fires; 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 incumbrances, and shall have power to make insurances of every kind pertaining to or connected with titles of real estate; and to make, execute and perfect such and so many contracts, agreements, policies or other instruments as may be required therefor, and to receive compensation for such insurances. That said corporation shall have power to conduct a safe-deposit and storage business and receive compensation therefor.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1891.

CHAPTER 139.

An act to incorporate the town of Glenville in Jackson county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Glenville, Jackson county, North Carolina, be and the same is hereby incorporated by the name and style of "The Town of Glenville," and shall be subject to all the provisions contained in The Code of North Carolina for incorporated towns, also subject to the general law in relation to municipal corporations.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Three-quarters of a mile from the college building in said town in all directions.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal.

Officers.

SEC. 4. That the first regular election for mayor, commissioners and marshal shall be held on the first Thursday in May, one thousand eight hundred and ninety-one, and every year thereafter; and it shall be the duty of the sheriff of Jackson county, or some justice of the peace of said county, after giving ten days' notice by advertising at three public places in said corporation prior to said first Thursday in May, one thousand eight hundred and ninety-one, to open the polls and conduct the election herein provided for under the same restrictions and regulations that other county and state elections are held:

Election.

Provided, that elections held hereafter under the provisions of this

Proviso.

Provided further, that the following officers nominated and

Proviso.

appointed under this act shall duly exercise the duties of said officers from the ratification hereof until the said election shall have been held, to-wit: Elbert Watson, mayor; E. C. Hedden, H. A. Brown, A. H. Wilson, W. A. Wilson and B. J. Moody, commissioners, and J. A. Gribble, marshal.

Temporary officers.

SEC. 5. That all the qualified voters within said corporation who have resided in the state one year and in the corporation ninety days previous to the day of the election shall be entitled to vote in said election.

Electors.

SEC. 6. That it shall be the duty of the commissioners, mayor and marshal elected to meet, take the oath of office and organize.

Organization.

SEC. 7. That the commissioners shall have power to levy and collect a tax not to exceed forty-five cents on the poll and fifteen cents on the hundred dollars worth of all real and personal property in said corporation to be applied to the improvement of said town.

Taxation.

SEC. 8. That when it shall be necessary for the preservation of the public peace, good order or common decency, or the protection of life, liberty, person or property of individuals, the town marshal

Powers and duties of town marshal.

shall have power, and it shall be the duty of said marshal to arrest the body of offending parties who shall violate the law in the presence of said marshal without warrant, and take such person or persons before the mayor of said town as early as practicable to be dealt with as the law directs, and for every resistance to such authority by such offenders or others the party so resisting shall be punished as the ordinances of said town shall provide; and if necessary the marshal shall have power to call to his aid any bystander to assist him in any legal arrest, and anyone so summoned or called who refuses or fails to assist in making such arrest or arrests, shall upon conviction before the mayor be punished as the ordinances of said town shall prescribe.

Abatement of 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 live stock belonging to any person outside of the corporate limits of said town. They shall also have power to prescribe any rules, regulations and ordinances for the good government of the town, not inconsistent with the laws of the state or the United States.

Ordinances.

Secretary and treasurer.

SEC. 10. That it shall be the duty of said board of commissioners, when organized, to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners and also to appoint a treasurer, who shall enter into a bond to be 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 Glenville, conditioned for the faithful performance of his duties, approved by the commissioners of said corporation.

Bonds.

Bond of marshal.

Unlawful to sell liquor within corporate limits.

SEC. 11. That it shall be unlawful for any person or persons to sell any vinous, spirituous or malt liquors within the limits of said corporation, and any person or persons violating this section shall be guilty of a misdemeanor and upon conviction shall be fined in [the] discretion of the court.

Application of taxes, &c., to improvement of streets, &c.

SEC. 12. That the commissioners shall have power to apply any taxes collected under this act, together with all fines and forfeitures, for the violation of the town ordinances, to the improvement of the public streets or other public improvements in said town as they may deem best.

Compensation of officers.

SEC. 13. That the officers of said town may receive such compensation for their service as the mayor and commissioners of said town in their discretion shall authorize.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1891.

CHAPTER 140.

An act to amend section three, chapter ten (10) of the private laws of one thousand eight hundred and seventy-six and seventy-seven.

The General Assembly of North Carolina do enact:

SECTION 1. That section three (3) of chapter ten (10) of the private laws of one thousand eight hundred and seventy-six and seventy-seven be and the same is hereby amended by striking out the following words in line three of said section, "six thousand dollars (\$6,000)," and by inserting in lieu thereof the following words, "fifty thousand dollars (\$50,000)."

Chapter 10, Private Laws 1876-7, amended. Grand Lodge of Good Samaritans empowered to hold real estate not exceeding \$50,000 in value.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 141.

An act to incorporate "The Marion Banking and Industrial Company," of McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Roberts, J. G. Neal, W. P. Jones, J. L. C. Bird, J. C. McCurry, B. B. Price and John Yancey, Jr., of Marion, North Carolina; James L. Fleming, C. G. Goodrich, C. E. Coffin, J. L. Maxwell and Hon. Patrick Walsh, of Augusta, Georgia; R. D. Guerard, of Savannah, Georgia; C. A. Schwacke and F. S. Rogers, Jr., of Charleston, South Carolina; John Pickering and General A. C. Wall, of the city of New York, 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, for the purpose hereinafter mentioned, under the corporate name of "The Marion Banking and Industrial 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; contract and be contracted with; may have and use a common seal and the same alter at pleasure; shall continue for the term of thirty years, and shall enjoy all the rights, privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of this state.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the capital stock of the company shall be one million five hundred thousand dollars, divided into thirty thousand shares of the par value of fifty dollars each, with the privilege of increasing

Capital stock.

the capital stock from time to time, not to exceed the sum of three millions of dollars.

Corp. rate pow-
ers.

SEC. 3. That the 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 without guardian, apprentices, *femes covert* or other persons, on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for the use and loan of money may charge so high a rate of interest as is allowed by law, 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 stocks, bonds or other securities of this 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; and to this end all the rights, powers, privileges, immunities and liberties conferred upon "The Bank of Commerce" of Fayetteville, North Carolina, by an act incorporating said bank, ratified by the general assembly of North Carolina on the tenth day of February, Anno Domini eighteen hundred and ninety-one, are hereby conferred upon this company: *Provided*, that not more than one hundred thousand dollars of the capital stock of the company shall be used in the banking department of the company's business.

Proviso.

Corporate pow-
ers.

SEC. 4. That said corporation may acquire, buy, lease, exchange, hold, own, encumber by mortgage or otherwise, sell and convey real and personal property, with all the rights and privileges connected therewith: *Provided*, they shall not at any one time own more than twenty thousand acres of real estate.

Proviso.

Corporate pow-
ers.

SEC. 5. That said corporation shall have the 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 or enter into partnership or arrangements for sharing profits with any person or company or any enterprise which may be projected in this state; to construct and operate mills, workshops, hotels, dwellings or other lawful buildings; to buy, manufacture and sell all kinds of goods, chattels and effects; to aid, encourage, or carry on any or all kinds of manufacture that may be deemed expedient by the directors and managers of said company.

Corporate pow-
ers.

SEC. 6. That said corporation 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.

SEC. 7. That said corporation shall have power to build, equip and operate a street railway in the city of Marion, North Carolina, and to this end all the rights, powers, privileges and immunities conferred upon the Winston and Salem Street Railway Company by chapter one hundred and seventy-five, private laws of one thousand eight hundred and eighty-nine, are hereby conferred upon this company. Corporate powers.

SEC. 8. That said corporation shall have power to issue mortgage bonds upon any and 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 conducive to the attainment of any or all of the above objects. Corporate powers.

SEC. 9. That the principal place of business of the said corporation shall be the city of Marion, North Carolina, but the company shall have the power to establish such branch offices as it may deem necessary. Place of business.

SEC. 10. That as soon as a sufficient amount of the capital stock of the company shall have been subscribed said incorporators and subscribers shall meet in the city of Marion, North Carolina, and perfect the organization of the company by the election of a board of not less than nine nor more than seventeen directors, one of whom shall be elected president. Said board of directors shall elect a vice-president, a secretary, a treasurer, a general manager, and such other officers and agents as may seem to them necessary and advisable and shall 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 said bonds the company may sue the principal and sureties, or either of them, and recover the damages sustained. Organization.

SEC. 11. 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, except in the banking department of their business. Bonds of officers.
Action on bond.
Stockholders, &c. not individually liable for corporate debts and torts.

SEC. 12. That said corporation shall make such rules and regulations or by-laws as may seem to them proper for the government of the company. By-laws.

SEC. 13. That this corporation shall exist and be in force and effect from and after the ratification of this act.

Ratified the 3rd day of March, A. D. 1891.

CHAPTER 142.

An act to extend the corporate limits of the town of Grifton in the county of Pitt.

The General Assembly of North Carolina do enact :

Corporate limits extended.

SECTION 1. That the corporate limits of the town of Grifton in the county of Pitt be and the same is hereby extended as follows, to-wit: Beginning at the corner of said town in Firry branch and running north twenty-six and one-half degrees east to McCrae street; thence with McCrae street to the county road leading from Grifton to C. M. A. Grifton's residence; thence south-west to and across Contentnea creek; thence south-west five hundred feet to a corner in Moses Spring's field; thence east to the incorporated line of said town.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 143.

An act to repeal chapter fifty-four, laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 54, Private Laws 1885, repealed.

Act incorporating Margarettsville, Northampton county.

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

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 144.

An act to incorporate the Concord Water-works Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That P. B. Fetzer, H. I. Woodhouse and John C. Wadsworth, of Concord, this state; Mike Schloss and Simon Lowmen, of the city of Baltimore; Lee Loeb and Daniel Streush, of the city of Philadelphia, and H. A. Rosenfeld, of the city of New York, and their associates, successors and assigns, are hereby created a body

politic and corporate for the term of sixty years, under the name and style of "The Concord Water-works Company," and by that name and style they may have and use a corporate seal with the right to alter same at pleasure; may sue and be sued, plead and be impleaded, contract and be contracted with, may purchase, hold, sell, lease, bond and convey all property, real and personal, which they may deem proper or necessary for their corporate purposes; make such by-laws, rules and regulations as may be deemed by them expedient or necessary for the purposes of their incorporation, not inconsistent with the laws of this state; may use and enjoy all privileges and rights granted to corporations by the sixteenth chapter, volume one of The Code of North Carolina, also the rights, powers and privileges hereinafter specified.

Corporate exist-
ence.
Corporate name.
Corporate pow-
ers.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of the par value of one hundred dollars each, but said corporation shall have power to increase its capital stock from time to time to a sum not exceeding in the aggregate fifty thousand dollars in shares of like amount. Real and personal property may be received in payment of any of the capital stock, and at such valuation as may be agreed upon between the subscribers wishing to pay in such manner and the company or its representatives.

Capital stock.

Subscriptions,
how made.

SEC. 3. That the officers of said corporation shall be such as may be provided for in its by-laws, but until the first general meeting of the shareholders the three persons first named in the first section of this act shall be commissioners or provisional directors, and as such shall immediately after the ratification of this act open books for subscription to said capital stock, and within two months after one hundred shares of stock shall have been subscribed for they shall call a general meeting of the shareholders to be held at Concord; and there shall be a general meeting of shareholders held at said place annually on the second Tuesday of the month in which said first meeting is held: *Provided*, that the date of holding said annual meetings may be changed from time to time by a majority vote of said shareholders.

Officers.

Books of sub-
scription.
Organization.

Annual meeting
of stockholders.

Proviso.

SEC. 4. At all general meetings of the stockholders, every stockholder shall be entitled to as many votes as he owns shares in the corporation and may vote by proxy.

Stock vote.

SEC. 5. That said corporation may convey lands, and all other property which is transferable by deed, by deed of bargain and sale, of [or] other proper deed, sealed with the common seal, and signed by the president of [or] presiding officer, and attested by two witnesses.

Conveyance of
lands, &c.

SEC. 6. Said corporation shall have power and authority, under such rules and regulations as may be embodied in a contract between it and the board of commissioners of the town of Concord, to con-

Authorized to
construct system
of water-works.

struct, establish and maintain in or near said town a system of water-works for the purpose of supplying said town, its inhabitants, and such other persons who reside in the vicinity thereof, with water for any and all purposes and private uses for which it may be desired, and to charge and collect such rates for the use and privilege of water as it may establish: *Provided*, said board of commissioners may fix and establish a maximum rate of charges. •

Authorized to lay pipes.

SEC. 7. That said corporation shall at all times have power and authority to build, contract, maintain and repair, lay and remove all necessary pipes, mains, conduits, stand-pipes, hydrants, fixtures and appurtenances in, upon, through, over and under any and all streets, roads, lanes, avenues, alleys, sidewalks and bridges in said town or its vicinity, but said corporation shall at its own expense repair and restore all streets, alleys, bridges, roads, sidewalks and avenues, and as nearly as practicable leave them in as good condition as they were before used for said purposes, and if for the purposes aforesaid, or either of them, it shall be deemed necessary by the president of said company to use the land of any person or corporation, and an agreement cannot be made between the said company and the owner of the land, or the person entitled to the beneficiary interest therein, the officers, agents and servants of said company may enter upon said lands for the purposes aforesaid, and said company may have the same condemned for its use, in the manner provided for the condemnation of lands in chapter forty-nine, volume one of The Code of North Carolina.

Condemnation of land.

Wilful removal of pipes, &c., a misdemeanor.

SEC. 8. Any person who shall wilfully remove, obstruct or impure any main, conduit, pipe, hydrant, fire-plug, spring, reservoir, aqueduct, pump, machinery, building, or shall unlawfully and wilfully open, use or interfere with any fire-plug or hydrant belonging to said corporation or its patrons shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days.

Authorized to borrow money on mortgage.

SEC. 9. Said corporation shall have power and authority to borrow money, to make and negotiate its promissory notes, bills and bonds, and to mortgage any or all of its property, real and personal, franchises and incomes, to secure the payment thereof.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 145.

An act to amend chapter one hundred and thirteen, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, entitled an act to incorporate the town of Albemarle in the county of Stanly.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of said act be amended by striking out all after the word "mile" in line two of said section and inserting in lieu thereof: "From the center of the public square in said town and running with the compass bearings west; thence north with the compass bearings of second street five-eighths of a mile; thence east with the compass bearings of north street one mile; thence south with the compass bearings of fourth street one mile; thence west with the compass bearings of south street one mile; thence north with the compass bearings of second street three-eighths of a mile."

Chapter 113, Private Laws 1871-5, amended.

Corporate limits.

SEC. 2. That section seven of said act be amended by striking out in line two of said section the words "twenty-five cents" and inserting in lieu thereof the words "one dollar," and in line three by striking out the word "fifteen" and inserting in lieu thereof the words "thirty-three and one-third."

Taxation.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3rd day of March, A. D. 1891.

CHAPTER 146.

An act to incorporate Redin Springs Church and Camp-ground in Union County.

The General Assembly of North Carolina do enact:

SECTION 1. That W. T. Houston, R. A. Cuthbertson, J. A. Howie, W. R. Howie, J. F. Fincher, Adam McMillan, Lee Stewart and Richard Barrett, and their successors in office, be and the same are hereby incorporated under the name and style of "Trustees of Redin Springs Church and Camp-ground" in Sandy Ridge township of Union 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.

Vacancies.

- Corporate limits. SEC. 3. That the corporate limits shall be two miles in every direction from said church and camp-ground, so as to form a complete circle from said church and camp-ground.
- Unlawful to sell liquor within 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 limits of said corporation, 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 imprisonment not more than thirty days, at the discretion of the court.
- Special police. SEC. 5. That the said trustees of Redin Springs Church and Camp-ground, and their successors in office, shall have full 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 and until his successor is appointed.
- Intendant of police. SEC. 6. That said police shall have power to keep the peace and to execute all processes to them directed by the intendant of police on the grounds of the said Redin Springs Church and Camp-ground while said grounds are occupied for divine worship, and said church and camp-ground shall be considered as occupied for worship from the arrival of the first vehicle to the departure of the last one at any encampment or any day appointed for religious services.
- Powers of police. SEC. 7. That the trustees of said Redin Springs Church and Camp-ground, and their successors in office, may enact all ordinances for the good government and protection of said church and camp-ground and people there assembled while occupied for worship, and for the protection of their property which they may have with them, and enforce the same: *Provided*, that said ordinance or ordinances are not inconsistent with the laws of the state.
- When church considered occupied for worship. SEC. 8. This act shall be in force from and after its ratification.
- Ordinances. Ratified the 3d day of March, A. D. 1891.

CHAPTER 147.

An act to allow the Raleigh Bank further time to organize.

The General Assembly of North Carolina do enact:

Chapter 59, Private Laws 1885, and chapter 130, Private Laws 1887, extended. Corporators allowed further time to organize.

SECTION 1. That the private act of the general assembly of North Carolina, chapter fifty-nine, passed March second, eighteen hundred and eighty-five, entitled "An act to incorporate the Raleigh Bank," and the private act of the general assembly of North Carolina, chapter one hundred and thirty, amendatory thereof, passed the seventh

day of March, eighteen hundred and eighty-seven, entitled "An act to allow further time to the Raleigh Bank to organize," be and the same are hereby amended so as to allow the incorporators in said act named further time, until the second Tuesday of March, eighteen hundred and ninety-three, to open books and receive subscriptions for stock, and to organize the Raleigh Bank in said acts named.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 148.

An act to declare the Tyson and Jones Buggy Company a duly incorporated company and to amend and enlarge its charter.

WHEREAS, the Tyson and Jones Buggy Company has heretofore, Preamble.
to-wit, on the twenty-sixth day of January, one thousand eight hundred and eighty-nine, been incorporated before the clerk of the Superior Court of Moore county under the general laws of the State of North Carolina, 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 and increase the corporate powers, franchises and privileges of said company: therefore,

The General Assembly of North Carolina do enact:

That said [in]corporation before the clerk of the Superior Court of Moore county on the twenty-sixth day of January, one thousand eight hundred and eighty-nine, and the organization of the company, election of officers, adoption of by-laws, subscription for and transfer 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 that the charter of said company granted by the clerk of the Superior Court of Moore county as aforesaid be and the same is hereby amended and re-enacted so as to read as follows: Incorporation, &c., validated.

SECTION 1. That T. B. Tyson, W. T. Jones, J. B. Shaw and L. P. Tyson, and such others as are now or hereafter may be associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name and title of "The Tyson and Jones Buggy Company," and under that name and style may sue and be sued, implead and be impleaded, contract and be contracted with, adopt and use a common seal which it may alter at pleasure, and Charter amended and re-enacted.
Body politic.
Corporate name.
Corporate powers.

enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Capital stock.

SEC. 2. That the capital stock of said company shall be thirty thousand dollars (\$30,000), in shares of the par value of fifty dollars (\$50) each, and said company shall [have] liberty to increase said capital stock at any time, or from time to time, to any sum not exceeding in the aggregate one hundred and fifty thousand dollars, and said shares be paid in money, labor, land, material, stock, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers.

Subscriptions,
how paid.

Corporate pow-
ers.

SEC. 3. That said corporation is hereby empowered to conduct, transact and carry on in all its branches the business of building, manufacturing, repairing and buying and selling buggies, carriages, wagons and other vehicles; and the said company may buy, sell and deal in goods, wares and merchandise of every description at its will and pleasure.

Corporate pow-
ers.

SEC. 4. That said company shall have power to lease, purchase, hold, sell and convey real estate and personal property of any kind and description necessary for its business; to borrow money and issue bonds and other evidences of indebtedness so created, and to secure the payment of the same by mortgage of its property, franchise and effects, or otherwise.

Directors.

SEC. 5. That said company shall be managed by a board of directors to be elected by the stockholders; said board of directors to consist of such a number of said stockholders, and to hold their offices for such a term or length of time as may be prescribed by the stockholders in general meeting. Said stockholders may make such

By-laws.

by-laws, rules and regulations for the management and proper conduct of the company and its business as they may deem necessary or expedient: *Provided*, the same be not inconsistent with the laws of this state or the United States.

Proviso.

Officers.

SEC. 6. The board of directors shall have power to elect such officers as they may deem necessary or expedient, and to prescribe their duties, compensation and terms of service.

Lien on stock.

SEC. 7. When any stockholder shall be indebted to the company to [no] transfer of his stock shall be valid against said company while said indebtedness exists, and the company shall have a lien on his stock to the full amount of such indebtedness and the interest thereon, and the substance of this provision being printed on the face of each certificate of stock shall be full and ample notice to the purchaser or holder of said stock of all such indebtedness as exists at the time of such transfer.

Notice to pur-
chaser.

Stockholders not
individually
liable for corpo-
rate debts.

SEC. 8. That the stockholders of said corporation shall not be individually liable or responsible for the debts, liabilities, contracts or engagements of the company.

Corporate exist-
ence.

SEC. 9. That the duration of said corporation shall be thirty years.

SEC. 10. That said corporation shall have its principal office and place of business at Carthage, North Carolina, with the privilege of establishing branch offices and places of business at its will and pleasure within the state of North Carolina. Offices.

SEC. 11. No certificate of any number of shares of the capital stock shall be issued unless the par value thereof be fully paid, and when any certificate shall have been issued for one or more shares no assessment shall thereafter be made upon such share or shares. Issuance of certificates of stock.

SEC. 12. The organization of said company having been perfected under the original letters of incorporation issued by the clerk of the superior court of Moore county, no notice of the first meeting shall be required or given, and said organization is hereby ratified and declared in all respects regular and valid. Organization ratified.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 149.

An Act to incorporate the Faison Cemetery Association.

The General Assembly of North Carolina do enact :

SECTION 1. That John M. Faison, John C. Hines, J. Sam. Westbrook, Augustus D. Hicks and James F. Shines, be and they are hereby made a body politic and corporate, under the name and style of "The Faison Cemetery Association," and by this name [may] sue and be sued, plead and be impleaded in all the courts of this state, may contract and be contracted with, and may have perpetual succession and a corporate seal. Body politic.
Corporat (name.)
Corp ate pow-
ers.

SEC. 2. That said corporation may purchase and hold as much land, not exceeding twenty-five acres, as may be necessary for locating and establishing a cemetery in and near the town of Faison, county of Duplin and State of North Carolina, and may sell or otherwise dispose of the land so acquired in suitable lots to be used exclusively as a place of burial for the dead. Authorized to
purchase land,
&c.

SEC. 3. That the real estate of said corporation and the burial lots conveyed by it to individual proprietors shall be exempt from all taxation for State and county purposes and shall not be liable to be sold on execution. Exemption from
taxation.

SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure in said cemetery, or any fence, railing, enclosure or other work for Wilful destruction,
&c., of
tomb, &c., a
misdemeanor.

Action for
damages.
Witness.

the protection or ornamentation of the same, or of any burial lot therein, or who shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and such offender shall moreover be liable for the trespass in an action by the corporation in any court of competent jurisdiction; and in such case any member of the corporation shall be a competent witness.

Lands dedicated
to cemetery pur-
poses.
Effect of convey-
ance to individ-
uals.

SEC. 5. That the land purchased by the corporation shall forever remain dedicated to the purpose of a cemetery, and the lots therein which the corporation shall convey to individual proprietors shall be so conveyed as to reserve to the corporation or its agents the right to limit the number of interments to be made therein and to specify the persons or classes of persons to be interred.

Form of con-
veyance.

SEC. 6. That said corporation may prescribe the form of conveyance for the burial lots in said cemetery, and how and by whom the same shall be executed, and may make all such laws, rules and regulations not inconsistent with the laws of this State and of the United States as they may deem necessary for the control of their property and the improvement and ornamentation of said cemetery.

By-law.

Moneys, how
used.

SEC. 7. That said corporation shall use all moneys accruing from the sale of burial lots exclusively for improving said cemetery, and in case of an insufficiency of funds arising from the sale of lots then said corporation shall have power to levy and collect a tax on all burial lots sufficient only for said improvement.

Tax on burial
lots.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 150.

An act to repeal chapter fourteen of the private laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 14, Pri-
vate Laws 1885,
repealed.
Act prohibiting
use of bicycle, &c.,
on Wilmington
and Coast
Turnpike.

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

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 151.

An act to incorporate the town of Lumber Bridge.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Lumber Bridge in Robeson county be incorporated. and the same is hereby incorporated under the name and style of "Lumber Bridge," and shall be subject to all the provisions contained in chapter sixty-two of The Code. Corporate name.

SEC. 2. That the corporate limits of said town shall be about three-quarters of a mile square, bounded as follows: Beginning at the pool of Providence Baptist church and running with the edge of the Little marsh to Shaw's mill; from thence with the said marsh to the mouth of Wateree branch; thence up said branch to Shaw's canal; thence up said canal to the Cape Fear and Yadkin Valley Railroad, and from thence direct to the beginning. Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and ninety-two, viz.: Mayor, A. S. Shaw; commissioners, J. W. Hall, F. H. McLeod, A. M. Currie, E. Currie and J. A. Monroe; marshal, J. A. Chason; all of whom shall hold their offices until their successors are elected and qualified. Officers.
Temporary officers.

SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-two, and each succeeding year thereafter under the same restrictions that county and state elections are held, and all citizens who have resided twelve months within the state and ninety days within the corporate limits of said town shall be entitled to vote at said election. Election.
Electors.

SEC. 5. The officers mentioned in this act shall perform the same duties and exercise all the powers and privileges prescribed in chapter sixty-two of The Code. Duties and powers of officers.

SEC. 6. That it shall be unlawful to sell any spirituous liquors or intoxicating drinks within the corporate limits of said town. Unlawful to sell liquor within corporate limits.

SEC. 7. That it shall be the duty of the officers of the town appointed by this act, within sixty days after its ratification, to go before some justice of the peace of said county and take the oath of office prescribed by law for such officers. Officers to qualify.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 152.

An act to amend the charter of the town of Hot Springs.

The General Assembly of North Carolina do enact:

Chapter 6, Private Laws 1889, amended.

Corporate limits.

Chapter 6, Private Laws 1889, is "an act to amend the charter of the town of Winston."

SECTION 1. That the private laws of eighteen hundred and eighty-nine, chapter six, be amended by striking out all of section two of said act and insert in lieu thereof the following: That the corporate limits of said town shall be as follows: Beginning on a large rock on the bank of French Broad river and runs a south course with the boundary line between M. J. Faggs and the Southern Improvement Company to Deer Park road; thence east and with said road to the Colony Mill-dam on Spring creek; thence a direct line to the boundary between Thomas D. Johnson and the Southern Improvement Company to the river; thence down the river to a point opposite Lovers' Leap, and crossing the river at this point, and thence with boundaries of the Britlian tract to the river, and thence with the meanders of the river to the beginning.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 153.

An act to incorporate the Asheville Trust Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Thos. W. Patton, John F. Burt, J. E. Rankin, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of "The Asheville Trust company," 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 or referred to in the first, second and third sections of The Code of North Carolina, volume one, entitled "Corporations," and that this corporation shall exist and be in force and effect for the term of sixty years from and after the ratification of this act.

Corporate name.

Corporate powers.

Corporate existence.

Place of business.

SEC. 2. That the principal place of business of said corporation shall be in the city of Asheville, state of North Carolina.

Capital stock.

SEC. 3. That the capital stock of the corporation shall be one hundred thousand dollars, with the privilege of increasing said stock from time to time to an amount not exceeding one million dollars, to be divided into shares the par value of one hundred dollars each,

and shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish and not otherwise. Transfer of stock.

SEC. 4. That the incorporators in the first section named are hereby authorized to open books of subscription to the capital stock of said corporation, and whenever fifty per centum of the capital stock is subscribed the stockholders, legally notified, shall assemble for organization, election of directors and adoption of by-laws, and that the capital stock shall be paid in as called for by the directors. Books of sub-
scription.

Organization.

SEC. 5. That the stockholders shall not be liable to the corporation beyond the amount subscribed by each stockholder and shall not be personally liable for the debts, contracts or obligations of the corporation. Liability of
stockholders.

SEC. 6. That said corporation shall have full power: Corporate pow-
ers.

(1). To negotiate loans and act as agents for loans or the payment, transmission and collection of money, and also to act as brokers, agents and attorneys, and as managers of every kind of property.

(2). To act as trustees or agents for the holders of or in relation to any obligations, debentures, bonds or debenture stock of any state or corporation.

(3). To act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority on such terms as may be agreed upon.

(4). To undertake and execute the office of trustee, executor, administrator, assignee, receiver or liquidator, and to undertake and execute all kinds of trusts, both public and private, and to perform and carry out the various kinds of business incident to and connected therewith. Any court of law or equity, including courts of probate and insolvency of this state, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment in equity or otherwise, to be deposited with said corporation upon such terms and subject to such instructions as may be deemed expedient: *Provided, however,* that said corporation shall not be required to assume or execute any trust without its own consent. The said corporation may be appointed executor, administrator, assignee, receiver, trustee under will or otherwise, under the same circumstances, in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of said corporation shall be held as security for the faithful discharge of the duties undertaken by virtue of this act, and in lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful; and before assuming any such trust under order of any court, Proviso.

Capital stock
held as security,
&c.

Company to file undertaking.	the said company shall file in the office of the clerk of [the] superior court of Buncombe county an undertaking with sufficient security, with either personal sureties or bonds of the State of North Carolina or of the United States, or of any county or city of the state of North Carolina, or any other security satisfactory to the court, and to be approved by said clerk; and the said undertaking so secured may be accepted by the said clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina as aforesaid. In case
Action on undertaking.	of wilful default in the performance of any trust so committed to said company as aforesaid the said undertaking may be sued upon by the party injured or his personal representative in the Superior Court of any county of North Carolina where such default may have
Enlargement of undertaking.	been made. And the Superior Court of Buncombe county, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking to be enlarged sufficiently
Proviso.	to secure the faithful performance of the same: <i>Provided, however,</i> that said corporation shall not be required to receive or hold any property or moneys or to execute any trust contrary to its own desire.
Trust funds to constitute special deposit, &c.	All money or property held in trust shall constitute a special deposit, and the accounts thereof shall be kept separate, and such funds and the investments or loans of them shall be specially appropriated to the security and payment of such deposits and not be subject to any other liabilities of the corporation, and for the purpose of securing the observance of this proviso said corporation shall have a trust department in which all business pertaining to such trust property shall be kept separate and distinct from its general business.
	(5). To purchase, take on lease, hire or otherwise acquire any lands, buildings, rights, privileges and real and personal property of every kind.
	(6). To erect, construct, enlarge, alter and maintain any buildings necessary or convenient for the business of the corporation.
	(7). To guarantee owners of real estate and mortgages from loss by reason of defective titles, liens and incumbrances, and to make, execute and perfect such contracts, agreements and other instruments as may be required therefor.
	(8). To conduct a general banking business, and to receive money on deposit, discount bonds, notes and bills of exchange, to lend money on real or personal property, to make advances on warehouse receipts, bills of lading, certificates of stock 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.

(9). 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 make regulations in regard thereto not inconsistent with the laws of the state.

SEC. 7. That said corporation shall not transact any banking or trust business until fifty per cent. or fifty thousand dollars of the capital stock is paid in. When company to begin business.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 154.

An act to incorporate Oak Ridge Institute in Guilford county.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Allen Holt, Martin H. Holt, Thomas M. Holt, Body politic.

D. F. Caldwell, Walter L. Steele, Jesse Benbow, W. O. Donnell,

T. J. Benbow, Charles Case, John A. Lowry, C. R. Benbow, A. S.

Clark, J. F. Holt, M. F. Blalock, J. J. Nelson, Charles Wilson, S. S.

Brown, O. C. Hamilton, Geo. T. Winston, W. L. Poteat, Henry L.

Smith, W. A. Blair, Geo. S. Wills, A. H. A. Williams, T. J. Ogburn,

J. M. Barker, J. C. Buxton, C. B. Watson, J. L. King, R. R. King,

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 at or near Oak Ridge, Guilford county, for the intellectual and

moral training of the youth of the country of the white race under

the name and style of "Oak Ridge Institute," 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, of any and all kinds, and exercise all acts in rela-

tion thereto incident to the ownership of real and personal property,

and for the promotion of education as aforesaid. Corporate name.
Corporate pow-
ers.

SEC. 2. That the members of said corporation shall have perpetual

succession, shall elect their officers, and may, if they so choose, have

and use a common seal. Corporate exist-
ence, &c.

SEC. 3. There shall be elected annually by the stockholders a board

of five directors, from whom shall be selected a president, vice-presi-

dent and a secretary and treasurer—the secretary and treasurer being

united in one person—all of whom shall hold their offices for one

year and until their successors shall be elected and qualified, a

majority of whom shall constitute a quorum for the transaction of

business. Directors.
Officers.
Quorum.

Stockholders' meetings.

SEC. 4. That the first meeting of the stockholders or incorporators shall be held within the next six months from or after the ratification of this act, at such time and place within Guilford county aforesaid as J. Allen Holt may designate, due notice of which he shall give to each incorporator or stockholder, and the time of holding the annual meetings thereafter shall be fixed by the board of directors.

By-laws.

SEC. 5. The stockholders shall have power to make such by-laws, not inconsistent with the laws of the state and the United States as shall by them be deemed necessary to promote the objects of the corporation.

Capital stock.

SEC. 6. That the capital stock of said corporation shall not be less than fifteen thousand dollars, and may be increased from time to time to an amount not exceeding one hundred thousand dollars, and shall be divided into shares of the value of twenty-five dollars each, and to be paid up at such time and in such manner as the board of directors may prescribe, and said shares of stock may be divided into two or more classes, some of which may be non-dividend bearing stock if so expressed in or across the face thereof.

Questions, how decided.

SEC. 7. That in the meeting of the stockholders all questions shall be decided by a majority vote of the stock represented in such meeting:

Proviso.

Provided, a majority of the whole stock shall be represented in order to constitute a legal meeting of the stockholders, each share being entitled to one vote: *Provided further*, that the stockholders may change the provisions of this section at any time by a majority vote of all the stock then outstanding.

Proviso.

Special meetings.

SEC. 8. That the stockholders shall have the power to provide in the by-laws of the corporation for such other meetings of their body than those herein provided for as they may see fit.

Certificates of proficiency.

SEC. 9. That this corporation shall have power to issue certificates of proficiency to such of the students as complete the prescribed course of study.

Exemption from taxation.

SEC. 10. That so long as the property owned or to be owned by such corporation shall be used for school purposes the same shall be exempt from all taxes, State, county and municipal.

May borrow money on mortgage.

SEC. 11. That for the purpose of making improvements or advancing the purposes for which this corporation is organized, the same shall have the power to create a debt or debts, and secure the same by a mortgage or mortgages or deed or deeds in trust.

Stockholders not individually liable for corporate debts.

SEC. 12. That the stockholders of said corporation shall not be individually liable for the debts, contracts or torts of the corporation,

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 155.

An act to incorporate the Manufacturers and "Merchants Fire Insurance Company" of Winston, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Alspaugh, C. Hamlin, C. B. Watson, W. A. Lemly, James A. Gray, John C. Buxton, Eugene E. Gray, P. M. Wilson, J. W. Hanes, W. T. Gray, S. E. Allen, W. A. Whitaker and R. J. Reynolds, of Winston, N. C., and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of "The Manufacturers and Merchants Fire Insurance Company," and said corporation shall have power and authority to insure dwelling-houses, stores, shops, and any other buildings or structures, household furniture, merchandise, goods, wares, or any other property or effects against loss or damage by fire, and shall have all the rights, powers and privileges incident or belonging to corporations as set forth in the sixteenth chapter of The Code of North Carolina, entitled "Corporations," and also all the rights, powers and privileges belonging to or enjoyed by any and all other fire insurance company or companies under its charter or charters, not inconsistent with the constitution or the laws of this state or the United States.

SEC. 2. That the capital stock of said company shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of the par value of one hundred dollars each, with liberty to increase the said capital stock at any time, or from time to time, as a majority of the stockholders may determine, to any sum not exceeding five hundred thousand dollars, said capital stock at all times to be divided into an equal number of shares of the said par value of one hundred dollars each.

SEC. 3. That said company shall be deemed fully organized immediately upon the ratification of this act, and a majority of the incorporators named herein may meet at any time thereafter, and may open books of subscription to the capital stock of the company and elect the first board of directors. The company shall not, however, commence the business of insuring property until at least two hundred and fifty thousand dollars of its capital stock shall have been subscribed for and at least ten per centum of the same has been paid in in cash.

SEC. 4. The affairs of said company shall be managed by a board of directors consisting of not less than five stockholders, but the number may be increased to thirty, or any number between five and thirty, as may from time to time be determined by the stockholders at any meeting. The directors shall elect from their own body the president of said company, and also a vice-president, and shall also elect a secretary and treasurer, who

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Organization.

When to commence business.

Directors.

Officers.

- may or may not be a member of the board of directors but must be a stockholder, and the directors may also appoint such other officers and agents and employees of said company as they may consider necessary. All vacancies occurring in the board of directors may be filled by the remaining directors for the remainder of their term of office. All the officers, agents and employees of the company, including the president, vice-president, secretary and treasurer, shall hold their respective offices or employments at the pleasure of the board of directors and shall receive such compensation as the directors may determine. Annual meetings of the stockholders shall be held, at which the board of directors shall be elected. The members of the first board of directors hereinbefore provided for shall hold their offices until the next ensuing annual meeting of the stockholders. If for any cause there should be a failure to hold the regular annual meeting of said company, or a failure to elect a board of directors then [those] in office shall continue to act as such until their successors are elected at the next ensuing regular annual meeting, or at such called or special meeting of the members as may be provided for by the by-laws of said company.
- Vacancies in board of directors.
Terms of office.
- Compensation.
Stockholders' meetings.
- Rates of insurance, &c.
- By-laws.
- Proviso.
- Corporate powers.
- Principal office.
- May purchase real estate, &c.
- SEC. 5. The board of directors, or such committee of the directors as may be specially appointed by the board for that purpose, may determine the rates of insurance and the amount to be insured on any application for insurance in or by said company.
- SEC. 6. The stockholders of said company may adopt such by-laws, rules and regulations for the conduct of the affairs of the company as they may determine: *Provided*, the same are not inconsistent with the constitution and laws of this state or the United states.
- SEC. 7. The said company is hereby authorized and empowered to make, execute and deliver all such agreements, contracts and policies as may be deemed necessary or convenient for the transaction of its general business of insuring real or personal property against loss or damage by fire, and the same may be of such form and authenticated in such way as the members of said company by their by-laws may prescribe or direct; and said company shall have power to make any loans of any money it may have on hand upon such security, real or personal it may require, and at such rate of interest or discount as may be agreed upon between the parties to any such contract or agreement not inconsistent with the laws of this State; and said company may subscribe for, invest in, hold and own stock in any incorporated company or institution.
- SEC. 8. The principal office for the transaction of the business of the said company shall be in the town of Winston, N. C., and said company is hereby empowered to purchase, hold and convey such real estate as may be necessary or convenient for the transaction of its general business or any business incident thereto, or any such real estate in which the directors of said company may deem it beneficial

to the interest of said company to invest any surplus money belonging to said company.

SEC. 9. That the stockholders of said company shall not be personally liable for the debts, contracts or obligations of said company.

SEC. 10. That this act shall be in force from and after its ratification and shall continue in force for the term of sixty years.

Ratified the 3d day of March, A. D. 1891.

Stockholders not personally liable for corporate debts. Corporate existence.

CHAPTER 156.

An act to incorporate the New River Oyster Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Berry Gleaves, F. W. Kerchner, T. D. Meares, J. H. Sharp, T. W. Whisnant, W. F. Williams, Iredell Meares, C. I. Comfort, A. J. Howell, Jr., J. H. Boatwright, Jr., J. L. Boatwright, W. L. Sharp, J. R. Kenly, J. H. Boatwright, E. R. Wortlen, F. L. Meares, J. C. Higgins, A. J. Howell, G. H. Howell, J. A. Mattocks, R. F. Langdon, R. S. Tucker, C. W. Sharp, their associates and successors, be and they are constituted a body politic and corporate under the name of "The New River Oyster Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, create by-laws and regulations for its own management, and adopt a common seal which it may alter or break at any time, and enjoy all the franchises and privileges incident to business corporations in the State.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the corporate stock of said company shall be seventy-five thousand dollars (\$75,000), to be divided into shares of fifty dollars each, with power to increase the same to a sum not exceeding two hundred thousand dollars (\$200,000), by consent of the stockholders owning two-thirds of the stock issued.

Corporate stock.

SEC. 3. That whenever five thousand dollars (\$5,000) shall have been subscribed to the capital stock, it shall be the duty of the incorporators, or any three of them, to call a general meeting of the stockholders; and at such meeting the stockholders present, if representing a majority of the stock subscribed, may proceed to organize said company and adopt such by-laws, rules and regulations as they may determine upon, and elect such officers as may be provided for in the by-laws then adopted.

Organization.

SEC. 4. Said corporation shall have the right to engage in the business of planting, cultivating, buying and selling of vegetables and fruit products, oysters, clams, and all kinds of shell or migra-

Corporate powers.

tory fish, and to carry on in all its branches the business of packing, pickling, preserving, marketing and canning the same; and to catch and fish for any or all kinds of shell and migratory fish in any of the waters of the state for any or all of the objects and purposes of its trade and business, subject only to the general, special or local laws of the state regulating and controlling the shell and migratory fish industry.

Corporate powers.

SEC. 5. Said corporation may hold and enjoy, either by lease, purchase or gift, and utilize in the planting and cultivation of oysters and other shell fish in the prosecuting of its business all such oyster area or private gardens, not exceeding fifteen acres to each corporator, as shall have been or may be granted to the above named corporators or members of this corporation, according to the laws regulating the acquisition of oyster bottom or ground, and not exceeding in the aggregate at any time three hundred and forty-five acres of oyster area or bottom to be held in any manner by said corporation. And the said corporation may transplant to its private oyster gardens or area from the natural oyster and shell fish beds of the state oysters and other shell fish for cultivation: *Provided*, such cultivation and removal shall be done in accordance with the general laws of the state regulating the transplanting and cultivation of oysters and shell fish: *Provided always*, that whenever such transplanting and cultivation is done in, on or from the waters and oyster area of Onslow county, then such transplanting and cultivation shall be in accordance with the law, special or general, regulating the same.

Corporate powers.

SEC. 6. Said corporation may construct, build and maintain in the promotion of its interest, factories, machinery, buildings, warehouses, wharves, railways and tram-ways upon its own property, or upon any property it may acquire the right so to do; and purchase or lease boats or vessels of any kind for freighting and transportation upon water.

Corporate powers.

SEC. 7. Said corporation shall have full power to buy, lease, exchange, hold, own, sell and convey real and personal property in an amount not exceeding five thousand (5,000) acres of land, with all rights, all privileges therewith; to improve and turn to account any land or other property acquired by or in which the company is interested; to sell, mortgage, lease or otherwise dispose of any of the property of the company upon such terms as it may elect, and to issue bonds, or sell its stock, either for the purpose of buying land or promoting its business: *Provided*, that no bonds shall be issued except upon the affirmative vote of two-thirds of the stock issued; and to take subscriptions for shares of the capital stock either in money, personal services actually rendered to said corporation, real estate or personal property: *Provided*, that nothing in this section shall be construed to allow said corporation to lease, exchange, buy, sell or convey any of the oyster ground or territory within the county

Proviso.

of Onslow, nor to allow said corporation to hold, enjoy or use in the prosecution of its business any oyster bottom or ground other than that provided for in section five (5) of this act.

SEC. 8. That the principal place of business of said corporation shall be at or near Stone's bay in Onslow county, but the same may be definitely located or changed at the pleasure of the corporation, and until such definite location shall have been made the meetings and business of said corporation may be held and conducted in and from the city of Wilmington, North Carolina. Place of business.

SEC. 9. That the corporators and stockholders of said corporation, their associates, successors or assigns shall not be individually liable for the debts, contracts, obligations and engagements, or both, of said corporation in excess of the amount of stock owned and paid for by them. Liability of stockholders.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 157.

An act to amend the charter of Black Creek in Wilson county.

The General Assembly of North Carolina do enact :

SECTION 1. That section three, chapter one hundred and fourteen, private laws of one thousand eight hundred and sixty-nine and seventy, be and the same is hereby amended by striking out the word "six" before "commissioners" in line five of said section and inserting "three." Chapter 114, Private Laws 1869-'70, amended.
Commissioners.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 158.

An act to incorporate the town of Jamesville in Martin county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Jamesville in Martin county be and the same is hereby incorporated under the name and style of "Jamesville," and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.
Corporate name.

- Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning on the Roanoke river at the wharf of the Jamesville and Washington Railroad Company and opposite the government mile-post; thence a southerly direction to the Jamesville and Washington Railroad; thence along said railroad to Washington street; thence west along Washington street to Stewart street; thence south along Stewart street to Hardison street; thence west along Hardison street to the centre of Maple branch; thence south along the various courses of said branch to the corner in said branch; thence westwardly to opposite the head of Smithwick street; thence northerly along said Smithwick street to Roanoke river; thence along said river to the beginning.
- Officers. SEC. 3. That the officers of said corporation shall consist of a mayor and 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 ninety-one, viz.: N. S. Stallings, mayor; W. C. Hassell, U. S. Hassell, S. L. Ward, J. C. Lawrence and Joseph Rhea, commissioners, and Sylvester Godard, constable.
- Temporary officers. Election. SEC. 4. That there shall be an election held for the officers provided for in this act on the first Monday in May of each 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 state twelve months and in the corporate limits sixty days previous to the day of election, shall be entitled to vote at said election.
- Electors. SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state or the United States, and to levy and collect taxes and impose fines and penalties for violation of the town ordinances and collect the same.
- Powers of commissioners. Conflicting laws repealed. SEC. 6. That all laws and clauses of laws coming in conflict with this act are hereby repealed.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 159.

An act to amend chapter two hundred and nine private laws eighteen hundred and eighty-nine, incorporating the town of Lucama, Wilson county, N. C.

The General Assembly of North Carolina do enact :

Chapter 209, Private Laws 1889, amended.

SECTION 1. That section one, chapter two hundred and nine of private laws of one thousand eight hundred and eighty-nine, be amended by striking out all after the word "follows" in line three and

inserting in lieu thereof the following: Beginning at a stake in Corporate limits, Amos Atkinson's field near his barn and runs north twenty-five degrees west sixteen poles and twenty-two links to a stake in Benjamin Newson's field in the edge of a ditch; thence south sixty-five degrees west two hundred and thirty-five poles and sixteen links to a stake in Joseph Moore's land; thence south twenty-five degrees east one hundred and sixty-nine poles and twenty-two links to a stake in the edge of a branch on E. T. Lucas's land; thence north sixty-five degrees east two hundred and thirty-five poles and sixteen links to the beginning, containing two hundred and fifty and one-fourth acres, including streets and right-of-way of the railroad, the same being subdivided into lots of three acres each on either side of the railroad, and the balance into four-acre lots with streets sixty feet wide between each lot.

SEC. 2. That section three of said chapter be repealed.

Section 3 repealed

SEC. 3. That until the next election according to law, and until their successors shall be elected or appointed, the officers of said town shall be: For mayor, Berry Rentfrow; for commissioners, L. E. Newsome, S. H. Peele and W. R. Davis; for constable, H. B. Lam.

Temporary officers.

SEC. 4. That sections two and four of said chapter two hundred and nine, laws of eighteen hundred and eighty-nine, are hereby re-enacted and declared to be of binding force and effect, so far as may relate to the incorporation of said town of Lucama, it being the intention of this act to repeal and amend only so much of said chapter two hundred and nine, laws of eighteen hundred and eighty-nine, as is herein expressly done and no more.

Sections 2 and 4 re-enacted.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 160.

An act to incorporate the town of Hobgood in the county of Halifax.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Hobgood, in the county of Halifax be and is hereby incorporated under the style and name of the town of "Hobgood," and as such shall be governed by and subject to the provisions of chapter sixty-two of The Code of North Carolina.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the centre of the junction of the Norfolk and Carolina and the Scotland Neck branch, railroads running nearly east and

Corporate limits.

at right angles to and with the Norfolk and Carolina Railroad, three hundred and twenty-five yards to a stake; thence a line parallel to and with the Norfolk and Carolina Railroad, nearly south, nine hundred and seventy yards to a stake; thence nearly west, and at right angles with said line, six hundred and fifty yards to a stake; thence nearly north, and parallel to and with the Norfolk and Carolina Railroad, nine hundred and seventy yards to a stake; thence nearly east, and at right angles to and with said line, three hundred and twenty-five yards to the beginning.

Officers.

SEC. 3. That the officers of said town 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 ninety-one, or until their successors are elected and qualified as directed by law: L. J. Wright, mayor; R. J. Shields, Jesse T. Savage, C. K. Bell, J. E. Lewis and E. P. Hyman, commissioners, and W. H. White, constable.

Temporary officers.

Powers and duties.

SEC. 4. That the said officers shall be governed in their powers and duties by chapter sixty-two of The Code of North Carolina.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 161.

An act to incorporate the Raleigh Cotton Shipping and Warehouse Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Charles E. Johnson, Ed. H. Lee and M. A. Parker, all of the city of Raleigh, North Carolina, and those whom they may hereafter associate with them, and their successors and assigns, be and they are hereby declared to be incorporated into a corporation by the name and style of "The Raleigh Cotton Shipping and Warehouse Company," and by that name shall be empowered to purchase, hold and sell real estate and take leases of real estate in the county of Wake to an amount not to exceed five acres, to do a warehouse business for the storage, care and custody of cotton, which may be deposited or stored with said corporation for shipment, safe-keeping or otherwise; to sample, grade and ship cotton on its own account and for others; to advance and lend money on cotton, and to negotiate for such advances upon cotton stored with it for safe-keeping or for shipment; to act as agent for its customers in making contracts with insurance companies for the customary insurance of

Corporate name.

Corporate powers.

cotton stored with it or in transit; to buy and sell cotton on the corporator's own account and also on consignment from or as agent for others; to charge and collect reasonable compensation for its services.

SEC. 2. The principal place of business of said corporation shall be in the city of Raleigh, North Carolina. Place of business.

SEC. 3. The corporate existence of said corporation shall be fifty years. Corporate existence.

SEC. 4. The amount of capital of said corporation shall be twenty-five thousand dollars, to be divided into two hundred and fifty shares of the amount and par value of one hundred dollars each; and said corporation is authorized to commence business when the whole of said capital stock is subscribed for, and fifty per centum of the capital is paid in cash or its equivalent and not before; and the capital of said corporation may be increased to an amount not exceeding one hundred thousand dollars, whenever a majority of shareholders may elect so to do. Capital stock.
When to commence business.

SEC. 5. No shareholder in said corporation shall be individually or personally liable for any debt, contract, tort or other liability whatsoever of said corporation. Stockholders not individually liable for corporate debts.

SEC. 6. Whenever any cotton shall be stored with said corporation a receipt shall be given therefor to the person or persons, copartnership or corporation from whom the cotton is received, which receipt shall be signed by such officer or employee of the said corporation as shall be authorized by the by-laws of the said corporation to sign said receipts, and every such receipt shall also have the common seal of said corporation stamped thereon. Every such receipt shall bear the true date of its issue; shall state the number of bales or packages of cotton delivered to said corporation by the person or persons, copartnership or corporation to whom or to which such receipt is issued, the weights marked on said bales or packages, and the distinguishing letters or marks on said bales or packages, and every such receipt shall have plainly written or printed on the face thereof the following: "The above described cotton will be delivered to the person or persons, copartnership or corporation named above, or to his, her, their or its endorsees, upon the surrender of this receipt properly endorsed and upon the payment to this corporation of all charges due this corporation upon said cotton; but under no circumstances will said cotton or any part thereof be delivered to the person or persons, copartnership or corporation above named, or his, her, their or its endorsees, without the actual surrender of this receipt duly endorsed, except in the case of the accidental loss or destruction of this receipt, and then only upon the surrender of the duplicate receipt, properly endorsed, which may be issued by this corporation under the provisions of section thirteen of its charter. And on the margin of every such receipt shall be written or Storage of cotton.
Form of receipt.

printed in plain, large letters the following: "This receipt negotiable by proper endorsement."

Negotiability of receipt.

SEC. 7. Each and every receipt for cotton given or issued by said corporation in accordance with the requirements of this act, shall be negotiable by endorsement of the person or persons, copartnership or corporation to whom and in whose name such receipt shall be issued, and his, her, their, or its subsequent endorsees, in the same manner and to the full extent that bills, bonds and notes are negotiable under section forty-one of chapter six of volume one of The Code of North Carolina. And whenever any person or persons, co-partnership or corporation to whom any such receipt for cotton shall be issued by said corporation, and whose name or names appear in the body of such receipt, shall endorse and deliver such receipt to another, the person or persons, copartnership or corporation, to whom or to which said receipt shall be endorsed, and his, her, their or its subsequent endorsees shall be deemed and held in law and in equity to be the owner or owners of the cotton described in such receipt, subject only to the charges due to said corporation on said cotton, in as full and ample a manner and degree as it would be possible for the person or persons, partnership or corporation to whom such receipt was originally issued, or any subsequent endorsee thereof, to sell, assign, transfer and deliver the title, right and possession of in and to the cotton described in such receipt to the endorsee or endorsees thereof by any manner or form of actual sale and delivery of said cotton known to the law.

Sale or mortgage of cotton not valid except by endorsement, &c., of receipt.

SEC. 8. After any cotton shall have been delivered to said corporation for storage or shipment, and a receipt shall have been issued therefor, as hereinbefore provided, then, except by endorsement and delivery of such receipt, as in this act provided, no sale, assignment, transfer, or mortgage of the cotton described in such receipt, or other act, deed or contract thereafter made or entered into, with respect to such cotton, by the person or persons, copartnership or corporation to whom any such receipt shall have been issued, or by any endorsee or endorsees thereof, shall be of any validity to pass any right, title or interest in or to the cotton described in such receipt, or to create any lien, incumbrance, right or estate, legal or equitable, in or to such cotton, so long as such cotton shall remain in the custody and under the control of said corporation, and the receipt given or issued therefor shall be outstanding and unsurrendered; but the title to such cotton shall pass or be affected and controlled only by endorsement and delivery of the corporation's receipt given or issued therefor so long as such cotton shall remain stored with, or in the custody of, or under the control of said corporation.

Levy upon cotton on storage, &c.

SEC. 9. Any sheriff, coroner, constable, United States marshal or other officer having in hand for execution any writ of execution or other final process, may levy upon cotton in the custody of said

corporation, as in the case of any other personal property stored and in the custody of a bailee, but the property and title in and to such cotton at the time of such levy shall be deemed and held to be vested in the person or persons, copartnership or corporation, who shall at that time be the *bona fide* holder and owner of the receipt issued for such cotton; and no such levy shall in any manner affect or impair the rights of any person or persons, copartnership or corporation, who, not being the defendant or defendants in such execution, or other final process, is a *bona fide* endorsee for value of any such receipt for cotton; or the rights of any *bona fide* pledgee of any such receipt, or the right of said corporation as pledgee of the cotton levied on, and if at the time of any such levy the defendant or defendants or any of them against whom the process is issued shall be the real and absolute owner or owners of, and have in possession the receipt issued for the cotton levied on, he or they shall immediately surrender such receipt to the officer making such levy, and if they fail so to do when thereto required by such officer, the person or persons so refusing shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 10. Whenever said corporation shall have delivered any cotton stored with it to the person or persons, copartnership or corporation from whom it was received, and to whom, and in whose name a receipt was given, or shall have delivered such cotton to the endorsee and holder of such receipt, the original receipt in either case being properly endorsed and surrendered to the corporation, then said corporation shall be by such delivery absolutely discharged from all further liability with respect to such cotton.

Corporation discharged from liability on delivery of cotton, &c.

SEC. 11. Whenever said corporation shall lend any money on any cotton stored with it, it shall cause to be written or printed across the face of the receipt given and issued for such cotton the following: "The cotton described in this receipt is pledged with this corporation to secure....dollars, with interest thereon from the....day of.... A. D. till paid at the rate of....per centum per annum. Any endorsee or holder of this receipt will take said cotton subject to the lien of said pledge and must pay said amount and interest, or whatever balance may be due thereon, in addition to warehouse charges, before said cotton will be delivered to him." And the blanks in such writing across the face of such receipt shall be filled up with the true amount of the money lent by said corporation, the true date from which said amount bears interest, and the true rate of interest payable on said money. When any receipt which shall be given by said corporation shall have such writing on its face, the said corporation shall have all the rights of a pledgee in and to the cotton described in such receipt as security, for the amount actually lent by it, to the holder of such receipt, and specified in such writing across the face

Loan of money by corporation on cotton, &c.

thereof, and interest on such amount: *Provided*, that the amount lent shall not exceed the amount specified in such writing across the face of such receipt.

Receipt, how pledged, &c.

SEC. 12. The original holders or any endorsee of any receipt for cotton issued by said corporation under the provisions of this act, may pledge such receipt by endorsing and delivering the same to any person, copartnership or corporation to secure any contract, obligation, debt or liability of the pledgor; and the pledgee of such receipt shall have, by virtue of the pledge of such receipt, the same being duly endorsed, all the rights, interests and powers of a pledgee in, and to and over the cotton described in such receipt, which he, she, it or they would have, if such cotton were actually delivered into the actual possession of such pledgee under a binding contract of pledge.

Rights of pledges

Duplicate receipt in case of loss.

SEC. 13. If any receipt for cotton issued by said corporation shall by accident be lost or destroyed by the holder thereof, a duplicate may be issued by the corporation to the person or persons, copartnership or corporation, to whom the original receipt was issued, or to the person or persons, copartnership or corporation to whom such original has been duly endorsed and delivered, and whose property it was at the time of such loss or destruction. But no duplicate receipt shall be issued except upon full compliance with the following provisions, that is to say: the applicant for a duplicate receipt shall make affidavit before some justice of the peace of this state that the original receipt was accidentally destroyed, or that it is lost and cannot, after diligent search, be found; that said original receipt was issued to the applicant, or that it had been duly endorsed to such applicant, stating the name or names of each and every endorser upon such receipt at the time of its loss, and that no other person or persons, copartnership or corporation has or claims any interest or right in and to said receipt; and the affidavit, when made, shall be filed with said corporation. If a corporation is the applicant for a duplicate receipt, the affidavit above referred to shall be made by one of its officers. Such applicant shall also file with said corporation a bond, with at least two sureties, in the penal sum of double the market price of the cotton described in the lost or destroyed receipt at the time of applying for the duplicate, such bond to be conditioned to be void if the obligors shall save harmless the said corporation from any and all loss, costs expenses and damages by reason of the issue of such duplicate receipt; and such bond shall have attached to it the affidavits of the sureties made before some justice of the peace of North Carolina to the effect that they are worth a certain amount in excess of all debts, liabilities and exemptions. And unless it appear from such affidavits that the sureties in the aggregate are worth at least the penalty of the bond over and above all debts, liabilities and exemptions, no duplicate receipt shall be issued.

How issued.

Bond.

Affidavit.

Examination of sureties.

And the officers of said corporation shall have the right to examine

the sureties to such bond on oath before some justice of the peace as to their property and liabilities before accepting such bond. If any surety refuse to be thus examined, when requested by the president or other officer of said corporation, the bond tendered by the applicant for a duplicate receipt shall not be deemed sufficient, and no duplicate shall be issued until a proper bond shall be given, and before issuing any duplicate receipt a notice that such duplicate has been applied for and will be issued shall be published for thirty consecutive days in some newspaper published daily in the city of Raleigh, N. C. Such notice shall state number and date of the lost or destroyed receipt, the name of the person or persons, copartnership or corporation to whom and in whose name it was originally issued; the number of bales or packages of cotton for which it was issued with the weights, letters and marks thereon, as described in the original receipt, the name of the applicant for the duplicate receipt, and the date on which such duplicate will be issued, unless opposed on or before such day. If before the day named in such notice as the day on which the duplicate will be issued, any adverse claimant notifies the corporation in writing that there is objection to the issue of such duplicate, stating the grounds of such objection, then no duplicate shall be issued until the rights of the claimants shall be settled among themselves by agreement or judicial determination.

Notice.

Adverse claim.

SEC. 14. If any officer, agent or employee of said corporation shall issue any receipt for cotton in the name of said corporation, when, in fact, the cotton described in said receipt shall not have been actually delivered to said corporation, then such officer, agent or employee shall be guilty of a crime, and upon conviction thereof shall be imprisoned in the state's prison for a term not to exceed five years, in the discretion of the court.

Penalty for fraudulent issuance of receipt.

SEC. 15. If any officer, agent or employee of said corporation shall deliver to any person or corporation other than a duly authorized officer of the law executing lawful process, any cotton stored with said corporation, for which cotton a receipt has been issued, without the surrender to the corporation of such receipt duly endorsed, or the surrender of the duplicate receipt, if a duplicate shall have been issued under the provisions of this act, then such officer, agent or employee shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

Penalty for delivery of cotton without surrender of receipt.

SEC. 16. The storage of any cotton with said corporation shall not affect the rights of persons or corporations having an interest in or lien upon such cotton existing and in force prior to the delivery of such cotton to said corporation: *Provided*, such interest or lien be such as under the laws of this state would be valid and binding as against any *bona fide* purchaser of such cotton from the person or corporation storing the same. And said corporation shall not be

Storage not to affect existing liens, &c.

Proviso.

Corporation not
liable as guaran-
tors of title, &c.

held as guarantor of the title of any cotton placed in its custody and for which it shall issue a receipt.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 162.

An act to incorporate the town of Mountain Island in the county of Gaston.

The General Assembly of North Carolina do enact :

Incorporated,
Corporate pow-
ers.

SECTION 1. That the town of Mountain Island in Gaston county be and is hereby incorporated, and it shall enjoy all the rights and privileges of such corporations and be subject to all the provisions of law relating thereto.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall include all that portion of the county that lies within one-half mile of the southern corner of the main mill building of the Hooper Manufacturing Company in the said county of Gaston.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, to be elected annually under the provisions of chapter sixty-two of The Code, and a constable, who shall be elected by the commissioners; the commissioners may also elect a secretary and treasurer.

Powers of com-
missioners.

SEC. 4. That the said commissioners shall have power to make by-laws, rules and regulations, and pass ordinances for the good government of the town, not inconsistent with the laws of the state and of the United States, and to impose fines and penalties for the violation of the same; and all fines and penalties collected for such violations shall go into the town treasury for the benefit of the town.

Temporary
officers.

SEC. 5. That until their successors are elected and qualified according to the provisions of chapter sixty-two of The Code, the following named persons shall be the mayor and commissioners of said town: Mayor, S. I. Lowe; and commissioners, John L. Grice, Charles R. Iceman and W. T. Jordan.

Unlawful to sell
liquor within
three miles.

SEC. 6. That it shall be unlawful for any person to sell any spirituous, vinous or malt liquors within three miles of the limits of the town hereby incorporated, and any person violating this provision of this charter shall be guilty of a misdemeanor.

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

Ratified the 3rd day of March, A. D. 1891.

CHAPTER 163.

An act to incorporate the Notla Lodge, number three hundred and twelve, of Freemasons.

The General Assembly of North Carolina do enact :

SECTION 1. That Henry C. Culberson, Robert Bruce, George C. Erwin, J. M. Watson, J. M. Collins, M. W. Harris, W. L. Webster, W. L. Bruce, their associates and successors, be and they are hereby created a body corporate and politic under the name and style of "The Notla Lodge, number three hundred and twelve, of Freemasons" at Culberson, Cherokee county, North Carolina, for the purpose of purchasing and holding property and for the transaction of business connected with said lodge and fraternity, and as such shall have all the rights and immunities of trustees of similar institutions; that the trustees may plead and be impleaded, sue and be sued in any of the courts of this state.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That said trustees shall be entitled to all the rights and privileges conferred upon corporations under chapter sixty-two of volume two of The Code of North Carolina.

Trustees.

SEC. 3. That the corporate limits and boundaries of said incorporation shall extend in every direction a distance equal to the distance from said lodge to the Georgia state line at the nearest point.

Corporate limits.

SEC. 4. That it shall be unlawful for any person to retail or sell any spirituous liquors within said corporation limits of the lodge of Freemasons at Culberson, and that any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction may be fined not less than five nor more than fifty dollars and imprisoned not less than five nor more than thirty days for each and every offence.

Unlawful to sell liquor within certain distance.

SEC. 5. That all laws and parts 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 3d day of March, A. D. 1891.

CHAPTER 164.

An act to incorporate the Murphy Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That A. B. Andrews, W. Duke, W. N. Duke, B. L. Duke, B. Cameron, J. W. Cooper, M. M. Morgan, W. H. Branson, R. B. Boone, S. G. Cayart, L. A. Carr, E. C. Hackney, J. W. Good-

Body politic.

son, R. E. Lyon, R. G. Lee, Albert Kramer, T. H. Martin, W. T. O'Brien, J. T. Pinnix, Q. E. Rawls, M. W. Reed, W. H. Rowland, W. R. Cooper, J. B. Walker and Alexander Walker, of North Carolina, and J. O. Woodward, of Albany, New York, and R. S. Boshier, of Richmond, Virginia, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Murphy Improvement Company," with a capital stock of fifty thousand dollars, with liberty and authority to a majority of the stockholders to increase said capital stock at any time, or from time to time, to any amount not exceeding in the aggregate one million dollars, to be divided into shares of one hundred dollars each.

SEC. 2. That as said corporation, they shall have a common seal which they may break or alter at pleasure; they may in their corporate name contract and be contracted with, sue and be sued, prosecute and defend actions and special proceedings in all courts of the land; they may buy, lease, exchange, hold, improve, sell and convey real and personal property at their will and pleasure: *Provided*, said company may hold and own at any one time two thousand acres of land in fee, but not exceeding that quantity; they shall have the power to develop the resources of said lands by building, mining or otherwise; they may subscribe to the capital stock of all corporations which may be projected in this state; they may buy, manufacture and sell goods, wares and merchandise of any and all kinds; they may build, equip and maintain mills, workshops, factories, hotels, furnaces, forges and such other enterprises as they may see fit; they may sink mines for the purpose of mining for minerals and coal; they may open quarries, prepare and sell stone and marble; they may build, equip with rolling or other stock and operate a rail, tram or turnpike road or roads connecting their factories, buildings and premises with other roads of any and all kinds; they may build bridges or culverts across streams or depressions; they may establish, construct and maintain telegraph and telephone lines, canals, aqueducts, reservoirs, streets, gas-works, water-works, electric light plants, street car lines, electric or otherwise, and such other works as may be deemed necessary for the corporation; and to further each and all these ends this corporation has hereby conferred upon it all the rights, privileges and immunities conferred upon railroad and telegraph companies by chapter forty-nine (49) of The Code of North Carolina, entitled "Railroad and Telegraph Companies"; and whenever it may become necessary for the purpose of constructing their road, canals, telegraph lines and other works; to enter upon any lands to which they may not have the title or right of possession, and they are unable to agree with the owner or owners thereof as to compensation therefor, the same [may] be appropriated and occupied under the same rules and

Corporate name.

Capital stock.

Corporate powers.

Proviso.

terms as are prescribed for the acquisition and condemnation of lands by the charter of the North Carolina Railroad Company; they may merge or consolidate with any other company of a like character now created or which may hereafter be created, retaining the name as fixed by this charter or adopting the name of the company merged with; they may buy land or any other property and issue the whole or any part of their capital stock in payment therefor; they may borrow money and execute notes, bonds and other evidences of debt, and secure the same by a mortgage of their property, effects and franchises or otherwise.

SEC. 3. That said corporation may make such by-laws, rules and regulations as the stockholders may desire; may elect such officers and [as] they may see fit and prescribe their duties, compensation and terms of service.

SEC. 4. That the principal office of said company shall be in the town of Durham, North Carolina, with branch offices anywhere in the state of North Carolina that the directors of said company may see fit to establish there.

SEC. 5. That the first meeting of said company shall be called by a notice, signed by any one or more of the above named corporators, setting forth the time, place and purpose of the meeting; the mailing of a copy of said notice, addressed to each member of said company at his usual post-office ten days at least before said meeting shall be a sufficient notification.

SEC. 6. That the stockholders and corporators of said company and their associates, successors and assigns shall not be individually or personally responsible for the debts, contracts, obligations, 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 3d day of March, A. D. 1891.

CHAPTER 165.

An act to incorporate the Seven Springs Mineral Water and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That James A. Bryan, S. H. Loftin, W. B. Moye, J. W. Grainger, L. Harvey and Wm. C. Fields, their associates, successors and assigns, are hereby created and declared a body politic and corporate under the name and style of "The Seven Springs Mineral

By-laws.
Officers.

Offices.

Organization.

Stockholders not
individually lia-
ble for corporate
debts.

Body politic.

Corporate name.

- Corporate pow-
ers. Water and Improvement 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 [a] subsequent meeting shall elect six directors; said directors shall elect one of their number president, whose term of office shall be one year, and they shall 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.
- Stock vote. 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.
- Officers. 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.
- President and
directors to make
report. 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.
- Increase of
number of
directors. SEC. 7. That said company shall have power to lease, purchase or otherwise acquire lands, and 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, turn-pike 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 thereof, the mode of procedure to secure the condemnation of such lands shall be as prescribed by law. Said company shall have the 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,
- Corporate pow-
ers.

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 property of the company; to deal in all mineral products, crude or manufactured; to erect and maintain cotton factories, woolen mills, saw-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.

SEC. 9. That the said corporation shall make by-laws for the government of the said company, and may 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 of 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 of officers.
Transfer of stock.
Execution of corporate deeds, &c.

SEC. 10. The meetings of the stockholders and board of directors shall be held at such place or places as the said stockholders shall appoint.

Meetings of stockholders, &c.

SEC. 11. 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.

Stockholders not individually liable for corporate debts.

SEC. 12. All laws or clauses of laws in conflict with this act be and are hereby repealed.

Conflicting laws repealed.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 166.

An act to ratify and amend the charter of the Greensboro Water Company.

The General Assembly of North Carolina do enact:

SECTION 1. That all the powers and privileges granted to or possessed by the Greensboro Water Company, either by the general laws of the state [or] its articles of incorporation recorded December twenty-seventh, eighteen hundred and eighty-seven and the amend-

Corporate powers, &c., confirmed.

ments thereto, on file in the office of the superior court of Guilford county, to which reference is hereby made, are hereby ratified and affirmed, and all such powers and privileges are granted to said company by this act.

Corporate powers.

SEC. 2. That said company shall have power to take and hold grants of real estate and other property necessary for the convenient exercise of its powers and privileges; to purchase real property to carry on its business not to exceed two hundred (200) acres; to borrow money and secure the same by mortgage.

Capital stock.

SEC. 3. That the capital stock of said company may be increased to two hundred thousand dollars (\$200,000) if necessary.

Wilful injury, &c., of machinery, &c., a misdemeanor.

SEC. 4. That it shall be a misdemeanor to wilfully injure, destroy or interfere with the machinery, apparatus, station-house, dams, reservoirs, settling basins, pipes, hydrants, stand-pipes, water-races, forebay, ponds or other like appurtenances used in collecting and furnishing water.

Misdemeanor to put dead body of animal, &c., on adjacent land, &c.

SEC. 5. That it shall be a misdemeanor to put the dead body of any animal or any other putrid or infectious matter upon the lands adjacent to the water supply of said company, whereby its water may be made unwholesome or impure, or to put any putrid or unwholesome matter in the reservoirs, wells, races, ponds or stand-pipes, whereby the water of said company may be made impure or unwholesome or unfit to use, or to trespass upon the property of said company after being forbidden to do so.

May lease property, &c.

SEC. 6. Said company may farm out or lease its property and franchises, or consolidate with any other corporation, or purchase the stock or bonds of other corporations, or enter into any other contract with other corporations, whereby its efficiency and usefulness may be promoted and increased or its works extended to meet the wants of its customers.

SEC. 7. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 167.

An act to amend the charter of Scotia Seminary in Cabarrus county and the amendatory law thereto, the same being chapter ninety-eight, private laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact:

Chapter 98, Private Laws 1885, amended.

SECTION 1. That section two of chapter ninety-eight, private laws of one thousand eight hundred and eighty-five, is hereby repealed, and the following substituted in its stead: That the present board of trustees of said corporation are hereby declared the lawful successors

Powers of trustees.

of the incorporators or charter members named in said letters patent, and are authorized and empowered to exercise all the rights, powers and privileges conferred by said letters patent and all amendatory laws thereof; said board of trustees may be composed of fifteen members, of whom five shall constitute a quorum for the transaction of business; said trustees shall have power to elect their own successors, but before any person shall perform any duty as trustee of said corporation his duties as such trustee shall be approved by the board of missions for freedmen of the Presbyterian church in the United States of America; and should there be a vacancy in the board of trustees of said corporation for a period of time longer than six months, said board of missions may elect some one or more to fill such vacancy or vacancies.

Vacancies.

SEC. 2. The board of trustees of said corporation shall elect or employ all officers and teachers in said institution or seminary, but such election or employment shall be approved by said board of missions before any person so elected or employed shall be entitled to enter upon their duties or to receive wages or a salary.

Officers and teachers.

SEC. 3. That in the event said institution or seminary shall cease to be used or conducted for the purposes specified in said letters patent, or shall be used or conducted for any purpose other than those therein mentioned, the title to all the property belonging to said corporation shall vest in said board of missions for freedmen of the Presbyterian church in the United States of America and their successors in office, and inure to their sole use and benefit.

If institution ceases to exist, how title to property to vest, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 168.

An act to incorporate the Bank of North Wilkesboro.

The General Assembly of North Carolina do enact :

SECTION 1. That E. S. Blair, W. F. Trogdon, T. B. Finley, J. T. Peden, A. A. Finley, J. R. Finley, W. T. Finley, J. M. Winstead, Samuel L. Trogdon, Geo. W. Hinshaw, 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 "Bank of North Wilkesboro," 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

Body politic.

Corporate name.
Corporate existence.

Corporate powers.

- Provis⁶. 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 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.
- Capital stock. SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars, in shares of one hundred 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 five hundred thousand dollars.
- Books of subscription. SEC. 3. That the incorporators 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 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 one half 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 stockholders 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 by [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 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:
- Lien on stock.

SEC. 6. That the 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. Corporate powers.

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 article then existing or thereafter to be made, purchased, manufactured or acquired, and [a] 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, cotton goods, manufactured tobacco, 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 sale 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 ten days' notice of the motion, or by civil action of said court, or the entire stock may be sold by order of the board of directors for cash at the banking-house in North Wilkesboro, after advertising said sale for twenty days in a newspaper published in Wilkes county or in North Carolina, and if at such sale the price should not be sufficient to discharge the Remedy against subscriber failing to pay.

amount unpaid, with all costs attending the sale, the subscriber shall be liable for the deficiency in a civil action.

Remedy against assignee.

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 to [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 as [in] respect to the remedy for recovering the same as in distribution of assets of any deceased subscriber.

Subscription deemed a promissory note.

Liability of stockholders.

SEC. 10. That the stockholders of said bank shall not be in anywise individually liable or responsible for any debts, obligations, contracts or engagements of said bank to any amount exceeding the amount of the respective stock owned by them.

Deposits by married women, &c.

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 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 discount 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 stockholders for twenty days. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Stock vote.

Savings bank department.

SEC. 13. That said bank is authorized to organize in connection with its general banking business a department for 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 upon, not exceeding the legal rate, and to regulate the time of payment and notice of demand. But the said limit of

deposit shall apply only to the savings department and not to the general business of the bank.

SEC. 14. That the principal office of the bank shall be at North Principal office. Wilkesboro, North Carolina, but may be changed by a majority of the directors to any other place in North Carolina; that it may establish branches or agencies at any other point in this state: *Provided*, the state tax of twenty-five dollars is paid. Branches. Proviso.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 169.

An act to incorporate the town of Jonesville in the county of Yadkin.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Jonesville in the county of Yadkin be and the same is hereby incorporated by the name and style of the town of Jonesville, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated. Corporate name.

SEC. 2. That the corporate limits of said town be as follows: Beginning at the mouth of Mill creek in J. H. Greenwood's bottom on the Yadkin river and running up said creek to Julius Hampton's spring branch; then eastwardly, crossing the Wilkesboro road at T. A. Atkins' northeast corner to Cable creek; then down said creek to the pond on the Boonville road; then northwardly to the mouth of the ditch in J. E. Johnson's bottom on the Yadkin river; thence up said river to the beginning. Corporate limits.

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-two 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 (62), volume two (2) of The Code, and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town Powers of commissioners.

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 to open any old street or streets, and to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary, by making a reasonable compensation to owners of property damaged thereby, and that said chapter shall be applicable in every respect to said town: *Provided*, the commissioners shall not have power to levy a tax for town purposes of more than ten cents on the one hundred dollars' worth of property and thirty cents on the poll in any one year.

Limitation of taxation.

Fines, how applied.

SEC. 6. That all fines collected for the violation of any town ordinances shall go to the town treasurer for the benefit of the town.

Temporary officers.

SEC. 7. That until an election is held on the first Monday of May, one thousand eight hundred and ninety-two, the following named persons shall fill the offices above named; viz.: Mayor, J. F. Cook; commissioners, J. H. Ball, J. M. Pumer, L. J. Barker, J. S. Claywell and J. C. Bodenhamer; constable, E. J. B. Messick.

Chapter 22, Private Laws 1873-'4, repealed.

SEC. 8. That chapter twenty-two (22), private laws one thousand eight hundred and seventy-three and seventy-four, entitled "An act to incorporate the town of Jonesville in the county of Yadkin," be and the same is hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 170.

An act to incorporate the Cullowhee High School, Jackson county.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That D. D. Davies, Wm. Wilson, W. A. Henson, R. L. Watson, J. D. Coward, T. A. Cox, L. J. Smith, R. H. Brown and W. C. Norton, and their successors who may be elected as herein-

Corporate name.

after provided, be and the same are hereby created a body politic and corporate under the name and style of "The Trustees of the Cullowhee High School," for the purpose of establishing a high school in the Cullowhee valley, near Painter, Jackson county, N. C., with the privilege 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 con-

Corporate powers.

tracted with, hold such real and personal property, by purchase, donation or otherwise as they may consider necessary for the establishment and maintenance of said school not to exceed fifty thousand dollars, and make all rules, regulations, by-laws and agreements

needful for the government of their body and the said high school, and for carrying into effect the aforesaid purpose of their institution, and do all other acts pertaining to similar corporations and not inconsistent with the laws of this state or the United States.

SEC. 2. That the terms of office of the trustees shall be three years from the date of their election. Of the trustees herein named the term of the first three named shall expire at the end of one year from the time of organization of the aforesaid board; the next three at the end of two years; the last three at the end of three years. The stockholders shall meet annually and hold an election to fill the vacancies as they occur, so that one-third may be elected each year, each being subject, however, to removal at any time by a majority of said board for inefficiency or other just cause. In case of a vacancy by death, resignation or otherwise, said vacancy may be filled by a majority of the trustees present at any regular session.

Terms of office
of trustees.

SEC. 3. That said board of trustees shall, at the first regular meeting after the ratification of this act, elect one of their number president of the board of trustees and such other officers as they may deem necessary; 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 whom they elect. Five trustees shall be a quorum for the transaction of business.

Officers.

SEC. 4. That said trustees shall have the exclusive right to elect a president of said high school and such teachers as they may think proper.

Election of
president and
teachers.

SEC. 5. That the faculty of said high school shall with the advice and consent of the trustees have power to grant diplomas conferring such degrees as are usually conferred by chartered institutions of learning.

Diplomas.

SEC. 6. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation.

Trustees not indi-
vidually liable
for corporate
debts.

SEC. 7. That said trustees shall, by a two-thirds vote of all the trustees, be authorized to change the name of said high school 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 rights, powers, property, privileges and advantages conferred by this act upon the trustees of the Cullowhee High School, and such body politic shall be held responsible for all the debts and contracts made by the Cullowhee High School.

Change of name.

SEC. 8. That it shall be unlawful for any person or persons to give or sell any student of said school any spirituous, vinous or malt liquors while a resident student of said school, except prescribed by a physician in case of sickness.

Unlawful to sell
liquor to student,
&c.

SEC. 9. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within two miles of said high school.

Unlawful to sell
liquor within two
miles.

Misdemeanor.

SEC. 10. That any person or persons violating the provisions of sections eight and nine of this act shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty and imprisoned not to exceed thirty days.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 171.

An act to amend "an act entitled an act to declare the Carolina Construction Company a duly incorporated company, and to amend and enlarge its charter."

The General Assembly of North Carolina do enact:

Chapter 1 *ante*,
amended.

SECTION 1. That an act entitled "an act to declare the Carolina Construction Company a duly incorporated company, and to amend and enlarge its charter," ratified on the 20th day of January, 1891, be amended by adding to sub-section two of section two thereof the following: "*Provided*, that in the construction and maintenance of said dams, canals and waste-ways, and in the development and use of said water-power, neither the rights or property of persons owning land on the Roanoke river, nor the rights, franchises, privileges or property of any other corporation shall be interfered with or encroached upon in any unreasonable manner to the substantial injury of any other person or corporation."

Rights of other
land-owners not
to be interfered
with.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 172.

An act to incorporate the Commercial Security Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That T. C. Worth, Joseph Stone and David Barrow, and such other persons as may be hereafter associated with them, and their successors, be and [are] hereby created and declared a body politic and corporate under the name and style of "The Commercial Security Company," and may exercise and enjoy all the privileges,

Corporate name.

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. Corporate powers.

SEC. 2: The capital stock of the said company shall be one hundred thousand dollars, which may be increased at the option of said company to any amount not exceeding one million dollars. So soon as twenty-five thousand dollars of the said capital stock shall have been subscribed and ten per cent. thereof paid in cash it shall be lawful for the said company to organize and commence business. The said capital stock shall be divided into shares of one hundred dollars each; shall be deemed personal property; shall be transferable as may be prescribed by the by-laws of the said company, and each share shall entitle its holder to one vote in all meetings of the stockholders. Capital stock. Organization.

SEC. 3. The said company shall have all the general powers and be subject to all the general restrictions conferred and imposed upon corporations and chartered companies generally by the laws of North Carolina, save so far as the same may conflict with the provisions of this act. Corporate powers.

SEC. 4. The said company shall have power and authority to carry on a general banking, manufacturing, dyeing, bleaching, finishing, warehouse, storage and commission business; may lease, purchase, hold, convey and assign all such real and personal property as it may deem necessary and convenient for its business not exceeding in value the amount of five hundred thousand dollars; may construct warehouses and other buildings for its business; may receive on storage or deposit raw cotton, cotton and wool goods, tobacco and other agricultural products and all other kinds of general merchandise and personal property, to include bonds, notes, accounts or other securities and evidences of debt for safe-keeping, sale or shipment; may transact and carry on all kinds of business usually transacted and carried on by banking, manufacturing, coloring, warehouse or commission merchants; may collect and receive compensation for storage, selling or shipment and all labor incident thereto, including expenses of receiving and delivering, handling, sampling, cooperage, insurance and custody, or any other service rendered or expense incurred, on all property received on storage or deposit, at such rates and on such terms as may be agreed on by and between said company and the owners of such property or their respective agents; may make advances in money, negotiable notes, acceptances, endorsements, or other evidences of indebtedness on raw cotton, cotton and woolen goods, tobacco or other agricultural products, merchandise or other property stored or deposited with it, and may guarantee payment of notes, acceptances, bonds or other like obligations of persons or corporations storing or depositing such property with it, and all such advances or guarantees so made by said company on property Corporate powers.

received on storage or deposit, and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid before the said company shall be called on for the delivery of said property; and for such advances in moneys or otherwise, acceptances, notes or guarantees, the said company shall be entitled to charge and collect such commissions as may be agreed upon between said company and the owners of such property or their agents: *Provided*, that no advancement in money or otherwise, acceptance, endorsement or guaranty so made shall in any case exceed seventy-five per centum of the cash value of the property on which it is made, and all such property shall be actually in the hands of the said company before any such advances, acceptances, endowments or guarantees whatever shall be made.

Proviso.

Receipt to be given for cotton, &c., on storage.

SEC. 5. For all raw cotton, cotton [and] woolen goods, tobacco or other property received by the company on storage or deposit, and which it is authorized to receive under this act, the receipt or certificate of the company shall be given, binding the company to deliver the said raw cotton, cotton and woolen goods, tobacco or other thing to the party in whose favor the receipt or certificate is given, or his or her assignee, on payment of all dues to the company for which the same is liable, which receipt or certificate shall be negotiable, and by endorsements or assignment and delivery thereof shall transfer the title to the property therein mentioned and described to the holder of the said receipt or certificate. The holder of the said receipt or certificate shall be entitled to receive the property therein mentioned and described from the company on delivery of said receipt or certificate properly endorsed, and paying to the company whatever may be due on the said property for advances, endorsements, guarantees, charges, storage, labor and expenses, with interest and costs thereon, if any have occurred: *Provided, however*, that said company shall not be held responsible for losses arising from the act of God, or of common enemies, nor for any other losses or damages not provided for in its warehouse receipt or contract. And said company may make such stipulations in its warehouse receipts or contracts as to loss or damage arising by fire or other cause as it may deem necessary and proper.

Negotiability of receipt.

Holder of receipt entitled to goods, &c., on storage.

Proviso.

All advances, endorsements and guarantees made by the company on any property stored or deposited with it, shall be endorsed or stated on the receipt or certificate given for such property. In the event of the loss or destruction of a receipt or certificate given by the company for property on storage or deposit, the *bona fide* holder of such receipt or certificate at the time of its loss or destruction, his representatives or assigns shall have the same right to receive the said property from the said company that he would have had on the delivery of the said receipt on proof of its said loss or destruction, and on delivery to the said company of a proper bond of indemnity with security satisfactory to said company.

Advances.

Loss of receipt.

All advances, endorsements and guarantees made by the company on any property stored or deposited with it, shall be endorsed or stated on the receipt or certificate given for such property. In the event of the loss or destruction of a receipt or certificate given by the company for property on storage or deposit, the *bona fide* holder of such receipt or certificate at the time of its loss or destruction, his representatives or assigns shall have the same right to receive the said property from the said company that he would have had on the delivery of the said receipt on proof of its said loss or destruction, and on delivery to the said company of a proper bond of indemnity with security satisfactory to said company.

SEC. 6. Whenever from any cause any raw cotton, cotton or woolen goods, tobacco or other property, on storage or deposit with the said company shall so decrease in value as in the opinion of the said company to render the preferred lien of the same a doubtful security for advances, endorsements, guarantees, charges, storage, labor and expenses due the said company thereon, or whenever on any raw cotton, cotton or woolen goods, tobacco or other property left on storage or deposit with the said company the advances, endorsements, guarantees, charges, labor, storage and expenses due the said company thereon shall not have been satisfied and paid at such time or times as may be required by the regulations established by said company for the conduct of its business, it shall be lawful for the said company to give notice to the party entitled to said raw cotton, cotton or woolen goods, tobacco or other property personally, (or by mailing such notice to him or her) or his or her agent, at his or her agent's last known place of business or residence, requiring the said party within fifteen days after the receipt of such notice to pay to the said company all such advancements, endorsements, guarantees, charges, storage, labor and expenses, with any interest that may have accrued thereon; and if within twenty-five days after the personal service (or mailing of such notice) the same be not paid, it shall be lawful for the said company to sell such property at public sale, after ten days' public notice, as to the said company may seem best for all concerned; and after reserving the amount due the said company and paying the cost of the sale, the said company shall pay over the balance of the proceeds of the property to the party entitled thereto on his or her surrender of the receipt or certificate given for said property. If the holder of the receipt or certificate be unknown to the said company, the said notice may be given to the party to whom the said receipt or certificate was originally issued, or, if he or she be deceased, to his or her personal representative. But nothing in this section contained shall be construed to prevent the said company from making any such sale at such earlier or later time and in such other manner as may be provided for in any contract or agreement made by any person or persons with said company.

Decrease in value of property on storage so as to affect security for advances, &c.

Notice.

Sale of property.

Sale under special contract. &c.

SEC. 7. The said company shall have power 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 sub-leases, made

Corporate powers.

by any company to or with any other company or companies, individuals or firms whatever.

Corporate powers.

SEC. 8. 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 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.

Authorized to borrow money on mortgage.

SEC. 9. It shall be lawful for the said company to borrow such sums of money from time to time as may be necessary to carry out the provisions of this act; and to issue and dispose of its promissory notes or bonds for the amounts so borrowed; and the said company may mortgage, pledge or hypothecate any part of its corporate property and franchises to secure the payment of such notes or bonds.

By-laws.

SEC. 10. The stockholders, in general meeting, shall make and establish such by-laws, rules and regulations, not inconsistent with the laws of the state of North Carolina or of the United States and not inconsistent with this act, as they may deem proper for the management and control of the affairs and business of the said company and the government of its officers, agents, clerks and other employees, which shall be binding upon themselves and all persons in the employment of the said company.

Board of directors.

SEC. 11. The persons named in the first section of this act shall constitute the board of directors, who shall serve until the first annual meeting of the stockholders and until their successors are elected. So soon as the said company is authorized to organize and commence business by having complied with the requirements of the second section of this act, the board of directors shall call a meeting of the stockholders at such time and place as they may appoint, which shall be their first annual meeting. At their first and every subsequent annual meeting the stockholders shall elect five of their number to constitute a board of directors, to remain in office until their next annual meeting or until their successors are elected; but in no event shall the existence of the company be in any way affected or be dissolved by reason of a failure to elect officers.

Stockholders' meeting. Election of directors.

No dissolution of corporation by failure to elect officers.

Directors to manage company.

President.

SEC. 12. Subject to the by-laws, rules and regulations of the company, the board of directors shall have the management and control of its affairs and business. From their own body they shall elect a president, who shall preside at all meetings of the board and perform such other duties as may be prescribed for him by the stockholders or board of directors; his compensation, if any, shall be fixed by the board of directors. They may also choose a vice-president and

Other officers.

an executive committee from their own body and prescribe their duties. They shall appoint such officers, agents and clerks as they may find necessary for the management of the company's business ; and they shall provide for receiving subscriptions to the capital stock of the company, which they shall make payable at such times and in such installments as they or the stockholders in general meeting may determine. Subscriptions.

SEC. 13. The office of the said company shall be located in the city of Greensboro, and such other offices, buildings or places of business may be established in such place or places as the board of directors or the stockholders of the company in general meeting may determine. Offices.

SEC. 14. The capital stock of the said company shall be forever unassessable, and there shall be no personal liability of the stockholders of said company beyond the full payment for such stock as they shall subscribe for. No assessments on stock. Liability of stockholders.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 173.

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

The General Assembly of North Carolina do enact :

SECTION 1. That section ten, chapter two hundred and sixteen, of the private laws of North Carolina, session of one thousand eight hundred and eighty-nine, be amended by striking out all after the word "liquors" in line six of said section to the word "miles" in the seventh line thereof and inserting in lieu thereof the words "within three." Chapter 216, Private Laws 1889, amended. Unlawful to set up gaming table, sell liquor, &c., within three miles of Elon College.

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

Ratified the 3rd day of March, A. D. 1891.

CHAPTER 174.

An act to incorporate the New York and Wilmington Land Improvement and Banking Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Henry E. Knox, John H. Wheaton, Converse Clement, W. L. McCorkle, J. H. Strange of the city of New York and state of New York; John W. Atkinson, J. D. Bellemy, Jr., Charles M. Stedman, Mike Cronly, Thomas W. Strange, Wm. A. Wright, W. B. McKoy, J. G. Wright, G. H. Smith and Henry Green of the city of Wilmington and state of North Carolina, 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 New York and Wilmington 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 one million dollars (\$1,000,000), with the privilege of increasing said stock to an amount not exceeding five million dollars (\$5,000,000), to be divided into twenty thousand (20,000) shares of fifty dollars (\$50) per share par value.

Organization.

SEC. 3. That as soon as five thousand dollars (\$5,000) 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 subscriptions to the capital stock in money or property, said incorporators and subscribers to said capital stock shall meet in the office of Thomas W. Strange, in the city of Wilmington, N. C., and perfect the organization by the election of nine (9) directors, one of whom shall be elected president by said directors, whose term of office shall be one year, and they shall hold their office until their successors are elected; they 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.

Bonds of officers.

Action on bond.

Offices.

SEC. 4. That said stockholders, at the first or any subsequent meeting, may fix the place and location of their principal office, and may from time to time establish branch offices in this state or elsewhere.

SEC. 5. That said company shall have full power—

Corporate powers.

(1). To buy, lease, exchange, hold, own, sell and convey real and personal property, with all the rights and privileges connected therewith.

(2). 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 real 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 issue stock and lend money upon said stock as collateral security, or upon real estate mortgages, and exercise and enjoy all the rights, powers and privileges given to building and loan associations under and by virtue of chapter seven (7) of second volume of Code of North Carolina, section two thousand two hundred and ninety-four and following.

(4). To divide and subdivide any and all real estate acquired and owned by said company into lots of any size and dimensions as to the board of directors of said company may seem best, and to sell, lease or donate said lots as may seem best to the advantage of said company, or to apportion the same in any manner the board of directors may determine among the stockholders of the said company.

(5). To subscribe for stock or enter into partnership or arrangements for sharing profits with any person or company projected in this state or elsewhere.

(6). To build or construct houses, hotels, mills and manufactories 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, 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.

(7). 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 [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 lands shall be as prescribed by law in case of railroad companies.

(8). 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.

(9). To issue bonds of the company and secure the same by proper liens on its estate, real and personal.

Liability of stockholders.

SEC. 6. That the stockholders of said company shall not be individually liable for the debts, contracts, engagements or torts of said company, except upon deposits made with them and cash borrowed to carry on the banking features of their business. In each of these cases the stockholders shall be individually and personally liable for a 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 3d day of March, A. D. 1891.

CHAPTER 175.

An act to amend chapter seventy-six, private laws of one thousand eight hundred and eighty-three, entitled "An act to incorporate the town of Stanton, Beaufort county."

The General Assembly of North Carolina do enact:

Chapter 76, Private Laws 1883, amended.
Substituted commissioners.

SECTION 1. That section one of chapter seventy-six of the private laws of one thousand eight hundred and eighty-three be and is hereby amended by striking out the names of J. B. Sawyer, E. D. Springer and Wm. T. Campen and inserting in lieu thereof the names of E. Tuthill, George B. Colbert, H. H. G. Sawyer, J. B. Campen and W. T. Kelly.

Corporate limits.

SEC. 2. That another section be added after section seven to read as follows: "The corporate boundaries of said town shall be as follows, viz.: Beginning at the mouth of Bond's creek and running up said creek to Noah Moore's landing; thence down a road leading from Bond's creek to the main road; thence a straight eastwardly course to Peach Orchard gut; thence down said gut to Muddy creek; thence down Muddy creek to the mouth of Bond's creek to the beginning."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 176.

An act to incorporate the Statesville Development Company.

The General Assembly of North Carolina do enact :

- SECTION 1. That J. P. Caldwell, Wm. Wallace, P. B. Key, T. J. Allison, J. L. Scales, Jacob Wallace, Wm. Levy, John H. McAden, Lindsay Fairfax, B. F. Long, and their associates and successors, are hereby declared a body politic and corporate under the name and style of "The Statesville Development 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. Body politic.
Corporate name.
Corporate powers.
- SEC. 2. That the capital stock of said company shall be not less than fifty thousand dollars, and is authorized to be five hundred thousand dollars, and may be made such other sum desired, not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each. The individual members of the company shall not be liable for debts or contracts made by the corporation or for its torts. Capital stock.
Stockholders not liable for corporate debts or torts.
- SEC. 3. That said company shall be deemed fully organized upon the ratification of this act, and such persons herein named who are directors of the "Statesville Land Development and Manufacturing Company," a corporation organized on the third of January, eighteen hundred and ninety, under the general laws of the state, are authorized to transfer and convey all of the rights, property and franchises of the said corporation to this company, and henceforth the said directors shall be and remain the directors of this company until January third, eighteen hundred and ninety-three, or until their successors are chosen as provided in the former charter. From and after the stockholders' meeting in January, eighteen hundred and ninety-three, the directors and officers shall be elected annually for the term of one year, or until their successors are chosen by the stockholders. Organization.
Conveyance of property of Statesville Land Development and Manufacturing Co.
Directors.
Election of directors and officers.
- SEC. 4. The board of directors shall elect a president, vice-president, treasurer, secretary and such other officers and agents as they may deem necessary. They shall have power to merge any two offices into one. The offices of president, vice-president and treasurer shall continue to the first meeting of stockholders in January, eighteen hundred and ninety-three, or until their successors are chosen. After that they shall serve for one year, or until their successors are chosen. The terms of the other officers shall be at the pleasure of the board. Officers.
- SEC. 5. That it shall be the duty of the board and officers 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 in or near Statesville, North Carolina.

By-laws. SEC. 7. That 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 may choose for the faithful performance of their duties, 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 within the state of North Carolina to such an amount as to them shall seem proper, not to exceed five thousand acres, and to hold and convey the same through their president and treasurer, or through the president and any other officer, 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, workshops, hotels or other business enterprises upon the 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 "Railroad and Telegraph Companies"; and whenever it may become necessary for the purpose of constructing their road, canals, dams, or 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 state, 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 tobacco factories, cotton factories, woolen mills, saw-mills, grist and flouring mills and all other mills and factories which the said corporation shall deem it needful 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. The corporation may exist sixty years.

Corporate existence.

SEC. 9. That to promote the development of the said property and of the town of Statesville the said persons named in this act are hereby authorized and empowered to create and form themselves, their associates or successors, or any number of them not less than five, into a body politic and corporate under the name and style of "The Statesville Street Car Company," for the purpose of constructing and equipping, maintaining and operating lines of street railway along the streets and to points in the vicinity of the said town, and to this end the said persons have conferred upon them in respect of the town of Statesville and its vicinity, and under the corporate name aforesaid, all of the other powers and provisions as to capital stock, by-laws, officers, injuries to persons and property, conductors and agents, organization, liabilities and restraints, and all other powers and franchises and privileges therein granted, excepting the names of the persons in the act, the name and the location, of an act entitled "An act to incorporate the Winston and Salem Street Railway Company," ratified by the general assembly the eleventh day of March, Anno Domini one thousand eight hundred and eighty-nine, chapter one hundred and seventy-five, laws [of] one thousand eight hundred and eighty-nine, as fully in all respects as if the said act was herein fully set forth: *Provided*, that no track of said street car company shall be placed on any street without the consent of the board of Aldermen of Statesville.

Authorized to organize Statesville Street Car Company.

Corporate powers.

Proviso.

SEC. 10. That the subscription to the capital stock of said company may be made in lands, timber, timber privileges, labor, money, bonds, mines, mining privileges, houses, leases on lands and buildings or any other property as may be agreed between the company and the owners of said property or properties.

Subscriptions, how made.

SEC. 11. That no share of stock 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, and no paid-up share of stock shall be transferable until the shareholder shall have first offered the same for sale to the directors of the company and the said directors have refused or

Transfer of stock.

Penalties for failure to pay assessments.

declined to place the same or sell the same for such shareholder. That the company may by its directors impose such penalties for failure to pay assessments and provide for the forfeiture of stock by such rules and by-laws as it may see fit, and the enactment of its by-laws, and filing the same with the records of the company, shall constitute publication and notice of said by-laws to all shareholders.

Authorized to organize "Statesville and Piedmont R. R. Co."

SEC. 12. That the said persons named in this act, their associates and successors and assigns, are hereby authorized to form a body politic and corporate under the name and style of "The Statesville and Piedmont Railroad Company," with the power and for the purpose of constructing a railroad from Statesville, Iredell county, North Carolina, to any one of the following points, to-wit: To Elkin in Surry county; Yadkinville, Yadkin county; Mocksville in Davie county, or some other point in a northerly or north-easterly direction from Statesville on the Virginia line, such as the company may select and by such route as to the company may seem best, together with the right to construct such branch railroads as may be desired by the said company; to connect with or cross any railroads that are now or may be hereafter constructed.

Corporate powers.

SEC. 13. That in order to effect the organization of the said railroad company the persons named in this act, their associates, successors and assigns, have conferred upon them all of the powers, franchises, rights, privileges, regulations, restraints and authorities contained in an act entitled "An act to incorporate the Maxton and North-western Railroad Company," in chapter four hundred and fifty, laws [of] one thousand eight hundred and eighty-nine, ratified the eleventh day of March, Anno Domini one thousand eight hundred and eighty-nine, as fully in all respects as if the same were herein fully set forth.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 177.

An act to incorporate the Phoenix Hook and Ladder Company, Number One, of Washington, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That J. M. Gallagher, Stephen Corson, H. A. Latham, B. T. Moss, I. T. Kinnin, Harvey Bright, and such other persons as are now or may hereafter become members, not to exceed fifty (50) in number, be and they are hereby created and declared to be a body

politic and corporate by the name and style of "The Phoenix Hook and Ladder Company, Number One, of Washington, North Carolina," and by that name shall sue and be sued, plead and be impleaded in any and all courts of law, and shall have perpetual succession, and a common seal, and may purchase, hold and transfer real and personal estate as may be necessary and convenient for the purposes of their association; and for their government may make all necessary by-laws and rules and regulations not inconsistent with the laws and constitution of this state or of the United States, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.

Corporate name.

Corporate powers.

SEC. 2. That the officers of such corporation shall be fixed by the by-laws of the same. They shall be elected annually, and shall hold office until their successors are elected and qualified.

Officers.

SEC. 3. That said corporation is empowered to impose reasonable fines and penalties to secure prompt and efficient services from its members.

Fines and penalties.

SEC. 4. That the members of said corporation, while they continue to perform the duties incident to such a corporation, shall be exempt from serving upon juries, or from the performance of road duty, or the payment of town poll-tax, either within or beyond the corporate limits of the town of Washington, North Carolina.

Exemption from jury duty, poll-tax, &c.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 178.

An act to incorporate the Montford Park Fair Association.

The General Assembly of North Carolina do enact:

SECTION 1. That Geo. S. Powell, Richmond Pearson, W. W. Bernard, M. J. Bearder, J. C. Rankin, J. S. Adams, C. D. Blanton, J. B. Bostic, T. H. Cobb, J. W. Campbell, J. M. Ray and J. E. Dickerson, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, for the purpose hereinafter mentioned, under the corporate name of "The Montford Park Fair Association," and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, and in all suits and actions; and contract and be contracted with; and may have and use a common seal which may be altered at pleasure; and shall have and enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Body politic.

Corporate name.

Corporate powers.

Corporate powers.

SEC. 2. That the said corporation shall have power to purchase 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 corporation; and to convey, lease or dispose of the same as freely as citizens of this state can or may do: *Provided*, they shall not at any time have more than one thousand acres of real estate.

Proviso.

Corporate powers.

SEC. 3. That said corporation shall have power and authority, in order to promote the interests of Western North Carolina, to encourage and advance husbandry, agriculture, stock-raising, trade and domestic manufacture; to encourage skill and grace in equestrian and athletic exercises, and other amusements; to encourage productions of painting, drawing, etc.; to hold annual fairs, or oftener if desired, and offer premiums, prizes, rewards for superiority in such production, skill, workmanship, etc., exhibited at such fairs; and to this end may build, erect, establish and operate such buildings, race-tracks and show-grounds as they may deem necessary; and may make reasonable charges for entrance into such fairs as they may deem proper; and any and all such reasonable rent and charges for building race-tracks as they may deem fit and proper, and shall have all the power, privileges and immunities belonging or in anywise appertaining to and necessary to the successful operation of such fairs.

Corporate powers.

SEC. 4. That said corporation shall have power to establish a jockey club and driving park, and to that end it may build and erect all necessary buildings, club-houses, stables, tracks, etc., and may provide lodgings, food, refreshments and all other things necessary for the entertainment of its members, guests and visitors as may be permitted by the by-laws and regulations of said club, and may make reasonable charges for all such lodgings, food, etc., as it may deem necessary.

Corporate powers.

SEC. 5. That said corporation shall have the power to sell, grant, convey, improve, manage, develop, mortgage or otherwise deal with any and all parts of its property through its proper officers, and to issue mortgage bonds upon any and all of its property, to execute promissory notes and other negotiable instruments, and 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.

Stockholders not individually liable for corporate debts.

SEC. 6. 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.

Capital stock.

SEC. 7. That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing said stock to an amount not to exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 8. That the principal place of business of said corporation shall be in the city of Asheville, N. C. Place of business.

SEC. 9. That said corporation shall make such rules and regulations or by-laws as [to] it may seem proper for its government, for the election of its officers, the salary to be paid, etc. By-laws.

SEC. 10. That the said corporation shall have power and authority to establish, contract and at all times maintain in the city of Asheville and the vicinity a system of water-works for the purpose of supplying the said city, its inhabitants, and other residents in said vicinity, with water for all public and private uses and purposes, for which it may be desired, and to charge, demand and collect reasonable rates and charges for the use and privileges of water as it may establish. Authorized to build system of water-works.

SEC. 11. That the said corporation shall at all times have power and authority to lay, build, construct, maintain and repair, take 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 said city and its vicinity, and also to dig any and all kinds of wells, artesian or otherwise, that may be desirable for getting and establishing said water supply: *Provided*, that said corporation shall at its own expense and cost repair, replace and restore all streets, etc., so used by it, and have 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 city purposes by the charter of the said city of Asheville and upon the same terms. And said corporation shall at all times have the right to enter upon said lands for the purpose of repairing, improving or replacing said pipes, wells, fixtures, appliances, etc.; also to enter at all proper times into the streets, hotels, dwellings or other premises where said water-works, fixtures, pipes, etc., are located for the purpose of repairing, removing or replacing the same. Corporate powers.

SEC. 12. That this corporation shall exist and be in force and effect for eighty-eight years from and after its ratification. Proviso.

Ratified the 3d day of March, A. D. 1891. Entry on land.

Condemnation of land.

Corporate existence.

CHAPTER 179.

An act to authorize and empower the commissioners of the town of Monroe, North Carolina, to levy an additional tax, and for other purposes.

The General Assembly of North Carolina do enact :

Commissioners authorized to levy special tax for lights and street improvement.

SECTION 1. That in addition to the power heretofore granted to the commissioners of the town of Monroe, North Carolina, by the original act of incorporation of said town and by the several acts amendatory thereto, the said commissioners are hereby authorized and fully empowered to levy annually on all the real and personal property in said town which is subject to taxation therein by existing law, and on each poll, an additional tax not to exceed fifty cents on the one hundred dollars worth of property and one and $\frac{50}{100}$ dollars on the poll, which said tax, or so much thereof as shall be necessary, shall be used for the lighting said town and improving the streets thereof, and the taxes so levied by said commissioners shall be collected and accounted for by the town marshal under the same rules and regulations as are provided for the collection and paying over of other taxes in said town, and he shall be subject for any dereliction of duty therein to the same penalties and punishments that are now provided by law in similar cases.

Collection of tax.

Streets.

SEC. 2. That the said commissioners shall have power to lay out, open and name any new street or streets within the corporate limits of said town whenever by them deemed necessary, and 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 for the purposes herein expressed to condemn, appropriate or use any land or lands within said town upon making reasonable compensation to the owner or owners thereof; and in case the owner of any land which shall be condemned, appropriated or used under the provisions of this act, and the said commissioners shall fail to agree upon the compensation for such land, the matter shall be settled by arbitrators, who shall be freeholders and residents of said town, and shall be chosen by the parties, one by the said commissioners and the other by the owner of said land; and in case the owner of such land shall fail or refuse, upon notice given, to choose such arbitrator, then the mayor of said town shall select one in his stead; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the said arbitrators and umpire, or any two of them, shall be conclusive of the rights of the parties, and shall vest in the said commissioners the right to use the land for the

Condemnation of land.

purposes herein specified; and all damages agreed upon by the parties, or awarded by the arbitrators in case of a disagreement, shall be paid by taxation or as other town liabilities: *Provided*, that either party may appeal to the superior court as now provided by law. Appeal.

SEC. 3. That section two of chapter forty-seven of the private laws of one thousand eight hundred and eighty-one, be amended by adding at the end of said section the following: "And any person so required by the mayor to work on the streets or other public works who shall wilfully refuse so to do, or shall attempt to escape while engaged in said work, shall be guilty of a misdemeanor, and for each day or part of a day he shall so refuse to work, and for each effort he shall make to escape, such person upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days." Chapter 47, Private Laws 1881, amended. Misdemeanor for person sentenced to work on streets to refuse to work, &c.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 180.

An act to amend the charter of the town of Gold Hill, Rowan county.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Gold Hill be altered and enlarged as follows, to-wit: Beginning at the thirteen-mile post on the public road leading from Salisbury to Albemarle, and run thence north-easterly, crossing the Yadkin Railroad, to a point at the intersection of the northern boundary of said railroad and Andrew Crowell's line; thence with the north side of said railroad to the west edge of the old Bringle's ferry public road; thence south with the west side of said Bringle's ferry road, crossing the public road leading from Salisbury to Albemarle, to a stake in the present line of the incorporation of said town. Corporate limits.

SEC. 2. That the board of commissioners of said town shall have the right and power to lay out streets and sidewalks in said town and to condemn land for such streets and sidewalks; that a jury of five disinterested freeholders in said town, to be appointed by the mayor thereof, shall assess the damages, if any, to be paid to persons over whose lands such streets and sidewalks may be laid out, and all such damages shall be deemed a charge against said town and shall be paid by said town. Streets and sidewalks. Condemnation of land.

SEC. 3. That the said board of town commissioners shall have the power to levy annually a tax for general town purposes not to exceed Taxation.

thirty-three and one-third cents on the one hundred dollars valuation of all real and personal property in said town, and a tax on each poll not to exceed one dollar.

Subscription to
Roanoke and
Southern R. R.
Co.

SEC. 4. That the town of Gold Hill may subscribe the sum of five thousand dollars to the capital stock of the Roanoke and Southern Railroad Company upon the proposition of the board of commissioners of said town with the approval of a majority of all the qualified voters of said town expressed at an election to be held in said town at such time as the said board may order: *Provided*, thirty days' notice of said election shall be given by the mayor of said town, and provided the registration books of said town shall be open ten days before said election for all persons not theretofore registered and who are qualified voters in said town to register. That the registrar shall be appointed by the said board, and likewise said board shall appoint three judges of election and they shall hold said election on the day designated by said board, and they shall declare the result of such election and make due return thereof under their hands and seals. All persons who shall be in favor of making said subscription shall vote on a written or printed ticket "For subscription," and all persons who shall be opposed to making said subscription shall vote on a written or printed ticket "Against subscription," and if the majority is for subscription then the said board of town commissioners shall issue bonds to the amount of five thousand dollars in payment of said subscription, and receive therefor stock in said railroad company to the amount of five thousand dollars. Said bonds shall be due and payable twenty years from the date of their issue, and shall draw interest from said date at the rate of six per centum per annum, payable annually. They shall be of the denomination of one hundred dollars, and shall be coupon bonds, and signed by the mayor of said town and countersigned by the treasurer of said town, and sealed with the corporate seal of said town. The coupons shall be received in payment of taxes due said town.

Election.

Notice.
Registration.

Election, how
held.

Ballots.

Coupons receiv-
able for town
taxes.

Coupons receiv-
able for town
taxes.

Special tax.

SEC. 5. That for the purposes of paying the interest which shall accrue on said bonds and of accumulating a fund for paying the principal of said bonds when they fall due, the said board of commissioners of said town shall have power annually to levy and collect, in the manner and at the time prescribed for the collection of the general town taxes, an *ad valorem* special tax on all real and personal property in said town and also a special tax on all taxable polls in said town.

Collection of tax.

SEC. 6. That said special tax shall be collected by the constable or town tax-collector under the same rules and regulations as are prescribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, who shall give a bond in a sum double the amount of said special taxes with good and sufficient sureties conditioned for the faithful and honest management and disbursement

Payable to
treasurer.

of the said special taxes. The said treasurer shall keep an account of the receipts and disbursements of the special tax money in a separate book to be kept for that purpose, and he shall annually post up in a public place a statement showing the balance and condition of the special tax funds in his hands. Duties of treasurer.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 181.

An act to extend for a period of thirty years an act incorporating the Baltimore and North Carolina Copper and Gold Mining Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and nineteen of the laws of one thousand eight hundred and sixty-one, entitled "an act to incorporate the Baltimore and North Carolina 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 fifteenth day of February, one thousand eight hundred and sixty-one. Chapter 119, Private Laws 1860-'1, amended.
Corporate existence extended.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 182.

An act to incorporate the Greensboro Street Railway Company.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing, maintaining and operating street railways in the city of Greensboro (as now organized or as may at any time hereafter be organized) and vicinity for the transportation of passengers and freights, Julius A. Gray, J. A. Odell, R. R. King, Sample S. Brown, J. W. Fry, and such other persons as may become associated with them, are hereby made and constituted a body politic and corporate under the name and style of "The Greensboro Street Railway Company," and by that name Body politic.
Corporate name.

Corporate powers.

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 the rights, powers and privileges which by law belong to any and all other street railway companies in this state.

Corporate powers.

SEC. 2. That the said company is hereby authorized to make, construct, equip, maintain and operate lines of street railway, with one or more tracks and all necessary branches, turn-outs, switches and sidings, using such motive power as may be determined upon by the board of directors, through, along, over, across and under the streets of the city of Greensboro as aforesaid, or anywhere within the county of Guilford, and erect such depots, stables, offices, shops and other buildings, structures, fixtures and appliances as are necessary and proper for conducting the business of the said railway company, and to demand and receive such sum or sums of money for the carriage of passengers as the directors may think proper, not to exceed ten cents for each person on any line within the corporate limits of said city nor more than twenty-five cents to points beyond the city limits, and for the transportation of freight and parcels such compensation as may be reasonable. If electricity shall be used as motive power said company shall have the power to furnish electric lighting and motive power to any person, persons or corporations and receive such compensation therefor as may be agreed upon between the company and its patrons or customers, and to that end may erect poles and attach wires thereto and run the same over and across and along the streets of said city and elsewhere.

Capital stock.

SEC. 3. That the capital stock of said company shall be twenty-five thousand dollars, divided into two hundred and fifty shares [of] one hundred dollars each, and may from time to time be increased to any amount not exceeding five hundred thousand dollars whenever a majority of the stockholders, in value, shall so determine. Said capital stock may be divided into preferred and common shares in such proportions, and with such privileges, qualities and characteristics, as a majority of the stockholders, in value, may determine.

Authorized to borrow money on mortgage.

SEC. 4. That the said company shall have power to contract debts and borrow money for the legitimate purposes of the corporation, to make and issue notes, bonds or other evidences of indebtedness for any obligations incurred in the conduct of its business, and to execute a mortgage or mortgages or deed in trust upon, or conveying its property, franchises and income to secure the payment of such indebtedness.

Authorized to lease road, &c.

SEC. 5. That the said company shall have the right to lease its road and franchises to any person or corporation, and may acquire the

property and franchises of or an interest in any other corporation by purchase, lease, subscription to or purchase of its capital stock or otherwise.

SEC. 6. That whenever any lands may be required for the purposes of said company, it shall have the power to have the same assessed and condemned for its purposes in the manner prescribed in The Code of North Carolina, volume first, chapter forty-nine, section nineteen hundred and forty-three and the sections following.

Condemnation of land.

SEC. 7. That a majority of the incorporators may at any time by agreement among themselves designate some one of their number residing in Greensboro to receive subscriptions to the capital stock of the company. The person so designated shall give notice by publication in some newspaper published in Greensboro, N. C., of the time and place at which the books will be opened, and when as much as five thousand dollars of the stock shall have been *bona fide* subscribed for, he shall at once, by a notice addressed to each of the subscribers, call a meeting of the subscribers to be held at some definite time and place in Greensboro as soon thereafter as practicable. At such meeting the subscribers may organize by the election of a board of directors, consisting of not less than three nor more than nine, and adopt a code of by-laws for the government of the company. The said board of directors shall elect from among themselves a president and vice-president, and shall also elect a secretary and treasurer and such other officers as the by-laws may provide for. Thereupon the company shall be deemed to be fully organized, and may obtain subscriptions, issue stock, bonds and other evidences of indebtedness, and enter into contracts for the construction of the line or lines of railway and electric circuits, depots and buildings, and do any and all other lawful things necessary and proper to carry out the purposes of the company.

Subscriptions.

Notice that books of subscription will be opened.

Organization.

SEC. 8. That said company shall have the right for a term of sixty years to conduct, maintain and operate its business, and its right to construct, maintain and operate its line or lines of street railway in the city of Greensboro as now organized, or as may at any time hereafter be organized, shall be exclusive in respect to the street or streets occupied by it; but nothing herein contained shall be construed to prevent the use by others for a like purpose of any streets not occupied by said company with its tracks or on which it may [have] ceased or failed to operate its cars for a period of four months.

Corporate powers after organization.

Corporate existence and powers.

SEC. 9. That any person who shall remove, obstruct, injoin, [injure] deface or destroy any part of the property of said company, or in any manner interfere with its operation, shall be deemed guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Misdemeanor to remove, &c., property, &c.

SEC. 10. That the conductors and other agents and servants of said company are hereby invested with the same authority, power and

Powers of conductors, &c.

privileges which belong to similar officers and agents of railway companies now operating in this state.

Subscriptions, &c., by other corporations.

SEC. 11. That any corporation organized under the laws of this state or other states may subscribe to the capital stock or purchase the lands of said company.

Stockholders not individually liable for corporate debts.

SEC. 12. That the stockholders of said company shall not be individually liable for any of its debts, engagements or tools.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 183.

An act to amend chapter one hundred and forty-four of the laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

Chapter 144 (Private?), Laws 1883, amended.

SECTION 1. That section one of the laws of eighteen hundred and eighty-three, chapter one hundred and forty-four, be amended by striking out the words "fifty dollars nor more than one hundred and fifty dollars" in lines two and three and by inserting in lieu thereof "five hundred dollars nor more than one thousand dollars."

Retail liquor license tax in Laurinburg.
Election of constable.

SEC. 2. That the constable for said town shall be elected by the board of town commissioners, and shall hold office for such term as said commissioners may prescribe: *Provided, however,* that his said term of office shall not extend beyond the expiration of the term of office of the board which elects.

Proviso.

Election of mayor.

SEC. 3. That the mayor for said town shall be elected by the board of town commissioners for a term of office not to exceed the term of office of the commissioners who elect: *Provided, however,* no member of the board of town commissioners shall be qualified to hold [the] office of mayor or during term of office as commissioners.

Proviso.

Vacancy in office of constable or mayor.

SEC. 4. That in the event the office of constable or mayor shall become vacant by death, resignation, or absence, or otherwise, the board of commissioners of [said] town shall fill the same by elections in accordance with sections two and three above, except where the vacancy is temporary, in which case the town commissioners shall fill said offices for such temporary time by election, under above qualifications and restrictions.

Election of commissioners and secretary and treasurer.

SEC. 5. That the board of commissioners, secretary and treasurer of the town of Laurinburg, North Carolina, shall be elected annually on the third Tuesday in November of each year, and their term of office shall begin on the first Monday in December of each year:

Provided, however, that there shall be held an election on the first Proviso.
Monday in May, eighteen hundred and ninety-one, as heretofore for
all the offices except mayor and constable, whose election shall be by
the commissioners, and their term of office shall expire on the first
Monday in December, eighteen hundred and ninety-one.

SEC. 6. That all laws and clauses of laws in conflict with this act Conflicting laws
repealed.
are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 184.

An act to incorporate the Building and Loan Company of Greensboro.

The General Assembly of North Carolina do enact :

SECTION 1. That J. A. Odell, S. L. Trogdon, D. W. C. Benbow, C. H. Body politic.
Ireland, D. F. Caldwell and W. B. Bogart, and their associates, suc-
cessors and assigns, be and they are hereby constituted and declared
to be a body politic and corporate by the name of "The Building and Corporate name.
Loan Company of Greensboro," and by such name may acquire, hold Corporate pow-
ers.
and convey real and personal estate, may sue and be sued, plead and
be impleaded in any of the courts of this state, and shall have corpo-
rate existence for thirty years.

SEC. 2. That the place of business of said corporation shall be in Place of busi-
ness.
the city of Greensboro, in the county of Guilford, and the capital
stock of said corporation shall be twenty thousand dollars, divided Capital stock.
into shares of one hundred dollars each, and such capital stock may be
increased from time to time to an amount not exceeding one hundred
thousand dollars.

SEC. 3. That the incorporators named in the first section, or a ma- Books of sub-
scription.
jority of them, are hereby authorized and empowered to open books
of subscription to the capital stock of the corporation at such time
or times in the city of Greensboro as they may determine, and when-
ever one hundred shares of the capital stock shall have been sub- Organization
scribed for and ten per cent. thereof shall have been paid into the
hands of the person or persons appointed to receive subscriptions, a
meeting of the subscribers shall be called at such time and place and
upon such notice as the subscribers may deem sufficient, and at such
meeting (a majority of the stock subscribed being represented) the
stockholders shall elect such directors, not exceeding five, as they
may deem proper, which directors shall hold office for one year and
until their successors shall be chosen. Said directors shall elect one

of their number to be president during their continuance in office and such other officers as they may determine.

Powers of president and directors.

SEC. 4. That the president and directors of said corporation may adopt and use a common seal and alter the same at pleasure, may make such by-laws for the government of said corporation as they may deem proper; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties; may prescribe the manner of paying for stock and transfer thereof, and in general have the privileges conferred on corporations by the general law of the state relating to corporations. The said corporation shall have a lien of the stock for debts due it by the stockholders before and in preference to other auditors [creditors] of the same dignity.

Lien on stock.

Remedy against subscriber failing to pay.

SEC. 5. 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 superior court of Guilford 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 office of the company, after advertisement of such sale for twenty days in some newspaper published in Greensboro; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all the costs of sale, the subscriber shall be liable for the deficiency in a civil action.

Corporate powers.

SEC. 6. That said corporation shall have power to make loans of money on the notes or bonds of any person, persons or corporation secured by mortgages or deeds of trust on real or personal property, such mortgages or deeds of trust to be executed to said company or to any trustee that may be selected, and may include in the face of any note or bond payable to said company interest at the rate of not exceeding eight per centum per annum for the full period agreed upon, and allow and require such note or bond with the interest so added to be payable in as many equal monthly installments as there shall be calendar months between the date of said loan and the end of the period agreed upon for the full payment of such note or bond, and upon default in the payment of any monthly installment interest may be charged on such installment from the day it shall fall due at the rate of eight per centum per annum until paid, and when so many as three monthly installments shall be due and unpaid, the said note or bond, save and except so much thereof as comprises interest for the unexpired term of the loan, shall at the option of the said company become due and payable, and foreclosure of the mortgage or deed in trust securing the same may be made and the whole of the unpaid balance of the face of the note or bond less the interest for the unexpired term on the sum originally advanced or loaned shall be collected by the said company or its assigns. At

any foreclosure sale of property mortgaged to it the said company may purchase the same in order to protect itself from loss.

SEC. 7. That said company shall have the power to raise and borrow money either upon its own note or by transfer, assignment or negotiation of its assets. Authorized to borrow money.

SEC. 8. That said corporation shall have power to buy, hold, improve, lease and sell real estate. Authorized to buy, &c., real estate.

SEC. 9. That the directors may make dividends of profits of the said company as they may deem proper from time to time. Dividends.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed. Conflicting laws repealed.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 185.

An act for the purpose of encouraging, exemplifying, promoting and advancing the culture, growth and marketing of fruits and vegetables in North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Van Lindley, J. S. Ragsdale and W. C. Boren, and such other persons as may be associated with them, and their successors and assigns, are here hereby created a body politic and corporate in law and in fact to be known by the name and style of "The J. Van Lindley Orchard Company," with power to buy, cultivate and sell fruit-trees, to plant orchards, to cultivate the same, to grow, can, dry, preserve, ship and sell all kinds of fruits and vegetables. Body politic.
Corporate name.
Corporate powers.

SEC. 2. That to fully effectuate and carry out the purposes aforesaid, the said corporation shall have the right and power to purchase, deal in, improve, hold, sell, transfer and convey all property and estate, both real and personal, as may be regained, as the said corporation may deem necessary or expedient for any of the purposes aforesaid, and may pledge or mortgage the same to secure the payments of its debts, or advances of money to its use; shall have power to borrow money and to issue stock for such sums as are hereafter mentioned, and it may take all securities to secure debts due to it. Corporate powers.

SEC. 3. The said corporation shall have power to establish on its lands buildings and machinery and appliances for the purpose of making cans, vessels and instruments for canning and drying fruits and vegetables, and to establish and run tram-ways for conveying their products from one point to another upon their premises, and to Corporate powers.

do all other things necessary for the purposes whereunto this corporation is created.

Capital stock.

SEC. 4. That the capital stock of the said company is fixed at fifty thousand dollars, divided into five hundred shares of the par value of one hundred dollars each, with power to increase the capital stock to one hundred thousand dollars if so desired by the corporation hereafter, or if the capital stock shall be increased as aforesaid, or in any amount, the rates of shares to the capital stock shall be preserved, and the said stock of the company shall be personal property and shall be transferable as the by-laws and regulations of the said company may provide, and at all the meetings of the said corporation each shareholder shall be entitled to one vote, either in person or by proxy, for each share held by him.

To be personal property.
Transfer of stock.

Stock vote.

Place of business,

SEC. 5. That the principal place of carrying on the business of the said corporation shall be at Pomona in Guilford county, and it shall then have its office with power to operate and do business as aforesaid in any county in the state of North Carolina, and said corporation shall exist for ninety-nine years from date of its organization.

Corporate existence.
Corporate powers.

SEC. 6. That said corporation shall have power in its corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts or elsewhere; to have a common seal which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary officers, and to fix their compensation and define their duties and obligations, and to make by-laws and regulations, consistent with the laws of the State, for their own government and for the due and orderly conducting of their affairs and the management of their property.

Subscriptions.

SEC. 7. That the said corporation and their associates shall have power to receive subscriptions to [the] capital stock of the said company; and when twenty-five thousand dollars worth of stock shall be subscribed and the first installment shall be paid in the company shall call a meeting and organize, and at such meeting a majority of the stock represented shall constitute a quorum, and their organization shall be perfected according to sections six hundred and sixty-three and six hundred and sixty-four of The Code of North Carolina, and said corporation shall not be liable individually for any of the debts of said corporation.

No individual liable for corporate debts.

SEC. 8. This act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 186.

An act to incorporate the town of North Durham in Durham county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of North Durham in Durham county be and the same is hereby incorporated under the name and style of "The Town of North Durham," and shall be subject to all the provisions of chapter sixty-two (62) of The Code, entitled "Towns and Cities."

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of the said town shall be as follows, viz.: Beginning at a stake in the Geer, Strayhorn and Riggsbee alley 4.83 chains west of R. L. Henry, Jr.'s, corner in the said alley; thence with said alley north $88\frac{1}{2}$ degrees west 28.46 chains to a stake, Bettie Hogan's corner; thence south 26 degrees east 3.58 $\frac{1}{2}$ chains to a stake on A. M. Riggsbee's line south 72 degrees west 6.75 chains to a branch; thence with said branch south 26 degrees east 1.25 chains to a stake, formerly a stump, Strayhorn's corner; thence south 13 chains to a stake in the northern boundary line of the town of Durham; thence west 36.23 chains; thence south about 13 chains to the North Carolina Railroad Company's line; thence with said line northwestwardly 8.40 chains to Guess Mill road; thence with eastern margin of said road 41.51 chains to a stake at J. W. Markham's corner; thence east 39.40 chains to an ash tree, on a branch, Christian's old corner; thence northwestwardly with said branch to Ellerby creek; thence southeastward with said Ellerby creek to the public road from Durham to Roxboro; thence with said road, as it meanders, southeastwardly and southwestwardly 99.30 chains to a stake in the intersection or junction of said road with a new road leading to Ellerby creek, said stake being where said Durham and Roxboro road turns abruptly to the south and becomes known as Mangum street; thence north $88\frac{1}{2}$ degrees; west 8.33 chains to the beginning.

Corporate limits.

SEC. 3. That the officers of the said town shall consist of a mayor and board of three commissioners, to be elected annually on the first Monday in May of each year, at an election held under the same restrictions that elections for state and county officers are held, and at such elections all qualified electors of the state who have resided for ninety days within the corporate limits of the said town shall be allowed to vote.

Officers.

Election.

Electors.

SEC. 4. That said commissioners may appoint such other officers of said town as they see fit, prescribe their duties and fix the rate of their compensation.

Officers.

SEC. 5. That said commissioners, when convened, shall have the power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of

Ordinances.

- Proviso. the town as they may deem necessary : *Provided*, the same be not inconsistent with the laws of the land.
- Taxation. SEC. 6. 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 :
- Ad valorem tax. (1). An *ad valorem* tax of not exceeding fifty cents on every one hundred dollars value of real and personal property in said town.
- Poll-tax. (2). On each taxable poll who may be resident of said town on the first Monday in May of each year, except such as the board of town commissioners may exempt, a tax not exceeding one dollar and fifty cents.
- Other taxes. (3). On such other subjects as are taxable under the state laws, a tax of not more than one-half the amount of tax fixed in each year on such subjects for county purposes in Durham county : *Provided*, nevertheless, that no property or subjects of taxation shall be taxed by said town which are specially exempt from taxation.
- Proviso. SEC. 7. That the citizens of said town, and others liable to be taxed on account of any of the foregoing subjects, shall, during the time for listing their state and county taxes, render to such persons as may be designated by the commissioners of the town, on oath, a list of their property and subjects for which they may be liable to be taxed; and if any person shall fail to render such list he shall pay double the tax assessed on any subject for which he is liable to be taxed.
- Double tax. SEC. 8. That on or before the first day of August of each year the board of town commissioners shall proceed to lay the taxes on such subjects of taxation as are allowed by the law, and shall place the tax-list in the hands of the collector for collection, who shall forthwith proceed with their collection and complete the same on or before the first day of January next ensuing, and shall pay the money 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. SEC. 9. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection in the preceding section he shall be liable for double taxes, and the collector shall forthwith proceed to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county of Durham, or at three public places in said town, if the property be personalty, and of twenty days of [if] the property be realty; and the tax-collector or treasurer shall pay to the owner, without interest, the proceeds of said sale in excess of said double taxes and costs. (a) That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to
- Property to be listed for taxation.
- Collection.
- Compensation of collector.
- Double taxes on failure to pay within prescribed time.
- Collection by distress.
- Excess payable to owner.
- Redemption of land sold for taxes.

the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses.

SEC. 10. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assignee, and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or any other matter required to be true or done before the said sale might be made, shall be *prima facie* evidence that the same was true and done.

Conveyance to purchaser.

SEC. 11. That when any land or right-of-way shall be required by said town for the purpose of opening new streets or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, all being freeholders of said town, three of whom shall be appointed by the commissioners of said town and two by the land-owners; and in making said valuation the said commissioners shall take into consideration after being duly sworn before the mayor or a justice of the peace for the county of Durham, or a clerk of a court of record, the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner or owners may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above all advantages shall form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if any persons over or on whose land the said street may pass or improvement be erected, or the board of town commissioners of said town be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next superior court of Durham county, to be held thereafter under the same rules, regulations and restrictions as in appeals from judgments of justices of the peace; and the said commissioners, under the hands and seals of a majority of them, shall return to the court to which the appeal is taken their valuation with the proceedings thereon, and the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court of Durham county, in case of its refusal by the owner or owners of the land: *Provided, however*, that such an appeal shall not hinder or delay the commissioners of the said town from opening such street, or erecting such improvements: *And provided further*, that in case of the discontinuance of the use of the land and its reverter to the owner, the town shall have the right to remove any improvement under its authority erected thereon.

Condemnation of land for streets, &c.

Appeal.

Appeal not to delay opening of streets, &c.

Removal of improvements on discontinuance of use of land.

Moneys payable to treasurer. Appropriations.

SEC. 12. That all moneys arising from taxes, fines, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by the board constituted of a majority of all the commissioners.

Duties of commissioners in regard to streets, &c.

SEC. 13. That the commissioners of the said town shall cause to be kept clean and in good repair the streets, sidewalks and alleys in said town. They may establish the width and ascertain the location of those already provided, and lay out and open others and may reduce the width of all of them.

Failure to repair sidewalk a misdemeanor.

SEC. 14. That if any owner or lessee of land in said town, on being notified to repair his sidewalk, shall fail or neglect 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. A notice of ten days by an officer of the town, in writing, shall be sufficient in any event.

Abatement of nuisances.

SEC. 15. 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 tenant of the ground whereon the same may be; and may also prevent the establishment within the town, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Live stock running at large.

SEC. 16. That the commissioners shall have the power to prevent dogs, horses, cattle and other brutes from running at large in the town.

Fire companies.

SEC. 17. That the commissioners of the said town may provide for the establishment, organization, equipment and government of fire companies, and in all cases of fire, a majority of such of the commissioners as shall be present may if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which neither they nor said town shall be responsible to anyone in damages.

Destruction of building to stop fire.

Contagious diseases, &c.

SEC. 18. That they may take such measures as they deem effectual to prevent the entrance into the town, or the spreading therein of any contagious or infective disease, may stop, detain and examine for that purpose any persons or property coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any persons in the town suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease or of which there shall be reasonable cause to apprehend that they may pass into such state as to generate and propagate dis-

ease; may abate by any reasonable means all nuisance which may be injurious to the public health.

SEC. 19. That for any violation of any ordinance, by-law or rule made by said commissioners, they may prescribe fines or penalties, not exceeding fifty dollars for each offence, to be recovered before the mayor without any stay of process, mesne or final; and where judgment may be entered against any person or persons for fines and penalties according to the laws and ordinances of said town, and the person or persons against whom the same is adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public works until, at a fair rate of wages to be fixed by the commissioners, such person or persons shall have worked out the full amount of judgment and cost of prosecution.

Fines and penalties.

Persons failing to pay liable to work on streets.

SEC. 20. That all fines and penalties collected for the violation of the ordinances of said town shall go into the town treasury and belong to said town.

Fines, &c., how applied.

SEC. 21. That the sale of spirituous, vinous and malt liquors is hereby prohibited within the limits of the said town, and any person violating this provision shall be deemed guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Sale of liquor prohibited.

SEC. 22. That the officers of said town, until the first Monday in May, in the year eighteen hundred and ninety-two, or until their successors are elected and qualified, shall be B. L. Duke, mayor; F. C. Geer, Wm. Lynch and H. E. Seaman, commissioners.

Temporary officers.

SEC. 23. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 187.

An act to incorporate the West Tarboro Land and Improvement Company.

The General Assembly of North Carolina do enact:

SECTION 1. That George Howard, W. E. Fountain, N. M. Lawrence of North Carolina, Samuel L. Foster of Norfolk, Va., William M. Powell, Thomas C. Pugh and Reuben Foster of Baltimore, Md., 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 West Tarboro Land and Improvement Company, and shall be able and capable in law to have and use a common seal

Body politic.

Corporate name.

Corporate powers.

and the same break, alter and renew at pleasure; to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, stock, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of, for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said company by its by-laws and regulations shall direct; and shall and may apply the rents, issues, incomes, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of their creation and institution, according to the rules, regulations and orders of the company, as fully and effectually as any natural person or body politic or corporate within this state can or may do or perform. The said company shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for the government of such corporation, not being contrary to the constitution and laws of this state or of the United States, and generally to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

Capital stock

SEC. 2. That the capital stock of said corporation shall be fifty thousand dollars, divided into five hundred shares of one hundred 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 two hundred thousand dollars.

Stockholders, &c.,
not individually
liable for corpo-
rate debts or
torts.

Stock non-
assessible.

SEC. 3. 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 the company, and the shares shall be forever non-assessable.

Organization.

SEC. 4. When twenty thousand dollars of the capital stock is subscribed, the corporators named herein, or a majority of them, or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors, to consist of not less than three nor more than seven, who shall serve for one year or until their successors are elected and qualified, unless it is otherwise provided in and by the by-laws adopted at said meeting. And these directors so chosen shall proceed to elect a president, whose term shall expire at the expiration of the term of said directors, unless

President and
other officers.

the by-laws otherwise provide; and said board of directors shall elect at such time as they see fit a vice-president, a secretary and a treasurer, and such other officers as they think necessary, and increase or diminish the number of said officers at pleasure. And no person shall be elected director, president or vice-president unless he is a stockholder in said corporation. And the directors shall require of the secretary and treasurer and all subordinate officers such bonds and security for the honest and faithful discharge of their duties as they may order, and may require such bonds of the president and vice-president if they see fit to do so. Bonds.

SEC. 5. That at all meetings of the stockholders of said company, for the election of directors, or for other purposes, each stockholder shall be entitled to one vote for each share of stock standing on the books of said company in the name of such stockholder. Stock vote.

SEC. 6. That the said company be and it is hereby authorized to increase its capital stock to an amount not exceeding two hundred thousand dollars, and if the capital stock should at any time be increased as hereby authorized the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the par value of the same. Increase of capital stock.

SEC. 7. To acquire by purchase, or in any other manner, and take, receive, hold, use, employ, manage, dispose of or in any manner, not inconsistent with law, deal with any property, real, personal or mixed, and situated in or out of this state, which may be necessary or proper to enable the said corporation to carry on the operations or fulfil the purposes named in its certificate of incorporation, and generally to do every other act or thing, not inconsistent with law, which may be necessary or proper to promote the objects, designs and purposes for which said corporation was formed. Corporate powers.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 3d day of March, A. D. 1891.

CHAPTER 188.

An act to incorporate the Scotland Neck Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That A. McDowell, Frank P. Shields, John P. Futrell, Noah Biggs, W. R. Wood, N. B. Josey, C. T. Lawrence and W. A. Dunn, their successors and associates, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Scotland Neck Bank," and shall so continue for the term of Body politic.
Corporate name.

- Corporate powers. thirty years, with capacity to take, hold and convey real and personal estate, and with all the powers, rights and privileges granted to any bank or banking institution, now doing business in this state, together with the rights, powers and privileges incident or belonging to corporations as set forth in the laws of this State.
- Capital stock. SEC. 2. That the capital stock of said corporation shall not be less than ten 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 incorporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, and at such places, and for such periods as they shall determine; and the stockholders at any meeting called after the due organization of said bank may in their discretion from time to time reopen books of subscription to said capital stock until the same be wholly taken.
- Organization. SEC. 4. That when ten thousand dollars shall be subscribed and five thousand dollars paid into the capital stock of the said bank, the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed; and said stockholders shall choose a president, vice-president and cashier from their members to serve one year, and shall make and appoint all necessary officers, fix their compensations, and if they deem it prudent take security from officers for the faithful discharge of their duties.
- Powers of president and directors. SEC. 5. That the president and directors of the bank may adopt and use a common seal and alter the same at pleasure; 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 this state, and in general have the privileges conferred on corporations by the general laws of this state relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.
- Lien on stock.
- 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 or other securities; may purchase and hold such personal and real estate and property as may be conveyed to secure debts to the bank, or may be sold under 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. It may receive on deposit moneys on terms agreed on between the officers and depositors, and issue certificates of the same, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposits signed by the proper officers of the bank shall be as binding as [if] under seal of the bank. No stockholder shall be individually liable for any debt of the corporation, nor to the depositors, save in an amount equal to his stock.

Liability of stockholders.

SEC. 7. That if any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice of the motion, or by civil action, or the entire stock may be sold by order [of] the directors for cash at the banking-house in Scotland Neck, after advertisement of sale for twenty days in a newspaper published in the state, and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs attending the sale, the subscriber shall be liable for 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 assignee, and all subsequent assignees thereof, shall be liable for its payment, and may be sued jointly or severally by motion as aforesaid, or by civil action; and in every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note payable to the bank, as well as in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Remedy against assignee.

Subscription deemed a promissory note.

SEC. 9. That agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time; shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the state tax of twenty-five dollars [be] paid.

Agencies.

Proviso.

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 corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders; and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank, and they shall direct when dividends of profits shall be made; they may call a meeting of stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting by giving ten days' notice; at all meetings

Powers of president and directors.

Stockholders' meetings.

- Stock vote. stockholders may be represented by proxy, each share being entitled to one vote.
- Corporate powers. SEC. 11. That to aid planters, miners, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, miner, manufacturer or other person or persons any sum or sums of money, and to secure the payment of the same, taking in writing [a] lien or liens on the crop or crops to be raised even before planting the same, or upon the present or prospective products of any mining operations, or upon any article or articles then existing or thereafter to be made, purchased, manufactured or otherwise acquired, and any lien so taken shall be good and effectual in law; *Provided*, the same be duly recorded under the existing law of registration anterior to all other liens and mortgages for securing such loans or advances, and the said bank shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment, and also to receive in storage or warehouse any cotton, wheat, corn, produce or any manufactured articles whatsoever as a pledge or pledges for the payment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law: *Provided*, that nothing in this act shall be construed to authorize taking or receiving a greater rate of interest than the legal rate.
- Proviso. SEC. 12. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 189.

An act to incorporate the town of Candor.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Candor in the county of Montgomery, be and the same is hereby incorporated under the name and style of
- Corporate name. "The Town of Candor," and in and by that name may sue and be sued,
- Corporate powers. plead and beimpleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary or expedient.
- Corporate limits. SEC. 2. That the corporate limits of said town shall be a circle of one-half mile from John C. Curril & Bro.'s store in all directions.
- Officers. SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and

ninety-one, to-wit: A. B. McAskill, mayor; John W. Hunsucker, marshal, and S. L. Parsons, R. B. Sulton, J. G. Tomlinson, J. H. Petty and J. A. Curry, commissioners, and a secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold one year or until their successors are installed into office.

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-one, 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.

Electors.

SEC. 5. The board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes and all persons and property within the corporate limits which are taxed for state and county purposes, under such rules and regulations as they may adopt: *Provided*, that the basis between persons and property shall be the same as established by the constitution of the State, and taxes so assessed and collected shall not exceed twenty cents on the hundred dollars of property and sixty cents on the poll.

Taxation.

Proviso.

Limitation of tax

SEC. 6. That the board of commissioners of the town may pass all ordinances they deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the constitution and laws of the state and of the United States.

Ordinances

SEC. 7. That the violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Violation of ordinances a misdemeanor.

SEC. 8. 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.

Jurisdiction of mayor.

Powers and duties of constable.

SEC. 9. That the town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the board of commissioners, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the secretary and treasurer. He shall see that the ordinances of the town are enforced

Constable to collect taxes, &c.

Other duties.

and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they are intoxicated, or in any way not in a condition to be brought before the mayor, he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of the said town and make due return thereof, and in the execution of his duties he may call to his aid such assistance as he may deem necessary, and whenever the board of commissioners may deem it necessary they may appoint as many additional constables as they see proper. He shall have the same fees for his services as are allowed the sheriff for similar services and such additional compensation as the board of commissioners may allow.

Fees.

Duties of secretary and treasurer.

SEC. 10. The secretary and treasurer shall act as the clerk of the board of commissioners and of the mayor's court. He shall keep minutes of the proceedings of all trials before the mayor, of all fines imposed, preserve the books, papers and all articles committed to his charge, keep a strict account of all moneys coming into his hands from any and all sources whatever belonging to said town, pay the same out upon the order of the board of commissioners signed by the mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town, and for his services he shall receive such compensation as the board may allow.

Compensation.

Bond of secretary and treasurer.

SEC. 11. That the secretary and treasurer, before entering upon the duties of his office, shall enter into bond, conditioned upon the faithful performance of his duties, in such sum as said commissioners may deem sufficient, payable to the state of North Carolina, with surety to be approved by the board of commissioners; and the town constable shall enter into like bond before entering upon his duties; and the board of commissioners shall institute suit in the name of "The Town of Candor," upon the relation of the state of North Carolina for any violations of said bonds.

Bond of constable. Action on bonds.

Committals to county jail.

SEC. 12. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor or violation of the town ordinances or for contempt of the mayor's court, or upon failure to pay fine and costs, to the common jail of the county, and the sheriff or jailor shall receive such persons as are committed by the mayor, and shall charge the same fees as in cases of other prisoners, or the mayor shall have power, under such rules and regulations as the board of commissioners may adopt, to require any person who fails to pay fines and costs to work on the streets of the town till the fines and costs are paid, and the town constable is authorized to use a ball and chain upon persons working the streets for the non-payment of such fines and costs.

Persons failing to pay fine liable to work on streets.

SEC. 13. That all fines and penalties imposed for violations of the town ordinances shall be paid over to the secretary and treasurer, and shall be expended for the improvement of the streets of the town or for the necessary expenses of the town.

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 as prescribed for public officers and an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment.

Oath of commissioners.

SEC. 16. That the mayor and commissioners shall hold their office respectively until the next ensuing election and until their respective successors shall be qualified; the mayor, when present, shall preside at the meetings of said board of commissioners, but shall not be entitled to a vote upon any question except in case of a tie. In the absence of the mayor the board may appoint one of their members mayor *pro tempore*. The said board shall have power also to fill all vacancies which may occur.

Terms of office.

Mayor to preside.

Mayor *pro tem*.

SEC. 17. Any person qualified to serve and elected mayor or commissioner, either by electors at their annual election, or by the commissioners to fill a vacancy or otherwise, who shall not take the oath of office within five days after his election, or who having qualified shall fail to serve during the term for which he may be elected, (inability from sickness, removal from the town or resignation excepted) shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Montgomery county in the name and for the benefit of the town of Candor, or on failure to pay such fine, shall be imprisoned in the county jail not to exceed thirty days.

Penalty for refusal to qualify, &c., as mayor or commissioner.

SEC. 18. That the commissioners shall have power from time to time to open out any new streets and alleys within the limits of said town by paying the owner through whose land the said streets and alleys may run the damages, if any there be: *Provided*, that if the said commissioners and the owners of said land cannot agree as to the price of the same it shall be left to three disinterested persons, to be selected as follows: the commissioners shall select one and the owner of the land one; the two thus selected shall select the third man, and these persons thus selected shall assess the damages, and if the owner of the land will not select a man then the commissioners shall select two men, and the two thus selected shall select the third, and the three thus selected shall assess the damages to the land: *Provided*, that either party being dissatisfied with the decision of the

Streets.

Condemnation of land.

Appeal.

persons thus selected by giving bond for payment of costs may appeal to the superior court.

Unlawful to manufacture, sell, &c., within corporate limits.

SEC. 19. 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.

Terms of office.

SEC. 20. That the mayor and commissioners and constable named in this charter shall hold said offices with all the powers, privileges, rights and responsibilities which this charter confers until their successors are elected and qualified.

Corporate powers.

SEC. 21. That in addition to the rights, franchises and immunities conferred by the foregoing sections, the town of Candor 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. 22. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 190.

An act to incorporate the Eastern Carolina Piscatorial Association.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That for the purpose of encouraging the propagation and cultivation of native and other fish, including shell fish, in the waters of eastern North Carolina, C. M. Stedman, J. A. Mattock, T. E. Gilman, T. J. Armstrong, W. W. Miller, E. Porter, G. E. Shephard, L. L. Alexander, G. N. Everett, C. J. Mattock, T. H. B. Gibbs and such other persons as they may associate with them, their successor and assigns, are hereby declared to be a body politic and corporate in fact and in law by the name and style of "The Eastern Carolina Piscatorial Association," with all the corporate powers and authority hereby granted, to be held and exercised by said association and their successors and assigns in perpetuity, and in that name shall have power to purchase, receive as stock, hold, possess and enjoy, sell and convey real and personal estate; to have and use a common seal, alterable at their pleasure; to pass such by-laws, rules and regulations for their government, not inconsistent with the laws of this state, as may be necessary to carry into effect the object and conduct the affairs of the corporation; may sue and be sued, plead

Corporate name.

Corporate powers.

and be impleaded, and shall have and enjoy all the rights of a corporate body under the laws of the state.

SEC. 2. That the capital stock of said association shall be one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each. The principal place of business of this corporation shall be at Burgaw, in Pender county, North Carolina, with power for a majority of the board of directors to change the same or have other places of business as the interest of the stockholders may regard.

Capital stock.

Place of business.

SEC. 3. That for the purpose of creating the capital stock of said association the persons named in the first section of this act, or any three of them, may open books of subscription at such places and time as they may deem expedient, and under such rules as they may prescribe.

Books of subscription.

SEC. 4. When the sum of seventy-five thousand dollars shall have been subscribed to the capital stock of said association in bonds, money, or personal estate, a general meeting of the stockholders shall be called by the persons opening the books of subscription after due notice and [of] such general meeting; a majority of the stock subscribed being present, either in person or by proxy, shall have power to appoint a board of directors and such other officers as they may desire, and to do and perform all other acts and things necessary for their organization as a company, and to carry into effect the objects of this charter, and to continue its operations under the provisions thereof: *Provided*, that no citizens shall be denied the right to fish with hook and line or hunt in any water or forest to be purchased by said association of the State Board of Education, until said lands shall have been improved and the waters stocked with fish of improved varieties: *Provided further*, that said association shall not own more than twenty-five thousand (25,000) acres of land, including the water within its bounds.

Organization.

Proviso.

Proviso.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 191.

An act to incorporate the town of Autryville in Sampson county.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Autryville in Sampson county be and the same is hereby incorporated under the name and style of "Autryville," and shall be subject to all the provisions of chapter sixty-two of The Code, not inconsistent with the provisions of this act.

Incorporated.

Corporate name.

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point on the run of South river, known as the New Bridge, and runs the main road about east with J. L. Autry's line about one-half mile to the corner of said line, near Maxwell's old store; thence with J. L. Autry's line and the extension thereof about south about one-half mile to stake in the center of the Cape Fear and Yadkin Valley Railroad track; thence a straight line to a point on the run of South river known as the Old Bridge; thence with the run of said river to the beginning.

Officers. SEC. 3. That the officers of said town shall consist of a mayor and four commissioners.

Temporary officers. SEC. 4. That until the election hereinafter provided the mayor and commissioners of said town shall consist of the following persons: Mayor, S. J. Faircloth; commissioners, H. R. Underwood, Colton Hall, Luke Cooper and D. W. Culbreth.

Election. SEC. 5. That there shall be an election for the officers mentioned in the third section of this act held at some convenient place in said town on the first Monday in May, one thousand eight hundred and ninety-one, and on the first Monday in May of every succeeding year, notice of which shall be given by the mayor ten days before such election at three public places in said town.

Electors. SEC. 6. That any qualified elector of this state who shall have resided within the limits of said town for thirty days next preceding any election shall be entitled to vote in such election and be eligible to any office in said town.

Ordinances. SEC. 7. That the mayor and commissioners of said town or a majority of them may pass all such ordinances as they may deem best for the general welfare and good government of said town not inconsistent with this act or the laws of the state, but no ordinance shall be passed until the same shall have been posted at three public places in said town for ten days.

Taxation. SEC. 8. That once in each year the mayor and commissioners of said town shall assess the value of all the real estate in said town liable to taxation and shall require the personal property therein to be listed and shall levy such taxes as they may deem necessary, not to exceed two dollars upon each poll, and property of the assessed value of three hundred dollars shall pay a tax equal to that paid by one poll.

Violation of ordinance a misdemeanor. SEC. 9. That any person violating any valid ordinance of said town shall be guilty of a misdemeanor, but the punishment in no case shall exceed a fine of fifty dollars or imprisonment for thirty days.

Commissioners of Sampson not to grant license to sell liquor unless by consent of town commissioners. SEC. 10. That the county commissioners of Sampson county shall not grant a license to any person to sell spirituous or fermented liquors or any liquors that will produce intoxication unless the person or party applying for such license shall produce and file with the said board of commissioners or other power having authority to

grant license a permission to sell such liquors in such quantities and at such places in said town as are therein specified, which permission must be signed by the mayor and commissioners or a majority of them, and any license granted without the exhibition and filing of such permission, or to sell such liquors at places or in quantities other than those specified in such permission shall be utterly void.

SEC. 11. The salary of the mayor shall be fixed by the board of commissioners, but shall in no case exceed fifty dollars, and as an additional compensation he shall receive the same fees as a justice of the peace. Mayor's salary.

SEC. 12. The mayor and commissioners, at their first meeting in each year, or as soon thereafter as may be practicable, shall appoint in writing one suitable person to act as policeman of said town, and such policeman shall have the same powers and duties within said town as constables, and shall receive the same fees as constables in like cases, and such additional compensation as the town authorities shall stipulate to pay. Policeman.
To act as constable.

SEC. 13. The said town constable shall execute a bond, payable to the town of Autryville, in the sum of five hundred dollars, with two or more sufficient sureties, conditional for the faithful performance of the duties of his office, and before the tax-books shall be placed in his hands for collection he shall execute a bond in double the amount of the taxes to be collected, conditional to faithfully collect and honestly account for said taxes. Bond of constable.
Bond for collection of taxes.

SEC. 14. That it shall be the duty of the mayor and commissioners to provide for holding an election of the officers for the town on the first Monday in May of each year by the appointment before the day on which such election is to be held of two poll-holders who shall hold the election for mayor, and of two poll-holders who shall hold an election for commissioners of said town, and said poll-holders shall certify to the mayor of said town the votes cast, and the person receiving the highest vote for any office shall be declared duly elected thereto and shall at once enter upon the discharge of his duties. Election, how held.

SEC. 15. Any person refusing to serve as mayor or commissioner after being duly elected shall forfeit and pay to said town the sum of twenty-five dollars: *Provided*, that no person shall be compelled to serve two terms in succession: *Provided further*, that any person ceasing to become a resident of said town may resign without fine. Penalty for refusal to serve as mayor or commissioner. Proviso. Proviso.

SEC. 16. In case of a vacancy in the office of mayor the commissioners shall choose a mayor during such vacancy. Mayor pro tem.

SEC. 17. That special elections for special purposes shall be held in due form and after due notice at any time upon the petition of a majority of the qualified voters of said town. Special elections.

SEC. 18. That it shall be unlawful for any person to sell any spirituous or fermented liquors within one mile of the corporate limits of said town, and any person so doing shall be deemed guilty of a mis- Unlawful to sell liquor within one mile.

demeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Powers of mayor
and commis-
sioners.

SEC. 19. That the mayor and commissioners shall have power to levy and collect taxes to improve the streets and lay out and put in order new streets, and have all such powers as are usually exercised by incorporated towns.

Secretary and
treasurer.

SEC. 20. That said mayor and commissioners shall elect one of said commissioners secretary and treasurer of said town, who shall enter into bond in a sum double the assessed taxes of said town, payable to said town, and conditional faithfully to perform the duties of his said office and honestly account for all moneys or funds, or other thing of value, that may come into his hands as treasurer of said town, and when it shall appear at any time that the sum received or about to be received by said treasurer exceeds one-half the amount of said bond the mayor shall require said bond to be increased.

Bond.

SEC. 21. This act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1891.

CHAPTER 192.

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

The General Assembly of North Carolina do enact:

Chapter 220,
(Private?) Laws
1889, amended.
When commis-
sioners of Laurin-
burg to meet to
appoint board of
health.

SECTION 1. That section one of the laws of one thousand eight hundred and eighty-nine, chapter two hundred and twenty, be amended by striking out all in said section after the word "on" in the second line thereof and adding thereto "such a day as they may appoint not later than the first of May in each year."

What number of
copies of rules of
board of health
to be printed, &c.

SEC. 2. That section six of said act be amended by striking out the words "one thousand copies" in the second line and inserting in lieu thereof "as many as they deem necessary, not less than one hundred."

Rules to become
town ordinances,
&c.

SEC. 3. That section seven be amended by inserting in the third line between the words "aforesaid" and "then" the following: "the same shall become ordinances of said town," and by striking out all in the fifth line after the word "and" and insert the following: "shall be punished by fine in such amount as the town commissioners may prescribe."

Vacancy in board
of health.

SEC. 4. That the board of town commissioners may fill any vacancy occurring in said board by death or otherwise.

SEC. 5. That the term of office of said board of health shall be Term of office, from May to May of each year.

SEC. 6. That all laws or clauses of laws in conflict with this [act] Conflicting laws are hereby repealed. repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 193.

An act to incorporate the Parrish Warehouse Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That E. J. Parrish, J. S. Burch, George W. Watts, Body politic.
T. C. Geer, W. M. Morgan, W. W. Fuller, and their associates, suc-
cessors and assigns, be and they are hereby created and constituted
a body politic and corporate under the name and style of "The Par- Corporate name.
rish Warehouse Bank," and as such corporation shall have all the
rights, privileges and powers contained in section one, two, three, Corporate pow-
four, six, seven, nine and eleven of the act of the general assembly ers.
of North Carolina, ratified March third, eighteen hundred and
eighty-seven, entitled "An act to incorporate the Fidelity Savings
and Trust Company of Durham," and being chapter seventy of the
private laws of eighteen hundred and eighty-seven, except that the
capital stock of this company shall be at first ten thousand dollars, Capital stock.
and the company held ready and capable to organize and begin busi- Organization.
ness when the same is subscribed in good faith, "and when five
thousand dollars of said amount has been paid in."

SEC. 2. That said company may conduct in Durham county ware- Corporate pow-
house and depots for storage of personal property, and the certifi- ers.
cates or receipts issued therefor shall be negotiable by delivery,
entitling the holder to the property mentioned in such certificates or
receipts, without regard to the depositor of the property; and the
said company shall exercise ordinary care in the custody and protec-
tion of property stored with it.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 194.

An act to amend the Hamburg Normal High School, Jackson County.*The General Assembly of North Carolina do enact :*

- Body politic. SECTION 1. That J. T. Collins, A. H. Wilson, J. M. Wilson, Elbert Watson, W. J. Owen, H. A. Brown and T. W. Jemison, and their successors who shall be elected as hereinafter provided, be and the same are hereby created a body corporate and politic under the name and style of "The Board of Directors of Hamburg Normal High School," for the purpose of maintaining a school of high grade in the town of Glenville, Jackson county, for both sexes, and by their corporate name 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 maintenance of said school, and make all rules, regulations, by-laws and agreements needful for the good government and promotion of the interest of said school, and for carrying into effect the purposes of this institution, and to do all other acts pertaining to similar corporations and not inconsistent with the laws of the state or United States.
- Corporate powers.
- Shares of stock. SEC. 2. That twenty dollars shall constitute a share of stock in the funds of said corporation, and for each share the contributor or his representative shall be entitled, in all stockholders' meetings to one vote, and any stockholder may at any time within three months after the ratification of this act issue a call for a meeting of the stockholders, giving each one five days' notice of the same : *Provided*, the capital stock shall not exceed fifty thousand dollars.
- Stock vote.
- Stockholders' meetings. SEC. 3. That at any such meeting a majority of the stockholders shall constitute a quorum for the transaction of business.
- Capital stock.
- Quorum. SEC. 4. That the stockholders shall meet annually on the first Saturday in March, at which time they shall elect their board of directors or such number as there are vacancies: *Provided*, the meeting for the year eighteen hundred and ninety-one shall be on [the] first Saturday in April.
- Meetings of stockholders.
- Proviso. SEC. 5. The board of directors of this institution may, if the stockholders so desire, be divided into three classes; the term of the first to end at the second annual meeting of the stockholders; the second class at the third annual meeting, and the third at the fourth annual meeting, and the stockholders voting as directed in section two of this act shall choose their successors: *Provided*, that nothing herein contained shall prevent anyone whose time has expired from being re-elected.
- Directors.
- Proviso. SEC. 6. That any vacancies occurring in the board of directors by death, resignation or otherwise, shall be filled at the next regular meeting of the stockholders.
- Vacancies.

SEC. 7. That it shall be the duty of the board of directors to elect a president or principal and such teachers as may be necessary to carry into effect the objects of the institution, and may provide a common seal for said institution, with such motto and device as may be desired, which may be changed at pleasure.

Election of president and directors.

Common seal.

SEC. 8. That said institution shall have power to award and issue any certificate or badge of literary distinction or proficiency.

Certificates of proficiency, &c.

SEC. 9. That it shall be unlawful for any person or persons to sell or give any student of said school any spirituous, vinous or malt liquors, except [when] prescribed by a physician in case of sickness, and it shall be unlawful for any person or persons to be intoxicated on the grounds of said institution while it is in session.

Unlawful to sell, &c., liquor to student.

Unlawful to be intoxicated on grounds, &c.

SEC. 10. That it shall be unlawful for any person or persons to set up any gaming table, or any device whatever for playing any game of chance or hazard by whatever name called, or gambling in any manner with any student of said school for chance.

Unlawful to set up gaming tables, &c., for student, &c.

SEC. 11. Any person or persons violating the provisions of sections nine and ten of this act shall be fined not less than ten dollars nor more than thirty dollars and imprisoned not more than twenty days.

Penalty.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 195.

An act to amend the charter of the town of Sparta in Edgecombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and sixty-nine of the laws of one thousand eight hundred and seventy-six and seventy-seven is hereby repealed.

Section 2, chapter 169, Laws 1876-'7, repealed.

SEC. 2. That the corporate limits of the town of Sparta shall be as follows: Beginning at the mouth of Town Creek; thence up the various curves of said creek to the north corner of the Colored Baptist Church; thence westerly by a straight line to Town Creek four hundred yards below Sparta Mills; then up the various curves of said creek to the mouth of a ditch which runs between the lands of Mr. R. L. Belcher and the Primitive Baptist Church grove; then with said ditch to the southern corner of Mrs. J. L. Suggs' lot; then easterly a straight line along the back line of Mrs. J. L. Suggs, Mrs. L. A. Braddy, Miss Ellen Wells, Mrs. Kate Little and M. B. Pitt's stone lot to Tar River; then up the river to the beginning.

Corporate limits.

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

Ratified the 3d day of March, A. D. 1891.

CHAPTER 196.

An act to incorporate the Falls Manufacturing Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Jno. B. Brewer, Chas. E. Brewer, W. O. Allen, L. R. Wyatt, J. N. Holding, H. G. Holding, J. B. Powers, J. A. Askew, J. D. Boushall, Carey J. Hunter and W. H. Pace, their associates, successors and assigns, be and they are hereby declared created and constituted a body corporate for sixty years, under the name and style of "Falls Manufacturing Company"; which corporation shall have power to sue and be sued, plead and be impleaded, prosecute and defend actions and special proceedings in any court; may have a common seal which may be changed at pleasure, and shall have, exercise and enjoy all the rights and privileges, powers, immunities, liberties and franchises incident, appertaining and belonging to corporations under the laws of the state.
- Corporate name. Corporate powers. Capital stock. SEC. 2. Said corporation shall be allowed to have a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, and the capital stock may be increased from time to time, by a majority vote of stockholders, to any amount not exceeding one million dollars, in shares of fifty dollars each; and the corporation above named, or any three of them, are hereby authorized and empowered to open books for receiving subscriptions to the capital stock of said corporation, at such times and places, and for such periods, as they shall determine, and under such rules and regulations as they may prescribe.
- Books of subscription. SEC. 3. Said corporation may receive subscriptions to its capital stock in cash, or in real or personal property, bonds, certificates of stock, choses in action, material, buildings, machinery, services, labor, easements, rights-of-way, and any other property or rights of property, upon such rates and upon such terms as said corporation may determine: *Provided*, that no subscription is to be paid in any other way than in cash, except by the consent of a majority (in stock) of the stockholders.
- Subscriptions, how made. Proviso. SEC. 4. That whenever the sum of five thousand dollars in cash or in any kind of property allowed to be accepted in lieu of cash shall have been subscribed to the capital stock of said corporation the said 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 at such meeting such stockholders may proceed to organize by the election of such officers to serve for such time as the stockholders may deem expedient.
- Organization. SEC. 5. The stockholders of said corporation may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business and officers [affairs] of
- Powers of stockholders.

said corporation; they may prescribe the number of directors, and their powers and duties, and the number and character of the officers of said corporation, the manner of their election, and the amount of their compensation; the terms of their respective offices, and the manner in which any director or officer may be removed, and the mode of supplying vacancies existing from any cause whatever, either among the directors or officers; and at all meetings of stockholders each share of stock shall entitle the owner of the same to cast one vote either in person or by proxy. Stock vote.

SEC. 6. Said corporation shall have power to manufacture, make, buy and sell book-paper, news-paper, writing-paper, wrapping-paper and all other kinds of paper of any and every description, paper bags, paper tablets, envelopes, note-books, ledgers and all kinds of books, and other articles made out of paper of any description or a combination of paper with any other material; also wood-pulp and all kinds of materials, chemicals and drugs used in making, producing and finishing any of said articles; to buy, saw, sell or exchange all kinds of lumber and shingles, and to do a general lumber business; to buy, gin and sell cotton; to buy, sell, trade and grind corn, wheat and all other kinds of grain; to spin, weave, manufacture, finish, buy and sell warps, yarns, bagging, cloth, prints or any other fabrics made out of cotton, wool or any other material that is now spun or woven, and all kinds of knit goods, bats and shoddy; to manufacture, buy, trade and sell wagons, buggies, carts, chairs, bedsteads, bed-springs, mattresses, household and kitchen furniture, and all other kinds of furniture, and all kinds of articles of every description made of wood, iron, steel, tin, or other metal or material, or a combination of any and all of the same; to mine, quarry, cut, shape, buy, trade and sell all kinds of rock and stone; to make, buy, trade and sell brick, pipe, tiles and all articles made out of clay, sand or dirt: to manufacture, trade, buy and sell fertilizers, phosphates and chemicals of every character and description, and all articles for making the same; also all kinds of sacks and bags of every description, and all kinds of farm and agricultural implements, mechanics' tools and all other kinds of implements and tools; to manufacture, trade, buy and sell tobacco in every form and condition; to buy, trade and sell standing timbers; to erect, own, maintain, buy and sell mills and machinery of every description, all kinds of personal property; to buy, sell, trade and exchange goods, wares, farm and household supplies, and all kinds of merchandise, and do a general merchandise business; to do all kinds of manufacturing of any and every description, and engage in all other enterprises not prohibited by the laws of the state, and to do any and all things necessary to the proper conduct of any and of all its purposes and enterprises, including the making, buying, trading and selling of all kinds of material, machinery and property of every description, used and Corporate powers.

needed to effectuate and properly carry on any business or enterprise authorized by this act.

Corporate powers.

SEC. 7. That in order to more thoroughly carry out the purposes and enterprises authorized by this act said corporation shall have the power to take, hold, purchase, exchange, sell and convey real estate, in fee-simple and otherwise, not to exceed five thousand acres at any one time, and build upon, improve, rent and lease real estate, lay off and open streets and roads and take, hold, buy and sell options on real estate and real estate on option and commission; to manufacture, produce, lease and sell light, heat and power made from or by the use of gas, coal, oil, steam, electricity, water or any other product or material or any combination thereof; and erect, maintain and operate plants, lines and appliances for the manufacture and distribution of electricity, light, heat and power; to own 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 collect and receive interest and commissions, compensation for storage and all labor and expenses incident thereto; and 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 before said corporation can be required to deliver said property; to negotiate loans on mortgages of real and personal property, and on crops and farm produce, to engage in banking, with all the rights and privileges granted to bank corporations by The Code and by the legislature of North Carolina, with the right to secure any loan made on money advanced by mortgage on real or personal estate or otherwise at any rate of interest agreed upon, not exceeding the legal rate, and shall also have all rights and privileges granted to any of the savings banks of North Carolina, with all incidents and privileges pertaining to savings banks; to erect and maintain one or two dams across Neuse river sufficient for the purposes of its business at or near the Great Falls of said river in the county of Wake, or at any other place on said river in said county of Wake subject to the general laws of the State.

Stockholders not individually liable for corporate debts. Stock non-assessible.

SEC. 8. No stockholder shall be individually liable or responsible for any debt or engagement, contract or obligation, omission or tort of or demand on said corporation, and the shares of stock of the corporation when the par value has been paid in cash or in property or other things of value taken in lieu of cash, shall forever be non-assessable,

Authorized to borrow money on mortgage.

SEC. 9. Said corporation shall also have the power to borrow money, contract debts and issue bonds or other evidences of indebtedness so created, and secure the payment of the same by mortgages or deeds in trust upon its property, rights, franchises, or otherwise.

SEC. 10. Said corporation shall also have power to build, own, equip, operate, lease or rent telegraph, telephone and electric light lines, electric railways, tram-ways, plank roads and all kinds of railroads from its place or places of business in the county of Wake to any other place or places of business or any other telegraph or telephone or electric light lines or railroads that may be now or hereafter carried on or operated in said county of Wake: *Provided*, no one line of railroad shall exceed forty miles in length; and where land 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, plank roads, railways, telegraph, telephone or electric lines be built, the said corporation shall have the right to charge and collect such toll, fees or compensation for the use thereof by the public as are reasonable and just.

Corporate powers.

Proviso.

Condemnation of land.

Collection of tolls, &c.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 197.

An act to amend the charter of Jonesboro, Moore county.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of Jonesboro, Moore county be amended as follows, to-wit: The mayor upon conviction of any offender against the ordinances of the town may imprison such offender in the guard-house of the town for a period not exceeding thirty days, or may cause him to work upon the public streets of the town for a number of days not to exceed thirty.

Charter of Jonesboro amended.

Imprisonment of persons convicted, &c.

Work on streets.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 198.

An act to incorporate the town of North Wilkesboro in the county of Wilkes.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of North Wilkesboro in the county of Wilkes be and the same is hereby incorporated by the name and style of "The Town of North Wilkesboro," and it shall be subject to

Incorporated.

Corporate name.

all the provisions of law now existing in reference to incorporated towns.

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the centre of the Yadkin river, one and one-fourth miles east of the east end of the North-western North Carolina Railroad depot, measured on centre line of said railroad; thence north twenty-seven degrees and twenty-seven minutes west, crossing said centre line at or near station, three thousand eight hundred and sixty-five, a distance of one and one-fourth miles to a stake; thence south sixty-two degrees and thirty-three minutes west, a distance of two and one-tenth miles to a stake, which stake is in the centre of Reddies river; thence down said river to a point in centre of Yadkin river; thence along centre of Yadkin river to beginning.

Officers. SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a constable, and the commissioners shall have power to appoint a clerk and treasurer.

Election. SEC. 4. That there shall be an election for officers on the first Monday in May, one thousand eight hundred and ninety-two, and every year therefrom[after], under the same restrictions and regulations 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.

Powers of commissioners. 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, ordinances, rules and regulations for the government of the town, not inconsistent with the laws of the state and 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.

Fines, how applied. SEC. 6. That all fines collected for the violation of any town ordinance shall go to the town treasury for the benefit of the said town.

Streets. SEC. 7. That in addition to the powers conferred on the commissioners of incorporated towns enumerated in chapter sixty-two of The Code, the commissioners of said town shall have power to lay out and open any new street or streets within the 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, open, extend or discontinue any street or streets, or any parts thereof, within the corporate limits of said town, and shall have power and authority to condemn and appropriate or use any land or lands necessary for any of the purposes named in this section upon making reasonable compensation to the owners thereof; but in

Condemnation of land.

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 compensation, then the matter shall be referred to arbitrators, the commissioners choosing one and the owners of the land another freeholder and a qualified elector of said town, and in case the two chosen cannot agree then they shall elect an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damage that will be sustained to the owner in consequence of the taking and appropriating said land and award to the owner the damage if any, 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 right to use said land for the purpose for which it was condemned, and the damage 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 Wilkes county. That it shall be the duty of the board of commissioners of North Wilkesboro to cause to be graded and macadamized the road already laid off leading from the north end of the new bridge across the Yadkin river to the depot of the North-western North Carolina Railroad, it being a distance of about one-half mile and to keep the same in good repair. The work to begin on said road not later than the first day of May, one thousand eight hundred and ninety-one, and to be continually kept up till completed. The macadamizing to be not less than eighteen feet in width, to be done in a substantial and workmanlike manner according to the approved rules of macadamizing by experts, for the benefit of the people of Wilkesboro in going to and from the depot: *Provided*, that unless said macadamizing shall be completed by the first day of November, one thousand eight hundred and ninety-one, that the charter herein granted shall be inoperative.

Appeal.

Commissioners
to grade, &c.
road to depot.

Proviso.

SEC. 8. That the board of commissioners shall have power to construct a system of sewerage for the town, 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.

Sewerage.

Condemnation of
land.

SEC. 9. That the board of commissioners are hereby authorized and empowered to erect suitable graded school buildings in such part of the town as they may select; to make local assessments; to supply ample water supply for the town, either by erecting water-works or by contracting with other persons or corporations; to provide a proper system of sewerage, and make all such other public improvements as the interest or the health of the citizens and the safety of property may require.

Powers of com-
missioners.

Commissioners authorized to issue bonds not exceeding \$50,000 for public improvements.

SEC. 10. That the board of commissioners are hereby authorized and empowered to issue bonds in an amount not to exceed the sum of fifty thousand dollars, in the name of the town of North Wilkesboro, in such denomination and form and payable at such time and place, but running not less than twenty years nor more than thirty years, and having interest at no greater rate than six per cent. per annum, and the money arising from the sale of these bonds shall be used for public improvements, consisting of water-works, graded schools, sewerage and electric lights and streets in the said town of North Wilkesboro.

Election on question of issuing bonds.

SEC. 11. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such 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."

Bonds free from town taxation. Coupons receivable for town taxes.

SEC. 12. That said bonds and their coupons shall not be subject to town taxes, and the coupons on said bonds shall be receivable in payment of town taxes.

Special tax.

SEC. 13. That for the purpose of paying off and taking up the coupons and bonds issued of [by] said town as the same become due, it shall be the duty of the board of commissioners to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may be embraced in the subjects of taxation under the charter of the town and all amendments thereto: *Provided, however,* that the rate of taxation for either general or special taxes shall not at any time aggregate more than one dollar on the hundred dollars valuation and [on] the poll three dollars.

Proviso.

Jurisdiction of mayor.

SEC. 14. That the mayor shall have jurisdiction to hear and finally determine all criminal offences wherein the violation of any of the ordinances of the town is charged occurring within the limits of said town. He shall have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the town ordinances and regulations of the town; and whenever a defendant shall be adjudged to be imprisoned by the said mayor it shall be competent for the said court to sentence such person to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such person or persons work during the period of confinement in the public streets or on the public works of said town.

Taxation.

SEC. 15. That in order to raise a fund for the ordinary expenses of the government of the town, the commissioners may annually levy and collect the following taxes: on all real and personal property within the corporate limits, including money on hand and solvent credits, and upon all other subjects taxed by the general assembly;

a tax not exceeding one dollar on every hundred dollars for general and special purposes in the aggregate, and three dollars on the poll.

SEC. 16. That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax shall be collected by the collector of taxes: Upon every billiard table, bowling alley, twenty-five dollars a year; upon every permission to retail spirituous liquors a retail tax not exceeding five hundred dollars, and for wholesale one hundred dollars; upon every circus which shall exhibit within the town a license tax not exceeding fifty dollars for each performance, and upon every side-show a license tax not exceeding ten dollars; upon every sewing-machine company or agent for such company, every keeper of [a] livery or sale stable a license not exceeding twenty dollars.

License taxes.

SEC. 17. All license taxes shall be applied towards the maintenance and support of schools in said town. That it shall be the duty of the board of commissioners in laying off the streets of said town to adopt so far as possible and ratify the streets as [they] were laid off by the engineer of the Winston Land and Improvement Company, as well as the alleys, parks and public squares, so as not to interfere with law [and] plans as now in force and adopted by said improvement company, and the said commissioners shall also adopt the grades as established by said Improvement Company on said streets, alleys, parks and squares. That in arriving at the valuation to be put upon property for taxation the board of commissioners shall adopt the valuation of the board of commissioners of the county of Wilkes upon all property situated within the corporate limits of said town; the assessments upon all property shall be made first of June in each and every year. That until the first Monday in May, one thousand eight hundred and ninety-two, A. A. Finley shall fill the office of mayor; E. S. Blair, M. Joines, G. A. Allison, W. A. McLean and J. R. Finley, shall act as commissioners, and John U. Gant as constable, at which time and annually thereafter there shall be an election held in said town to choose its officers.

Application of license taxes. Duty of commissioners in laying off streets, &c.

Valuation of property for taxation.

Temporary officers.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1891.

CHAPTER 199.

An act to incorporate the Fayetteville Compress and Storage Company.

The General Assembly of North Carolina do enact :

SECTION 1. That E. J. Hale, A. H. Slocumb, A. B. Williams, R. M. Nimocks, W. E. Kyle, J. B. Starr, J. P. Thomson, W. S. Cook and Andrew Broadfoot, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name

Body politic.

Corporate name. Corporate powers.	and style of "The Fayetteville Compress and Storage Company," with all the rights, powers, privileges and immunities granted to corporations under sections six hundred and sixty-three and six hundred and sixty-four of chapter sixteen of The Code, entitled "Corporations."
Capital stock.	SEC. 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of one hundred dollars each, and said company shall have power to increase its capital stock from time to time to a sum not to exceed ultimately five hundred thousand dollars, but no such increase shall be made at any time unless authorized by a three-fourths majority in interest of the stockholders.
Stock vote.	Each share of stock shall entitle the holder to one vote in all meetings of stockholders, either in person or by proxy duly appointed in writing.
Corporate powers.	SEC. 3. The said company shall have power and authority to purchase, lease or acquire and hold such real estate and personal property as may be necessary or convenient for carrying on its business, which it may exchange or sell at pleasure; to purchase, own and operate machines and machinery for compressing cotton and other materials; to receive, warehouse, compress, store, buy, ship, barter and sell cotton and other produce; to receive on storage or deposit all kinds of personal property, stocks, bonds and other securities and evidences of debt; to make advances in money on any article, product and thing received as aforesaid on storage or deposit; to do, transact and carry on any and all kinds of business usually transacted by warehouse and trust companies; to charge, collect, recover and receive interest, commissions, brokerage and any other mercantile compensation for compressing cotton and other materials, and for storage and for all deposits and for all labor, outlay and expenses incident to the receipt, handling, sampling, grading, delivery, storage, shipment, insurance and custody of all property received on storage or deposit, which said charges and compensation may be at such rates and upon such terms and time as may be fixed or agreed upon by the parties, or at such general rates and upon such general terms as may be from time to time adopted by the company.
Lien for advances, &c.	And all advances made by said company on any property or article or material received on storage or deposit, and all charges and expenses on such property or article or material, or for compressing cotton and other material, or for any work, labor or service performed or rendered by said company or by any other person at its request upon or in connection with any property or article or material whatsoever in pursuance of its business as herein set forth, shall be a preferred lien on such cotton or other substance or material, property or article so long as the same shall be and remain in the possession or under the control of said company, and shall be paid and

discharged before the said company can be required to surrender or deliver the same.

SEC. 4. For all property received on storage or deposit, the said company shall, if required, give a receipt or certificate, specifying that it will deliver the same to the party named in the receipt or certificate, and in whose favor such receipt or certificate is given, or to his order or his assigns, upon the return and surrender of such receipt or certificate, and the payment of all charges, costs, dues, advances and expenses owing to said company in, upon or concerning the said property, or for which it shall be in any manner liable. Such receipts or certificates shall be negotiable by endorsement or assignment and delivery thereof, and the title to the property therein named shall be thereby transferred to and rest in the *bona fide* holders of such receipts or certificates so negotiated. All advances made by said company on any property held by it on storage or deposit shall be duly endorsed or otherwise written upon the receipt or certificate which may be given by it for the same.

Receipt to be given for property on storage, &c.

Negotiability of receipt.

Advances to be endorsed on receipt.

SEC. 5. Whenever any property on storage or deposit with said company shall so depreciate in value as in the opinion of said company to render the preferred lien herein provided for on such property an insufficient or doubtful security for any advances, charges, dues or moneys owing to said company upon or concerning such property, or whenever any advances, charges, expenses or other dues upon property left or placed with said company on storage or deposit have not been paid when due and payable, then and thenceforth in any such event the said company may give personal or written notice by mail to the person owning such property or to his agent requiring payment of the same within fifteen days after such personal notice by registered letter and the return of the receipt signed by the party, and if such advances, charges, expenses, dues and moneys are not paid within the said period, then it shall be lawful for the said company to sell such property at public auction for cash after one week's notice of time and place of sale by advertisement in some newspaper published in Fayetteville, N. C., and out of the proceeds of such sale to retain and satisfy unto itself the full amount of all such damages, advances, dues and moneys as may be owing to said company, after first paying cost and charges of advertising, selling and delivering the same, rendering the surplus of sale money, if any, to the person entitled thereto upon presentation and surrender of the receipt or certificate given by it for such property: *Provided, however,* that the said company shall have full power and authority to sell and dispose of any such property upon such terms and conditions as may be agreed on and expressed in any written contract or agreement made with any other person.

Depreciation of property on storage, &c.

Notice.

Sale.

Application of proceeds.

Sale of property under special contract.

SEC. 6. It shall be lawful for said company to borrow money for any purpose connected with its business, to make, have discounted,

Corporate powers.

negotiate and dispose of its promissory notes, bills of exchange, bonds, drafts, or other evidences of debt given for money borrowed or given in liquidation of any debt due or owing from said company or made for the purpose of raising money, and to secure the payment of such obligation by a mortgage or pledge of any of its property, including its franchise.

By-laws

SEC. 7. The said company may make any by-laws for its government and for the purpose of carrying out the objects of its incorporation, and may therein regulate the form of its organization, the number, name and duties of its officers and directors, and the manner of their selection, the meeting of stockholders and directors, the style of its corporate seal, and all such provisions which may be necessary, convenient or proper for the management of its affairs.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 200.

An act to incorporate Patterson Grove Church in Cleveland county.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. [That] Rufus Patterson, Noah Ross, Ira Patterson, Isaac McGill and Lorenzo Putnam, and their successors in office, 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 Patterson Grove Church" in the county of Cleveland. And said corporation shall have power to purchase and hold real estate and to acquire the same by gift or otherwise; shall have perpetual successors, 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.

Corporate name.
Corporate powers.

Term of office of trustees.

SEC. 2. The term of office of the above trustees and of their successors shall be while they hold themselves as members in good standing in the Patterson Grove church and will act as a live, energetic officer; but should a vacancy be caused by neglect of either of the above requisites, or by death, or by any other cause, then such vacancy or vacancies shall be filled by the remaining trustees selecting a suitable person or persons for the same: *Provided*, their number shall never be less than three nor greater than seven.

Vacancies.

Unlawful to sell, &c., liquor within two miles.

SEC. 3. That it shall not be lawful for any person to sell, give away, or in any way dispose of, unless for medicinal purposes, spirituous

liquors at or within two miles of Patterson Grove church and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined twenty-five dollars or imprisoned at the discretion of the court.

SEC. 4. That it shall be a misdemeanor for any one to exhibit himself staggering drunk, or use loud and boisterous language, or use profane and indecent language, or to quarrel in an angry manner in hearing of those who may be assembled within the limits of this corporation at any time for social, religious, political or educational advancement, and for every such offence on conviction the offender shall be fined ten dollars.

Misdemeanor to exhibit one's self staggering drunk, &c., &c.

SEC. 5. That it shall be a misdemeanor for anyone, while a congregation is assembled at the church for any social, religious, political or educational purpose, or while any such congregation is breaking up and leaving, to fire any gun or pistol, to throw anything by which anyone might be hurt, to cut loose any animal or commit any damage to any article of personal property; and for every such offence on conviction the offender shall be fined ten dollars.

Misdemeanor to fire gun, &c.

SEC. 6. That the trustees of Patterson Grove 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 shall prescribe the term of office and duties of the police.

Special police.

SEC. 7. That the special police shall have power to keep the peace and carry out all the provisions of this act during the assemblage of the people, which shall be considered as from the arriving of the first to the leaving of the last person.

Powers of special police.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 201.

An act to incorporate the South Atlantic University.

The General Assembly of North Carolina do enact :

SECTION 1. The following named persons, to-wit, J. B. Shearer, president; J. S. Watkins, T. B. Womack, J. R. Blake, Geo. Summey, secretary; T. C. Whaling, G. B. Strickler, J. T. Plunket, treasurer *pro tempore*; S. M. Inman, J. N. Bradshaw, A. B. Curry and G. M. Edgar, and their successors in office, are hereby created a body politic and corporate by the name and style of "The Regents of the South Atlantic University," and by that name they shall have perpetual

Body politic.

Corporate name.

Corporate powers.

Limitation.

Term of office of regents.

Plan of union of synods made part of charter.

Plan of union.

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 regents to use or dispose of any property given, bequeathed, devised or conveyed to them contrary to the express conditions annexed to such gift, bequest, devise or conveyance. The regents mentioned in this section shall hold their offices for such terms for which they have been respectively elected and the officers designated at the pleasure of the board.

SEC. 2. The following plan of union adopted by the Presbyterian Synods of North Carolina, South Carolina, Georgia and South Georgia and Florida at their recent meetings is hereby made a part of this charter, and is hereby declared to be of the nature of fundamental law of the institution, and unchangeable except as agreed on by the controlling synods.

PLAN OF UNION.

We deem it desirable, necessary and practicable for the four synods to unite in founding and fostering a school common to them all. We do therefore recommend the adoption of the following plan of union, which shall be of the nature of fundamental law for the proposed institution:

(1). The synods shall appoint each three regents, so elected that one shall pass out of office each year, who shall constitute a board of regents, of whom one-half shall be a quorum. The sole government of the institution shall belong to this board.

(2). Such institution shall embrace, first, such academic and scientific courses as are usual in institutions of a high grade, and then such professional, polytechnic and industrial schools and courses as may from time to time seem proper and necessary. In connection with every course there shall be given a thorough and comprehensive biblical training so as to make an intelligent scriptural faith the controlling principle of the institution.

(3). The school shall be called a university, in that it shall offer the best facilities in reach for thorough culture and a high standard of graduation, and also an ever-widening scheme of courses taught, all to be presented in such relations and combinations as may be seen wisest.

(4). The board of regents shall exercise the usual powers of such bodies, and employ executive agencies and enact such by-laws as may seem to them necessary for the furtherance of their work, and shall secure a charter of incorporation in the state where they shall locate the institution.

(5). This board shall proceed at their own discretion to secure a plant for the university, and endowments both temporary and permanent. They shall locate, organize and develop the institution as

soon as in their judgment it can be done with safety and to such extent as the means in hand will justify without incurring debt.

(6). Any other sister synods or any new synods formed of parts of these shall be entitled to elect regents as herein provided on their adoption of this plan of union.

(7). This plan of union shall be in force when ratified by three synods.

SEC. 3. The number of regents may be increased or diminished according to the working of the said plan of union as therein provided. Number of regents.

SEC. 4. The board of regents as constituted by this act are authorized to enact such by-laws for their own government as may not be inconsistent with this instrument or the constitution and laws of North Carolina. They are also empowered to make a constitution and laws for the government of said university, subject to the same limitations. By-laws.
Constitution.

SEC. 5. The said regents shall have authority to perform all the acts usually performed by institutions of learning, such as the election and removal of professors, teachers, tutors or instructors, conferring of degrees, establishing schools and developing courses, and such other things as may seem to them wise in furtherance of their trust, subject to the same limitations. Powers of regents

SEC. 6. The board of regents shall elect one of their number president of the board of regents and a secretary. They shall also elect a treasurer, and such other executive officers, servants and agents as may be deemed expedient under their by-laws, and as the exigencies may seem to require. Officers.

SEC. 7. All the personal property of said corporation shall be free from taxation; and all real property not exceeding three hundred thousand dollars in value, and not exceeding five hundred acres of land, including proper buildings and other plant necessary to the success and efficiency of the institution shall also be exempt from taxation. The provisions of this section are designated to encourage generous gifts to education. Exemption from taxation.

SEC. 8. The regents shall be authorized to change the name of said university, if they should deem it expedient, and the title and name of the body politic hereby created; and in case of such change of name the substance of this act shall be in nowise impaired, but all the rights, powers, property, privileges, franchises and advantages conferred by this act shall continue to said board acting under [the] changed name and title. Change of name.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 202.

An act to incorporate the Asheville and Weaverville Dummy Road Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That J. A. Reagan, J. D. Barnard, R. V. Williams, W. F. Reynolds, W. C. Weaver, F. P. Roberts, John R. Baird and D. L. Reynolds, their associates, successors and assigns, are hereby created and declared a body politic and corporate under the name and style of "The Asheville and Weaverville Dummy Road 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.
- Corporate name. and style of "The Asheville and Weaverville Dummy Road 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.
- Corporate powers. and style of "The Asheville and Weaverville Dummy Road 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 said company shall be one hundred thousand dollars, divided into 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 term 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.
- Stock vote. 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 said by-laws may determine.
- Treasurer and other officers. 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 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 or [of] the state of the company.
- Corporate powers. SEC. 6. Said company is authorized to purchase or obtain a right-of-way from the city of Asheville to the town of Weaverville to construct a road and run a dummy line from the city of Asheville to the town of Weaverville until [with] all necessary privileges for such purpose; to lend or borrow money; to make, accept and execute promissory notes and other negotiable instruments; to raise money; to issue mortgage bonds upon any or all of the said road, and to do all other such things as are incidental or conducive to the attainment of the foregoing object not inconsistent with the laws of North Carolina or the United States.

SEC. 7. That the said corporation shall make by-laws for the gov- By-laws.
ernment of said company and to require bonds from such officers for Bonds.
the faithful performance of their duties, payable to the said corpora-
tion. Said by-laws to prescribe the mode of the transfer of stock on
the books of the company, to prescribe the mode and name of officers
who shall execute in the name of said corporation all deeds or con- Transfer of stock.
veyances, mortgages, bonds and other contracts by the company. Conveyances, &c.

SEC. 8. The said company shall have two years to construct said When road to be
road and get it in good running order. constructed.

SEC. 9. The meetings of the stockholders and board of directors Stockholders,
shall be held at such place and at such time as the stockholders shall &c., meetings.
direct.

SEC. 10. That the corporators and stockholders of said company, Stockholders not
and their successors or assigns, shall not be individually or personally individually
responsible for the debts, contracts, engagements or torts of said cor- liable for cor-
poration; and no stockholder shall be liable to pay for more stock porate debts
than he subscribed for. or torts.

SEC. 11. All laws and clauses of laws in conflict with this [act] be Conflicting laws
and are hereby repealed. repealed.

SEC. 12. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1891.

CHAPTER 203.

An act to amend the charter of the town of Henderson.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Henderson be and the Charter amended
same is hereby amended, as follows:

SEC. 2. That the town of Henderson shall be divided into four Divided into four
wards, to be known respectively as the first, second, third and fourth wards.
wards. The first ward shall consist of and include all the territory First ward.
of said town lying and being west and north of the following lines:
Beginning in the centre of Orange street, where it crosses the western
boundary of said town, and run thence along the centre of Orange
street to the centre of Chestnut street; thence along the centre of Chest-
nut street; thence along the centre of said Rock Spring street to the in-
tersection of Vaughan street; thence along the centre of said Vaughan
street to the north-western boundary line of said town. The second Second ward.
ward shall consist of all the territory of said town embraced within the
following limits: Beginning at the centre of Orange street, where it
crosses the western boundary of said town, and run thence along the

centre of said Orange street to the centre of the main track of the Raleigh and Gaston Railroad Company; thence down the centre of said railroad track to a point opposite the centre of "tan-yard alley"; thence down the centre of said alley to the southern boundary line of said town; thence south and west along said boundary line to the beginning. The third ward shall consist and be included in the following limits: Beginning at the centre of the intersection of Chestnut and Orange streets; thence along the centre of Chestnut street to the centre of Rock Spring street; thence up the centre of Rock Spring street to Vaughan street; thence along the centre of Vaughan street to the north-western limits of said town; thence with the boundary line of said town, in a south-easterly direction, to the centre of the main track of the Raleigh and Gaston Railroad; thence along the centre of said railroad track to Orange street; thence along the centre of said Orange street to the beginning. The fourth ward shall be contained within the following limits: Beginning at the centre of the main track of the Raleigh and Gaston Railroad, where the north-eastern boundary line of said town crosses the said railroad track; thence with the boundary line of said town easterly and southerly to a point when [where] it is crossed by "tan-yard alley" or an extension thereof; thence up the centre of said alley to the centre of the main track of the Raleigh and Gaston Railroad; thence along the centre of said main track to the beginning.

SEC. 3. That the town government shall consist of a mayor and eight commissioners.

Commissioners.
 Proviso. SEC. 4. That in each ward there shall be elected annually by the qualified voters therein one commissioner: *Provided, however,* that at the next election to be held for the election of commissioners on the first Monday in May, one thousand eight hundred and ninety-one, there shall be elected two commissioners from each ward, one of whom shall hold his office for the term of one year and one for the term of two years.

Election of mayor. SEC. 5. That the mayor of the town of Henderson shall be elected annually by the qualified voters within the corporate limits of the town, he to be voted for at the various voting places in the respective wards in said town.

Election, when held. SEC. 6. That the election for mayor and commissioners shall be held on the first Monday in May in each year.

Magistrate and judges of election SEC. 7. That the present board of commissioners for the town of Henderson and their successors in office in each year shall, at least twenty days before the next election to be held on the first Monday in May, one thousand eight hundred and ninety-one, and at least twenty days before each succeeding election, appoint in each ward in said town one magistrate and two judges of election. Said magistrate and judges of election shall each be a qualified voter in the ward in which he is appointed.

- SEC. 8. That the registers and judges of election appointed as above shall hold and conduct the election of mayor and commissioners in accordance with the general election laws of North Carolina, and the said election shall be regulated in all respects according to said general election laws of North Carolina. Election, how conducted.
- SEC. 9. That the mayor shall hold his office for the term of one year and until his successor is qualified. Term of office of mayor..
- SEC. 10. That the commissioners shall hold their offices for the term of two years from and after their election, and until their successors are qualified: *Provided, however,* that at the next general election to be held for commissioners in the respective wards on the first Monday in May, one thousand eight hundred and ninety-one, our [one] commissioner shall [be] elected from each ward for one year, and one commissioner from each ward for two years. It being the intention by this amendment that four of the commissioners of said town shall be elected every year. Term of office of commissioners. Proviso.
- SEC. 11. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations and ordinances and by-laws of the town and shall prescribe their term of office, said term not to extend beyond the annual election on the first Monday in May and until their successors are qualified. Vacancies. Officers.
- SEC. 12. That at the close of the election the registrar and judges of election shall count the number of 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 be likewise declared elected commissioners. Canvass of vote.
- SEC. 13. That whenever the word "inspectors" shall appear in said charter they shall be stricken out and the words "registrar and judges of election" inserted in lieu thereof. "Inspectors" stricken out and "registrar and judges of election" inserted.
- SEC. 14. That section thirty-four of said chapter, as it appears in chapter two hundred and forty-one, private laws of North Carolina, eighteen hundred and eighty-nine, be amended by adding after subsection three subsection four, which subsection shall read as follows: "And upon all personal property, money, credits, investments in bonds, stock, joint-stock companies, annuities, or otherwise in the possession of any citizen of the town, or under his or her control, on the first day of June, either as owners or holders of, or as parent, husband, guardian, trustee, executor, administrator, receivers, accounting officers, partners, agent, factor, attorney or otherwise. Any person failing to list his taxables during the month of June shall be liable to double tax." Chapter 241, Private Laws 1889, amended. Taxation. Double tax.
- SEC. 15. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 204.

An act to amend the charter of Oxford, chapter twenty-one, private acts of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 21, Private Laws 1885, amended.
Number of commissioners.

SECTION 1. That section three of chapter twenty-one, private acts of eighteen hundred and eighty-five, be amended by striking out the word "four" before "commissioners" in the third line and inserting "seven" in its place.

Tax on peddlers, &c.

SEC. 2. That subsection one of section thirty-two be amended to read as follows: "Upon all itinerant merchants or peddlers vending or offering to vend in the town, a tax of not less than twenty-five nor more than one hundred and fifty dollars (\$150.00) a year, except such only as sell books, charts, maps, pictures and paintings, and such as sell only goods, wares and merchandise and productions of the growth or manufacture of this state."

Exception.

Retail liquor license tax.

SEC. 3. That subsection four of section thirty-two be amended to read as follows: "Upon every permission of the board of commissioners to retail spirituous liquors, a tax not exceeding five hundred dollars nor less than one hundred and fifty dollars per year. All places in the town where the business of retailing is carried on shall be closed Saturday night at eleven o'clock and shall not thereafter be occupied or entered by any person before one o'clock Monday morning and everyone violating this provision shall be guilty of a misdemeanor and be fined not more than fifty dollars or imprisoned not more than thirty days."

Closing of bar-rooms, &c.

Tax on circuses.

SEC. 4. Strike out the word "twenty-five" in the third line of subsection five of section thirty-two and insert in its place "fifty."

Place of sale of real estate for taxes.

SEC. 5. Strike out the words "on the premises" in the ninth line of section thirty-seven and insert in their place the words "at the court-house door."

Publication of clerk's statement of receipts and disbursements.

SEC. 6. In section forty-one, line two, insert after "court-house door" the words "or in some newspaper published in the town," and in line five after the word "posted" insert "or published."

Persons convicted liable to be hired to county commissioners to work on roads.

SEC. 7. At end of section fifty-eight add "*Provided*, it shall be lawful to farm such persons, or any of them, to the county commissioners to work on the public roads of the county on such terms as may be agreed on until the fines and costs adjudged against them respectively have been worked out."

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 205.

An act to incorporate the town of Portia in McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Portia in the county of McDowell be and the same is hereby incorporated by the name and style of "The Town of Portia," and it shall be subject to all the provisions of the law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town [are] to be as follows: Beginning at John C. Duncan's south-west corner; thence south to the south-east corner of Martha Proctor's block; thence east one mile; thence north three-fourths of a mile; thence west one mile; thence south with west line of Old North State Land Company's land to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a town constable, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-two, viz.: Mayor, D. N. Hitchcock; commissioners, J. R. Wright, John Hawkins and D. A. Bowmar; constable, J. W. White, and the commissioners shall have power to appoint a secretary and treasurer.

SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-two, 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.

SEC. 5. The said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code, and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town not inconsistent with the laws of the state or the United States, and to impose fines and penalties for the violation of the town ordinances and collect the same, and that said chapter shall be applicable in every respect to said town, and they shall have power to levy a tax not exceeding sixty-six and two-thirds cents on every hundred dollars' worth of property and two dollars on every poll.

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.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 206.

An act to incorporate the town of Buena Vista in Buncombe county.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Buena Vista in the county of Buncombe be and the same is hereby incorporated by the name and style
- Corporate name. of "The Town of Buena Vista," 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 a stake in the eastern margin of the old Buncombe turnpike road four miles from the city of Asheville, corner of land of Charles McNamee and N. A. Penland; then with said Penland and McNamee's line south one hundred and one (101) poles to a stake, said Penland and McNamee's corner; then west with Penland and McNamee's line one hundred and two (102) poles to a stake in said McNamee's line; then south with said Penland's line one hundred and twenty-eight (128) poles to a stake, corner of land of said Penland and R. B. Blake; then south sixty degrees east thirty-four poles to a hickory, Penland and Blake's corner; then north eighty-three degrees east one hundred and forty-one (141) poles to a rock in the east margin of the old Buncombe turnpike road, corner of W. M. Nettles; then south with the east margin of said road and Nettles' line about forty (40) poles to said Nettles' corner; then east with Nettles' line one hundred (100) poles to Nettles' corner near the top of Round mountain; then north with Nettles' line sixty (60) poles to a stake in F. M. Stevens' line; then in a north-easterly direction to a stake in the said F. M. Stevens' line, corner of C. M. Stevens and J. M. Campbell; then west with said Stevens and Campbell's line to a stake in the Asheville and Spartanburg Railroad; then with said railroad north to a stake in D. M. Stevens' mill road; then a westerly direction with said last named road to a stake in the eastern margin of the said old Buncombe turnpike road; then north with said eastern margin of said road about one hundred (100) poles to the beginning.
- Officers. SEC. 3. That the officers of said town shall consist of a mayor and 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, N. A. Penland; commissioners, J. R. Crapo, F. M. Stevens and W. M. Nettles, who shall hold their respective offices until their successors are elected and qualified.
- Town marshal. The commissioners, after having taken the oath prescribed by law, shall elect a town marshal, and may, if they think best, elect a town clerk, and require of them such bonds, payable to the state for the
- Town clerk.

faithful performance of their several duties, as to the said commissioners may seem just and reasonable.

SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and ninety-two (1892), and every year thereafter in some convenient place in the 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.

Election.

Notice.

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.

After first election notice may be omitted.

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 or commissioner.
Proviso.

SEC. 8. That all persons entitled to vote on [in] the county of Buncombe for members of the general assembly and who shall have been *bona fide* residents of the town of Buena Vista ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to vote at any and all municipal elections for said town.

Electors.

SEC. 9. That in addition to the powers conferred on the commissioners of incorporated towns, enumerated in chapter 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 corporate limits of said town whenever by them deemed necessary within the said corporation (and of the necessity thereof the said commissioners are to be the sole judges), 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 then the arbitrators so chosen shall elect an umpire like qualified as them-

Streets.

Condemnation of land.

selves, the duty of which board of arbitrators it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefit 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 shall assess against the property adjoining any new street or streets such benefits as they shall have decided shall be taxed against said property, 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 arbitrators shall be paid as other liabilities, and the benefits assessed against any property shall be a lien upon the same in the same manner that unpaid state or county taxes are a lien upon real property and may be collected in the manner provided by law for the collection for [of] such unpaid state and county taxes: *Provided*, that either party may appeal to the superior court of Buncombe county.

Appeal.

Live stock running at large.

SEC. 10. That the said commissioners may prohibit the running at large of horses, cattle, hogs, sheep, jacks, jennets, goats and other live stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned found roaming at large in the corporate limits of said town contrary to the ordinances of said town.

Until first Monday in May, 1892, mayor and commissioners may determine question of sale of liquor.

SEC. 11. Until the said first Monday in May, eighteen hundred and ninety-two, the said mayor and board of commissioners shall have the power and authority to determine whether or not spirituous, vinous and malt liquors may be sold within the corporate limits of the said town of Buena Vista.

Election on question of prohibition.

SEC. 12. On the said first Monday in May, eighteen hundred and ninety-two, there shall be held an election to ascertain whether or not spirituous, vinous and malt liquors may [be] sold in said town, which said election shall be conducted in the manner prescribed in chapter thirty-two (32) of The Code of North Carolina.

When county commissioners to grant liquor license.

SEC. 13. If the said mayor and board of commissioners shall determine by a vote of the majority of their body that spirituous, vinous, and malt liquors may be sold within the corporate limits of the said town, or such shall have been determined by the election referred to in the preceding section, it shall be the duty of the board of commissioners of Buncombe county to grant license for the sale of said spirituous, vinous and malt liquors to all proper persons applying for the same according to law: *Provided*, that the said commissioners shall not grant license to sell liquors until a first-class hotel is built and open for guests in said town of Buena Vista.

Proviso.

SEC. 14. The said mayor and board of commissioners shall have the right to levy and collect from all persons to whom license shall be granted for the sale of spirituous, vinous or malt liquors such tax for the benefit of the said town as they the said mayor and board of commissioners shall prescribe. Liquor license tax.

SEC. 15. That all laws and parts of laws that are in conflict with the provisions of sections eleven, twelve, thirteen and fourteen of this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 207.

An act to amend the charter of Bryson City, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Bryson City 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 "Bryson City," and under such name and style is hereby invested with all the property and rights of property which now belong to the present corporation of the town of Bryson City, or any other corporate name or names heretofore used; and by the corporate name of Bryson City may purchase and hold for its government, welfare and improvement, all such estate, real and personal, as may be conveyed, devised or bequeathed to it; and the same may from time to time sell, dispose of, and re-invest, as shall be deemed advisable by the aldermen of the said corporation of Bryson City. Incorporated.
Corporate name.
Corporate powers.

SEC. 2. That the corporate limits of Bryson City shall be as heretofore, to-wit, one-half mile in each and every direction from the court-house. Corporate limits.

SEC. 3. That there shall, on the first Monday in May next, and every two years thereafter, be elected by the qualified voters of Bryson City a mayor, three aldermen and a constable, who shall be residents within the corporate limits of Bryson City; and upon qualification shall hold their office for two years and until their successors shall be elected and qualified. Election of mayor, &c.
Terms of office.

SEC. 4. That the election provided for in the foregoing section shall be held under such rules and regulations as elections are now held for members of the general assembly, and any citizen residing within the corporate limits of Bryson City who is qualified to vote for member of the general assembly shall be entitled to vote for one mayor, Election, how held.
Electors.

three aldermen and a constable, and whose names shall all be printed or written on the same piece of paper, and such as is required in other elections.

Canvass of vote.

SEC. 5. The persons voted for who receive the greatest number of votes shall be declared elected by the judges of said election, and the said judges, within three days thereafter, shall certify under their hands, to the mayor of Bryson City, the results of said election, and which certificate, together with the ballots, shall be filed in the mayor's office, and the mayor shall notify the persons of their election, and request them to appear before him on the Monday following and qualify and enter upon the duties of their office.

Returns of election.

Notice.

Tie vote.

SEC. 6. That if any of the persons voted for shall receive the same number of votes for the same office other than the three aldermen, then and in that event the judges shall decide which of the said persons is elected, and upon their failure the registrar shall decide between the persons for whom the judges have voted.

Powers of aldermen.

SEC. 7. The aldermen shall have full power to pass ordinances regulating the duties of officers and fixing the salaries and fees of each officer within the corporate limits, and shall have power to appoint any officer or officers to carry said ordinances into effect, and shall have power to make sanitary regulations and appoint a board of health for the said corporation, and shall have power to pass ordinances regulating the value of property within the corporate limits for taxation and the listing of the same and the collection of taxes, and shall have power to regulate the working and improvement of streets and sidewalks, and may cause each and every road [person] subject to work on said streets and sidewalks [to work] not exceeding ten days in each year, and shall have power to compel each property owner to build sidewalks in front of his property, and to prohibit cattle, hogs and other live stock from running at large within the corporate limits and to impound the same (impound not to apply to stock outside of corporate limits) at the expense of the owner, and shall have power regulating the punishment of all offences within the corporate limits, that is, in the jurisdiction of the mayor, under the law, and may have full authority to pass and carry into effect any and all ordinances necessary to the government of said corporation.

Election on question of issuing bonds for street improvement, &c.

SEC. 8. That the aldermen, upon petition of one-fifth of the qualified voters of said corporation, requesting an election to be called for the purpose of voting to issue bonds for improving streets, walks, and making other public improvements, shall order an election for the purpose of voting "bonds or no bonds"; and if a majority of votes be cast bearing the word "bonds," then and in that event the aldermen shall issue bonds not exceeding five thousand dollars, and to run not exceeding fifty years, and at the rate of six per cent. interest; and may place the same on the markets or otherwise dispose of them at par value for the purposes aforesaid; and shall have

power to levy a special tax on the property within the corporate limits, not to exceed twenty cents on the one hundred dollars worth of property, and forty cents on the poll, which sum shall be used in paying off the annual interest on said bonds: *Provided*, that notice of said election shall be given in some newspaper published in Swain county for the period of four weeks next before said election. .

Special tax.

Notice of election

SEC. 9. All laws and clauses of law in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified the 4th day of February, A. D. 1891.

CHAPTER 208.

An act to amend the charter of the town of Highlands, Macon county.

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 Highlands in the county of Macon, ratified the thirtieth day of March one thousand eight hundred and eighty-three, be and is hereby amended to read as follows: That the mayor and board of commissioners of the town of Highlands be continued as such until the next regular election as provided for in section five of this charter, and that said board of commissioners, together with the inhabitants of said town, shall be and continue to be, as they heretofore have been, a body politic and corporate under the name and style of the town of Highlands, 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 legitimate purposes all kinds of property and dispose of such property when by a majority vote it may deem best.

Chapter 56, Private Laws 1883, amended.

Mayor and commissioners.

Corporate name.
Corporate powers.

SEC. 2. That the corporate limits of said town shall be one and one-half miles square, to be determined by closing in lines running three-fourth of a mile north, south, east and west from the crossing of Main and Fourth streets, subject to the exceptions mentioned in section seventeen (17) of this act.

Corporate limits.

SEC. 3. That the administration of said town shall be vested in one principal officer, the mayor, and four commissioners, to be elected annually as provided for in section five of this charter, and a clerk, to be elected for a term of not less than three years, and the said board of commissioners shall have all the powers and privileges,

Officers.

Powers of com-
missioners. and shall be subject to all the forfeitures, pains and penalties provided for and imposed by the provisions of chapter sixty-two of The Code of North Carolina, and to be subject to all the provisions thereof not provided for in this act.

Election. SEC. 4. That the election of said officers shall take place on the last Monday of November every year, the newly elected officers taking charge of their functions on the first day of January following.

Election, how held. SEC. 5. That the election of said officers shall be held according to the so-called Australian election laws, by which the town provides printed tickets of card paper on which the names of all citizens running for office are printed. The voter shall mark with a cross the names of those candidates he votes for, and shall himself put the ticket into the poll-box. The judges of the election shall not allow more than one voter at a time to enter the room where the votes are cast, and no voter shall receive more than one ticket, and no other tickets shall be used than those provided by the town authorities.

Treasurer and tax-collector. SEC. 6. That the board of commissioners appoint out of their number a treasurer and a tax-collector, but before these officers enter upon their functions each shall give bond with sufficient surety in such sum as the board of commissioners may prescribe, which sum shall be at least double the amount of taxes levied the previous year.

Bond. SEC. 7. That the clerk of said town shall be tax-lister and shall give proper notice of the time and place of listing taxes of said town, at which time and place 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 and all taxable polls, and the said clerk shall make and return to the board of commissioners of said town a correct list of the said tax-payers, together with said property for revisions.

Clerk to list taxes. SEC. 8. That the board of commissioners shall, within sixty days after entering office, call the citizens to a public meeting and submit to them an estimate of the probable expenses for streets, bridges and other improvements in town, and make preparations as to the amount of taxes to be levied on real estate and personal property, the majority of the citizens present at the said meeting to decide what the taxes shall be for the current year.

Property to be listed. SEC. 9. That the town commissioners have neither right nor power to levy any taxes, special or otherwise, for any purpose without the consent of the citizens, who for such purposes shall be called together in a public meeting and decide by a majority vote all questions of taxation.

Tax-list. SEC. 10. That the citizens of the town of Highlands have a right to elect a public school-board for said town.

Public meeting of citizens to determine amount of taxes. SEC. 11. That the citizens of the town of Highlands shall have the

Commissioners not authorized to levy taxes without consent of citizens.

Election of school board.

Tax for school purposes.

right and the power to assess and levy annually a tax on real estate and personal property for public-school purposes.

SEC. 12. That the board of commissioners of Highlands shall have full power and authority to lay out and open new streets and alleys or discontinue them, or to alter or widen those already opened, as in their judgment the public convenience may require. Streets.

SEC. 13. That the board of commissioners have authority to put to and keep at work on the streets of the town of Highlands any person or persons who may fail to pay the poll-tax, or any fine, penalty or forfeiture which may be imposed on such persons for the violation of any town ordinances. Persons failing to pay tax, fines, &c., liable to work on streets.

SEC. 14. That chapter sixty-two of The Code of North Carolina shall remain in full force and effect and be a part of the law of said town, except on points already provided for in this chapter. Code, chapter 62, applicable to town.

SEC. 15. That all by-laws and ordinances of said town not inconsistent with this act shall remain in full force and effect until repealed by the commissioners of said town. By-laws and ordinances.,

SEC. 16. That this act shall [not] be construed as repealing or in any way modifying or affecting any of the provisions of chapter one hundred and fourteen (114) of private laws of eighteen hundred and eighty-nine, and all the lands that [lie] west of the east boundary line of state grant number ten hundred and eighty-five, as mentioned in section four (4) of said private acts of eighteen hundred and eighty-nine, are hereby expressly excepted from the provisions of this act. Effect of act.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1891.

CHAPTER 209.

An act to amend chapter twenty-nine of the private laws of North Carolina, enacted at the session of the legislature Anno Domini one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That the definition of the corporate limits of West Asheville shall be amended so as to add the following territory to the present area, as follows: Commencing at the south-west corner of the present corporate limits on the French Broad river, and running up said river to the mouth of Hominy creek; thence up said Hominy creek to or near Sulphur Springs mill race; thence west to the south- Chapter 29, Private Laws 1889, amended. Corporate limits of West Asheville.

west corner of the Sulphur Springs tract, also Mrs. Moore's corner; thence north to Smith's mill branch or creek; thence eastward with said creek to the north-west corner of West Asheville; thence southward with the present line of said town to the beginning.

R. M. Deaver
mayor.

SEC. 2. That section four (4) of said act be amended by changing the name of R. M. Deanes to R. M. Deaver, in line three (3) of said section, the name "Deanes" being intended for "Deaver," and all the official acts of the said Deaver heretofore done are hereby declared valid, and in full force and effect as though his name had been properly printed in said act.

Official acts
validated.

May subscribe to
stock of certain
railways not ex-
ceeding \$50,000.

SEC. 3. That said corporation, by its mayor and commissioners, may subscribe to the capital stock or purchase the construction bonds of the Asheville Fast Line and Suburban Railway Company, or that of any other railway company building its road within said corporate limits, to an amount not to exceed fifty thousand dollars, and pay for said stock or construction bonds by issuing the bonds of said town, to run thirty years, bearing six per centum interest, payable semi-annually at such point and under such terms and conditions as the board of commissioners of said town may direct: *Provided*, that the bonds thus issued to purchase said stock or construction bonds shall have no force or effect unless approved by a majority of the qualified voters of said town at an election to be held for this purpose, and that said election shall be held under the provisions provided for like purpose in the amended charter of the Atlanta, Asheville and Baltimore Railroad Company: *And provided further*, that before an election shall be held thirty days' notice shall be given of the same in some paper published in the city of Asheville, North Carolina, setting forth the substance of the proposition to be voted upon and the point where said election is to be held within said town; and at the time of ordering said election the board of commissioners shall appoint a register to register the names of the qualified voters as proved [provided] for elections of like character by the laws of this state.

Bonds.

Election on
question of
subscription.

Notice of election

Registration.

Commissioners.

SEC. 4. That section five (5) of said act be amended so as to require the election of five commissioners instead of three at the election next ensuing after the passage of this act.

Telegraph and
telephone lines.

SEC. 5. That said town of West Asheville shall have the right to construct and operate, or permit others to construct and operate telegraph or telephone lines within its corporate limits to the same extent and under the same privileges as are permitted by the laws of this state to other towns or corporations.

Election on ques-
tion of issuing
bonds for street
improvement.

SEC. 6. That on the petition of one-tenth of the qualified voters of said town the board of commissioners shall submit the question whether or not said town shall issue its bonds to an amount not to exceed twenty-five thousand dollars to improve the streets and highways of said town, and if at an election to be held for that purpose

a majority of the qualified voters of said town shall vote in favor of said proposition, then it shall be lawful for the mayor and board of commissioners to issue the bonds of the town to the amount endorsed as aforesaid by the qualified voters of said town at an election as aforesaid, running thirty years, drawing six or a less rate of interest, to be used in payment of said improvements and no other purpose; and said board shall levy annually a tax, to pay the interest on said bonds, on all the taxable values of said town and likewise a sum sufficient to create a sinking fund to pay off said bonds when they may mature. Special tax.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 210.

An act supplemental to an act of this general assembly, ratified the twenty-eighth day of February eighteen hundred and ninety-one, entitled an act to amend the charter of the city of Asheville.

The General Assembly of North Carolina do enact :

SECTION 1. That at any and every election held in the city of Asheville under the authority granted by section twelve of an act of this general assembly, ratified the twenty-eighth day of February, eighteen hundred and ninety-one, entitled "An act to amend the charter of the city of Asheville," there shall also be elected by printed ballots, under the same rules and regulations as provided in said section above referred to, six citizens of said city who shall be freeholders and qualified electors thereof, and who, upon receiving a majority of the votes cast at any such election, shall constitute an advisory committee with powers hereinafter enumerated: *Provided,* that in case at any such election the proposition of issue of bonds referred to in said section two of the aforesaid act, ratified the twenty-eighth day of February, eighteen hundred and ninety-one, shall be defeated, then none of said advisory committee shall be deemed to have been elected; that is to say, the election of said advisory committee shall be dependent upon the carrying of the proposition for issuing the bonds as required by said section two above mentioned. Chapter 135 ante, amended.
Election of advisory committee
Proviso.

SEC. 2. That every such citizen receiving a majority of the votes cast at such election (not to exceed six as aforesaid), shall constitute him one of said advisory committee: *Provided,* that in case more than six shall receive a majority of the votes cast, then the six receiving the largest number of votes shall be deemed elected. Who elected.
Proviso.

Term of office. SEC. 3. That said advisory committee so elected shall hold office as such until the next regular election for mayor and board of aldermen of said city, at which time, and biennially thereafter, citizens qualified as aforesaid to compose said advisory committee shall be elected under same regulations as aforesaid. 4

Powers of advisory committee. SEC. 4. That said advisory committee so elected shall have the following powers, and none other, to-wit: To consult and advise with the mayor and board of aldermen of said city in reference to the expenditure of the proceeds of the sale of the "Street Improvement Bonds" and the "Sewerage Bonds" in reference to which such election was held, and to have an equal vote, numerically considered, with the said board of aldermen in reference to the character and nature of the sidewalk and street paving and improvements to be done out of the proceeds of the sale of said bonds, and of all contracts in reference thereto (each fund being kept separate and applied to the purposes provided for in the act hereinbefore referred to). At such consultation the said "advisory committee," together with the said mayor and board of aldermen, shall constitute a "joint commission" for the proper expenditure of said funds; four members of the board of aldermen shall be present in order to constitute a quorum for the transaction of any business; the mayor shall have no vote, except in case of a tie, when he shall give the casting vote. And all contracts in reference to said street improvements or said sewerage fund, and as to the application of either, shall be made by said "joint commission," composed of said "advisory committee" and the board of aldermen aforesaid, subject to the provisions of this act.

Joint commission.

Certain contracts to be made by joint commission

Record to be kept.

SEC. 5. The said "joint commission," composed of [the] "advisory committee" and the mayor and board of aldermen, shall keep a record in the book required to be kept in reference to the "sinking fund commission" by section eleven of the act of this general assembly, ratified the twenty-eighth day of February, eighteen hundred and ninety-one, and hereinbefore referred to, in which shall be recorded all their proceedings; and the clerk of the said board of aldermen shall keep such record book, and said record book shall always be open to public inspection.

Meetings of joint commission.

SEC. 6. The regular meetings of said "joint commission" shall be held on the first Monday in each month, but special meetings shall be held at any time upon the call of the mayor, or of any two members thereof, upon one days' notice published in a daily paper in said city.

Vacancies in advisory committee.

SEC. 7. In case a vacancy shall occur in said "advisory committee" from any cause, or in case any of those elected shall fail to accept, then such vacancy or the place of those failing to accept shall be filled by the remaining or the accepting members of said committee: *Provided, however,* that should there for any cause be

Proviso.

less than four of said "advisory committee," then such vacancy or the place of those failing to accept shall be filled as provided for in section nine of this act.

SEC. 8. Said "advisory committee" shall receive no compensation for their services.

Advisory committee to receive no compensation.

SEC. 9. That in case no such citizen at such election shall receive a majority of the votes cast, then none shall be deemed to have been elected to such "advisory committee," and no such committee shall exist, but the mayor and board of aldermen of said city shall have all the powers on them conferred by said act hereinbefore referred to, ratified the twenty-eighth day of February, one thousand eight hundred and ninety-one. And in case at any such election one or more less than four of such citizens shall receive a majority of votes cast, then those receiving such majority of the votes cast shall be considered elected as part of said "advisory committee," and the number not elected and necessary to complete the six shall be elected by the members of said "advisory committee" in conjunction with the mayor and board of aldermen, but should four members of said "advisory committee" be elected, then the members not elected and necessary to complete the six shall be elected by the members of said committee elected under section one of this act.

Powers of mayor and aldermen, if no advisory committee elected.

Election of advisory committee

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act be and they are hereby repealed.

Conflicting laws repealed.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 211.

An act to incorporate the Asheville Ice and Coal Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Henry T. Collins, Willis E. Collins, George R. Collins and Edward Eagan, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "The Asheville Ice and Coal Company," and as such they shall have a corporate existence for ninety-nine years; be capable in their corporate name to sue and be sued; to have a common seal which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary officers, and to fix their compensation and define their duties and obligations; and to make by-laws and regulations consistent with the laws of the state for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Body politic.

Corporate name.

Corporate existence.

Corporate powers.

- Place of business. SEC. 2. That said corporation shall have their principal place of business in the city of Asheville in this state, and shall have power to manufacture and sell ice; to purchase and sell coal and other fuel; to manufacture and sell flour, and to deal in all kinds of grain, seeds and other farm products; and to acquire and hold real estate for the purposes of their business and convey the same.
- Corporate powers. SEC. 3. The capital stock of said corporation shall be seventy-five thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding two hundred thousand dollars, to be divided into shares of one hundred dollars each.
- Capital stock. SEC. 4. The stockholders of said corporation shall not be individually liable for the debts of the corporation.
- Stockholders not individually liable for corporate debts. SEC. 5. That said corporation shall be entitled to all the rights, privileges, powers and immunities, and shall be subject to all the restraints and restrictions contained in chapter sixteen of The Code of North Carolina relating to corporations, except as to such parts thereof as may be inconsistent with the provisions of this act.
- Corporate powers. SEC. 6. This act shall be in force from and after its ratification.
- Ratified the 4th day of March, A. D. 1891.

 CHAPTER 212.

An act to incorporate the Commercial Club.

The General Assembly of North Carolina do enact:

- Body politic. SECTION 1. That T. H. Cobb, W. B. Gwyn, W. West, J. B. Bostic, J. C. Dickerson, H. A. Gudger, Geo. S. Powell, C. T. Rawls, J. G. Merrimon and R. M. Furnish, and such other persons as are now associated as the Commercial Club or may hereafter become associated with them, and their successors, be and are hereby constituted a body politic and corporate by the name and style of "The Commercial Club" of the city of Asheville, for the purpose of promoting and advancing the material business interests and developing the resources of the said the city of Asheville and vicinity, 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.
- Corporate name. SEC. 2. That the said corporation shall have power to acquire by purchase in fee or less estate any and all real and personal property suitable and necessary for carrying out the purposes for which said corporation is created, and may hold and dispose of the same as they may deem necessary or desirable.
- Corporate powers.
- Corporate powers.

SEC. 3. That the said corporation shall have 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; for the safe-keeping and protection of its property and funds, and from time to time to alter or repeal all or any part of such constitution, by-laws, rules and regulations, and to provide for and dispense to its members and the guests and visitors of said club, admitted under the rules and regulations prescribed by the proper officers of the club, all such supplies, lodgings, food and comforts and all 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 this state or of the United States: *Provided*, that nothing herein contained shall legalize the sale of spirituous, vinous or malt liquors or anything immoral.

Corporate powers.

Proviso.

SEC. 4. That the members of this corporation shall not be individually liable or responsible for any debt, obligation or contract of said corporation.

Members not individually liable for corporate debts.

SEC. 5. That the principal office or place of business of said corporation shall be at the club-house in the city of Asheville.

Place of business.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1891.

CHAPTER 213.

An act to incorporate the Greenville Land and Improvement Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Thos. J. Jarvis, J. D. Murphy, J. H. Tucker, C. A. White, D. J. Whichard, E. A. Moye, A. L. Blow, Harry Skinner, R. A. Tyson, Chas. Skinner, L. C. Latham and John Flanagan, and their associates, are hereby declared a body politic and corporate under the name and style of "The Greenville 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.

Body politic.

Corporate name.

Corporate powers.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing said stock to an amount not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. That whenever the sum of twenty thousand dollars shall have been subscribed to the capital stock, either in money or land,

Organization

and five per centum paid in, it shall be the duty of said corporators or any five of them to call a general meeting of the stockholders, and at such meeting to elect five directors, one of whom shall be elected president by said directors, whose term of office shall be one year, and hold their offices till others are chosen.

- 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 Greenville, North Carolina.
- By-laws. 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.
- Bonds.
- Corporate powers. SEC. 8. That said corporation shall have power to take by purchase, lease, or other operation of law, any land lands, tenements and hereditaments in the state of North Carolina to such an amount as to them shall seem proper, and to hold and to convey the same through their president, treasurer and other proper officers as freely as citizens of this State can or may do. They shall have power to develop the resources of said lands by building, mining or otherwise; to aid, encourage and promote immigration into the property of the company; to deal with, manufacture and render salable the timber found on the said property; to subscribe to the capital stock of any and all enterprises which may be projected in this state; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to construct mills, workshops, hotels or other business premises and maintain them; to sink mines for the purpose of mining minerals and coal; to build and equip with rolling and other stock, and build and operate rail, train, turnpike or other roads connecting the property of the corporation with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams or depressions; to establish and maintain telegraph lines, canals, aqueducts, reservoirs, streets, gas-works, and any other works that may be deemed necessary or convenient for the corporation; and to further each and all of these ends this corporation has hereby conferred upon it all the powers, rights, privileges and immunities conferred upon railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "Railroads and Telegraph Companies;" and whenever it may become necessary for the purpose of constructing their roads, canals, dams or other works to enter upon any lands to which 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 or personal property and take title thereto in the name of the company; to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of, or otherwise deal with all or any parts of the property of the company through their proper officers; to lend money, to make, accept and execute promissory notes and other negotiable instruments; to raise money in such manner as the company may see fit; to issue mortgage bonds upon any and all of the company's property; to deal in all mineral products, crude and manufactured. They shall have power to erect and maintain cotton factories, woolen mills, saw-mills, grist and flouring mills, and all other mills and factories which the said corporation shall deem it suitable to erect and maintain; and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects. They shall have power to erect and maintain iron and steel furnaces.

SEC. 9. That this corporation shall exist and be in force and effect for a period of ninety-nine years from the day of the ratification of this act. Corporate existence.

SEC. 10. That all sections or parts of sections of chapter forty-nine of The Code of North Carolina in conflict with the provisions of this act are hereby declared inoperative so far as they affect the privileges, rights and powers hereby conferred. Conflicting provisions of Code, chapter 49, inoperative.

SEC. 11. That this corporation shall have power and authority to build and construct a street railway through any of the streets of said town, and for that purpose shall have all the powers, rights, privileges and immunities conferred upon railroad and telegraph companies by chapter forty-nine of the Code of North Carolina. May build street railway, &c.

Ratified the 4th day of March, A. D. 1891.

CHAPTER 214.

An act supplemental to an act entitled an act amending the charter of the town of Edenton.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of councilmen of the town of Edenton are hereby fully empowered and authorized to establish, open, widen, extend, pave and otherwise to improve the streets of the said town, and for this purpose may condemn or purchase such property as they Streets.
Condemnation of land.

may deem necessary for these and other purposes of improvement and public convenience; the damage in all such cases to be ascertained by three disinterested freeholders who reside in the said town, as commissioners, who shall be appointed by the board of councilmen aforesaid, who shall fix the time of the meeting of the said commissioners, and shall give ten days' notice thereof to the property holder whose premises are to be valued and appraised in order that they may have their interest properly represented and looked after.

Damages, how assessed.

SEC. 2. That upon the failure of the town authorities to secure the right-of-way for establishing and opening out of any street or widening of the same by amicable concessions therein assessing the damages, the said commissioners shall take into consideration not only the disadvantages likely to affect the value of the said property but also the advantages likely to accrue to the said property holders of the property condemned and the increased value thereof, and shall in determining the damages resulting to or the benefits to be derived from the opening or extension of said street or streets allow just compensation to the person or persons injured.

Appeal.

SEC. 3. That any party dissatisfied with the appraised valuation may appeal to the superior court of the county of Chowan at term, and have the same heard and assessed by a jury. In the meantime, the said town authorities are empowered and may proceed to establish and open and widen the said streets, and do such other things as may be productive of the public welfare and convenience of the said town, of which the said board of councilmen shall be the judges: *Provided*, the said town authorities shall have first paid in full such damages to persons injured by the opening of any new street as may be ascertained and agreed upon by the said commissioners and before work shall begin upon said streets.

Not to prevent improvements, &c.

Proviso.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 215.

An act to re-enact and amend chapter sixty-five of the laws of eighteen hundred and fifty-four and fifty-five, entitled "An act to incorporate the two academies in the town of Ashboro."

The General Assembly of North Carolina do enact:

Chapter 65, Private Laws 1854-'55, re enacted and amended.

SECTION 1. That chapter sixty-five of the private laws of eighteen hundred and fifty-four and fifty-five, be and the same is hereby re-enacted in all respects subject to the amendments made thereto by this act.

SEC. 2. That section one of the chapter mentioned in the preceding section be amended by striking out all after line ten and inserting E. A. Moffit, W. F. Wood, W. H. Moring, Dr. P. H. Morris, A. C. McAlister, J. E. Walker, J. M. Worth, G. S. Bradshaw, J. A. Blair and M. S. Robins, shall constitute the board of trustees, any five of whom shall be a quorum for the transaction of business, with power to fill any vacancies that may be occasioned by death, resignation or removal from the county. Thomas J. Redding, J. C. Fuller and Daniel Lowe are appointed trustees, and are hereby authorized and empowered to represent the interest of the Randolph County Agricultural Society in said male academy lot.

Board of trustees.

Quorum.

Vacancies.

Trustees for Randolph County Agricultural Society.

SEC. 3. That all the property, real and personal, heretofore belonging to the board of trustees under said chapter sixty-five of the private laws [of] eighteen hundred and fifty-four and fifty-five be and the same is hereby vested in the trustees named in section two of this act.

Property vested in proceeds.

SEC. 4. That the trustees mentioned in section two of this act shall have full power and authority and they are hereby authorized and empowered in their discretion to sell at private sale or at public auction to the highest bidder for cash at the court-house door in Ashboro the lot known as the female academy lot, after advertising the same for thirty days in the *Ashboro Courier*, a weekly newspaper published in said town, and apply the proceeds of such sale, after deducting the costs thereof, to the building of a larger and more suitable house in the town aforesaid for educational purposes.

Trustees authorized to sell Female Academy lot.

Application of proceeds.

SEC. 5. That this act shall continue in force for the space of thirty years.

Continuance of act.

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

Conflicting laws repealed.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 216.

An act to incorporate the North Carolina Society for the Prevention of Cruelty to Children and Animals.

The General Assembly of North Carolina do enact:

SECTION 1. That Dr. E. A. Anderson, A. S. Heide, P. Heinsberger, S. W. Holden, C. H. Gauger, Rev. F. W. E. Peschau, Clayton Giles, F. J. Southerland, Hanes A. Kure, Jos. H. Watters, F. A. Lord, Jas. W. Monroe, John J. Fowler, J. B. Marshall, A. H. Barr, and such

Body politic.

- other persons as may be associated with them in conformity to this act, are hereby constituted and created a body politic and corporate in law by the name of "The North Carolina Society for the Prevention of Cruelty to Children and Animals," and as such they shall have and enjoy all the rights, franchises and powers of a corporation, including the right to sue and be sued, to use a common seal, to receive legacies and donations, and to hold real estate not exceeding in value the sum of fifty thousand dollars.
- Corporate name.**
- Corporate powers.**
- Duty of society.** SEC. 2. The objects of the said society are to provide effective means for the prevention of cruelty to children and animals throughout the state of North Carolina, and for the enforcement of all laws heretofore or hereafter enacted for the protection of such children and animals. The said society is also empowered to erect and maintain fountains, tanks, troughs or other receptacles of fresh water in eligible localities for gratuitous distribution to the dumb creation, and to purchase, print, publish and circulate such tracts and books as are fitted to promote the objects of the society, and to appoint or employ such agents as the board of managers may from time to time deem necessary.
- Corporate powers.**
- Organization.** SEC. 3. It shall be the duty of the corporators whose names are mentioned in the first section of this act, or any five of them, after notice published for five days in one or more newspapers published in the city of Wilmington, to meet together and to elect a president, two vice-presidents, a secretary, a treasurer, and five persons who shall constitute a board of managers, in whom shall be vested the control and management of the affairs of the said corporation; and the board of managers may appoint such other officers as may be necessary for the transaction of the business of the society. The secretary and treasurer may be one and the same person if the managers shall so determine.
- Election of officers.** SEC. 4. In the month of February in every subsequent year an election of officers and managers of the said society shall be held in the city of Wilmington at such time and place and after such notice as the managers for the time being may deem proper, and the said managers and officers shall continue to act until their successors shall have been duly elected and qualified. At all such elections every person who shall have been elected by the board of managers a member of the society and who shall within one year have paid such sum as the managers shall fix as a membership fee to the treasurer thereof for the use of the society shall be entitled to give one vote.
- Who entitled to vote.**
- By-laws.** SEC. 5. The said society for fixing the terms of admission of its members, for the government of the same, for electing its officers and members, and for the general regulation and management of its affairs, shall have power to form a code of by-laws not inconsistent with the laws of this state or of the United States, which code when formed and adopted at a regular meeting shall, until modified or

rescinded, be equally as binding as this act upon the society, its officers and members.

SEC. 6. The police force of the city of Wilmington, as well as of all other places in the state of North Carolina where police organization exists, shall, as occasion may require, assist the society, its members or agents in the enforcement of all laws which are now or may hereafter be enacted for the protection of children and dumb animals, and the members of the society shall be empowered with police authority to make arrests for cruelty to children or animals. Powers of police.

SEC. 7. The principal office of the society shall be located in the city of Wilmington, with full power on the part of the society to establish and locate branches at any place or places within the boundaries of the state. Offices.

SEC. 8. Not more than one such society shall be incorporated or located in each county of the state. Only one society in any county.

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

Ratified the 4th day of March, A. D. 1891.

CHAPTER 217.

An act to amend chapter eighteen, private laws of one thousand eight hundred and eighty-one, entitled an act to incorporate the town of Norwood, Stanly county.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter eighteen of the private laws of one thousand eight hundred and eighty-one be amended by striking out the words "one-third" and inserting in lieu thereof the words "two-thirds." Chapter 18, Private Laws 1881, amended. Corporate limits.

SEC. 2. That the town of Norwood and its officers and incorporators thereof and their successors in office be and the same are hereby invested with all the powers, duties and obligations and authority conferred in chapter sixty-two of The Code, entitled "Cities and Towns." Corporate powers.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 218.

An act to incorporate the town of Montezuma in the county of Mitchell.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the present town of Aaron in the county of Mitchell be and the same is hereby incorporated by the name and
- Corporate name. style of "The Town of Montezuma," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Corporate limits. SEC. 2. That the corporate limits of said town be as follows: Beginning on a stone four poles and seven links north seventy-five and one-half degrees east from the north-east corner of W. Bumguarner's log dwelling-house, said stone being one hundred and forty-five poles east from a point in the center of the road two poles twenty-three links north sixty-five and one-half degrees west from the north-west corner of J. C. Carpenter's house, and runs thence north one-half mile; thence west one mile; thence south one mile; thence east one mile; thence north one-half mile to the beginning.
- Officers. 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 persons shall constitute said officers: J. L. Banner, mayor; W. M. Key, W. C. Franklin and Charles E. Harris the commissioners, with full power to act until their successors are qualified.
- Temporary officers. SEC. 4. That there shall be an election for officers named in this act on the first Monday in May, one thousand eight hundred and ninety-one, 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 next preceding the day of election shall be entitled to vote.
- Election. SEC. 5. That said commissioners shall have no power or authority to grant to anyone other than a druggist any license to sell any spirituous, vinous or malt liquors within the town limits: *Provided*, no license can be granted any druggist to sell any spirituous, vinous or malt liquors in the town limits other than for strictly medicinal purposes, and then only on the *bona fide* prescription of some legal practicing physician. 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 this act, 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.
- Electors.
- Liquor licenses.
- Proviso.
- Powers of commissioners.

SEC. 7. That all fines collected for the violation of any ordinance of said town shall be applied to the benefit of said town. Fines, how applied.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 219.

An act to permit the town of Madison in Rockingham county to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact :

- SECTION 1. That the board of commissioners of the town of Madison in Rockingham county 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 amount of five 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 for thirty days prior to the holding of the election by making publication thereof by posters at four public places in 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 in said town. 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."
- Election on question of issuing bonds.
Election, when held.
Notice.
Election, how held.
Ballots.
- SEC. 2. That the said board of commissioners at the first meeting after said election is held shall examine the returns made of said election by the judges of election and declare the result of the election. If it shall appear that a majority of the qualified voters of said town shall have voted in favor of the issuing of 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. The said bonds when issued shall be exempt from all taxation by the said town of Madison, but shall be liable to tax for state and county purposes. The coupons attached to said bonds shall be received for any and all taxes due said town.
- Canvass of vote.
Bonds to be issued on vote of majority of qualified voters.
Bonds exempt from town taxation.
Coupons receivable for town taxes.
- SEC. 3. That in order to meet the payment of said bonds and the accruing interest thereon, the board of commissioners of said town are hereby authorized and empowered to levy and collect each year a
- Special tax.

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, and sixty cents on each poll, within the corporate limits of said town in addition to the amount of tax now authorized to be collected by the charter of said town, 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 the 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 whatever.

Sale of bonds. 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.

Proceeds, how applied.

Proviso.

Bond of treasurer.

SEC. 5. That said town commissioners shall have power to cause the treasurer to increase his official bond before said bonds and proceeds go into his hands in such sum as they may deem advisable, not to be less than five thousand dollars nor more than ten thousand dollars.

When bonds to mature.

SEC. 6. That said bonds when issued shall mature and be payable at such times as shall be fixed by said town commissioners, not exceeding thirty years from the date of issue.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 220.

An act to amend section seven, chapter two hundred and seventy, laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the town of Bakersville in Mitchell county.

The General Assembly of North Carolina do enact :

Chapter 270, Private Laws 1889, amended.
Taxation.

SECTION 1. That chapter two hundred and seventy, laws of one thousand eight hundred and eighty-nine, be amended by striking out the words "twenty-five" in section seven, line two, and inserting the words "forty-five" in lieu thereof, and strike out "fifty cents" in line two and insert "one dollar and thirty-five cents."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 221.

An act to incorporate the Valle Crucis, Shawneehaw and Elk Park Turnpike Company.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of constructing a turnpike road from Valle Crucis, Watauga county, to Elk Park, Mitchell county, North Carolina, the formation of a corporation with a capital stock not exceeding twenty thousand dollars (§20,000), to be styled "The Valle Crucis, Shawneehaw and Elk Park Turnpike Company," is hereby authorized.

Incorporation authorized.

Corporate name.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Elk Park under the direction of any three of the following named persons, to-wit, H. R. Jones, L. M. Banner, L. D. Lowe, S. M. Dugger, C. D. Taylor and J. L. Council.

Books of subscription.

SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars 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 incorporate by the name and style of "The Valle Crucis, Shawneehaw and Elk Park Turnpike Company," 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."

Capital stock

Body politic.

Corporate name.

Corporate powers.

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 writing at least two days prior to such meeting, and such subscribers at each meeting shall elect from among themselves a board of directors of not less than five, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders as they may be 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.

Organization.

By-laws.

SEC. 5. That the board of directors may require payments of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in case any subscriber shall fail to pay the amount of his subscription after fifteen days' notice, given in writing, the directors may sell said share or shares of

Payment of subscription.

Remedy against subscriber failing to pay.

stock so subscribed for by him by public auction or so many of them as may be sufficient to pay the amount of his subscription then remaining unpaid, and if a balance shall remain unpaid after applying the proceeds of the sale 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.

Condemnation of land.

SEC. 6. That whenever any lands may be required for said turnpike, either for a road-way or for toll-houses or other appurtenances thereto, and an agreement cannot be made with the owner or owners of such lands, the company or owner may in writing apply to the clerk of the superior court of Watauga or Mitchell county (having regard to the county in which the land is situated or located) 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 corporation and one by the clerk of the court; if either party or both shall fail to appoint after five days' notice of the 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 person authorized to administer oaths to act impartially, lay off a right-of-way forty feet in width or less, 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 one acre of land at each toll-house and assess the damage, if any, to the owners of the land, taking into consideration any benefit or advantages 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 as on other judgments of the superior court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees [they] may appeal to the superior court as in other cases of appeal. 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 erecting such turnpike road or erecting toll-houses, as the case may be.

Appeal.

Appeal not to affect entry on land, &c.

Tolls.

SEC. 7. That said company shall be authorized to demand, recover and receive from all persons using the road such company [compensation] no greater than the following fare or toll: For four-horse or four-ox team, forty cents (40 cents) each way; two-horse or two-ox team, twenty-five cents (25 cents) each way; two-horse buggy or hack, thirty-five cents (35 cents); one-horse buggy, twenty-five cents (25 cents); one-horse wagon, fifteen cents (15 cents); horse and rider, ten cents (10 cents); loose horses, five cents each; cattle, five cents each; sheep, three cents each. Any person who shall use any part of said road without paying the fare and toll due and payable for such

Use of road without paying toll a misdemeanor.

use, and demanded by any officer or agent of said company at the established toll-gate, shall be guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Watauga or Mitchell, according to the respective jurisdiction, shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the cost of the proceeding 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 ten days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to said company.

Fines payable to company.

SEC. 8. That said company are hereby authorized to erect a toll-gate across said turnpike at some convenient place as the board of directors may select after said turnpike shall have been completed from the Watauga county line to Elk Park, and at such place may demand, receive and recover the fare or toll authorized in this act.

Toll gates.

SEC. 9. That the fare or toll received for the use of said road shall be expended in keeping the toll-house, making and constructing said turnpike, keeping the parts thus made in repair and keeping the old road from Valle Crucis to Elk Park, or so much thereof as may be temporarily used by said company, in repair until the whole turnpike from Valle Crucis to Elk Park is completed, and after said road is completed as aforesaid the said company shall be authorized to declare dividends for the benefit of the stockholders.

Tolls, how expended.

SEC. 10. 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 guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned or both in the discretion of the court.

Dividends.

Injury to road, &c., a misdemeanor.

SEC. 11. That the stockholders shall not be individually liable for the debts of the corporation.

Stockholders not individually liable for corporate debts.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 222.

An act to authorize the councilmen of the town of Greenville to issue bonds.

The General Assembly of North Carolina do enact :

SECTION 1. That the councilmen of the town of Greenville be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of twenty-five thousand dollars, and in denomi-

Councilmen of Greenville authorized to issue bonds not exceeding \$25,000.

nation of not less than one hundred dollars, bearing interest from date of bonds at a rate not exceeding six per centum per annum, and payable annually on the first day of January of each year until the said bonds are paid. That said bonds shall be made payable after the expiration of twenty years from the date thereof. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor of the town of Greenville and countersigned by the clerk of board of town councilmen, and a record shall be kept of said bonds showing the number and amount and to whom sold.

Bonds not to be sold for less than par.
Application of proceeds.

SEC. 2. That the said bonds shall not be sold for less than par value, and that the proceeds arising from the sale of said bonds shall be used by the councilmen in improving the streets of [and] sidewalks of said town by paving, macadamizing or otherwise improving them or extending them as now provided by the charter of said town; in furnishing water and electric lights, one or both, and the said councilmen are authorized to take stock or contribute some portions of the said fund to the erection of a hotel in said town of Greenville, provided the amount so expended shall not exceed twenty-five hundred dollars (\$2,500), and provided it is made under such instructions as shall insure the building the hotel at such a point in the town as shall be to the best interest of the whole, the place to be fixed by a committee of five (5) to be appointed by the councilmen, one from each ward of the town: *Provided, however,* that this act shall be submitted to the qualified voters of said town for their ratification or rejection at an election to be held in said town at such a time as the councilmen of the town of Greenville may appoint within two years from the ratification of this act. The said election shall be advertised by the councilmen of said town for thirty days prior to the day of election in at least one newspaper published in said town, and the said councilmen shall cause a registration of the voters of said town to be made as now required by law, and shall appoint three electors of the town as inspectors or supervisors of said election. Those who are in favor of issuing said bonds shall vote a written or printed ticket with the words "For bonds" thereon, and those who are opposed shall vote a ticket with the words "Against bonds" thereon. The result of said election shall be ascertained by said inspectors and returned by them to the councilmen of said town, who shall verify and certify the result of said election and cause the same to be recorded in the minutes. If a majority of the votes cast be "For bonds," then the councilmen of said town shall proceed to issue and sell the bonds and apply the proceeds as directed; but if a majority of the votes shall be "Against bonds" then this act shall be of no force and effect. The inspectors shall be appointed and the election shall be held as in all their [other] elections in the town.

Election on question of issuing bonds.

Notice of election Registration.

Ballots.

Returns of election.

Bonds to be issued on majority vote.

Election how held.

SEC. 3. That in order to pay the interest on said bonds and to create Special tax, a sinking fund to pay the principal of said bonds at maturity, or sooner if deemed advisable, the councilmen of the town of Greenville shall levy a special tax of not more than forty (40) cents on the one hundred dollars worth of real and personal property in the town and one dollar and twenty cents (\$1.20) on each poll, and it shall be the duty of said councilmen to make any and all necessary arrangements and orders for the collection, safe-keeping and proper application of the moneys arising by virtue of this act. Collection of tax, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 223.

An act to amend the charter of the town of Washington.

The General Assembly of North Carolina do enact :

SECTION 1. That section three (3), chapter one hundred and nine (109) of the private laws of one thousand eight hundred and eighty-five (1885) be and the same are hereby repealed. Section 3, chapter 109, Private Laws 1885, repealed.

SEC. 2. That the boundaries of the town of Washington shall be as follows: Beginning at a cedar post up on Pamlico river, the eastern corner of the MacNair land and being the same cedar post referred to in the private laws of one thousand eight hundred and eighty-five, section three of chapter one hundred and nine, and thence running with the eastern line of the MacNair land north thirty-four degrees east to its intersection with a line drawn two hundred and ten feet north of and parallel with Fifth street; thence with the said intersecting line to the east side of Market street; thence northwardly with the eastern line of Market street extended a distance of nine hundred and forty-five (945) feet; thence westwardly on a line parallel with Fifth street to its intersection with a line drawn two hundred and ten feet west of and parallel with Washington street; thence with the said intersecting line on a line parallel with Washington street to the north side of Fourth street extended; thence with the north side of Fourth street extended westwardly a distance of one thousand five hundred and eighty-four feet; thence on a line parallel with Washington street to Pamlico river and thence with the river to the beginning. Corporate limits.

SEC. 3. That the town of Washington shall be divided into four Wards, wards and the limits thereof shall be as defined in section one, chapter one hundred and eighty-one of the private laws of one thousand eight hundred and eighty-nine, but that the limits of the second

and third wards shall be extended so as to include the area hereinbefore added to the boundaries of said town in section two hereof.

Interments.

SEC. 4. That the board of commissioners of the town of Washington shall have power to prohibit the interment of dead within the corporate limits of said town and to provide that any cemetery in said town heretofore used for the burial of the dead shall be no longer used for such purposes, and all ordinances heretofore passed by said board forbidding the burial of the dead in said town and the means of enforcing the same are hereby declared valid and legal.

Conflicting laws repealed.

SEC. 5. That all 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 5th day of March, A. D. 1891.

CHAPTER 224.

An act to authorize the commissioners of Leaksville to issue bonds.

The General Assembly of North Carolina do enact:

Commissioners of Leaksville authorized to issue bonds not exceeding \$8,000.

SECTION 1. That the board of commissioners of Leaksville are hereby authorized and empowered to issue from time to time, to an amount not exceeding eight thousand dollars (\$8,000), bonds in the name of the town of Leaksville in such denominations and forms and payable at such place and time as said board may determine, but running not less than twenty years nor more than thirty years, and bearing interest at the rate of six per cent. annually and payable annually or semi-annually as said board may determine.

Election on question of issuing bonds.

SEC. 2. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such 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."

Ballots.

Special registration.

SEC. 3. The board of commissioners shall provide a special registration of the qualified voters of the town to be made for such elections, for which no prepayment of taxes shall be prescribed as a qualification to register or vote.

Bonds, how disposed of.

SEC. 4. That said board may dispose of said bonds by sale or otherwise as in their judgment may be for the best interest of the town, and the proceeds of such disposal of the bonds shall be used for town improvements and subscriptions to railroads as a majority of the voters of the town may decide, and the coupons on said bonds shall be receivable in payment of the taxes of said town for any fiscal year in which they shall fall due, and if the holder of any of the

Application of proceeds.

Coupons receivable for town taxes.

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.

Failure to present bonds for payment.

SEC. 5. That all bonds of the town issued shall be signed by the clerk and treasurer of the board of commissioners and by the mayor, and it shall be the duty of the board of commissioners and they are hereby empowered to levy and collect a sufficient special tax in each and every year upon all subjects of taxation which now are or may hereafter be embraced in the subjects of taxation under the charter of the town and all amendments thereto, and what is conferred on towns and cities in chapter sixty-two [of the] Revised Code, which taxes when collected shall be kept separate and distinct for the purpose of paying off, taking up and cancelling all the coupons on any and all bonds issued by the said town as the same becomes due.

Bonds, how signed.

Special tax.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 225.

An act to amend the charter of the Raleigh Street Railway Company.

The General Assembly of North Carolina do enact :

SECTION 1. That the Raleigh Street Railway Company, a corporation duly created under the laws of North Carolina, shall have the usual powers of a land and improvement company, and shall be authorized and empowered to buy land for division into lots; to lay out, grade, improve and convey the same; may build factories or other industrial enterprises and may subscribe to or take stock in such factory or enterprise. That said company shall be authorized to mortgage any land or property held by it in the same manner as it is now authorized to make mortgages and issue mortgage bonds. That it shall be authorized to buy, lease or consolidate with any other electric lighting or gas company or land improvement company, or to sell to or be leased by any such company, or to guarantee the bonds of any such company. Every gas, electric lighting or land company shall be empowered upon a vote of its stockholders to lease, buy or consolidate with, or to guarantee the bonds of or be leased by or sold to said street railway company.

Additional corporate powers granted Raleigh Street Railway Co.

SEC. 2. That for the purposes of the foregoing section the Raleigh Street Railway Company shall be empowered to issue preferred stock or common stock of class B to an amount not exceeding two hundred [thousand] dollars, upon such terms and under such restrictions as the stockholders shall prescribe.

Authorized to issue preferred stock, &c.

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

Ratified the 5th day of March, A. D. 1891.

CHAPTER 226.

An act to amend the charter of the town of Bayboro, Pamlico county, North Carolina.

The General Assembly of North Carolina do enact:

Chapter 51, Private Laws 1881, amended.

Taxing power.

License tax on merchants and liquor dealers.

SECTION 1. That section four of chapter fifty-four of the private laws of one thousand eight hundred and eighty-one be and the same is hereby amended by striking out in line five of said section the words "one-fourth," and that the following be added to said section: "That the commissioners of said town shall have power to levy a privilege tax on all merchants and liquor dealers not to exceed five dollars."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 227.

An act to incorporate Mocksville Academy, Davie county, North Carolina.

The General Assembly of North Carolina do enact:

Body politic.

Corporate name.

Corporate powers.

May purchase property, &c.

By-laws.

Trustees not individually liable for corporate debts.

SECTION 1. That E. E. Hunt, John H. Clement, E. H. Pass, J. A. Kelly, A. M. Nail, W. B. Clement, D. C. Wilson, and their successors in office, are hereby created a body corporate and politic for educational purposes under the name and style of "The Mocksville Academy," in the county of Davie, North Carolina, and as such may have all the powers, rights and privileges of like institutions, and may sue and be sued, plead and be impleaded.

SEC. 2. That 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.

SEC. 3. That such corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the law.

SEC. 4. That said trustees shall not be individually liable for the debts of the aforesaid academy.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 228.

An act to authorize the city of New Berne to issue bonds for public improvement and to levy a special tax, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of macadamizing and otherwise improving such of the public streets and sidewalks of the city of New Berne as the board of city improvements hereinafter provided for and the board of city councilmen may determine to improve, the city of New Berne is hereby authorized and empowered to issue its bonds to an amount not exceeding thirty-five thousand dollars, of such denominations as the board of city councilmen may deem advisable and in such proportions as may be necessary, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached payable yearly at such times and at such place or places as may be deemed advisable by said board of councilmen; said bonds to be of such form and tenor and transferable in such a way and the principal thereof payable or redeemable at such a time or times not exceeding fifty years from the date thereof and at such a place or places as the board of city councilmen may determine.

Authorized to issue bonds not exceeding \$35,000 for improving streets, &c.

SEC. 2. That for the purpose of providing a system of sewerage for the city of New Berne as the board of city improvements hereinafter provided for may determine, the city of New Berne is hereby authorized and empowered to issue its bonds from time to time to an amount not exceeding twenty-five thousand dollars, of such denominations as the board of city councilmen may deem advisable and in such proportions as may be necessary, bearing interest from date of said bonds at a rate not exceeding five per centum, with interest coupons attached payable yearly at such times and at such place or places as may be deemed advisable by said board of councilmen; 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 councilmen may determine.

Authorized to issue bonds not exceeding \$25,000 to provide system of sewerage.

SEC. 3. That for the purpose of providing a city hall and market-house as the board of city improvements hereinafter provided for may determine, the city of New Berne is hereby authorized and empowered to issue its bonds from time to time to an amount not exceeding fifteen thousand dollars, of such denominations as the board of councilmen may deem advisable and in such proportions as may be deemed necessary, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached payable yearly at such time or times and at such place or places as may be deemed advisable by said board of councilmen; said

Authorized to issue bonds not exceeding \$15,000 for city hall and market-house.

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 councilmen may determine.

Bonds not to be sold for less than par.
Application of proceeds.

SEC. 4. That none of the bonds provided for in the first, second and third 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 their proceeds, 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 New Berne 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 in double the amount lost to the city by such violation; and the said board of city improvements shall be to all intents and purposes considered officers of the city of New Berne.

City officer violating this section guilty of misdemeanor.

Penalty.

Board of city improvements city officers.

Coupons receivable for city taxes, &c.

SEC. 5. That the coupons of the bonds authorized to be issued by sections one, two and three hereof shall be receivable in payment of city taxes or other city dues for any fiscal year in which such coupons shall become due or any time 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 from the time they have been outstanding after maturity.

Failure to present bonds for payment.

Special tax for street improvement bonds.

SEC. 6. 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 councilmen 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 councilmen now are or may hereafter be authorized to levy and lay taxes for any purpose whatsoever, said particular tax to be not more than twelve cents on the hundred dollars assessed valuation on property and not more than thirty-six cents on each poll; and second, for 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 councilmen shall levy and lay a particular tax on all the persons and subjects of taxation on which said board now or may hereafter be authorized to lay and levy taxes for any purpose whatsoever, said particular taxes not to be more than ten cents on the one hundred dollars assessed valuation on property and not more than thirty cents on each poll; and third, for the payment of the interest accruing and the principal at maturity of the bonds issued under authority of section three of this act, the said board of councilmen shall levy and lay a particular tax on all the

Special tax for sewerage bonds.

Special tax for city hall bonds, Collection of taxes, &c.

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 more than five cents on the one hundred dollars assessed valuation on property and not more than fifteen 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 due investment of the amounts collected from year to year in excess of that required to pay the said interest. The board of city improvements shall appoint one of their board, to be styled "Commissioner of the Sinking Fund of the City of New Berne," whose duty it shall be, under such general rules and regulations as said board of city improvements 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 to [of] the principal of said bonds issued under sections one, two or three, or all of the said sections thereof, and to do or perform all such other services in connection with said bonds as the said board of city improvements may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of city improvements may determine.

SEC. 7. That the provisions of sections one, two, three and six of this act shall be submitted to a vote of the qualified voters of the city of New Berne at an election to be held in said city on a day to be designated by the board of city councilmen 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, three and six of this act, or a synopsis of the same, and shall be published in a newspaper published in the city of New Berne and at one place in each ward of the said city. Said election shall be held and returns thereof made under the same rules and regulations as exist in case of election of city councilmen of the city of New Berne; that the board of councilmen shall submit the vote upon the issuance of the bonds authorized by sections one, two and three of this act separately, and there shall be three ballot-boxes, in one of which those qualified voters approving the issue of bonds provided for in section one and the levy of the special tax provided for in subsection one of section six of this act for that issue of bonds shall deposit a ballot with the printed or written words, "Street improvement—approved"; and if a majority of such voters shall vote

Application.

Sinking fund.

Commissioner of sinking fund.

Duties.

Bond.

Compensation.

Election on question of issuing bonds.

Notice of election

Election, how held, &c.

Separate vote on each issue of bonds.

“Street improvement—approved,” then it shall be deemed and held that a majority of the qualified voters of the city of New Berne are in favor of giving the board of city councilmen of the city of New Berne authority to issue the bonds provided for in section one, and to levy the special tax provided for in subsection one of section six of this act, and the board of city councilmen shall have such authority; but if a majority of them vote “Street improvement—not approved,” then the board of city councilmen shall not have said authority. In one of said ballot-boxes those qualified voters of the city of New Berne approving the issue of the bonds provided for in section two of this act and the levy of the special tax provided for in subsection two of section six of this act shall be deposited with the printed or written words “Sewerage—approved,” and those disapproving the same shall deposit a like ballot with the words “Sewerage—not approved”; and if a majority or such voters shall vote “Sewerage—approved,” then it shall be deemed and held that a majority of the qualified voters of the city of New Berne are in favor of giving authority to the board of councilmen 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 six of this act, and thereupon the board of councilmen shall have such authority. In one of the said ballot-boxes those qualified voters of the city of New Berne approving the issue of the bonds provided for in section three of this act, and the levy of the special tax provided for in subsection three of section six of this act, shall deposit [a ballot] with the printed or written words “City hall—approved,” and those disapproving the same shall deposit a like ballot with the words “City hall—not approved”; and if a majority of such voters shall vote “City Hall—approved,” then it shall be deemed and held that a majority of the qualified voters of the city of New Berne are in favor of giving authority to the board of councilmen to issue the bonds provided for in section three of this act and likewise to levy and collect the special tax provided for in subsection three of section six of this act, and thereupon the board of councilmen shall have said authority. If at any election held under sections one, two and three, or either of said sections and [at] said election a majority of the qualified voters shall vote “Not approved,” on either section one, two or three, [or] either or all of the said sections, it shall not prevent the board of councilmen of said city from ordering another election under either of said sections upon which the vote was not approved at any time within fourteen months from the date of such election at which the qualified voters may have voted “Not approved;” 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.

Other elections
on question of
issuing bonds.

SEC. 8. That Alexander Miller, George H. Roberts, J. A. Meadows, Board of city
William Dunn and James Redmond be and they are hereby consti- improvements.
tuted and appointed the board of city improvements of the city
of New Berne, with full power and authority to fill any vacancy or
vacancies that may occur in the said board of city improvements by
death, resignation or otherwise.

SEC. 9. That the said board of city improvements are hereby Powers of board.
specially invested with the power and authority, if the bonds pro-
vided for in sections one, two and three of this act or in either section
thereof is [are] approved by the qualified voters of the city of New
Berne, to take charge of the said bonds and to sell the same and
apply the proceeds thereof as directed in the said sections one, two
and three, or either of the said sections to and for the purposes speci-
fied in the said sections one, two and three or either of them as the
case may be.

SEC. 10. That the said board of city improvements are hereby Board to make
authorized and directed to put out contracts to the lowest bidder to contracts for
do the work and make the improvements contemplated by sections work, &c.
one, two and three of this act, and to require good and sufficient
surety for the faithful performance of any and all contracts let out
by said board of city improvements.

SEC. 11. That the said board of city improvements are hereby Board to make
authorized and empowered to make such rules and regulations for rules, &c.
their own government not inconsistent with this act, and to elect Officers of board.
one of their board as president and one as secretary, and the com-
missioner of the sinking fund of the city of New Berne shall be
ex officio treasurer of the said board.

SEC. 12. That the board of councilmen of the city of New Berne Councilmen to
shall from time to time, upon the request of the board of city issue bonds as
improvements, issue such bonds and in such amounts as the board requested by
of city improvements may request, but the board of city improve- board of city im-
ments shall not request any larger amount of bonds to be issued than improvements, &c.
is necessary.

SEC. 13. That the said board of city improvements shall every Board of city
three months make a sworn statement to the board of councilmen of improvements to
said city showing the full amounts received, and from what sources, make statements
together with all disbursements and for what made, with a full state- of receipts and
ment of all work done, which report shall be recorded in the disbursements.
proceedings of the said board of councilmen.

SEC. 14. *Be it further enacted*, that the board of councilmen of Powers of coun-
the city of New Berne shall have full power and authority to cilmen over
straighten or widen streets or lay off and establish new streets when streets, &c.
in their opinion the same shall be required for the best interest of
the city. Whenever it shall be necessary to straighten, widen or
establish new streets and the owner of the land which may be Damages to land-
required for such purposes shall claim damages, the owner of the owner how
land shall file his claim with the clerk of the city; and it shall be the assessed, &c.

- Appeal.
- Section applica-
ble to condemna-
tion of land for
enlarging ceme-
teries, &c.
- Assessment of
property for
taxation.
- Powers of
assessors.
- Councilmen not
prohibited from
taking county
assessment.
- Conflicting laws
repealed.
- duty of the board of councilmen forthwith to appoint three free-holders, residents of said city, connected with the said 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 councilmen, who shall pay the said damages assessed, if any, and proceed to establish said street. If [the] owner or the city is dissatisfied with such assessment either party 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. All the provisions of this section shall apply when the board of councilmen of the city of New Berne shall deem it necessary to condemn for the purposes of enlarging, improving or protecting the cemetery or cemeteries of the said city.
- SEC. 15. *Be it further enacted*, that the board of councilmen of the city of New Berne are hereby authorized and empowered to have all property and subjects to [of] taxation in the said city valued by assessors appointed by the said board, and for this purpose the said board shall have all the power and authority conferred upon the board of county commissioners as provided in any law now in force, or that may hereafter become in force, relative to listing and valuing property for taxation for county or state purposes, and that the provisions in any such law or laws conferring powers upon the county commissioners shall confer the same powers upon the board of councilmen of the city of New Berne.
- SEC. 16. That the assessors provided for in section fifteen of this act shall have all the powers and authority conferred upon assessors appointed by the county commissioners of Craven county to list and assess property for taxation in said county.
- SEC. 17. That nothing in this act shall be so construed so as to prohibit the board of councilmen from taking the valuation of city property for the purpose of taxation from the county tax-list as has been the custom heretofore.
- SEC. 18. That all laws in conflict with this act are hereby repealed.
- SEC. 19. That this act shall be in force from and after its ratification.
- Ratified the 5th day of March, A. D. 1891.

CHAPTER 229.

An act to incorporate the Mount Airy Light and Power Company.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Fulton, E. B. Ashby, B. F. Graves, Thomas T. Dawson, William P. Dawson, Winston Fulton, Frank O. Walton, and their associates, successors and assigns, are hereby created a body politic and corporate under the name and style of "The Mount Airy Light and Power Company," and by such name and title may sue and be sued, plead and be impleaded, and be capable of purchasing, holding, buying, selling, leasing and conveying real and personal property, with all the rights and powers to corporations granted in chapter four of The Code of North Carolina and chapter forty-nine of The Code of North Carolina as are granted to any and all light and street railway companies in this state, and in particular that of condemning, using and appropriating lands for light and railway purposes, and as such corporation they may have a common seal which they may break or alter at pleasure.

SEC. 2. That the capital stock of said corporation shall be fifty 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 the stockholders may determine, the said capital stock to be divided into shares of one hundred dollars each; and the said corporation shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, franchises and effects to secure their payment.

SEC. 3. That the said corporation shall have power and authority to make, construct, 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 said corporation may select, with liberty to change the same in whole or in part at any time through, along and over and under the streets and thoroughfares of the town of Mount Airy, North Carolina, and to points within five miles of the present corporate limits of said town, and to erect such depots, stables, offices, sheds, engine-houses, shops and other necessary buildings as the board of directors of said corporation may desire, 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, and such compensation for the transportation of freight and parcels, if the directors see fit to carry the same, as may be reasonable; and shall have power to eject from any of the cars, carriages or coaches of said railway any person or persons who do not pay their fare

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Authorized to borrow money on mortgage, &c.

Authorized to build street railway.

upon demand of the conductor or other person in charge of said cars, carriages or coaches, or who do not pay according to the regulations of said corporation.

Powers of conductors, &c.

SEC. 4. 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 privileges which belong to similar officer or agent of railroad companies in the state, and in addition to the general powers conferred upon such officers and agents they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said corporation at any time, whether the fare of said drunken, profane or disorderly person has been paid or not, and the said corporation shall not be liable or responsible therefor in damages or otherwise, and such officer or agent shall not be liable civilly or criminally therefor unless he use greater force than is necessary to eject said person.

Non-liability of corporation.

Authorized to establish system of lighting, &c.

SEC. 5. That said corporation is hereby authorized and empowered to establish, construct and maintain in the town of Mount Airy, North Carolina, a system of lighting, either by gas or electricity, as the directors of said incorporation may determine, and is vested with all the rights and powers granted any and all gas companies in this state, with liberty to enlarge the power or means of lighting at any time.

Corporate powers.

SEC. 6. That said corporation shall at all times have power to lay, construct, maintain and repair, remove all necessary pipes, posts, fixtures and appurtenances; to erect, tear down, replace and remove all poles, posts, pipes, supports, braces, wires, cords and ropes necessary in, upon, through and over any and all roads, streets, avenues, lanes, alleys and bridges within the corporate limits of said town; and also to dig any and all kinds of wells that may be desirable for getting water in establishing gas-works or electric light plant: *Provided, however,* the said corporation shall, at its own expense and cost, repair, replace, restore all streets, roads, avenues, lanes, alleys, etc., so used by it, and leave them in as good condition as they were before such use. And the officers and agents of said corporation are hereby empowered to enter upon said streets, roads, alleys, etc., at any time for the purpose of repairing, improving or replacing any of said pipes, posts, poles, wires, cords, braces or ropes or lamps or other necessary appliances; and also the right is hereby conferred of entering at proper hours into the stores, dwellings, hotels, factories or other premises where said system of lighting, fixtures, pipes, wires, lamps, etc., are located for the purpose of repairing, removing or replacing the same.

Proviso.

Rights of entry.

Town commissioners may contract with company for lighting town, &c.

SEC. 7. That the commissioners of the town of Mount Airy are hereby authorized and empowered to enter into a contract with said corporation for supplying said town with lights on any or all

the streets of said town and in any or all town buildings therein situated, and make provision for such sum or sums of money as may be agreed upon as compensation for such supply of lights in the annual levy or collection of taxes for town expenses; and the said corporation is authorized and empowered to enter into contract with the town of Mount Airy or any other corporation and all private persons for supplying them with lights.

SEC. 8. That any person or persons who shall cast, throw, shoot, propel or project or in anywise put in motion any stone, shot, pellet, or other missile of any kind or nature at, against or into any car, carriage, coach or train upon said street railway, whether the same be in motion or at rest, with intent to injure such cars, carriage, coach or train or any person therein or thereon or any horse or other animal attached thereto or connected therewith, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the judge of the superior court.

Misdemeanor to throw stones, &c., at car, &c.

SEC. 9. That any person or persons who shall deface, injure, destroy, obstruct or remove said railway or any part thereof or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof or appliances of any kind connected therewith, shall be deemed guilty of a misdemeanor and fined or imprisoned within the discretion of the judge of the superior court.

Misdemeanor to injure, &c., cars, &c.

SEC. 10. That any person or persons who shall remove, obstruct, injure or destroy any part of the plant, machinery, fixtures or buildings or anything appertaining to the electric light system or gas-works of said corporation, or shall use, tamper or interfere with the same, he shall be deemed guilty of a misdemeanor and be fined or imprisoned within the discretion of the judge of the superior court.

Misdemeanor to injure, &c., electric light plant, &c.

SEC. 11. That said corporation shall also have power and authority to erect, construct, maintain and operate a system of water-works within the town of Mount Airy, and is hereby vested with the right to dig all necessary ditches for the laying of pipes, and shall also have power to contract with the commissioners of the town of Mount Airy for supplying the town with water, or any other corporation or private persons for such use. And the officers and servants of said company are clothed with the authority by this act at proper hours to enter into the stores, offices, dwellings or other buildings wherein the pipes or fixtures of said company may be used for the purpose of removing, repairing, replacing the same.

Authorized to construct water-works, &c.

Contract to supply water to town, &c.
Rights of entry.

SEC. 12. That any person or persons who shall interfere with or injure any of the appliances of said water-works system shall be deemed guilty of a misdemeanor and be fined or imprisoned in the discretion of the judge of the superior court.

Misdemeanor to injure, &c., water-works, &c.

SEC. 13. That said corporation shall be deemed fully organized immediately upon the ratification of this act, and a majority of the

Organization.

- corporators named herein may meet at any time thereafter and elect such officers as they may deem necessary: *Provided*, their [there] shall be a board of directors, to consist of not less than three stockholders of the corporation. They may issue stock, bonds and other securities through such officers and agents as they may designate; obtain subscriptions, enter into contracts for the construction of and furnishing of their line or lines, and for the building of houses or leasing of same, and stables, offices, shops, sheds, and as well to contract for all other property, real and personal, as may be necessary; and said corporation may and shall have power to do any and all other things requisite for the enjoyment of their franchises not especially prohibited by the laws of this state; and the stockholders therein shall not be liable, personally, for any of the debts, obligations, engagements or contracts of said corporation; and the said corporation shall have the right for sixty years, to construct and operate lines of railway through, in, over and under and along the streets and thoroughfares of the town of Mount Airy, North Carolina, and to construct and operate a system of lighting, either by gas or electricity, in, over and along the streets of the said town of Mount Airy, North Carolina, and to construct and maintain a system of water-works within the corporate limits of said town of Mount Airy, North Carolina: *Provided*, work shall commence on some one of said lines of street railway, and on the said light-plant, and on the water-works system within two years from the passage of this act.
- Board of directors. SEC. 14. That whenever any lands may be required for said street railway, light-plant, or water-works system, the said corporation shall have power to have the same assessed and condemned for such purposes to their use in a manner now provided by the charter of the town of Mount Airy, and upon same terms; and in case said lands be without the corporate limits of the town of Mount Airy, then the said lands shall be condemned for the use of said corporation in the manner provided by law for the condemnation of lands for railroads or other public uses, North Carolina Code, chapter forty-nine, section one, thousand nine hundred and forty-three and following.
- Powers of directors. SEC. 15. That the principal office of said corporation shall be in Mount Airy, North Carolina; that the board of directors of said corporation may make any and all by-laws, rules and regulations for the government of said corporation as they may think proper; and after electing officers may fix the salaries of the same: *Provided*, no rules or by-laws be inconsistent with the constitution of this State or the United States.
- Non-liability of stockholders for corporate debts. SEC. 16. That this act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.
- Corporate powers for sixty years.
- When work to commence.
- Condemnation of land.
- Principal office.
- By-laws.
- Salaries. Proviso.

CHAPTER 230.

An act to incorporate the Keystone Mining and Improvement Company
of Raker City.

The General Assembly of North Carolina do enact :

SECTION 1. That William Raker and William Z. Raker, of Raker City, county of Granville and state of North Carolina; Jeremiah Rife, Jacob F. Kontz, M. M. Barton, D. H. Bartholomew and David Sing, of Lancaster, Pennsylvania; John N. Logan, Dillsburg, Pennsylvania, and M. M. Beitzel, of Carlisle, Pennsylvania, their associates and successors be and they are hereby created and declared to be a body politic and corporate, under the name and style of "The Keystone Mining and Improvement Company of Raker City," with all the powers, rights, privileges and immunities secured to other corporations under the laws of the state of North Carolina.

Body politic.

Corporate name.
Corporate powers.

SEC. 2. The capital stock of the company shall be one hundred thousand dollars in shares of ten dollars each, but the company may increase it from time to time to an amount not exceeding five hundred thousand dollars in such manner as may be provided in its by-laws.

Capital stock.

SEC. 3. The company is authorized to buy and sell lands and other property, and to carry on a general mining, manufacturing and milling business in all the branches of each respectively, and may acquire by purchase or otherwise, mining, mineral and timber lands, mills, mill sites, and water-powers, use steam and erect all such buildings and machinery as may be required in their business; may build canals and water-ways and lay pipes to secure needful supplies of water; and in cases where such canals, water-ways or pipes are to pass over lands other than the lands of the company; and [if] for any reason an agreement for the purpose cannot be made with the owner of such land, the same may be condemned to the use of the company in the same manner in all respects as is provided by law for the condemnation of lands to the use of railroad companies.

Corporate powers.

SEC. 4. The principal office of the company shall be at Raker City, in the county of Granville, North Carolina, but branch offices may be established elsewhere in this and in other states.

Offices.

SEC. 5. The affairs of the company shall be managed by a board of directors, consisting of such number and chosen in such manner as the by-laws shall direct. A majority of the board shall be a quorum unless otherwise provided in the by-laws. The officers of the company shall be such as the by-laws direct, with the manner of their appointment and the terms of their offices respectively. The corporators herein named shall be a board of directors for the purpose of organization, who shall have power to make such by-laws as may be necessary to perfect the organization and to direct the man-

Directors.

Officers.

Organization.

- ner in which subscriptions of stock may be made and the time and manner of the payment of the same. The company may at all times amend, modify or change its by-laws and add such others as the exigencies of its business may require: *Provided*, the same shall not be inconsistent with the constitution and laws of the state or of the United States.
- By-laws.
- Proviso.
- Corporate existence. SEC. 6. This act shall be in force from the time of its ratification and continue in force for the period of thirty years.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 231.

An act to incorporate the Morven Academy Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That C. C. Moore, J. E. Moore, G. A. Martin, Hugh Johnson and J. L. Pratt, and their successors, be and they are hereby created a body politic for educational purposes under the name and style of "The Morven Academy Company" of Morven, N. C., and as such shall have all the powers of trustees of like institutions; may purchase, hold and convey real and personal estate; may sue and be sued, plead and be impleaded.
- Corporate name.
- Corporate powers.
- Corporate succession. SEC. 2. That the members of said corporation shall have succession for thirty years; shall elect their officers by a majority vote of the stock owned in said corporation, which shall consist of a president, secretary and treasurer, who shall be elected annually.
- Officers.
- By-laws. SEC. 3. That said body politic shall have power to make such by-laws and regulations, not inconsistent with the laws of this state, as they may deem necessary to promote the objects of the corporation.
- Certificates of merit, &c. SEC. 4. That said corporation shall have power to grant certificates of merit or proficiency in any of the departments taught in said institution.
- SEC. 5. That this act shall be in force from and after its ratification.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 232.

An act to amend the charter of the town of Concord.

The General Assembly of North Carolina do enact :

- Commissioners of Concord authorized to improve streets, &c. SECTION 1. That the commissioners for the town of Concord shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out and open new streets and sidewalks, or widen

those already open, and make such improvements thereon as the public convenience may require, and condemn right-of-way for the laying [of] sewerage pipes under ground in said town.

SEC. 2. That when any land or right-of-way shall be required for the purpose of opening new streets or sidewalks, or for widening those already opened, 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, the same may be taken at a valuation to be made by two disinterested and impartial freeholders living in the town of Concord, one of whom shall be chosen by said commissioners and the other by the owner of the land or right-of-way, after five days' written notice being given by the mayor of the town of Concord. to [And if] the owner or owners of the lands desired by said commissioners shall fail to select such a freeholder as above mentioned within the five days then the said commissioners shall appoint him; and in case the two freeholders appointed in either manner above mentioned cannot agree as to the amount of damages they may select a third disinterested and impartial freeholder who shall sit with them in assessing the damages; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace, or a clerk of the court of record, shall take into consideration the loss or damages 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 opening or widening such street, sidewalk or other improvement, and ascertain the sum which shall be paid to the owner of said property and report the same to the commissioners for the town of Concord under their hands and seals, which report on being confirmed by said commissioners and spread upon their minutes shall have the effect of a judgment against the commissioners for the town of Concord, and shall pass the title to said commissioners in their corporate capacity to the land so taken: *Provided, however,* that if any person over whose land the said street or sidewalk may pass or improvements be erected, or the said commissioners, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next superior court: *Provided, further,* that such an appeal shall not hinder or delay the said commissioners opening or widening such street or sidewalk or erecting such improvement. Condemnation of land.
Appeal.

SEC. 3. That the commissioners for the town of Concord shall have power to make and provide such ordinances, by-laws, rules and regulations for the better government of the town, and for the safety and protection of the person and property of the inhabitants thereof as they may deem necessary, not inconsistent with this act or the laws of the land. Ordinances, &c.

SEC. 4. That the commissioners of said town shall have power to make ordinances to govern the pace and speed at which horses may Ordinances to regulate speed of horses, trains, &c.

be ridden or driven through the streets, the speed at which railroad engines and trains shall run within the corporate limits; to prohibit said railroads from stopping their engines or cars in streets, and to require said railroads to keep their street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which hogs and dogs may be kept.

Sale of provisions, &c.

SEC. 5. That the said commissioners shall have power to regulate the manner in which provisions and other articles shall be sold and exhibited for sale 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.

Section 4, chapter 46, Private Laws 1889, repealed. Taxation.

SEC. 6. That section four, chapter forty-six, private laws one thousand eight hundred and eighty-nine, be and the same is hereby repealed.

Condemnation of land for sewerage pipes.

SEC. 7. That when in prosecution of the work of sewerage it shall become necessary to lay pipes or carry the work through the land of any other person and no agreement therefor can be made with such owner, the right-of-way for the purpose aforesaid may be acquired in the same way as is provided for opening new streets and other purposes.

SEC. 8. That this act shall take effect from and after its ratification. Ratified the 5th day of March, A. D. 1891.

CHAPTER 233.

An act to enable the Wilmington Light Infantry to issue bonds and to build an armory and for other purposes.

Preamble.

WHEREAS, the Wilmington Light Infantry is desirous of erecting in the city of Wilmington a spacious, suitable and convenient building for an armory, and hath not funds sufficient for the completion thereof: now

The General Assembly of North Carolina do enact:

Authorized to issue bonds to build armory.

SECTION 1. That for the purposes aforesaid, it shall be lawful for the said the Wilmington Light Infantry to issue bonds of this denominations of one thousand dollars, five hundred dollars, one hundred dollars and fifty dollars, as in its discretion it may see fit, to be made payable at the expiration of ten and fifteen years after this [their] date, with the privilege of redemption, if it shall see fit, after five years, bearing interest at a rate not exceeding six per cent., with coupons attached payable semi-annually.

SEC. 2. The bonds so issued shall not exceed twenty thousand dollars, and shall be signed when issued by the president of the said corporation and also by the secretary and the seal of the corporation affixed thereto.

Not to exceed \$20,000.
How issued.

SEC. 3. The corporation aforesaid is hereby expressly empowered to execute to the Wilmington Savings and Trust Company a deed of trust on all of its real property, and all rents arising or accruing therefrom, to such an extent as shall sufficiently secure the payment of said bonds and the interest thereon.

Deed of trust.

SEC. 4. This act shall be in force from and after its ratification.
Ratified the 5th day of March, A. D. 1891.

CHAPTER 234.

An act to amend the charter of the town of Salisbury so as to provide and put in a system of sewerage in said town and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners for the town of Salisbury be and they are hereby authorized and directed to issue bonds to the amount of fifty thousand dollars to be due and payable as follows, to-wit: Fifteen thousand dollars to be due and payable ten years from the first day of June, eighteen hundred and ninety-one; fifteen thousand dollars to be due and payable twenty years from the first day of June, eighteen hundred and ninety-one, and twenty thousand dollars to be due and payable thirty years from the first day of June, eighteen hundred and ninety-one, which said bonds shall bear interest from the date of issue at the rate of five per centum per annum, payable annually on the first day of June of each and every year.

Commissioner to issue bonds not exceeding \$50,000
When payable.

SEC. 2. That said bonds shall be coupon bonds of the denomination of one hundred dollars each, and shall be designated series B and numbered from one upwards, in accordance with the order of issue. They shall be signed by the mayor of said town and countersigned by the treasurer of said town and the clerk of the board of commissioners of said town, and sealed with the corporate seal of said town, but the coupons thereon may be signed by the said treasurer and clerk only.

Description of bonds.

SEC. 3. That said coupons shall be receivable in payment of taxes due the town of Salisbury, and the same shall be expressed on the face of each coupon.

Coupons receivable for town taxes.

Bonds not to be sold for less than par. Application of proceeds.

SEC. 4. That said bonds shall be sold at not less than par value, and the proceeds of their sale shall be applied to the following purposes and no other, to-wit, first, to defraying the expenses of providing and putting in a system of sewerage in said town; and second, after said sewerage shall have been put in and completed then the remainder shall be used, if necessary, to defray expenses of macadamizing, paving, grading, draining and otherwise improving the streets and sidewalks of the town of Salisbury.

Sale of bonds.

SEC. 5. That the said bonds shall from time to time, and as they are needed by the board named in this section, be placed in the hands of the following named persons, to-wit: R. J. Holmes, J. S. McCubbins, D. A. Atwell, P. A. Frericks and Theo. Kluttz, who shall constitute the board for sewerage for said town, and they shall have the right alone to sell said bonds as provided in section fourth of this act, and as it may be necessary to defray the expenses mentioned in said section fourth; and in case of a vacancy or vacancies in said board for sewerage the said board for sewerage for said town shall fill the same.

Sewerage board.

Vacancies.

Board to render accounts to commissioners.

SEC. 6. That said board for sewerage shall semi-annually, and oftener when called upon by the board of commissioners for said town, render to the board of commissioners for said town a full and accurate account of all bonds placed in their hands and sold by them, and all money expended by them as provided in this act, and said board for sewerage shall, before they act, execute to the board of commissioners for said town a bond with good and sufficient sureties in the sum of fifty thousand dollars, conditioned for the faithful expenditure of said money and accounting for the same.

Bond.

Special tax.

SEC. 7. That for the purpose of paying the interest which shall accrue on said bonds, and of accumulating a fund for the principal of said bonds as they shall mature and for payment of the same at maturity, the said board of commissioners for said town shall have power annually to levy and collect in the manner and at the time prescribed for the collection of the general town taxes an *ad valorem* special tax not exceeding twenty-five cents on the one hundred dollars of the assessed valuation of all real and personal property in said town, and also a tax on all taxable polls not exceeding seventy-five cents, and said taxes shall be used for the purposes mentioned in this section, and no other.

Collection of tax.

SEC. 8. That said special tax shall be collected by the town tax-collector under the same rules and regulations as are prescribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, who shall give a bond in a sum double the amount of said special taxes, with good and sufficient sureties, conditioned for the faithful and honest management and disbursement of the said special taxes. The treasurer shall renew his bond annually on the first day of June of each year. Said bonds shall

Bond of tax-collector.

Bond of treasurer

be registered in the office of the register of deeds of Rowan county. The said treasurer shall keep an account of the receipts and disbursements of the said special tax money in a separate book to be kept for that purpose, and he shall annually publish a statement showing the balance and condition of the special tax funds in his hands.

Duty of treasurer

SEC. 9. That the board for sewerage may let out the work on the sewerage by contract to the lowest responsible bidder or otherwise, or they may employ hands and have the work done, but they shall require the work to commence at the centre of the town at the intersection of Main and Inniss streets.

Work on sewerage, how done.

Where work to commence.

SEC. 10. That a poll shall be opened on the second Tuesday in June, one thousand eight hundred and ninety-one, at the usual polling places in said town, when and where all qualified voters residing within the corporate limits of said town shall be entitled to vote.

Election on question of issuing bonds.

All persons who shall be in favor of issuing the said bonds may vote on a written or printed ticket "For bonds for sewerage," and all persons who shall be opposed to the issuing of said bonds may vote on a written or printed ticket "Against bonds for sewerage," and if a majority of all the qualified voters shall vote "For bonds for sewerage," then the provisions of this act shall take effect and be in force from and after the first day of July, one thousand eight hundred and ninety-one; and if a majority of all the qualified voters shall not vote "For bonds for sewerage," then each and every section of this act shall be void and of none effect.

Ballots.

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

The judges for holding said election shall be appointed by the board of commissioners for said town. There shall be three judges for each ward. They shall hold said poll and make return under their hands and seals on Wednesday following to the board of commissioners for said town, and said board shall declare the result. A registrar for each ward shall be appointed by the board of town commissioners, and they shall open the registration books in their respective wards on the first day of June, one thousand eight hundred and ninety-one, and keep the same open till six o'clock P. M., Saturday, the sixth day of June, one thousand eight hundred and ninety-one, and all persons not theretofore registered, who are duly qualified, may register as provided in the general election law. The mayor of said town shall give thirty days' notice of holding said poll.

Judges of election.

Returns of election.

Registrar.

SEC. 11. This act shall be in force from and after its ratification. Ratified the 5th day of March, A. D. 1891.

Registration.

Notice.

CHAPTER 235.

An act to incorporate the Inter-State Construction Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Joseph W. Coffin, Edward L. Luffern, Theodore S. Draper, James L. White, Robert M. Hughes, and such other persons as they associate with themselves, their assigns and successors, are hereby incorporated and constituted a body politic and corporate under the name and style of the "Inter-State Construction Company," with power to sue and be sued and to possess and enjoy all the general rights, privileges and powers invested by law in corporations.

Corporate name.

Corporate powers.

Corporate powers.

SEC. 2. That said company is hereby authorized and empowered to construct, improve and equip railroads, bridges, tunnels, warehouses, depots and all other structures and works usual and necessary to be constructed or done in the building, equipping and operating of railroads, and to this end may contract with any railroad company in or out of this state to construct it or any part thereof, or any bridge, tunnel, depot, warehouse or other structure to be used thereby, and during such construction shall equip, run and operate the same and until formally turned over to said company, and may acquire in payment for such work such bonds and stock of any such railroad company in whole or in part as shall be agreed upon, but shall not operate any such railroad except during the periods of construction and the settlement of the price therefor.

Authorized to do business in any state.

SEC. 3. That the powers granted herein shall authorize the said company to do business in this state, in Virginia, and in any other state of the union.

Capital stock.

SEC. 4. That the capital stock of the said company shall be not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000) divided in[to] shares of one hundred dollars (§100) each.

Authorized to borrow money on mortgage.

SEC. 5. That the said company shall have power to borrow money and secure it by deed of mortgage upon its franchises and property.

Organization.

SEC. 6. That upon the ratification of this act the corporators shall meet, and a majority of those named herein may elect a president, secretary, treasurer and board of directors of not less than three nor more than nine, and then the said company shall be deemed to be fully organized so soon as the minimum amount of stock has been subscribed, and ten (10) per cent. thereof paid in cash to the treasurer. The said company shall provide by-laws for its government, and the management of its affairs not inconsistent with the laws of this State.

By-laws.

SEC. 7. The principal office of said company shall be at Leaksville, Principal office. North Carolina.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 236.

An act to incorporate the First Presbyterian Church of Morganton.

The General Assembly of North Carolina do enact :

SECTION 1. That G. P. Erwin, E. K. Presnell, E. A. Perkins, W. A. Ross, George H. Moran, John Gray Bynum, A. C. Avery, John A. Gilmer, Robert Perkins, E. F. Reid, John A. Dickson, Donald McKenzie, S. J. Erwin and I. T. Avery, and their successors as elders and deacons of the Presbyterian Church of Morganton, North Carolina, and such persons as may at any time hereafter be ordained and associated with them as elders and deacons of said church, are hereby created a body politic and corporate under the name and style of "The First Presbyterian Church of Morganton."

Body politic.

Corporate name.

SEC. 2. That the said persons named in the preceding section as incorporators, and their successors as aforesaid, shall hold in trust for the benefit of the said church forever the tract of land on which the Presbyterian church is situate, bounded by the land of S. D. Dunavant, M. R. Collett and Sterling Street in the town of Morganton, and also the tract of land on which "Anderson Chapel" is located, situate near the depot in the town of Morganton, being the same conveyed by J. W. Wilson and wife to the elders constituting the session of the Presbyterian Church of Morganton, North Carolina; also any land heretofore purchased or contracted for by any of the members of said church for the pastor of said Presbyterian Church at Morganton, including that held by E. J. Erwin, deceased, as trustee for said church, and also such tracts of lands as may be purchased by the trustees aforesaid; and that said trustees shall have the power, and on request of the session of the Presbyterian Church of Morganton, it shall be their duty to sell and convey in fee-simple any lands already acquired or which may hereafter be acquired by them for the benefit of said church, and with the proceeds derived from such sales to purchase other lands in lieu of them.

Certain lands to be held in trust.

Sale and purchase of lands.

SEC. 3. That the said trustees of the First Presbyterian Church of Morganton, North Carolina, shall have the power to receive, hold and invest as they may deem best any funds that may have been

Trust fund.

heretofore bequeathed to any person in trust for the benefit of the Presbyterian Church of Morganton, the interest arising from which fund was by the terms of the will bequeathing it to be devoted to the payment of pastor's salary or any other specified church purpose, and to receive and hold forever any fund or property that may be devised, bequeathed or donated for the benefit of said church, subject to the trusts imposed by the testator or donor.

Organization of trustees.

SEC. 4. That the said elders and deacons, trustees as aforesaid, may organize by electing a president, vice-president, and a secretary and treasurer, in which event it shall be the duty of the president to preside when present at all meetings, and in his absence the vice-president if present shall preside; and it shall be the duty of the secretary and treasurer to record the proceedings of said trustees and have the custody of any bonds or solvent credits held for the benefit of said church by said trustees as aforesaid; and the said trustees may require the said secretary and treasurer to execute a bond, payable to the said corporation, for the faithful discharge of his duty as such, and to account for all moneys and evidences of indebtedness received or collected by him in [or] anywise coming into his hands as such secretary and treasurer.

Record.

Bond of secretary and treasurer.

Corporate powers.

SEC. 5. That the said The First Presbyterian Church* of Morganton shall have the power as a corporation to sue and be sued, plead and be impleaded; and in case said trustees decide to organize under this act they shall have the power to adopt and use a common seal.

How trust estate to be held if there be no elders or deacons.

SEC. 6. That in case at any time in the future there should be no ordained elders or deacons of said First Presbyterian Church of Morganton, then the said property, real and personal, heretofore held by said elders and deacons as trustees as aforesaid, shall be held upon like trust by the trustees of the Presbytery of the Presbyterian Church of North Carolina, within whose territorial bounds the town of Morganton is included, until such time as elders and deacons may be ordained for said church.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 237.

An act to amend the charter of the town of Randleman.

The General Assembly of North Carolina do enact:

Body corporate.

SECTION 1. That the inhabitants of the town of Randleman shall continue to be as heretofore a body corporate under the name and style of "The Town of Randleman," and under such name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the town

of Randleman, 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. Corporate powers.

SEC. 2. The present mayor and commissioners and other officers of the town of Randleman shall be and the same is [are] hereby declared to be like officers with the powers and duties of the town of Randleman until their successors are elected and qualified as hereinafter provided. Temporary officers.

SEC. 3. That the corporate limits and boundaries of the said town of Randleman shall be as follows: Three-fourths of a mile north, south, east and west from the Baptist church, and the town authorities are hereby instructed to survey and have marked out the above described boundaries. Corporate limits.

SEC. 4. The officers of the town of Randleman shall consist of a mayor and five commissioners, to be elected by ballot on the first Monday in May of each year (or on such other day as may be designated and set apart by general law of the state for municipal elections); also a constable, secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified; and it shall be the duty of the mayor to give notice of the election ten Officers.

days previous thereto by posters, written or printed, and put up at three or more public places within the corporate limits of the said town, and if the board of commissioners of Randolph county shall fail or neglect to appoint inspectors, two resident citizens shall be appointed by the mayor, who with himself shall hold said election. Election.

Other officers to be chosen by commissioners.

Notice of election.

Inspectors.

SEC. 5. That any qualified voter of this state shall be eligible as mayor or commissioner and entitled to vote in municipal elections of said town: *Provided*, he shall have resided within the corporation for ninety days next preceding the election. Who eligible as mayor, &c.

SEC. 6. That on the day of election the inspectors shall give due attendance at the time and place appointed, shall be judges of the polls, receive the votes, and conduct the election in a manner and during the same hours of the day as are prescribed for elections of members of the general assembly. Proviso.

SEC. 7. That [at] the close of election the votes shall be counted by the inspectors, and of such persons voted for as mayor the one having the largest number of votes shall be declared duly elected mayor, and of such persons voted for as commissioners the five receiving the largest number of votes shall be declared duly elected, and the officers thus elected shall be notified of their election within two days after the same by the inspectors. Election, how held.

SEC. 8. The inspectors, before proceeding to act as such, shall be sworn by the mayor or a justice of the peace of Randolph county to conduct the election fairly, impartially and according to law, and in Oath of inspectors.

case of the absence of an inspector, his place shall be supplied by the commissioners.

Tie vote.

SEC. 9. That if among the persons voted for for mayor there shall be an equal number of votes between any two or more receiving the largest number of votes, the commissioners elect shall proceed within five days after their qualification to elect [a] mayor of and from such persons thus tied, and if there should be a like tie among the commissioners thus voted for the remaining commissioners shall decide the tie within three days after their said qualification.

Returns of election.

SEC. 10. The inspectors shall certify and subscribe the poll and registration lists and return them to the town secretary, who shall take charge of and preserve the same.

Oath of mayor and commissioners.

SEC. 11. That the mayor and commissioners after election, and before entering upon the duties of their respective offices, shall take and subscribe (the mayor before some justice of the peace and the commissioners before the mayor) the following oath: "I, A. B., do solemnly swear that I will faithfully and diligently endeavor to perform the duties of the office of mayor or commissioner to which I have been elected: So help me, God."

Vacancy in office of mayor.

SEC. 12. That if any person [who] shall be elected mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore*, or to fill the unexpired term; and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy.

Vacancy in office of commissioner.

Penalty for refusal of mayor or commissioner elect to qualify.

SEC. 13. That any person elected mayor or commissioner for said town who shall refuse to qualify and act as such shall forfeit and pay, to the equal use of the town and of him who shall sue therefor, the sum of five dollars.

Jurisdiction of mayor.

SEC. 14. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authorities of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon, and to hear and determine all cases arising upon the ordinances of the board of commissioners; to impose penalties upon any adjudged violation thereof; to fine and imprison, either in the guard-house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Randolph county, upon recognizance, with security for his appearance at the next term thereof.

Appeal.

SEC. 15. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to any constable of the town or to such other officers to whom a justice of the peace may direct his precepts.

Mayor's precepts.

SEC. 16. The mayor shall preside at all meetings of the town commissioners and vote in no case except in an equal vote between said commissioners, when he shall give the casting vote. He shall keep a faithful minute of all the precepts issued by him and of all his judicial proceedings; judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the court of Randolph and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Randolph county.

Mayor to preside, &c.

Force of judgments.

SEC. 17. That every violation of the town ordinances shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisonment not more than thirty days.

Violation of ordinance a misdemeanor.

SEC. 18. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or may hereafter be provided by law.

Imprisonment.

SEC. 19. That all fines collected under the provisions of the foregoing act for violation of town ordinances shall go to the use of the town.

Fines to use of town.

SEC. 20. That the mayor shall be entitled by law to the same fees as a justice of the peace in like cases, and an additional salary to be allowed by the board of commissioners, not to exceed one hundred dollars a year.

Fees of mayor. Salary.

SEC. 21. That the mayor shall have, and it shall be his duty to exercise all the jurisdictions, powers and duties given to justices of the peace in chapter twenty-five of The Code, entitled "Crimes and Punishments," subject to the restrictions and limitations contained in that chapter: *Provided*, the mayor shall not take jurisdiction of any offence committed beyond the limits of the town.

Jurisdiction of mayor.

Proviso.

SEC. 22. The commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor the commissioners not joining in the call shall be notified in writing.

Board of commissioners.

Meetings.

Special meetings.

Ordinances.

SEC. 23. The commissioners shall have power to make and to provide for the execution thereof such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and be consistent with the laws of the land.

Proviso.

Powers and duties of commissioners.

SEC. 24. The commissioners shall have power and it shall be their duty to provide for and secure the peace, good order and tranquility of the town against disturbances by quarrel, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace or irregularities tending to disturbances [of] the peace of the citizens. They shall provide for repairing the streets, sidewalks and alleys and cause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prohibit any indecent exposure of the person by imposing such fines and imprisonment in all cases within the jurisdiction of the [a] justice of the peace as they shall deem adequate.

Abatement of nuisances.

SEC. 25. That the commissioners may require and compel the abatement and removal of all nuisances, and shall have power to pull down and remove any old house, barn or other building in said town when the same may be considered dangerous from fire or other causes to the safety [of] the person or property of adjacent residents: *Provided*, however, that before such removal the owner of such property shall be notified in writing by the secretary of such board of the action, [and] allowed one month for repairing or removing of such building.

Destruction of building to prevent fires.

Proviso.

Live stock running at large.

SEC. 26. That the commissioners shall have power to prevent dogs, hogs, horses and other brutes from running at large in the town, and the town marshal may by order of the mayor seize and detain such animals until such fine and costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days' notice at three public places therein and apply the proceeds to the payment of said costs and fines, and pay any surplus to the owner of the stock.

Firing guns, &c.

SEC. 27. That they may prohibit the firing of any gun, pistol, fire-cracker, gunpowder, other materials or other dangerous combustibles in the streets, public grounds or elsewhere in said town.

Guard-house.

SEC. 28. The commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances, and for feeding such prisoners the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Randolph county: *Provided*, in the above case that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having had his case heard and determined before the mayor.

Cost of feeding prisoners.

Proviso.

Streets.

SEC. 29. The commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town

whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to owners of property damaged thereby. In cases where the owners of land cannot agree with the commissioners regarding the value of land or property and the damages, the mayor of the town shall issue his warrant for the town marshal commanding him to summons three disinterested freeholders of said town, who, together with two freeholders as above to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings, findings, and so forth, into the office of the mayor there to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take the following oath before the mayor of the town or some justice of the peace: "I, A. B., do solemnly swear or affirm that I will faithfully and honestly discharge the duty of appraiser for which I have been chosen, and a true report make: So help me, God." If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either of the commissioners of [or] the opposite party be dissatisfied with the report of the freeholders then they may appeal to the superior court of Randolph county, and in that case the report of the valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined.

Condemnation of land.

Oath of appraiser

Appeal.

SEC. 30. The commissioners shall have the power to levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of said town; upon all money on hand, solvent credits; upon all polls and upon all other subjects of taxation taxed by the general assembly and the laws of the state for public purposes: *Provided*, that [the] annual tax on property shall not exceed twenty-five cents on the one hundred dollars valuation thereof, nor shall the poll tax and street commutation tax exceed the sum of seventy-five cents annually.

Taxation.

Proviso.

SEC. 31. That in addition to subjects liable to taxation for state purposes the commissioners shall have power to levy and collect a specific or license tax upon the following subjects: All itinerant or traveling merchants, peddlers, bar-rooms, liquor dealers or auctioneers who shall offer to sell within the corporate limits of said town, all drummers or commercial travelers, photograph artists, sewing or crushing machine agents, horse drover or fruit tree seller offering to exercise their business within the corporate limits of the town; upon all venders of cider, patent medicine or nostrums of any kind; upon every show, concert, menagerie, sleight-of-hand or theatrical performances exhibiting within said corporation; and

License taxes.

upon every hog or other stock running at large within the same, whether belonging to persons inside or outside the corporation.

Listing of property for taxation.

SEC. 32. That all persons liable to taxation of any kind in said town shall, on or before the first day of June in each and every year, make a return of their respective lists of taxable property, as assessed by the township assessors for the state, to the secretary or clerk of said board of commissioners; such lists shall give a description of the tracts or lots of land, the taxable poll and all other property liable to taxation by the persons returning the same, and shall be sworn to before some justice of the peace or before the secretary or clerk, who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such returns. The said lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes are assessed thereon, in the same manner as tax-lists are made or required to be made for the collection of state taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to double tax. The usual tax-list, made as aforesaid by the secretary or clerk and placed in the hands of the marshal or tax-collector, shall have the force and effect of a judgment and execution for the taxes assessed and appearing on said lists respectively; and the same may be collected by levy and sale of the property of the party owning such taxes, on giving such notice as is required by law on execution from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the power vested by law in sheriffs or tax-collectors for the collection of taxes due the state.

Tax-list.

Collection of taxes.

Taxes, when due.

Collection of unpaid taxes.

Sale of real estate for taxes.

Redemption of land sold for taxes.

Conveyance to purchaser.

SEC. 33. That said taxes shall be due on the first Monday of October in each and every year, but the tax-collector shall have no power to enforce collection of same by sale before the first day of November next ensuing. When the taxes due shall be unpaid on the first day of November, the tax-collector shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriffs of the state.

SEC. 34. The marshal or town tax-collector appointed by the commissioners is hereby authorized and empowered to sell real estate in said town for taxes, whether such real estate belongs to a resident or non-resident, or persons unknown, and so much thereof as may be necessary to satisfy the taxes and cost of collection, and the owner, or anyone for him, shall be allowed to redeem any property thus sold at any time within two years from the sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon and one dollar for the expense of reconveyance. If the real estate thus sold is not redeemed within the time specified, then the tax-collector shall convey the same in fee to the purchaser,

and the recital in said deed shall be [that the] taxes were due and unpaid at the time of sale shall be *prima facie* evidence of the fact.

SEC. 35. That it shall not be lawful for the board of commissioners of Randolph county to grant license to retail spirituous liquors within the limits of the town of Randleman without the written permission of the commissioners of the said town, attested and signed by the secretary, and presented by the applicants at the time of application and filed with the register of deeds of said county, and if such license be thus granted by the board of county commissioners without such permission the same shall be void, and the person obtaining such license shall be indictable as in other cases of retailing without license.

Unlawful for commissioners of Randolph to grant retail liquor license without permission of town commissioners.

SEC. 36. That it shall be the duty of the constable or marshal to see that the laws, ordinances and orders of the commissioners are enforced, and 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 power and authority vested in the sheriffs and county constables, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the sheriff of the county on like processes and precepts, and also such other compensation as the commissioners may allow. He shall execute all processes issued or directed to him by the mayor or any justice of the peace of Randolph township within the limits of said town, and to that end may summons any citizen of said town to his assistance, who, upon refusal to act shall be considered a misdemeanor, and upon complaint of the said marshal shall be tried and punished in the discretion of the mayor within the limits prescribed in the jurisdiction of the justices of the peace. He shall enter into a good and sufficient justified bond in the sum of five hundred dollars payable to the state of North Carolina and approved by the commissioners, and shall at the end of every month pay over to the town treasurer all fines, penalties and forfeitures, together with other moneys collected by him, and report the same to the commissioners under oath.

Duties and powers of constable.

Fees.

Other compensation. Execution of process.

Posse.

Penalty.

Bond of constable.

SEC. 37. That the town constable may arrest parties offending against town ordinances and endeavoring to make their escape without the limits of said town, with[out] a warrant, and he shall commit all offenders in [a] state of intoxication to the guard-house until they become sufficiently sober to appear before the mayor for trial. The town marshal or constable shall by virtue of his office be town tax-collector, unless he fails to give the bond required by commissioners for that purpose, or is otherwise deemed incompetent.

Arrests.

SEC. 38. The secretary or clerk of said town shall by virtue of his office as such after his appointment or election by commissioners be town treasurer, who shall keep regular minutes of the proceedings of the board, preserve all books, papers and articles committed to

Duties of clerk and treasurer.

- its [his] care during his continuance in office, and enter into a good and sufficient justified bond as treasurer to honestly and faithfully disburse all moneys coming into his hands, and a just and true account render when required by commissioners.
- Bond.**
- Duties of clerk and treasurer.** SEC. 39. That the clerk and treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him; at the expiration of his term deliver the same, with all moneys and property of said town in his possession, to his successor in office.
- Claims against town.** SEC. 40. That all persons to whom said town shall become indebted shall present their claims, duly sworn to, to the board of county commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof, if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.
- Officer failing to turn over property, &c., to successor guilty of misdemeanor.** SEC. 41. That all officers of said town of Randleman [who] shall, on demand, fail to turn over to their successors in office the property, money, books or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of Randolph county shall be fined at the discretion of the same.
- Conflicting laws repealed.** SEC. 42. That [this] act shall be in force from and after its ratification, and all laws and clauses [of laws] in conflict with this act are hereby repealed.
- Ratified the 6th day of March, A. D. 1891.

CHAPTER 238.

An act to amend the charter of the town of High Point.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of High Point 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 High Point," 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 one million 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 or usually appertaining to municipal corporations.

Incorporated.

Corporate name.

Corporate powers.

SEC. 2. That the corporate limits shall be the same as at present laid out, that is, two miles square, running a mile from where Fayetteville or Salem street crosses the North Carolina Railroad, 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 Salem street and the North Carolina Railroad west, 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 Salem street and the North Carolina Railroad east, 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 Fayetteville street and the North Carolina Railroad west, and the boundary line of the corporation from the points of its intersection with said streets, and this shall be known as ward number three. The fourth ward shall embrace that portion of the corporation lying between Fayetteville street and the North Carolina railroad east, 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.

Corporate limits.

SEC. 3. There shall, on the first Monday in May, one thousand eight hundred and ninety-one, and every year thereafter, be elected a mayor and eight aldermen for the said city; two of said aldermen shall be chosen from each ward, and the administration and govern-

Election of mayor and aldermen.

ment of the city shall be vested in such mayor as principal officer and eight aldermen aforesaid, and such other officers as are herein provided for.

Who eligible as mayor, &c.

SEC. 4. That any qualified elector of this state shall be eligible as mayor and [or] alderman: *Provided*, such person shall have resided in the corporation ninety days next preceding the day of election, and any alderman shall be a resident of the ward for which he shall be chosen. Such mayor and aldermen shall be elected by the qualified voters of the said corporation.

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-one, 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 and notice to be served on such appointees by the chief of police, and shall give ten days' notice of a registration of voters for the said election, specifying the time, place and name of registrar for said election.

Notice of registration.

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 on 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 High Point 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 [be] 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.

Oath of elector.

Misdemeanor.

New registration.

When registration books to be closed, &c.

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 secretary 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 secretary at the time prescribed shall receive no compensation for making said registration, and shall be guilty of a misdemeanor and fined fifty dollars or imprisonment in the county jail upon conviction before the mayor thirty days.

To be placed in office of secretary Inspection.

Penalty for failure to deposit books.

SEC. 8. That after they have been duly sworn by the mayor or justice of the peace to conduct the election fairly, impartially and according to law, it shall be the duty of the said registrar and four inspectors of election to open the polls, to receive and deposit the ballots in the 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 the election 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 held, &c.

Canvass of vote.

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. 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 be on white paper and without device, and the aldermen for each ward shall be so designated and voted for on same ballots as the mayor.

Vacancies.

Ballots.

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.

Canvass of vote.

SEC. 11. That all persons entitled to vote in the election of members of the general assembly who have been residents of the city ninety days next preceding the day of election and shall have registered as provided herein shall be allowed to vote for mayor and aldermen. Anyone 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.

Electors.

Challenges.

SEC. 12. After the ballots have been counted the judges of election aforesaid shall certify and subscribe [to] the poll and registration lists, and these, with the ballots aforesaid, shall be returned to the secretary of the board, who shall keep them in the archives of the

Returns of election.

- Certificates of election. city, and two certificates thereof shall be made under the hands 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 secretary of the board, who shall publish the result of the election.
- 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 eight 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 High Point, 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 the discharge of my duties I will do equal justice in all cases whatsoever."
- Oath of aldermen 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 and judgment.
- Terms of office. 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.
- Penalty for failure of aldermen to give notice of election, &c. 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.
- Vacancy in office of mayor. 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, 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 occasion and in like manner choose other aldermen to supply the place of such as shall
- Vacancy in office of aldermen.

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.

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.

SEC. 20. That the mayor of the city of High Point 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 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.

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.

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.

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 else-

Mayor *pro tem*.

Penalty for refusal of mayor or aldermen elect to qualify.

Jurisdiction of mayor.

Proviso.

Proceedings in mayor's court.

Appeal.

Imprisonment.

Work on streets.

Mayor's precepts.

Mayor to keep minutes. Force of judgments.

where 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. SEC. 24. That the mayor shall keep his office in some convenient
Duties. 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
Salary. shall be prescribed, and he shall receive a salary for his services not
to exceed five hundred dollars, to be allowed by the aldermen.

Mayor to preside, SEC. 25. That the mayor shall preside at all meetings of the board
&c. 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. 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 meetings for the year, which shall be as often at
Meetings. least as once in every calendar month. Special meetings of the
Special meetings. aldermen may be held on the call of the mayor or a majority of the
aldermen, and all aldermen, when [a] meeting is called by [the]
mayor, and those not joining in calls when made by a majority of
the board, shall be notified.

Penalty for failure of aldermen to attend meeting. SEC. 27. That if any alderman shall fail to attend a general meet-
ing 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 one dollar, and it shall be the
duty of the mayor to enforce such forfeitures.

Ordinances. 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 pro-
visions of this act, and are consistent with the constitution and laws
of the state.

Secretary, treasurer and tax-collector. SEC. 29. That the aldermen at their first meeting after their election
shall appoint a secretary, 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 misbehaviour 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 pay-
able to the city of High Point in such sum as the aldermen shall
determine.

Removal. SEC. 29. That the aldermen at their first meeting after their election
shall appoint a secretary, 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 misbehaviour 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 pay-
able to the city of High Point in such sum as the aldermen shall
determine.

Oath. SEC. 30. That the secretary shall have a reasonable salary, and it
Bond. shall be his duty to keep regular and fair minutes of the proceedings
Salary of secretary. SEC. 30. That the secretary shall have a reasonable salary, and it
Duties. 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.

SEC. 31. That every person shall be allowed to inspect the journals and papers of the board in presence of the secretary on paying him twenty-five cents for each inspection, under a penalty of two dollars on the secretary for every refusal, to be paid to him who will sue for the same.

Inspection of journal, &c.

SEC. 32. That the treasurer shall make out annually a fair transcript of the receipts and disbursements an account of the city for the general inspection of the citizens, and cause the same to be posted 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 shall sue therefor one hundred dollars.

Annual statement 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 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.

Duties of treasurer.

SEC. 34. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the secretary, and shall state the purpose for which the money is applied; and the treasurer shall specify said purposes in his accounts, and also the source whence are derived the money received by him.

Orders on treasurer.

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 [be] subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax-lists as due for city taxes. He shall be credited in settlement as sheriffs are credited with amounts in suits by appeal, all poll-taxes and taxes on personal property certified by the secretary of the aldermen as having been declared insolvent and uncollectible by the board. 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

Powers and duties of tax-collector.

Settlement of accounts.	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 secretary 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 <i>prima facie</i> evidence of their correctness and im-
Removal of tax-collector.	peachable only for fraud or specified error. It shall be the duty of said board to remove any tax-collector who shall fail to settle and fully pay up the taxes by law due by 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
Bond.	and until their successors are appointed. The members of the police 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.
Chief of police. Duties.	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 direction [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 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 board.
Powers of police.	The chief of police and each member of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and apprehending offenders; they shall execute all process directed to them by the mayor or others, and in the execution thereof shall
Oath.	have the same powers [as] 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 powers is [are] vested in sheriffs, and in case such person or persons shall not appear, the mayor may issue a <i>sci. fa.</i> 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.

SEC. 37. The police shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like services. The board of aldermen shall pass ordinances for the government and direction of the police and fix their compensation. In times of emergency 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.

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 regulation or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

SEC. 39. The board of aldermen may require the entire police force to wear badges and to be so armed and uniformed as to be readily recognized by the public as peace officers; and the police shall generally have power to [do] whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

SEC. 40. That for any branch [breach] of his official bond by the city secretary, 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.

SEC. 41. 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 High Point 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 em-

Fees.
Additional policemen.

Suspension of policemen.

Investigation by aldermen.

Dismissal.
Suspension for drunkenness.

Police to wear badges, &c.

Powers.

Action on official bonds.

Weighmaster.

Duties.

Bond.

Oath.

Removal.

Fees.

powered 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.

Engineer, attorney, &c.

SEC. 42. They may also appoint a city engineer, a city attorney or attorneys, employ detectives, and offer rewards for the capture and conviction of criminals, and to exercise like power in the premises in order to bring offenders against the laws of the state and city ordinances, when the offence is committed within the city limits, to justice, and to use any funds belonging to the city not otherwise appropriated to carry out this purpose.

Rewards for offenders.

Misdemeanor to act as auctioneer without license.

SEC. 43. That if anyone shall 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 leaf tobacco in their business, he shall be deemed guilty of a misdemeanor.

Taxation.

SEC. 44. That in order to raise a fund for the ordinary expenses for [of] the city the aldermen may annually levy and collect the following taxes, viz.:

Ad valorem tax.

(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.

Poll-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.

Purchase 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 in the year in which the same is enlisted, a tax not exceeding twenty cents.

Omnibuses, &c.

(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.

Dogs.

(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.

Proviso.

Swine, &c.

(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

(7). Upon all encroachments on the streets by porches [and] piazzas allowed by the aldermen, a tax not exceeding one dollar per square foot. Encroachments on streets.

(8). Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceed[ing] one per centum of its gross receipts in the city, to be given in upon the oath of 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. Express companies, &c.

SEC. 45. That the secretary, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the city of High Point who own or have control of taxable property in the city on the first of June, to return to a list-taker to be appointed by the aldermen 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 lists so returned to the list-taker shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that Listing of property for taxation.

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 list-taker 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 list-takers shall copy in said book the assessments on file in the register of deeds office of all property within the city limits, which assessments may be revised, corrected or amended by the board of aldermen. Oath. Tax-list.

SEC. 46. That the list-taker shall within thirty days from the return of the tax-lists make out to the best of his knowledge and belief by comparing his book with the returns made to the 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 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. Assessments. Unlisted property and polls. Double tax. Revision of tax-list.

except to alter valuations of real estate, and shall, as near as may be, make the city tax-list compare with the tax-list given in to [the] county by the citizens of High Point upon all subjects embraced in both lists.

Failure to list a
misdemeanor.

SEC. 47. That all persons who are liable for a poll-tax to the said city and shall wilfully fail to give themselves in, 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.

Duty of tax-
collector.

Levy of taxes.

SEC. 48. That as soon as the list-taker 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 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.

Collection.

Compensation of
tax-collector.

Collection of
taxes by distress.

SEC. 49. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty.

Sale of land for
taxes.

SEC. 50. 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 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 thereto. 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.

Purchase by city.

SEC. 51. That the collector shall return an account of his proceedings to the aldermen specifying the portions in 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.

Tax-collector to make returns to aldermen.

Surplus.

SEC. 52. 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 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. 53. 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 same might be made, shall be *prima facie* evidence that the same was true and done.

Conveyance to purchaser.

SEC. 54. 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.

Taxes on real estate of infants, &c.

SEC. 55. 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 :

License taxes.

(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.

Peddlers.

(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.

Billiard-tables, &c.

- Retail liquor license. (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.
- Circuses, &c. (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.
- Theatres, &c. (5). Upon every person or company exhibiting in the city or within one mile thereof, stage or theatrical play, sleight-of-hand performances, rope dancing, tumbling, wire-dancing, or manageries, 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.
- Artificial curiosities, &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 doubled.
- Shows, &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 to exceed ten dollars, to be paid before exhibition or the same shall be doubled.
- Goats, &c., running at large. (8). Upon every goat, sheep, hog or goose unlawfully 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 may be sold therefor at such place as the aldermen may designate after three days' notice.
- Horses, &c., going at large. (9). Upon every horse or mule or bull going at large, a tax not exceeding ten dollars.
- Auctioneers. (10). 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.
- Stock-brokers, &c. (11). Upon every stock and bond-broker, sewing-machine company or agent for such company, dealer in or manufacturer's 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. (12). Upon every bill-poster, street buckster, 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.

- (13). 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. Telegraph companies, &c.
- (14). 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. Marble-yards, &c.
- (15). Each barber shop, each rope-walker, itinerant dealer in lighting-rods and stoves, every dealer in fertilizer, practicing physician, dentist or surgeon, optician, oculist, civil engineer, artist, chiroprapist, 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 or 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. Barber shops, &c.
- (16). 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 motive power, every railroad company having a depot or office in the city, a license tax not exceeding fifty dollars a year. Banker's office, &c.
- (17). Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year. Commission merchants, &c.
- (18). 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 direction [discretion] of the mayor. Penalty for doing business without license. Proviso.
- (19). Upon all subjects taxed under schedule "B," chapter one hundred and thirty-six of laws of North Carolina, session of one thousand eight hundred and eighty-three, not heretofore 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 High Point not before enumerated herein, not to exceed ten dollars a year. Other license taxes.

- Moneys payable to treasurer. SEC. 56. That all moneys arising from taxes, donations, or other sources, shall be paid to the treasurer, and no appropriations thereof shall be made but by a board constituted of a majority of the aldermen.
- Levy of taxes. SEC. 57. 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.
- Streets, &c. SEC. 58. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change, 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 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 that is 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 from opening or widening such street or creating such improvements.
- Condemnation of land.
- Appeal.
- Proviso.
- Failure to repair sidewalks after notice a misdemeanor. SEC. 59. That if any owner or lessee of lands in the city of High Point, 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 he neglects 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.
- Penalty.
- Notice.

SEC. 60. That no cellar shall be built under any sidewalk in the city or entrance established on the sidewalk 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.

Cellars.

Penalty.

SEC. 61. 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 thirty 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 has no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of the notice by the chief of police for thirty days in some newspaper published in High Point, 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 expenses shall be paid by the person in default; said expenses shall be a lien on said lot, and if not paid in six months after the 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 in sale of land for unpaid taxes.

Land-owners to improve sidewalks.

On failure city may make repairs.

Lien for expenses

Sale of lot.

SEC. 62. 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.

City officer not to become contractor, &c.

SEC. 63. 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 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, 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 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.

Abatement of nuisances.

SEC. 64. That the aldermen shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the city.

Live stock running at large.

- Markets. SEC. 65. 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 regrading.
- Keeper of market
- Public buildings. SEC. 66. 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.
- Wooden buildings.
- Interments. SEC. 67. That the board of aldermen shall have power to regulate the manner and terms in 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 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 ordinances for the protection of the cemeteries; may appoint and pay a keeper and compel the keeping and returning a bill of mortality.
- Fire companies. SEC. 68. That they may also 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 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 of 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 or [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.
- Destruction of buildings to prevent fires.
- Fire limits.
- Ordinances to prevent firing guns, &c. SEC. 69. That they shall have power to make ordinances to prohibit or control the firing of firearms, fire-crackers, torpedoes and other explosive materials, and to govern the sale thereof in the city; the paces 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; and to cause all alleys, lots, cellars, privies, stables, styes and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their duty on complaint to cause, by their order, the sanitary policeman to have said places 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 expenses of abating such notice [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.

Sanitary policeman.
Abatement of nuisances.

Expenses.

Observance of Sunday.

SEC. 70. That they may take such measures as they may 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.

Contagious diseases.

Removal to hospital.

SEC. 71. 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 said person the expense of his removal, support, nursing and medical attention, and burial expenses also in case of death.

Expenses of removal to hospital.

SEC. 72. That if any person shall attempt by force or by threat or violence to prevent the removal to the hospital or place selected by the mayor as aforesaid or of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars and moreover be deemed guilty of a misdemeanor.

Penalty for attempting to prevent removal.

SEC. 73. That no person shall retail spirituous liquors within the corporation of said city. Any person violating this act shall be guilty of a misdemeanor: *Provided, however,* that whenever one-fourth of the qualified registered voters of said city shall petition to the county commissioners of Guilford county, asking that an election be held to decide whether or not spirituous, fermented or malt liquors shall be sold in said city, the said commissioners shall order an elec-

Misdemeanor.

Unlawful to retail liquor within corporate limits.
Local option election.

tion as prescribed in The Code as amended by chapter 215 of the laws of 1887, in reference to local options; and if at said election a majority of the votes cast shall be in favor of license, then, and in that case, such portion of this section as prohibiting the sale of spirituous, fermented or malt liquors in said city shall be null and void. And the city aldermen shall recommend to said board of county commissioners for license such person or persons as they deem suitable to sell liquor in said city of High Point, and it shall be unlawful for said county commissioners to issue license to any person or persons to sell liquor in said city except such as are recommended by said aldermen.

Method of borrowing money or creating public debt.

SEC. 74. 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 at High Point, 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.

Recovery of penalties against minor.

SEC. 75. 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.

Recovery of penalties.

SEC. 76. That all penalties imposed by law relating to this city as [or] by this act by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of High Point before the mayor or any tribunal having jurisdiction thereof.

Penalties.

SEC. 77. 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 therein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeal from the judgment of a justice of the peace.

Appeal from mayor's judgments.

Fees of mayor.

SEC. 78. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: for every warrant issued by him for the recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him 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 and

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 city purposes, fifty cents.

SEC. 79. That from and after the acceptance of this act the same shall henceforth be the charter of the city of High Point, and all laws not 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 effect [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 rights, estates, duty or obligation possessed by or due 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 this corporation by the name of the city of High Point.

Charter of city.

Repeal of conflicting laws.

Proviso.

SEC. 80. 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 litigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at 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 in 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 repeal shall take place hold office under any of the acts hereby repealed shall continue to hold the same in accordance to the tenure [tenure] thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

Offences committed, &c., under former laws.

Proviso.

Proviso.

SEC. 81. That the city of High Point may convey lands and all other property which is transferable 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. 82. That all fines and penalties for the violation of the ordinances of said city imposed by and collected under the judgment of the mayor of High Point, sitting as a justice of the peace, shall

Fines, &c., for benefit of city.

belong to and inure to the exclusive benefit of the city of High Point.

Persons failing to pay fines liable to work on streets.

SEC. 83. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to the laws and ordinances of the city of High Point, and the person or persons against [whom] the same was so appeared [entered] 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 so convicted to work on the streets or other works until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and the cost of the prosecution.

Payment of city debts.

SEC. 84. [Debts] if contracted by the city of High Point in pursuance of authority invested in it, shall not be levied of any property belonging to the city and used by it in the discharge and execution of its corporate duties and trusts, nor out 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 property [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.

Proviso.

City officer failing to turn over property to successor guilty of misdemeanor.

SEC. 85. That any officer, mayor, alderman or tax-collector of the city of High Point, who shall on demand fail to turn over to his successor in office the property, books, money, 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.

Penalty.

Control of tax-list.

SEC. 86. All the 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 to 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, §3822.)

Inspection.

Penalty for refusal of tax-collector to surrender list.

Violation of ordinance a misdemeanor.

SEC. 87. That any person or persons violating any ordinance from [of] the city of High Point shall be deemed guilty of a misdemeanor and shall be subject to the provisions of this act.

Sale of city property.

SEC. 88. That the mayor and a majority of the board of aldermen of the city of High Point 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 pro-

ceeds as they may think best. The mayor is fully authorized to make title to any property sold under this act. (The Code, §3826).

SEC. 89. 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 prescribed 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.

No removal of causes from mayor's court.

SEC. 90. 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 said city; that if any person shall assault or resist any member of the police in the discharge of his duty or shall aid or incite any person or persons to assault or resist, every such offender upon conviction before the mayor or justice of the peace shall be fined not less than ten dollars nor more than fifty dollars or imprisoned thirty days.

Right of appeal.

Imprisonment in county jail.

Penalty for assaulting policeman, &c.

SEC. 91. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 239.

An act to incorporate the Consolidated Carolinian Mining Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Samuel F. Jayne, Gilbert K. Harroun, Chas. E. Tripler, Byron S. Cotes, their associates, successors and assigns, be and are hereby created a body politic and corporation under the name and style of "The Consolidated Carolinian Mining Company," with a capital stock of such sum as they may deem proper, not exceeding in the aggregate two millions of dollars, divided into shares of such number and denomination as may be provided by the by-laws of said company.

Body politic.

Corporate name.

Capital stock.

SEC. 2. That said corporation shall have corporate existence for ninety-nine years, and a common seal which they may alter at pleasure; may, in their corporate name sue and be sued, prosecute and defend actions and special proceedings in all courts; may buy, lease, exchange, hold, sell and convey real and personal property at their will and pleasure, in fee or otherwise, and for their purchases issue any part of their capital stock in payment; the amount of real estate to be held by this company not to exceed ten thousand acres at any one time; may borrow money and issue bonds and other evidences of debt, and secure the same by mortgage of their property and franchise, or otherwise; may make, alter and repeal such

Corporate existence.

Corporate powers.

by-laws, rules and regulations as they may deem necessary and expedient for said corporation not inconsistent with the laws of this state and the United States, by which regulations, rules and by-laws said company and its officers shall, in all respects, be governed; and said corporation shall have all the powers and privileges proper, convenient or necessary for the purpose of mining, smelting, exploring and manufacturing all kinds of ores, minerals and chemicals, and may use all the privileges and powers incident to mining and smelting corporations.

May construct
railroads, &c.

SEC. 3. That said company is hereby authorized and empowered to construct, maintain and use tram-ways or railroads, with one or more tracks, to be operated by steam, horse-power or otherwise, to the railroad nearest to their works in Cabarrus county, and for this purpose may have all the rights and privileges conferred by sections five, six, seven, eight and nine of chapter two hundred and six of the laws of eighteen hundred and eighty-five of this state, ratified March fourth, eighteen hundred and eighty-five.

Stockholders &c.,
not individually
liable for corpo-
rate debts.

SEC. 4. 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 for more stock than he has subscribed for.

First meeting.

SEC. 5. That no publication or notice of the first meeting of said corporation or company shall be required, and that the incorporators named in the first section of this act shall manage the affairs and business of said corporation until such officers are elected for that purpose as the stockholders may determine upon in their by-laws; and until such election is effected the said named incorporators may meet at such times and places as they may please.

Corporators to
manage com-
pany until
officers elected.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1891.

CHAPTER 240.

An act to amend the charter of the town of Clyde in the county of Haywood.

The General Assembly of North Carolina do enact :

Chapter 189, Pri-
vate Laws 1889,
amended.
Temporary
officers.

SECTION 1. That section three, chapter one hundred and eighty-nine, private laws of eighteen hundred and eighty-nine, be amended by striking out the words "eighty-nine" in line eight of said section and inserting in lieu thereof the words "ninety-one," and by striking out the names [of] B. B. Jones and J. Wiley Shook in line ten of said

section and inserting in lieu thereof the names L. C. Reno and D. C. Clark.

SEC. 2. That section four of said chapter be amended by striking out the words "eighty-nine" in line three of said section and inserting in lieu thereof the words "ninety-one." Election on first Monday in May, 1891.

SEC. 3. That the commissioners of the said town of Clyde shall have power to levy and collect a tax not to exceed seventy-five cents on the poll and twenty-five cents on the hundred dollars worth of all personal and real property within the corporate limits of said town. Taxation.

SEC. 4. That all fines and all taxes levied and collected under this act shall go to the use of said town. Fines, how applied.

SEC. 5. That chapter one hundred and eighty-nine, private laws of eighteen hundred and eighty-nine, as amended by this act, be and the same is hereby re-enacted. Chapter 189, Private Laws 1889, amended.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 241.

An act to incorporate the town of Shawneehaw in the county of Watauga.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Shawneehaw in the county of Watauga be and the same is hereby incorporated under the name and style of "The Town of Shawneehaw," 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 as follows, to-wit: Beginning on the bank of Elk river at Mrs. H. H. Lowe's line near the head of S. H. Banner's mill-pond and running with said line to Shawneehaw creek; thence up and with the meanders of said creek to the mouth of a branch at or near the old Shawneehaw school-house; thence north fifty degrees west to the top of the ridge; thence down and with the top of said ridge to W. C. Banner's line; thence south with S. M. Dugger's line to Elk river; thence up and with the meanders of said river to the beginning: *Provided*, the lands of G. W. Dugger and S. H. Banner be excluded from the corporate limits. Corporate limits.

- Election. SEC. 3. That an election for mayor, three commissioners and a town marshal shall be held on the first Monday in May, one thousand eight hundred and ninety-one, 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, three commissioners and a town marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-one, or until their successors are duly elected and qualified, viz.: Mayor, S. M. Dugger; commissioners, Wilson Kime, J. W. Banner and R. L. Lowe; marshal, S. W. Culver, who shall take [the] oath of office within thirty days after the ratification of this act before some person qualified to administer oaths.
- Temporary officers.
- Streets. SEC. 5. That the board of commissioners of said town shall have power to grade, macadamize 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, and make such other improvements on the streets as the public convenience may require.
- Condemnation of land. SEC. 6. That when any land or right-of-way shall be required for the purpose of opening new streets, or for widening those already opened, and for want of agreement as to the valuation thereof the same cannot be purchased from the owner or owners thereof, the same may be taken at a valuation, to be made by three disinterested freeholders to be chosen, one by the land-owner and one by the commissioners of the town, and the two thus chosen shall choose the third; or if the land-owner shall refuse or fail to choose a freeholder as above directed the town commissioners may choose two, who shall select the third, and in making said valuation the said freeholders, after being duly sworn by some officer qualified to administer oaths, 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, and also any benefit or advantage such owner may receive from the opening or widening of such street or other improvement, and ascertain the sum which shall be paid to the owner of said property, if any they find to be due, and report the same to the board of commissioners under their hands and seals, which report, on being confirmed and spread upon their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title to the said 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 other improvements be erected, or the commissioners, be dissatisfied with the valuation thus made, then in that case either party shall have the right to appeal to the next superior court of said county and have the
- Appeal.

matter in controversy tried by a jury : *Provided, however,* that such appeal shall not hinder or delay the commissioners in opening or widening said streets or erecting such improvements as the commissioners may deem necessary. Effect of appeal.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 242.

An act to authorize the city of Wilmington to establish sewers and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the of board aldermen of the city of Wilmington may lay, make and maintain all such main drains or common sewers as they shall adjudge to be necessary for the public convenience or the public health through the streets and through the lands of any persons or corporations of said city, and may repair the same from time to time, whenever repair shall be necessary, and shall have authority to purchase from the private owner any existing sewers which may be used in connection with the proposed sewerage system, and make all needful regulations respecting the same. Aldermen may construct sewers, &c.

SEC. 2. When any lands or real estate shall be taken by virtue of this act, the proceedings shall be the same in all respects as in the laying out of highways or streets in said city; and all persons suffering damages in their property by reason of making, laying or maintaining of any main drains or common sewers, shall have the same rights and remedies for ascertaining and recovering the amount of such damage as in the case of laying out of highways and streets in said city. Condemnation of land.

SEC. 3. All main drains and common sewers so laid shall be the property of the said city. Sewers to be property of city.

SEC. 4. Every person who enters his particular drain into such main drain or common sewer, or who by more remote means receives benefits thereby for draining his cellar or land, shall pay to the city a proportional part of the charge of making and repairing the same, to be ascertained by the board of aldermen of said city; and notice thereof shall be given to the party to be charged or his tenant lessee. Liability of owner of entering drain.

SEC. 5. Assessments so made shall constitute a lien on the real estate assessed for one year after they are laid, and may, with incidental expenses and costs, be levied by sale thereof if the assessment is not paid within three months after a written demand for payment Lien of assessments.

[is] made either upon the owner or upon any person occupying the estate. Such sale shall be conducted in like manner and by the same person as is required in sales of land for taxes due said city.

Application by
land-owner for
jury.

SEC. 6. Any person aggrieved by such assessment may, at any time within three months after receiving notice thereof, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall be the same as in case of lands taken for laying out highways or streets: *Provided*, that before making his application the party shall give one month's notice in writing to the board of aldermen of his intention so to apply, and shall therein particularly specify his objections to the assessment made by them.

Notice.

Part of expenses
may be paid by
city.

SEC. 7. Nothing herein contained shall prevent said city from providing by ordinance or otherwise that a part of the expenses of constructing, maintaining and repairing main drains or common sewers shall be paid by said city.

Penalty for dig-
ging in streets,
&c., without con-
sent of aldermen.

SEC. 8. Whoever digs or breaks up the ground in a street or alley in said city for the laying, altering or repairing of a drain or common sewer without the consent of the board of aldermen in writing, shall forfeit and pay ten dollars for each offence to the use of the city.

Election on ques-
tion of issuing
bonds not ex-
ceeding \$200,000.

SEC. 9. And for the purpose of carrying out the provisions of this act and for paving, grading and improving the streets and sidewalks of said city, the board of aldermen of said city are hereby required to cause an election to be held in like manner and at the same time when the election of aldermen of said city is held in the month of March, A. D. 1891; at which said election the qualified voters of said city shall be entitled to vote for or against the issuing of the bonds of said city to an amount not exceeding two hundred thousand dollars; those favoring the issuing of such bonds voting on printed or written ballots, (each separately) "Bonds for sewerage" and "Bonds for street improvement," and those opposing on printed or written ballots "No bonds for sewerage" and "No bonds for street improvements," separate ballot-boxes being provided for each of the four ballots and the returns of each being kept separate. Fifteen days' previous notice of such election, specifying the amount of such bonds to be issued, shall be posted at the court-house door and published in one or more of the daily newspapers published in said city. Said election shall be held by the same persons appointed to hold the election for aldermen at that time, and the returns thereof shall be made and the result declared and certified as prescribed by law in such other elections, and such results so certified shall be filed in the office of the clerk and treasurer of said city and shall be taken as evidence of the same in any court in this state.

Ballots.

Separate ballot-
boxes.

Notice of elec-
tion.

Election how
held, &c.

Bonds to be
issued on ma-
jority vote of
qualified voters.

SEC. 10. If the result of said election shall show that a majority of the qualified voters of said city favor the issuing of said bonds, then the board of aldermen, with the consent and approval of the board of audit and finance of said city, are hereby authorized and em-

powered to issue coupon bonds bearing interest, payable semi-annually, at a rate not exceeding five per centum per annum, to the amount voted for in said election, and in denominations [of] not less than one hundred dollars and not exceeding one thousand dollars; said bonds shall be payable thirty years after date of issue at the office of the clerk and treasurer of said city or elsewhere, as the said board of aldermen and board of audit and finance shall see fit, and shall not be valid unless signed by the mayor of said city and countersigned by the chairman of said board of audit and finance. At the option of the holder they shall be registered by the clerk and treasurer and after such registration shall be transferable only by endorsement. The coupons from and after maturity shall be receivable in payment of any and all taxes or other indebtedness due to the said city.

Registration of
bonds.

SEC. 11. The corporate authorities of said city shall annually levy a tax upon all the taxable polls and property of the citizens of said city to provide for the payment of the interest that may accrue upon said bonds, and in like manner to provide for the payment of the principal of said bonds at maturity by creating a sinking fund for that purpose.

Special tax.

SEC. 12. If the result of said election shall be against the issuing of either of the said bonds, the board of aldermen of said city may at any time or times afterwards again submit to the qualified voters of said city the question of issuing said bonds.

Other elections.

SEC. 13. That should bonds to the amount of two hundred thousand dollars be issued according to the provisions of this act, that at least one-half of the amount derived from the sale of said bonds shall be dedicated to and [be] used exclusively for paving, grading and improving the streets of the city according to the true intent and purpose of this act; should the result of said election be in favor of issuing bonds for street improvement alone these bonds shall be issued and used exclusively therefor to an amount not exceeding one hundred thousand dollars; should said result be in favor of issuing bonds for sewerage alone, then bonds shall be issued and used exclusively therefor to an amount not exceeding one hundred thousand dollars.

Application of
proceeds of bonds

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 243.

An act to amend the charter of the city of Raleigh.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the city of Raleigh shall be and continue as they have been a body politic and corporate, and

Body politic.

Corporate name. henceforth the corporation shall bear the name and style of "The City of Raleigh," 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 corporate name or names heretofore used; and by this name may acquire and hold, for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it not exceeding in value 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.

Corporate limits. SEC. 2. That the corporate limits of said city shall be as follows: The boundary line of the northern limits shall be, at its nearest point to the centre of Capitol or Union Square, twenty-eight hundred and ninety-three and a-half (2893.5) feet north therefrom, and shall run east and west parallel with the northern boundary of said square, until it intersects the boundary lines of the eastern and western limits; the boundary line of the eastern limits shall be, at its nearest point to the centre of said Capitol or Union Square, thirty-three hundred and seventy-nine and a-half (3379.5) feet east therefrom, and shall run north and south parallel with the eastern boundary of said square until it intersects the boundary lines of the northern and southern limits; the boundary line of the southern limits shall be, at its nearest point to the centre of said Capitol or Union Square, forty-three hundred and fifty-one and a-half (4351.5) feet south therefrom, and shall run east and west parallel with the southern boundary of said square until it intersects the boundary lines of the eastern and western limits; the boundary line of the western limits shall be, at its nearest point to the centre of the said Capitol or Union Square, thirty-three hundred and seventy-nine and a-half (3375.5) feet west therefrom, and shall run north and south parallel with the western boundary of said square until it intersects the boundary line of the northern and southern limits.

Divided into five wards.

First ward.

SEC. 3. That the city of Raleigh shall be divided into five wards, denominated first, second, third, fourth and fifth wards. The first ward shall be bounded as follows: Beginning at the intersection of Davie and Wilmington streets; thence east with the central line of Davie street to its intersection with Bloodworth street; thence along the line of Bloodworth street to Martin street; thence east along the central line of Martin street to East street; thence north with the central line of East street to its intersection with Jones street; thence east with the central line of Jones street to the city line; thence with

the line of the city north and west to Wilmington street, and south with the central line of Wilmington street to the beginning. The second ward shall be bounded as follows: Beginning at the intersection of Davie and Wilmington streets; thence with the boundaries of the first ward east with Davie street; north with Bloodworth street, east with Martin street, north with East street and east with Jones street to the city line; thence with the boundaries of the city south and west to the Fayetteville road; thence northwardly up the centre of said road to the centre of South street; thence east with South street to its intersection with Wilmington street; thence north with the central line of Wilmington street to the beginning. The

Second ward.

third ward shall be bounded as follows: Beginning at the intersection of South and Wilmington streets; thence north with [the] central line of Wilmington street to city line; thence west with the city line to the centre of Salisbury street; thence with the central line of Salisbury street south to South street; thence east with the central line of South street to the beginning.

Third ward.

The fourth ward shall be bounded as follows: Beginning at the intersection of Davie and Salisbury streets, thence west with the central line of Davie street to Harrington street, thence north with the central line of Harrington street to Hargett street, thence west with the central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along the central line of said track to its intersection with Hillsboro street, thence west with the central line of Hillsboro street to the city line, thence with the city boundaries south and east to the Fayetteville road, thence with the centre of said road to South street, thence west with central line of South street to its intersection with Salisbury street, thence north with the central line of Salisbury street to the beginning. The fifth ward shall be bounded as follows:

Fourth ward.

Beginning at the intersection of Davie and Salisbury streets, thence with the boundaries of the fourth ward with the central line of Davie street to Harrington street, thence north to Hargett street, thence west with the central line of Hargett street to the Raleigh and Gaston Railroad track, thence northward along the central line of said track to Hillsboro street, thence west to city limits, thence with city boundaries north and east to Salisbury street, thence down Salisbury street to the beginning.

Fifth ward.

SEC. 4. There shall, on the first Monday in May, one thousand eight hundred and ninety-one, and on the first Monday in May biennially thereafter, be elected seventeen aldermen for said city, who shall hold their offices until their successors are qualified, three of whom shall be chosen for each ward except the first and fifth wards, and the first and fifth wards shall choose four each. Such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward, and must have

Election of aldermen.

Apportionment of aldermen by wards.

Qualifications.

resided in the state twelve months and in the corporation ninety days next preceding the day of election.

Registrars.

SEC. 5. That the board of aldermen of the city of Raleigh shall select at their regular meeting in March, one thousand eight hundred and ninety-one, and biennially thereafter, a registrar of voters for each of the five wards of the city of Raleigh, all of whom shall be qualified voters, and one from each ward, and shall cause publication thereof to be made at the court-house door and notice to be served on such persons by the chief of police, and shall give ten days' public notice of a registration of voters in and for said wards, specifying time and place and the names of registrars.

Notice of registration.

Duties of registrars.

SEC. 6. That the registrars shall be furnished by said board of aldermen with registration books, and it shall be their duty, after being qualified, to perform the functions of their 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 registrars shall also, on or before the last Monday in March of such year, 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 to register therein the names of all persons applying for registration and entitled to register and vote in that ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of colored voters, 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 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 Raleigh and in the ward for which he offers to register ninety days next preceding the day of election, or is otherwise entitled to register, and that he is twenty-one years old, and that his place of residence is at, in such ward; and 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 to be 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. A revision of the registration books shall be made, beginning forty days and closing ten days prior to each succeeding election to be held for said city, in accordance with the provisions of section two thousand six hun-

Registration of voters.

Failure to disclose place of residence.

Oath of elector.

Misdemeanor.

New registration.

Revision of registration books.

dred and seventy-five of The Code. This revision, or this new registration, if ordered by the board, may, if the board so determine, be conducted by one of the registrars hereinbefore provided for, to be designated by the board, who shall keep all the registration books of the city at the mayor's office.

SEC. 7. The registration books shall be closed ten days before the day of election, and after the same are closed no person shall be allowed to register, but the registrar shall, on application before said books are closed, register all persons not then qualified to vote in his ward who will become so qualified on or before the day of election. Immediately after the said books are closed they shall be deposited in the office of the clerk of the city of Raleigh, and citizens desiring so to do may inspect them. The clerk 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 thirty days upon conviction before the mayor.

Closing of registration books.

Inspection of books.

Duty of city clerk.

Penalty for failure of registrar to deposit books with clerk.

SEC. 8. The board of aldermen of the city of Raleigh shall in the year one thousand eight hundred and ninety-one, and biennially thereafter, appoint two judges or inspectors of election for each of the several wards of the city of Raleigh, one from each of the two leading political parties. 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 registrars and the judges or inspectors of election to open the polls in the wards for which they have been respectively appointed, and superintend the same, for the municipal election to be held on the first Monday in May next succeeding, and the polls shall be opened at such places in the wards respectively as said aldermen shall designate; such election shall be held as near as may be agreeable to the provisions of sections two thousand six hundred and seventy-eight, two thousand six hundred and eighty-four, two thousand six hundred and eighty-five, two thousand six hundred and eighty-eight and two thousand six hundred and eighty-nine of The Code, and the registrars and judges of election, whose appointments are herein provided for, shall have authority to administer oaths, to decide all questions of voting, and shall have all the powers of such officers appointed under chapter sixteen, volume two of The Code.

Judges of election

Oath.

Duties.

Election, how held.

Powers of registrar and judges.

SEC. 9. All electors who have resided in the state of North Carolina twelve months and in the city of Raleigh and in the ward for which they offer to register ninety days next preceding the election shall be entitled to register hereunder.

Electors.

SEC. 10. The poll shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person

Election, how held.

- whose name has not been duly registered shall be allowed to vote, and anyone offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge such person's ballot shall not be received. Ballots shall be on white paper and without device. The aldermen for each ward shall be voted for on one ballot.
- Challenges.
- Ballots.
- Canvass of vote. SEC. 11. That at the close of the election the votes shall be counted by the judges, and such persons voted for as aldermen having the largest number of votes shall be declared elected aldermen of their respective wards.
- Ballots to be preserved. SEC. 12. After the ballots are counted they shall be carefully preserved and shall be, together with the poll-list, which shall be signed by the judges of election, and the registration books, delivered to the clerk of the city of Raleigh for preservation.
- Tie vote. SEC. 13. If among the persons voted for in any ward there should be any two or more having an equal number of votes and either would be elected but for the equal vote, the registrar and inspectors shall decide the election between such persons. As soon as the result of the election in any ward is determined, two certificates thereof shall be made under the hand of the registrar and inspectors, setting forth in writing and in words the number of votes each candidate received, one of which certificates they shall deliver to the sheriff of Wake county, who shall at once make proclamation thereof at the court-house door, and the other they shall deliver to the mayor of the city of Raleigh. The registrar and inspectors shall also furnish to each person chosen as alderman in their ward a certificate of his election.
- Certificates of election.
- Register to have casting vote. SEC. 14. Whenever, under the provisions of this act, any question is to be decided by the judges of election, and such judges cannot decide the same because of the tie vote, the registrar shall give the casting vote.
- Oath of aldermen SEC. 15. That on Tuesday succeeding the day of such election each alderman elected thereat shall, before entering upon the duties of his office, 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.
- Aldermen to elect mayor. SEC. 16. That the board of aldermen, at their first meeting after their election, shall choose some person, not one of their own number, to be mayor of said city, to hold his office until his successor shall qualify, who shall preside at the meeting of the board of aldermen and have the rights and powers and perform all the duties prescribed by law for such officers. For misconduct in office the mayor may be removed from his office by a vote of three-fifths of the entire number of the board of aldermen, and upon such office becoming vacant for any cause the board of aldermen shall fill the same for the unexpired time.
- Duties and powers.
- Removal.

SEC. 17. That all elections held by virtue of this act shall be held under the supervision of the chief of police of the city of Raleigh, who shall attend the polls and by his deputies preserve order.

Elections to be under supervision of chief of police.

SEC. 18. That the mayor, immediately after his election, and before entering on the duties of his office, shall take the following oath: "I, A B, do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the city of Raleigh while I continue therein, and will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the city; and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of mayor.

SEC. 19. That the aldermen shall hold their offices respectively until the next ensuing election and until their respective successors shall be qualified.

Term of office of aldermen.

SEC. 20. That if the aldermen shall fail to give notice of election, to hold and declare the same in [the] 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 board of aldermen to hold election, &c.

SEC. 21. 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 qualified person for the term, or the unexpired portion of the 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.

Vacancy in office of mayor.

Vacancy in office of alderman.

Mayor *pro tem*.

SEC. 22. 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 shall sue therefor, the sum of twenty-five dollars.

Penalty for refusal of mayor or aldermen elect to qualify.

SEC. 23. That the mayor of the city of Raleigh 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

Jurisdiction of mayor.

- shall also have jurisdiction to issue process, and exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said city; to hear and determine all causes of action, to recover fines and penalties for a violation of the ordinances and regulations of said city, and 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 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 [causes] of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act: *Provided further*, that whenever any person or persons who shall be arrested on a warrant issued by the mayor, shall make oath that said person or persons cannot obtain justice before the mayor, it shall be the duty of the mayor to remove the entire cause before some justice of the peace residing within the corporate limits of the city of Raleigh for trial, and the said justice of the peace shall have all the powers for this purpose as are vested in the mayor by this charter and the laws of the state; and all fines and imprisonment imposed by the justice of the peace shall be in accordance with this charter and the ordinances passed thereunder; and all fines imposed shall be paid to the treasurer of the city within five days after the same shall have been paid to the justice of the peace, and any failure to pay over fines thus collected shall be a misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the superior court: *Provided*, that no case shall be removed more than once.
- Proviso.
- Removal of cause to another justice of the peace.
- Penalty for failure of justice to pay over fines collected.
Proviso.
- Proceedings before mayor.
- Right of appeal.
- Imprisonment.
- Work on streets.
- Mayor's precepts.
- SEC. 24. 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 Wake. 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 [on] the public streets, or on the public works of the city, or on the public works or public roads of the county of Wake.
- SEC. 25. That the mayor may issue his precepts, processes and warrants to the chief of police of the city and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the police officers of the city or other officer authorized to serve process anywhere in the county of Wake.

SEC. 26. 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 county of Wake 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 Wake.

Mayor to keep record. Force of judgments.

SEC. 27. That the mayor shall keep his office in some convenient part of the city designated by the aldermen. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by this act and by the ordinances of the corporation.

Mayor's office. Duties.

Compensation.

SEC. 28. That the mayor when present shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties at the board, and in the event of his absence or sickness the board of aldermen may appoint one of their own number *pro tempore* to exercise his duties.

Mayor to preside, &c.

Mayor *pro tem.*

SEC. 29. 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 then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen, and of every such meeting when called by the mayor all the aldermen, and when called by a majority of the aldermen, such as shall not join in the call, shall be notified in writing.

Board of aldermen.

Special meetings.

SEC. 30. That if any alderman shall fail to attend a general meeting of the board of aldermen or any 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.

Duty of mayor.

SEC. 31. 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 be consistent with the law of the land.

Ordinances, &c.

Proviso.

SEC. 32. The board of aldermen shall contract no debt of any kind unless the money is in the treasury for its payment, except for the necessary expenses of the city government.

Contracting of debts.

SEC. 33. That among the powers hereby conferred on the board of aldermen, they may borrow money only by the consent of a majority

Election on question of borrowing money.

Duties and powers of aldermen.

of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those who do not consent shall vote "Not approved"; they shall provide water and lights, provide for repairing and cleansing the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate city policemen, suppress and remove nuisances, regulate, control and tax the business of the junk-shops and pawn-shop keepers or brokers, preserve the health of the city from contagious or infectious diseases; may provide a board of health for the city of Raleigh and prescribe their duties and powers, provide ways and means for the collection and preservation of vital statistics; appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the city; regulate the hours for sale of spirituous liquors by all persons required to be licensed by the board, and during periods of great public excitement may prohibit sales of spirituous liquors by all such persons for such time as the board may deem necessary; may pass ordinances imposing penalties for violations thereof, not to exceed a fine of fifty dollars or imprisonment for thirty days; and the policemen of the city of Raleigh, when appointed or elected, shall have the power to execute any process, criminal or civil, in the county of Wake, which may be directed to them by the said mayor or other lawful authority; and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. They shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicle, and to issue license for omnibuses, hacks, drays or other vehicles used for the transportation of persons or things for hire. They may also provide for public schools and public school facilities by purchasing land and erecting buildings thereon and equipping the same, within the corporate limits of the city or within one-half mile thereof. 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 sixty-three, or in the manner prescribed in chapter forty-nine volume one of The Code.

Powers of policemen.

Powers and duties of aldermen.

Condemnation of land.

SEC. 34. That the aldermen, at their first meeting after their election, shall appoint a clerk, a treasurer, a collector of taxes and a chief of police, who shall respectively hold their offices during the official term of the aldermen, 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 Raleigh, in such sum as the aldermen shall determine.

City officers.

Removal.

Oath.

Bond.

SEC. 35. 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.

Salary and duties of clerk.

SEC. 36. 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 city journals, &c.

Penalty for refusal of clerk to permit inspection.

SEC. 37. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands 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 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.

Salary and duties of treasurer.

SEC. 38. That all of the officers of the city shall annually make out a fair transcript of all receipts and disbursements in the departments over which each presides; that each of the committees of the board of aldermen shall submit annual reports, and the board of aldermen shall cause the same to be printed in book form for the general information of the citizens.

Annual reports.

SEC. 39. All officers of the city having any of the property of the city in their charge shall report an inventory of the same on the first day of March of each year.

Annual inventory of city property.

SEC. 40. 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.

Orders on treasurer.

- City auditor. SEC. 41. That the board of aldermen may choose some one of their number, or other suitable person, to be auditor of the city, whose salary shall not be more than two hundred dollars per annum. No claim against the city shall be paid until it shall have been audited by such officer, He shall make monthly reports of such claims audited by him to the board of aldermen, and shall perform such other duties as the board may order.
- Salary.
Claims to be audited.
Duties.
- Commissioner of sinking fund. SEC. 42. The board of aldermen shall biennially elect a commissioner of the sinking fund to hold his office until his successor is qualified. He shall give bond, payable to the city of Raleigh, in such sum as may be required by the board of aldermen, with at least two sureties to be approved by the board. The sureties shall make oath that they are worth, in real and personal property, over and above liabilities and exemptions allowed by law, at least the amount of the penalty of the bond. The bond shall be annually renewed during the month of May, and the penalty shall be from time to time increased according to the probable amount of the funds to be in the hands of the commissioner during the succeeding year. The city collector shall pay the whole of the special taxes collected for the purpose of paying the principal and interest of the bonds issued under chapter eighty, private acts eighteen hundred and seventy-four and seventy-five; chapter thirty-five, private acts eighteen hundred and eighty-five, and chapter one hundred and seventeen, private acts eighteen hundred and eighty-nine, to the commissioner, who shall give receipts for said payments, and pay the interest on the bonds issued under said acts at the time said interest becomes due. And it shall be the duty of said commissioner to demand said special taxes from time to time from the collector, and if not paid to report the fact to the board.
- Bond.
- Certain special taxes payable to commissioner.
- Redemption of city bonds. SEC. 43. The said commissioner shall, from time to time (chapter one hundred and fifty-six, private acts one thousand eight hundred and eighty-nine), when he shall have sufficient money in his hands, advertise for ten days in the daily newspapers for sealed proposals for the sale of bonds of the city issued under said acts. Bids shall be opened in the presence of the mayor and treasurer, and such bids as are most advantageous for the city shall be accepted. But said officers, in their discretion, may refuse to accept any bids made and advertise for additional proposals. Bonds of the city so purchased shall be cancelled by them.
- Investment of funds in other city bonds and otherwise. SEC. 44. If, after reasonable diligence, none of said bonds can be purchased at their value or less, then the commissioner shall in like manner purchase any other bonds of the city, which bonds shall be made payable to the commissioner of the sinking fund in trust for the city of Raleigh, and shall be held by him in trust for the holders of the bonds authorized by the said acts mentioned in section forty-two of this chapter, or shall make such investment of the funds in

his hands as the finance committee of the board of aldermen shall approve, preference being given to loans upon real estate in the city.

SEC. 45. The said commissioner shall make a report to the board annually at their meeting in the month of May of the condition of the fund and of his action since the last report.

Annual report of commissioner.

SEC. 46. The commissioner may be removed from office at any time for misbehavior or neglect in office; and if he shall fail to give the bond required by the board his office shall *ipso facto* be vacant.

Removal from office.

SEC. 47. That it shall be the duty of the chief of police to see that the laws, ordinances and the orders of the board of aldermen are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authorities vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on like process and precept, and also such other compensation as the aldermen may allow. The police officers of the city of Raleigh shall have the power, when in pursuit of a criminal charged with the commission of any crime within the corporate limits of the said city of Raleigh, to continuously follow him to any part of Wake county and may arrest him.

Duties of chief of police.

Powers.

Fees.

Arrests.

SEC. 48. That the chief of police shall have the same powers and be bound by the same rules in this respect as constables of the county of Wake to apprehend all offenders against the state within the limits of the city and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constable of said county, to be paid by the party offending if found guilty; otherwise by the city.

Duties and powers of chief of police to arrest offenders, &c.

SEC. 49. The policemen of the city shall be elected annually. It shall be their duty and they shall have power to suppress all disturbances of the quiet and good order of the city and to arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings, and the streets and sidewalks, and to report to the mayor any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or by the chief of police or the mayor; they shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policeman is hereby directed to report the names of such persons to the mayor, who is directed to proceed against them as the law directs; they shall have power to

Election of policemen. Duties and powers.

enter the enclosure and house of any person without warrant when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and if necessary to summon a posse to aid them, and all persons so summoned shall have like authority.

Sheriff to receive persons arrested at night, &c.

SEC. 50. That the sheriff or jailor of the county of Wake 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 jailor shall be entitled to such fees as he is in other like cases.

Action on official bonds.

SEC. 51. 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, he shall be liable in an action on the same in the name of the city at the suit of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Board of equalization.

SEC. 52. That in the month of May one thousand eight hundred and ninety-one, and biennially thereafter, the board of aldermen shall appoint three discreet and proper persons among the electors of the city of Raleigh to be constituted and who shall constitute and be styled "the board of equalization of the city of Raleigh," and the persons so appointed shall continue in office for two years and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the board of aldermen and no person holding an office or appointment under the board of aldermen shall be eligible or qualified to act as a member of said board of equalization.

Terms of office.

Who ineligible.

Oath.

SEC. 53. Before entering on their duties the members of said board shall take and subscribe before the mayor or some justice of the peace the oath prescribed in section four of article six of the constitution of the state, and cause the same to be filed in the office of the clerk of said city.

Chairman.

Powers.

SEC. 54. Said board shall elect from their number a chairman who shall have power to administer oaths and issue subpoenas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to the superior court. In the absence of the chairman at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall have and exercise the powers of the regular chairman.

Compensation.

SEC. 55. Said board shall receive such compensation as the board of aldermen may deem fair and reasonable, and may be allowed a reasonable sum for clerical aid.

Removal from office.

SEC. 56. Any member of the board of equalization may be removed from office at any time for misbehavior or neglect in office, and if

any member of the board shall cease to be a resident of the city his office shall be *ipso facto* vacant. The board of aldermen shall fill all vacancies occurring in the board of equalization. Vacancies.

SEC. 57. Every auctioneer licensed by the board of aldermen of the city, after he has given his bond for five thousand dollars, with approved security and conditioned as provided in section twenty-two hundred and eighty-one of The Code, shall be entitled to charge two and one-half per centum commission on the amount of sales unless otherwise agreed between him and the owner of the goods sold, and every person who cries or sells goods at auction shall be considered an auctioneer: *Provided*, that this section shall not for five years from the ratification of this act apply to auctioneers or tobacco warehouses licensed by the United States government. Auctioneers. Proviso.

SEC. 58. That if anyone shall presume to act as auctioneer in the city without being duly licensed by the city to do so, he shall be deemed guilty of a misdemeanor. Misdemeanor to act as auctioneer without license.

SEC. 59. 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 namely: Taxation.

(1). On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks, and all other subjects taxed by the general assembly, *ad valorem*, except incomes, 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, 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, hacks, &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: *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 and goats.

- 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, telegraph, &c., companies. (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.
- How listed, &c.
- Bank stock. (9). Upon all shares of stock issued by and certificates of shares of stock in every bank or banking association located within the corporate limits, whether such bank or banking association has been organized under the laws of this state or of the United States: *Provided*, the owners of said shares or certificates of shares of stock or [are] residents of the city, *ad valorem* a tax not exceeding one dollar on every hundred dollars value, subject to exemptions allowed by law. Such shares or certificates of shares of stock shall be liable in the names of the owners, and the assessment 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: *Provided*, the property of such bank or association otherwise taxed by said city and its property exempt from taxation be deducted from the aggregate amount of such bank or association's capital stock.
- Proviso.
- How listed, &c.
- Proviso.
- Property of churches, &c. SEC. 60. All real and personal property held and owned by churches, religious organizations or societies, schools and benevolent organizations or societies for any other purpose than religious, educational or benevolent purposes, shall be taxed as other real and personal property is taxed by this charter.
- Property to be listed. SEC. 61. That the citizens of Raleigh, and others liable to be taxed under the charter, shall, on the day prescribed for listing state and county taxes, render on oath to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the board of aldermen, a list of their property and subjects for which they may be liable to be taxed, under all the rules and penalties prescribed for listing state and county taxes, and as prescribed in this charter. The list shall state the age of the party with reference to his liability to a poll-tax, and shall also contain a verified statement of all the real and personal property of every kind, and such interest and estates therein as are taxable, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, and all other subjects taxed by this charter, and by the general assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor,
- Tax-list.

administrator, receiver, accounting officer, partner, agent, factor or otherwise. The party listing shall also swear to the true value of all property, choses in action and other subjects listed, except land, which oath shall be in the following form, to-wit: "I,, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief: So help me, God." Any person making a false return shall be deemed guilty of perjury. Property held in trust or as agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists. Persons owning shares in incorporated companies taxable by this charter are not required to deliver to the clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the clerk a list of all shares of stock held therein, and the value thereof, and the tax assessed on shares of stock in such corporations shall be paid by the corporations respectively.

Oath.

Perjury.

Trust property.

Stocks.

SEC. 62. Bridge, express, gas, manufacturing, street railroad, transportation, and all other companies and associations incorporated under the laws of this state, situate or having its principal place of business within the corporate limits of the city, shall, in addition to the other property required by this act to be listed, make out and deliver to the clerk 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 charter). 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 clerk in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the clerk to make such returns or statement from the best information which he can obtain.

Incorporated companies having principal place of business in city.

Duty of city clerk.

SEC. 63. Every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, make out and furnish the clerk a sworn statement, showing:

Banks, &c.

- (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 anyway 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 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.

Railroad companies.

SEC. 64. That all machine and repair shops, general office buildings, store-houses and also all real and personal property, outside of rights-of-way and depot grounds, located within the corporate limits of the city of and belonging to any railroad company, shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk in the manner provided by law for the listing and valuation of real and personal property; all road-beds, rights-of-way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool-houses, rolling stock and personal property necessary for the construction, repairs or successful operation of any railroad company, whether incorporated by any law of the state of North Carolina or not, when any portion of said road-bed, right-of-way or other property is within the corporate limits of said city, shall be taxed as other real and personal property, under the rules, regulations and methods as may now or hereafter be provided by the general assembly of North Carolina for ascertaining the listing and valuation thereof.

- SEC. 65. If any person or company shall fail to render to the clerk the list of property and other taxables required to be rendered by this charter within the time prescribed for listing state and county taxes, such person or company shall pay double the tax assessed on any subject for which said person or company is liable to be taxed; and any person who shall list any property in the name of any person or company other than the real owner, or who shall fail to disclose the real state of the title thereto, if interrogated concerning the same, shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Double tax.
Misdemeanor to list property in wrong name, &c.
- SEC. 66. The clerk 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. Examinations on oath.
Certain property claimed to be exempt to be entered on tax-list.
- SEC. 67. The clerk shall procure from the cashier or other principal officer of each bank or banking association, state or national, within the corporate limits of the city, a list of all stockholders of such bank or banking association, as shown by the books of such bank or banking association on the first day of June annually, together with the number of shares of stock held by each stockholder; and it shall be the duty of the clerk to see that all the shares or certificates of shares of stock of said stockholders subject to legal exemptions, as appearing from such list, are entered upon the tax-list in the name of the stockholder. The refusal of such cashier or other principal officer to furnish or show to said clerk said list shall be a misdemeanor, punishable for each offence by a fine of fifty dollars or imprisonment not exceeding thirty days. Duty of clerk to obtain list of stockholders in banks, &c.
Refusal of bank officers to furnish list a misdemeanor.
- SEC. 68. 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 or whose duty it is to list property and who wilfully fail to list it within the time allowed by law, 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 of Raleigh township, 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 poll or property a misdemeanor.
Duty of tax-collector.
- SEC. 69. That from the returns and lists made as provided by this charter, the clerk shall within thirty days after the expiration of the time for taking said lists, make out in a book kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns in the same manner as tax-lists are made out by law for the state and county taxes. And the said clerk shall copy in said book the assessments on file in the register of deeds' office for Wake county, of all prop-

Clerk to make out tax-list.

erty within the city limits, which assessments may be revised, corrected or amended by the board of aldermen, except to alter valuation of real property.

Tax-list to be delivered to board of equalization.
Board to act with board of county commissioners in equalizing values in city.

SEC. 70. That as soon as the tax-list can be completed by the clerk the same shall be by him delivered to the board of equalization, which board shall have the power and it shall be their duty to act conjointly with the board of county commissioners of Wake county in equalizing the valuation of all property within the corporate limits of said city, and said boards conjointly shall have all the powers given to the board of commissioners of a county to revise a tax-list.

Duties of boards.

SEC. 71. Said boards shall conjointly carefully examine the tax-lists of the city and county, and shall equalize the valuations of all property within the city limits, so that each tract or lot of land, or article of personal property, and all other subjects of taxation shall be entered on the respective tax-lists of the city and county at its true value in money, and shall cause the respective tax-lists to conform as nearly as possible, and for this purpose they shall have power to increase, modify, add to, and change the tax-lists as made out, so that the valuation of similar property throughout the city shall be as near uniform as possible, and in doing so they shall observe the following rules and shall have the following powers:

Powers.

Increase of valuations.

(1). They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property, or articles of personal property, and all other subjects taxed by the charter, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof.

Reduction of valuations.

(2). They may reduce the valuation of such tracts and lots of real property or articles of personal property, and other subjects taxed by the charter, as in their opinion have been returned above their value as compared with the average valuation of real and personal property of said city. In regard to real property they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot.

Property not listed.

(3). Whenever said board of equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true and accurate list of such personal property and other subjects taxable by the charter as he, it or they are required to furnish, with the true value thereof, it shall be their duty to ascertain the same and insert the same and the true value thereof in the tax-list.

Examination of witnesses, papers, &c.

(4). In performing the duties required [of] them, the said boards shall have power to subpoena, require the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before them and examine records, books, papers and such other things as they may deem proper to be used in evidence

before them upon the same rules and penalties as are provided for superior courts.

(5). The said board of equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the clerk twenty-five cents for recording the same; and in ascertaining the value of property and taxables thus listed, said board shall have the same powers to investigate and ascertain the true value thereof as given in other cases.

Board may take tax-lists.

SEC. 72. If any person who is required to list property for taxation shall refuse to answer any question respecting the property required to be listed by him, either before the clerk or said board of equalization, or shall refuse to fill out and swear to his returns, whether as principal, agent, trustee, accounting officer or otherwise, he shall be guilty of a misdemeanor, and on conviction liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days; and it shall be the duty of the clerk and the chairman of said board to have the offender prosecuted.

Refusal to answer question, &c., a misdemeanor.

SEC. 73. That as soon as the tax-list can be revised by the board of equalization the board of aldermen shall proceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax-list in the hands of the tax-collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer, and the tax-collector shall receive for his compensation not more than five nor less than three per centum on the amount collected, as the board of aldermen shall determine. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

Levy of taxes.

Collection.

Compensation of collector.

Penalty.

SEC. 74. The taxes imposed upon the shares or certificates of shares of stock in any bank or banking association (state or national), shall be paid by the cashier or other principal officer of such bank or banking association, directly to the city tax-collector within thirty days after notice from said tax-collector of the amount of tax due, said notice to state the name of the person, corporation or company in whose name the shares or certificates of shares of stock are listed and the amount taxed against each; and upon the failure of said cashier or other principal officer to pay the tax-collector as aforesaid, he shall forthwith institute an action against the bank or banking association for the recovery of the same in the proper court in said county of Wake.

Payment of tax on bank stock.

Action against bank.

SEC. 75. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collec-

Collection of taxes by distress.

- Notice of sale. tion the collector shall proceed forthwith to collect the same by distress and sale, all sales to be made 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 twenty days if the property be realty. 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 taxpayer of the city in order to enforce the payment of taxes due the city by said delinquent.
- Levy on personal property outside of city limits. SEC. 76. 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 December, the tax-collector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot or 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 in the city of Raleigh by the collector. The collector shall, before selling the same, make a full advertisement of the said real estate at the court-house door, and at three or more public places in said 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, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Raleigh, and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to the said city in fee.
- Sale of land for taxes. SEC. 77. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Notice of sale. SEC. 78. That the owner of any land sold under the provisions of this charter and amendments, 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,
- Notice to owner. SEC. 79. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Advertisement when owner out of city, &c. SEC. 80. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Sale, how made. SEC. 81. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Purchase by city. SEC. 82. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Collector to make return to aldermen. SEC. 83. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Surplus. SEC. 84. That the collector shall return an account of his proceedings to the aldermen, specifying the portion 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 aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demands of the owner.
- Redemption of land sold for taxes. SEC. 85. That the owner of any land sold under the provisions of this charter and amendments, 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. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

SEC. 79. 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. Conveyance to purchaser.

SEC. 80. 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 according to section ninety-two of chapter ninety-nine of the Revised Code. Real estate of Infants, &c.

SEC. 81. That when any land or right-of-way shall be required by said city of Raleigh for the purpose of opening new streets or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the aldermen, who shall receive a per diem of two dollars each, and who may be required by the board to serve under a penalty of fifty dollars each; and in making said valuation, said freeholders, after being duly sworn by the mayor, or a justice of the peace of the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass, or improvement be erected, or the aldermen, be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next superior court of Wake county to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation with the proceeding thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same, as soon as the valuation may be paid, or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land); *Provided, however*, that such appeal shall not hinder or delay the aldermen opening such street or erecting such improvement: *And provided further*, that in case of the discontinuance of the use of Condemnation of land.
Appeal.
Proviso.
Proviso.

the land and its reverter to the owner the city shall have the right to remove any improvement under its authority erected.

License taxes.

SEC. 82. 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 chief of police instantly, and if the same 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 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 medicines 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. Upon every hotel, restaurant or eating-house, a license tax not exceeding twenty-five dollars.

Hotels, &c.

Liquor licenses.

(3). Upon every permission by the board of aldermen to retail spirituous, vinous or malt liquors, a tax 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.

Circuses, &c.

(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.

Theatres, &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 doubled.

Artificial curiosities.

(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 doubled.

Shows, &c.

(7). Upon each show or exhibition of any other kind, and on each concert for reward 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.

(8). Upon every goat or hog running at large in the city there may be levied a tax not exceeding six 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 aldermen may designate after three days' notice at the court-house.

Goats, &c., running at large.

Impounding.

(9). Upon every horse or mule or bull going at large a tax not exceeding ten dollars.

Horses, &c., going at large.

(10). Upon every dog which may be brought into the city after the first day 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.

Proviso.

(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.

Proviso.

(12). Upon every stock and bond broker, junk-dealer and pawn-broker, sewing-machine company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales-stable or stockyards doing business in the city, a license not exceeding twenty-five dollars a year.

Stock-brokers, &c.

(13). Upon every lawyer, physician, dentist, cotton broker, bill-poster, street huckster, photographer, merchandise or produce broker, ice-dealer, dealer in wood and coal or either, insurance company or insurance agency for every company represented, and every skating-rink or shooting-gallery, a license tax not exceeding ten dollars a year.

Lawyers, &c.

(14). Upon every other occupation, profession or business not herein specially named, a license tax not exceeding ten dollars a year.

Other occupations.

SEC. 83. 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.

Moneys payable to treasurer. Appropriations.

SEC. 84. That the aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and grade and ascertain the location of those already provided, and lay out and open others, and may reduce the width of all of them and regulate the character of the repairs; they may also establish and regulate the public grounds and protect the shade trees of the city.

Streets, sidewalks, &c.

- Failure to repair sidewalk after notice a misdemeanor. SEC. 85. That if any owner or lessee of lands in the city of Raleigh, 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. 86. 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.
- Penalty.
- Land-owners to repair sidewalks. SEC. 87. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established shall improve, in such manner as the aldermen may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or, if he be a non-resident of the county of Wake, 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 Raleigh, 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. The board of aldermen of the city of Raleigh shall have the power to require every owner of real estate in the city of Raleigh to pave one-third of the street or streets in front of his or her land in such manner and with such material as the street committee of said board of aldermen may direct, and to enforce such requirement by proper fines and penalties, and upon the failure of such owner to do such paving the city of Raleigh may have the same done, and the cost thereof may be assessed upon the property of such delinquent and added to the taxes against him or her, and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the city of Raleigh before the mayor or any justice of the peace or in the superior court of Wake county, for the cost of such paving, and when docketed in the superior court of Wake county such judgment shall have the same lien as is possessed by other judgments docketed in said superior court and be enforced in like manner.
- On failure, aldermen to make repairs.
- Lien for expenses
- Sale of lot.
- Pavement of streets by land-owner.
- On failure, city may have work done.
- Expenses, how collected.

- SEC. 88. That no mayor or alderman, or 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. Misdemeanor for city officer to become contractor for city work.
- SEC. 89. That the aldermen may require and compel the abatement of all nuisances within the city, or within one-half mile of the city limits, at the expense of the person causing the same, or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the city, or within one-half mile of the city limits, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise within the city, or within one-half mile of the city limits, of any dangerous, offensive or unhealthy trade, business or employment. Abatement of nuisances.
- SEC. 90. That the aldermen shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the city. Live stock running at large.
- SEC. 91. That they may prohibit and prevent by penalties the riding or driving of horses or other animals at a speed greater than six miles per hour, or in a reckless manner, within the city, and also the firing of guns, pistols, crackers, gunpowder, or other explosives, combustible or dangerous materials, in the streets, public grounds or elsewhere within the city. Fast riding, &c.
Firing guns, &c.
- SEC. 92. 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; may erect scales to weigh the same, appoint a weigh-master and fix his fees, and direct by whom they shall be paid; appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating. Markets.
- SEC. 93. 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 by fire. Public buildings.
Wooden buildings.
- SEC. 94. That they may provide grave-yards in or near the city, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality; and they may prohibit interments within the city. Grave-yards, &c.
- SEC. 95. That they may provide for the establishment, organization, equipment and government of fire companies; and in all cases of fire a majority of the fire commissioners may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, and the removal of any other property, for which they shall not be responsible to anyone in damages; and in case the presence of a majority of the fire commissioners cannot be had, the mayor, together with two aldermen of the city, to be selected by Fire companies.
Destruction of houses to prevent fire.

him, shall perform the duties prescribed for the fire commissioners in this section.

Contagious diseases.

SEC. 96. 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; 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 of person removed to hospital.

SEC. 97. That in case any person shall be removed to the hospital the corporation may recover, before the mayor or any justice of the peace, of such person the expense of his removal, support, nursing and medical attendance, and burial expenses also in case of death.

Penalty for attempt to prevent removal to hospital.

SEC. 98. That if any person shall attempt, by force or by threat of violence, to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Unlawful for commissioners of Wake to grant license to sell liquor without permission of aldermen within one mile of city.

SEC. 99. That it shall not be lawful for the commissioners of Wake county to grant any license to sell spirituous, vinous or malt liquors within the limits of the city, or within one mile thereof, 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 selling without license, and for every offence of selling shall moreover forfeit and pay to the city the sum of twenty dollars.

Collection of penalties against minor.

SEC. 100. That all penalties incurred by any minor for the breach of any 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, how recovered.

SEC. 101. 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 Raleigh before the mayor.

SEC. 102. 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 penalties.

Appeal from mayor's judgments.

SEC. 103. That the mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty or for other cause of action, twenty-five cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the state, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction of the offender, among the other costs; for every warrant to arrest individuals who may have fled from other states or counties, two dollars, to be paid on removal of 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.

Fees of mayor.

SEC. 104. That from and after the acceptance of this act the same shall henceforth be the charter of the city of Raleigh; 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, or [are] hereby repealed, or so far only, however, as they may affect the 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 rights, 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 Raleigh." Nor shall any right, duty, obligation or liability whatever accrued or owing to the state or to any corporation or person, by such repeal be lost, affected or impaired, but the same shall remain in 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 Raleigh"; nor shall such repeal in any way annul the provisions of the chapters one hundred and seventeen and one hundred

This act to be charter of Raleigh.

Conflicting laws repealed.

Proviso.

and fifty-six, private laws of eighteen hundred and eighty-nine, nor the provisions of Chapter three hundred and eighty, private laws [of] eighteen hundred and eighty-seven; nor the provisions of sections eleven, twelve and thirteen of chapter thirty-five, private laws [of] eighteen hundred and eighty-five, but the same shall remain in full force and effect.

Offences heretofore committed, &c., under former laws not affected by their repeal. Exception.

SEC. 105. 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 offices which may have been abolished and those as to which a different provision shall have been made by this act.

Proviso.

Proviso.

Proviso.

Conveyance of land, &c.

SEC. 106. That the city of Raleigh 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 attested by a witness.

Aldermen may grade, &c., Moore and Nash Squares.

SEC. 107. That the board of aldermen of the city of Raleigh shall have power to grade, lay out in walks, plant with trees, shrubbery and flowers and otherwise adorn Moore square and Nash square in said city so as to make the same an ornament to the city, and to that end they shall have the general charge and management of said squares. They may improve in like manner any of the vacant lots belonging to the state within the city limits not otherwise specially appropriated.

Improvement of vacant lots belonging to state.

Access to squares

SEC. 108. Nothing herein contained shall be construed to authorize said aldermen to prevent the free access of all well-behaved persons to said squares and lots, except at unreasonable hours or for some temporary purpose specially to be designated by the board.

Biennial elections.

SEC. 109. That all laws or clauses of laws heretofore enacted relating to the city of Raleigh shall be and are hereby amended so as to conform to the provisions of section four of the act providing for biennial instead of annual elections for aldermen of the said city and to the provisions of this act.

SEC. 110. That wherever, in any acts heretofore enacted relating to the city of Raleigh the words "constable," "city constable," "city marshal," or other word or words designating the chief police officer of the city occur, the said acts shall be and are hereby amended by striking out such designations and by inserting the words "chief of police."

Chief of police.

SEC. 111. That wherever in any laws or clauses of laws heretofore enacted relating to the city of Raleigh reference is made to the provisions of the Revised Code or Battle's Revisal, and such provisions are re-enacted in The Code, such laws shall be and are hereby amended so that the said reference shall be to [the] appropriate section of The Code.

Revised Code,
Battle's Revisal,
&c.

SEC. 112. That all fines and penalties imposed by and collected under the judgment of the mayor of Raleigh sitting as a justice of the peace shall belong to and inure to the exclusive benefit of the city of Raleigh.

Fines and pen-
alties.

SEC. 113. The chief of police and the other police officer of said city, upon a proper warrant from the mayor, attested by the corporate seal, shall have power to serve the same and make arrests of and hold the person charged with any criminal offence therein anywhere in the state of North Carolina.

Arrests by police-
men on mayor's
warrant any-
where in state.

SEC. 114. That this act shall be in force from and after the sixth day of March, one thousand eight hundred and ninety-one.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 244.

An act to authorize the commissioners for the town of Concord to issue bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners for the town of Concord are hereby authorized and empowered to cause an election to be held at the various polling places in said town at such time as said commissioners may appoint within twelve 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 twenty-five thousand dollars for the purposes and under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payments of the interest thereon and to provide a sinking fund for the payment of the principal of said bonds when they shall become due. The said election shall be advertised by the commis-

Election on ques-
tion of issuing
bonds, \$25,000.

Notice of election

How held.	sioners for said town for thirty days prior to the day of election in some newspaper published in said town, and held by inspectors and judges under the same rules and regulations prescribed for the election of mayor and commissioners in the charter of said town with amendments thereto. 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 commissioners for the town of Concord within two days from the day of election, who shall verify and also certify such result and cause the same to be recorded in their minutes.
Ballots.	
Canvass of vote, &c.	
Bonds divided into classes.	SEC. 2. Said bonds shall be divided into three classes and the proceeds arising from the sale thereof shall be applied exclusively to the following purposes, to-wit: First, the paying of the outstanding debt of the town at the time of the ratification of this act, not exceeding ten thousand dollars; second, for improving the streets and sidewalks of said town, not to exceed eleven thousand five hundred dollars, and a fair proportion of the said eleven thousand five hundred dollars shall be applied to the improvement of the sidewalks; third, the erection of graded school buildings, not exceeding thirty-five hundred dollars.
Proceeds, how applied.	
Commissioners to issue bonds on vote of majority of qualified voters.	SEC. 3. If a majority of the qualified voters of said town shall vote for bonds, then the commissioners for said town shall issue coupon bonds not to exceed in amount the sum of twenty-five thousand dollars, and in denominations of not less than one hundred dollars and not more than one thousand dollars, bearing interest from the date of [the] bonds at a rate not exceeding six per centum per annum, payable semi-annually at the Concord National Bank in said town on the first days of January and July of each year until said bonds are paid. The said bonds shall be made payable at the expiration of thirty years from the date thereof: <i>Provided</i> , that said bonds shall be issued and sold for the purposes named and provided for in section two of this act, and only as needed for said purposes; and each class of bonds shall bear upon their face the specific purpose for which they are issued: <i>Provided</i> , that the bonds issued for the improvement of streets and sidewalks shall be one class. 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, fines and debts due said town. Said bonds shall be sold for not less than their par value.
Sale of bonds.	
Endorsement on bonds, &c.	
Coupons receivable for town taxes.	

SEC. 4. In order to pay the interest on said bonds the commissioners for 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, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Concord and acts amendatory thereto, which shall be returned or listed for general taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, not exceeding fifteen cents on the one hundred dollars valuation of property and forty-five cents on each poll, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the town tax-collector to the treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes—the former officer for collecting and paying over, and the latter for the safe-keeping and proper disbursement of said funds.

Special tax.

Collection.

Bond of treasurer.

SEC. 5. That the taxes levied and collected for the purposes specified in section four of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which it was [they were] levied and collected, and any mayor or commissioner who shall 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, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose the amount in excess shall be applied to the credit of the interest fund for next succeeding year, and said commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Taxes to be kept separate, &c.

How used.

Misapplication a misdemeanor.

Proviso.

SEC. 6. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act it shall be the duty of said commissioners, at and after the expiration of twenty years from the date of said bonds, to annually levy and collect a special tax, in addition to that mentioned in section four of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof as provided in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said commissioners shall cease to levy taxes for said sinking fund.

Sinking fund.

Special tax.

Purchase of
bonds.

Investment of
sinking fund.

Deposit of fund
if not invested.

Investment of
interest.

Mayor or com-
missioner inter-
ested in loan
guilty of misde-
meanor.

SEC. 7. That it shall be the duty of said commissioners to annually invest any and all money arising from the special tax collected under section six of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said commissioners, but in case said bonds cannot be purchased as herein provided, the said commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding beyond six months prior to the date of maturity of said bonds, taking as security for the repayment thereof and for the payment of the interest thereon, mortgages or deeds in trust in the name of the mayor, on sufficient real estate, or bonds issued under this act may be taken a [as] collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the commissioners for the town of Concord, and shall bear interest payable annually at a rate not less than six per centum per annum; and in case the commissioners for said town shall not be able to invest any or all said money annually as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some national bank, trust company or safe-deposit company, of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments as above directed shall be re-invested in the manner as above provided. But any mayor or commissioner of said town who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

SEC. 8. That this act shall take effect from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 245.

An act to incorporate the Fayetteville Land and Improvement Company, (limited).

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That W. S. Cook, A. E. Rankin, R. M. Nimocks, B. R. Taylor, C. L. Taylor, C. W. Broadfoot, J. B. Broadfoot, A. H. Slocumb, F. W. Thornton, W. C. McDuffie, Jr., A. J. Cook, E. C. Smith, J. P. Thompson, B. R. Huske, Chas. Haigh, E. L. Pemberton, L. Shaw, J. W. McNeill, B. E. Sedberry, J. A. Hodges, D. H. Ray, Z. W. Whitehead, H. W. Lilly, D. G. McMillan, W. J. McDonald, Jr., G. A. Overbaugh, J. Schlossberg, H. L. Cook, E. H. Jennings, B. W. Townsend, E. J. Lilly, Jr., H. R. Novitzky, N. G. Wade, R. H.

Tomlinson, N. W. Ray, H. I. McDuffie, A. Broadfoot, J. D. Brown, T. H. Sutton, John Underwood, G. W. Lake, John Averitt, W. T. Fisher, G. M. Rose, A. A. McKethan, T. D. Haigh, H. R. Horne, C. E. Pearce, H. J. Marsh, J. H. Marsh, W. A. Roberson, M. Currie, R. G. Haigh, W. S. Sheetz, G. A. Burns, J. A. Burns, C. W. Elliot, J. G. Hollingsworth, A. B. Williams, W. N. Williams, F. R. Rose, Q. K. Nimocks, J. P. Cook, A. D. McGill, and all such other persons who shall or may be associated with them, and their successors and assigns, are hereby created a body politic and corporate by the name of "The Fayetteville Land and Improvement Company (limited)," Corporate name. for the purpose of acquiring and owning land and other property in the state of North Carolina, of leasing and selling the same, of building upon and otherwise improving the same, of conducting a general business in real estate, and especially for the purpose of aiding, encouraging and promoting manufacturing enterprises within said state, and by said name may contract and be contracted with, Corporate powers. sue and be sued, plead and be impleaded in all the courts of this state; may have a common seal, which it may alter at pleasure, and shall at all times be entitled to all the rights, powers, privileges and immunities of corporations as provided in chapter sixteen of The Code, entitled "Corporations."

SEC. 2. That no notice or publication of the first meeting of the said corporation shall be required, but the same may be held at such time and place as the said corporators or a majority of them may determine, at which meeting they may elect such officers and agents as may be deemed proper and advisable, to hold office for such terms and until others are duly elected or appointed as hereinafter provided. Organization.

SEC. 3. That the capital stock of this corporation shall be such an amount as shall be fixed by the corporators herein named, not exceeding one hundred thousand dollars at its organization, and the 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, not to exceed ultimately one million dollars. Said capital stock may be divided into classes by the by-laws of the corporation, which said by-laws shall prescribe the amount or par value of the shares of the several classes and the manner of paying for the same and the transfer thereof, and each share shall entitle the holder to one vote in all meetings of the stockholders and all elections by them held. Capital stock. Stock vote.

SEC. 4. 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 held on such day for any cause it may be held at any time to be thereafter appointed by the board of directors or upon the call of stockholders holding at least one-fifth of the capital stock of the corporation: *Provided*, other meetings of the corporation may be Annual meeting of stockholders. Other meetings.

called in the same manner at any time whenever it may be deemed the interest of the corporation requires such meetings.

Subscriptions,
how made.

SEC. 5. 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 it, 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 debt or obligations contracted by the corporation.

Non-liability of
stockholders for
corporate debts.

Corporate pow-
ers.

SEC. 6. That the said corporation shall have full power and authority: (a). To acquire lands and forehold or leasehold property in said state, not exceeding in value five hundred thousand dollars at the time the same are purchased by said corporation, the value to be determined by the price paid by the corporation for such lands; nor to hold more than said amount for a longer time than thirty years. (b). To issue bonds or other evidences of debt of the company, and to secure said bonds or evidences of debt; shall have power to mortgage or pledge its property, real, personal and mixed, or any part thereof, and the franchise of said company; and any mortgages so made and duly registered in the county where property lies shall constitute a lien on said property. (c). To develop, improve 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 business of estate agents or brokers, by subdividing and selling or leasing the same or any part thereof; to build upon said lands, or otherwise to aid, encourage and promote others to build upon the same, and to that end may take mortgages on the same, to deal with, manufacture and render salable the timber found on said property; to buy, manufacture, barter and sell all kinds of goods, chattels and effects required by the company, or useful to it or its lessees or other persons with whom it has contracted; to construct mills, works, shops, tanneries, hotels or other manufacturing enterprises, and maintain, operate and run the same; to build and equip with rolling stock and other stocks, and operate rail, tram, turnpike and other roads connecting the property of the corporation with other roads of any and all kinds. (d). To search for and develop mineral properties, to mine, smelt and work minerals, ores, metals and earth, to reduce the same, to erect any kinds of suitable works for mining purposes, to manufacture metal, earthen ware, brick, pipes, pottery and stone-ware of all kinds. (e). To purchase or lease factories, houses, water-courses and powers, mineral rights, woods, tram-ways and railways, timbers or any other kind of property whatever, and to erect on such property any such factories, mills, hotels, houses, machinery, canals, tram-ways, railways or roads as may be necessary, proper and convenient for the operation of the property of the said company. (f). To erect and maintain cotton factories, woolen mills, saw-mills, grist-

mills, flouring mills and all other mills, factories, founderies and manufacturing plants which said corporation shall deem it suitable, proper and expedient to erect, maintain and operate, and to do all such other things as are incident to or conducive to the attainment of any and all of the objects set out in this section. (g). 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 transaction or venture 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 objects as set forth in this section, and to take, hold, sell and transfer shares, stock and securities of any such company. (h). To build, erect, equip and operate water-works, gas-works, dynamos, street railways, telegraph, telephone and electric wires.

SEC. 7. That said company may require such of its officers, agents and servants as the directors may think proper, to give bonds conditioned for the faithful discharge of their several duties. Bonds of officers, &c.

SEC. 8. That it shall be the duty of the president of and directors, at least once a year, and oftener if thereto required, to make a report to the shareholders of the true state of the company, its operations, assets, debts and finances, and the books and accounts of the company shall at all times be open to the inspection of any shareholder. Annual report.

SEC. 9. 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 vote of the shareholders, to-wit: (1). At all general meetings of the company each shareholder shall be entitled to vote in person or by proxy, and all elections shall be by ballot unless otherwise ordered, each shareholder being entitled to one vote for each share held by him. (2). At each annual meeting the shareholders shall elect a president, vice-president, a treasurer and secretary and directors, and all other officers, agents and servants shall be elected by the president and directors. (3). The president and directors shall constitute the board of directors, to whom shall be entrusted the general management of the corporation, who shall have power to fill vacancies occurring in the board for the unexpired remainder of the term of service. (4). No share shall be transferred upon the books of the company until all previous calls thereon have been fully paid, or until declared forfeited for nonpayment of calls thereon. (5). The directors may declare dividends from time to time, but no dividend shall be declared when the company is insolvent, or when the payment of the dividend would render the company insolvent, or when the payment of the dividends would render the company insolvent or greatly diminish its capital stock or embarrass its future operations. (6.) A copy of any by-laws or record of the company under its seal, and purporting to be signed by the proper officer of the company, shall be Certain rules binding on corporation until changed.

received as *prima facie* evidence of such by-law or record in all courts of this state.

Corporate existence.
Non-forfeiture.
To be organized in two years.

SEC. 10. This act shall take effect from and after its ratification, shall continue in force for thirty years, and shall not be forfeited by transfer: *Provided*, the company shall be organized within two years from and after its ratification.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 246.

An act to incorporate the Holly Springs Land and Improvement Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That G. B. Alford, C. C. Peace, J. A. Peace, N. G. Burns, J. L. Vaughan, B. S. Utley, T. B. Holt, C. S. Page, W. Q. Maynard, W. H. Burt, H. E. Norris, H. W. Norris and Helen Cross, their associates and successors, be and they are hereby created and constituted a body corporate, with continuous succession for ninety-nine years, under the name and style of "The Holly Springs Land and Improvement Company," with a capital stock of ten thousand dollars (\$10,000), divided into shares of fifty dollars (\$50.00) each, with the liberty to increase the capital stock at any time, or from time to time, by a majority vote of the stockholders, to any amount not exceeding one million dollars (\$1,000,000); and said corporation shall have power to sue and be sued, to plead and be impleaded, prosecute and defend all actions and special proceedings in any court, and may have a common seal which may be changed at pleasure.

Corporate name.

Capital stock.

Corporate powers.

Powers of stockholders.

SEC. 2. The stockholders of said company may make all such rules, by-laws and regulations as may be considered necessary and proper for the well-ordering and governing and conducting the business of said company. They may prescribe the number of directors and the number and character of the officers of said company, the manner of their election and the amount of their compensations, the terms of their respective offices, the manner in which any director or officer may be removed and the mode of supplying any existing vacancy from any cause whatever, either among the directors or officers of said company, and shall have all the rights and privileges incidental and belonging to corporate bodies under the laws of this state; and at all meetings of stockholders of said company each share of stock

shall entitle the owner thereof to one vote either in person or by proxy.

SEC. 3. That said corporation shall have the power to build cotton and woolen factories, and to spin, weave, manufacture, finish and sell warps, yarns, cloth, prints or any other fabrics made out of cotton, wool or any other material that is now spun or woven, or that may hereafter be spun or woven, and shall have power to build cotton-seed oil mills and guano factories, and manufacture and sell cotton-seed oil and meal and any and all fertilizers; and shall have power to take, hold, purchase, exchange all and every real estate in fee-simple and otherwise, and build upon and improve, lease and rent real estate, lay off and open streets and establish and maintain such police regulations as may be necessary to protect its property.

Corporate powers.

SEC. 4. That said corporation is further authorized and empowered to construct machine-shops, planing and dressing mills, and saw-mills, to manufacture, buy and sell all articles made of wood, iron, steel, tin or other metal, or a combination of all or any of the same; to make, manufacture, buy and sell brick, pipe, tiles and all kinds of articles made out of clay, sand or dirt; to mine, quarry, cut, shape and sell all kinds of rock and stone; to buy and sell all kinds of goods, wares and merchandise; and to carry on the business of general merchandise; to manufacture and sell all kinds of knit goods, bats and shoddy, and to do any and all things that may be necessary for the proper conduct of any and all of its purposes aforesaid, including the buying and selling of all kinds of material and property of every description used and needed in any of its contemplated business aforesaid, or engage in any other enterprise not prohibited by the laws of the state, including the business of banking, with all the rights, powers and privileges granted to bank corporations by the laws of North Carolina, with the right to secure any loan made or money advanced by mortgage or otherwise at any rate of interest agreed upon not to exceed eight per centum per annum, and shall also have such rights and privileges as are granted to savings banks; and shall have the right to issue bonds or other evidences of indebtedness, and secure the same by mortgage or deeds of trust on any or all of its property real or personal, or in any other manner that it may deem best.

Corporate powers.

SEC. 5. No stockholder shall be individually liable or responsible for any debt or engagement, contract or obligation, omission or tort demand on said corporation. And the shares of stock of said company, when the par value has been paid, shall be forever non-assessable.

Non-liability of stockholders for corporate debts. Shares non-assessable.

SEC. 6. Said corporation may receive subscriptions to its capital stock in cash or in real or personal property, in bonds, certificates of stock or other choses in action at such rates and upon such terms as said corporation may deem best: *Provided*, that no subscription is to

Subscriptions, how made.

Proviso.

be paid in any other way than in cash, except by the consent of a majority of the stockholders or directors.

SEC. 9. This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 247.

An act to amend chapter seventeen (17) of the private laws of eighteen hundred and seventy-three and four.

The General Assembly of North Carolina do enact :

Chapter 19, Private Laws 1873-'4, amended.
Election of commissioners, mayor and constable in town of Toisnot.
Electors.

SECTION 1. That section four be stricken out and insert in lieu thereof "An election shall be held the first Monday in May of each year for five town commissioners, and the said commissioners shall elect as soon as possible thereafter a mayor and town constable, and all persons living in the corporate limits of said town and qualified to vote for members of the general assembly shall vote in the election for said five commissioners of said town."

SEC. 2. This act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1891.

CHAPTER 248.

An act to amend the charter of the town of Smithfield, chapter one hundred and forty-two, private laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

Chapter 142, Private Laws 1883, amended.

SECTION 1. That chapter one hundred and forty-two of the private laws of eighteen hundred and eighty-three be and the same is hereby amended by adding and annexing to the territory included in the boundaries mentioned in section two of said act the following additional territory, to-wit, all that land lying south of the present boundaries and included within the following metes and bounds: Beginning at a point in Spring branch, at the corner of the lands of James H. Abell and W. M. Sanders, and runs thence along the west side of the Smithfield and Fayetteville road in a southerly direction with the

Additional corporate limits.

lines of W. M. Sanders, J. B. Hudson and R. D. Luncford to the corner of the Rose land ; thence across said road to the corner of the lands of J. A. Lee ; thence in an easterly direction with the north line of J. A. Lee to the point in said line where it crosses the direction of the proposed new street east of Seth Woodall's, known as Fifth street ; thence on the east side of said proposed street northerly to Spring branch ; thence down Spring branch to the beginning, and all of said bounded territory shall henceforth be a part of the town of Smithfield, subject to all the duties and obligations and entitled to all the privileges of said town.

SEC. 2. That the said annexed district shall constitute an additional ward, to be known as fourth ward, and shall elect at each election three commissioners of the town of Smithfield, and that until the next election the following men are appointed commissioners for said fourth ward: Seth Woodall, J. B. Hudson and J. L. Davis.

Annexed territory to constitute fourth ward.

Temporary commissioners.

SEC. 3. That hereafter the town of Smithfield shall be composed of four wards, the first, second and third, as at present, and the fourth ward as above set forth.

Four wards.

SEC. 4. That the board of commissioners shall hereafter be composed of nine members, to be elected by the wards separately, as follows: The first, second and third wards shall each elect two commissioners, and the fourth ward shall elect three commissioners.

Election of board of commissioners

SEC. 5. That all parts of said act, chapter one hundred and forty-two, laws of eighteen hundred and eighty-three, and the acts amendatory of the same, conflicting with this act, are hereby amended or modified so as to conform with this act.

Conflicting laws repealed..

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 249.

An act to incorporate the Iredell Land and Construction Company.

The General Assembly of North Carolina do enact:

SECTION 1. That R. A. Smith, T. H. N. McPherson, J. J. Mott, and their associates, successors and assigns be and the[y] are hereby created and constituted a body politic and corporate for the purposes hereinafter mentioned under the corporate name of "The Iredell Land and Construction Company," and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, and in all suits and actions, and contract and be contracted with, and may have and use a com-

Body politic.

Corporate name.

Corporate powers.

mon seal, and the same may alter at pleasure; and shall have and enjoy all rights, privileges, powers, immunities, liberties and franchises pertaining to corporations.

May hold, &c.,
property.

SEC. 2. That said corporation may acquire, hold and convey real and personal property.

Corporate pow-
ers.

SEC. 3. That said corporation shall have power to receive and pay out the lawful currency of the country, deal in and exchange gold and silver coin, stocks, bonds, notes, and other securities; to lend money or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femes covert* or other persons, on such terms and times and manner of collection and payments may be agreed upon between the parties, and for the use and loan of money may charge so high a rate of interest as eight per centum per annum, and may take and receive said interest at the time of making said loan, free from all other control, contracts 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 pow-
ers.

SEC. 4. That said corporation shall have power to hold land in trust for any person, parties or party, 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 such 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 pow-
ers.

SEC. 5. That the said corporation shall have power and authority to guarantee 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 corporation and individuals as may have secured 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 pow-
ers.

SEC. 6. That 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 name through their president, treasurer or other officer 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. Proviso.

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, manufacture and render salable the timber found on said land; to subscribe to the capital stock of any and all enterprises which may be prospected in this state, to consist of mills, workshops, hotels, dwellings or other buildings; to buy, manufacture and sell all kinds of goods, chattels and effects required by the company; to sink 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, 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. Corporate powers.

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 the 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 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 Corporate powers.

fit, and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects.

Non-liability
of stockholders
for corporate
debts.

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.

Capital stock.

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.

Organization.

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.

Treasurer.

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.

Annual report.

SEC. 14. That it shall be the duty of the directors and the treasurer to make a report at least once a-year at the stockholders' meetings of the state of the company.

Place of business.

SEC. 15. That the principal place of business of the said corporation shall be in the city of Statesville, North Carolina.

By-laws.

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.

Bonds of officers.

Corporate exist-
ence.

SEC. 17. That this corporation shall exist and be in force and effect for a period of sixty years from and after the ratification of this act. Ratified the 6th day of March, A. D. 1891.

CHAPTER 250.

An act to amend the charter of the town of Murfreesboro.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the boundaries of said town shall be as follows: Beginning at a point on Meherrin river at the mouth of the first ravine below the "Keystone" wharf and running south twenty degrees east three hundred and thirty feet; thence south two degrees

west one thousand five hundred and fifty-one feet to a point two feet west of a large pine, just south of Winton road; thence south thirty-six degrees west one thousand and ten feet to a point in E. C. Worrell's field; thence south fifty-four degrees west four hundred and sixty-nine feet; thence south sixty-seven degrees and thirty minutes west three thousand five hundred and thirty-six feet; thence south seventy-three degrees west four hundred and ninety-two feet to fork of branch south of Baptist Institute; thence north seventy degrees and fifteen minutes west three hundred and fifty-seven feet; thence north forty-seven degrees and thirty minutes west three thousand four hundred and eighty-nine feet to a large gum tree in J. N. Harrell's field; thence north three degrees west two thousand two hundred and sixty-six feet to a persimmon tree in Mrs. Sue Lawrence's field; thence north seventy-four degrees and thirty minutes east two thousand nine hundred feet to a large holly tree in J. M. Wynn's field; thence south seventy-nine degrees and thirty minutes east two thousand seven hundred and twenty feet to the bend of Meherrin river just above Williams and Worrell's saw-mill; thence down said river to the beginning.

SEC. 2. That section eighteen of the laws of one thousand eight hundred and fifty-four and fifty-five, chapter two hundred and forty-three, be amended as follows: by striking out the words "sheriff of said county" in line seven and inserting in lieu thereof "constable of said town," and by adding after the words "jury of" in said line the word "three."

Chapter 243, Laws 1854-'5, amended.

Constable to summon jury to assess damages on condemnation of land for streets.

SEC. 3. That section twenty-one of said chapter is hereby repealed.

Jury to consist of three. Section 21, chapter 243, Laws 1854-'5, repealed. Corporate limits. Chapter 186, Laws 1876-'7, amended. Contracts, how executed.

SEC. 4. That chapter one hundred and eighty-six, laws of eighteen hundred and seventy-six and seventy-seven, section five, be amended by striking out all after the word "tie" in line ten down to and including the word "mayor" in line twelve and insert in lieu thereof the words: "All contracts required to be in writing shall be executed in manner and form as required by chapter sixty-two of The Code."

SEC. 5. That the board of commissioners of said town may appoint policemen, not exceeding six at any one time, whose pay and time of service shall be regulated by said board; and such policemen shall take the oath and perform the duties prescribed by law for town constables, except as to the service of process in civil cases.

Policemen.

SEC. 6. That the town of Murfreesboro may subscribe to [the] capital stock of the Murfreesboro Railroad Company in the manner provided for in chapter three hundred and sixty-five of the laws of eighteen hundred and eighty-seven to an amount not to exceed the sum of twenty-five thousand dollars; and the provisions of said chapter, so far as applicable to said town, are hereby extended for the period of three years from the ratification of this act, and the same are made a part of this act: *Provided, however,* no election in said town shall

Town may subscribe to capital stock of Murfreesboro R. R. Co.

Proviso.

Proviso.

be held under this act: *Provided*, the bonds heretofore issued by Murfreesboro township under said chapter three hundred and sixty-five are negotiated by the said railroad company.

SEC. 7. That this act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 251.

An act to amend an act passed on the twenty-first day of February, one thousand eight hundred and eighty-three, entitled "An act to incorporate the Baltimore Gold and Silver Mining and Smelting Company," by changing its name.

The General Assembly of North Carolina do enact :

Name changed to "Baltimore Mining and Smelting Co."

SECTION 1. That the name of the "Baltimore Gold and Silver Mining and Smelting Company," incorporated by the act passed on the twenty-first day of February, one thousand eight hundred and eighty-three, entitled "An act to incorporate the Baltimore Gold and Silver Mining and Smelting Company," be and the same is hereby changed to the name of the "Baltimore Mining and Smelting Company," and that the said "Baltimore Gold and Silver Mining and Smelting Company" shall be hereafter known and designated by the name of the "Baltimore Mining and Smelting Company," and shall, under the name last aforesaid, have and succeed to all the rights, privileges, powers and property of the said "Baltimore Gold and Silver Mining and Smelting Company," and shall be subject to all the debts, engagements, contracts and liabilities of the same last named corporation, it being the intent of this act to effect no other change in the said "Baltimore Gold and Silver Mining and Smelting Company" except a change in the name thereof.

Corporate powers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 252.

An act to allow the city of Charlotte to issue bonds.

The General Assembly of North Carolina do enact :

Aldermen may subscribe to stock of railroad company, issue bonds, &c.

SECTION 1. That the board of aldermen of the city of Charlotte may subscribe for any number of shares of the capital stock of any railroad company authorized to be constructed to or from the said city, and may issue coupon bonds in payment of the same. The board shall also have power to issue other coupon bonds for such

purposes as in the opinion of the board will promote the general good and welfare of the city, and for no other purposes whatever: *Provided*, that the whole bonded indebtedness of the city for all purposes shall not exceed at any one time the sum of five hundred thousand dollars (\$500,000). Proviso.

SEC. 2. That said bonds shall be in such form and of such denominations and shall be payable at such time and shall bear such rate of interest, payable semi-annually, as the board may determine: *Provided*, that no debt shall be created and no bonds issued under this act unless the board shall have first passed an ordinance by a three-fourths vote of the entire board, taken and recorded at two separate regular meetings of the board, submitting the question of creating the debt and issuing bonds to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Character of bonds to be determined by aldermen.
Election on question of issuing bonds, how ordered, &c.

SEC. 3. That notice of said election shall be given by the mayor by advertisement in some newspaper published in the city at least once a week for five weeks next preceding the day of election, in which notice shall be stated the time and places as fixed by the board for opening the registration books and registering voters. At said election those who favor creating the debt and issuing bonds shall vote on a written or printed ballot "Approved," and those who oppose it shall vote on a like ballot "Not approved." Notice of election
Ballots.

SEC. 4. That at the second meeting of the board at which the ordinance directing an election to be held under the provisions of this act is passed, the board shall appoint a registrar and three inspectors of election for each ward of the city, who shall reside in the ward for which they are respectively appointed, and who shall conduct the election in accordance with the provisions of the present charter of the city relating to the election of municipal officers, as near as may be and except as hereinafter provided. Registrar and inspectors of election.
Election, how held.

SEC. 5. That said registrars and inspectors shall be notified of their appointment by the city clerk and shall be sworn by the mayor. Within three days after the election they shall file with the city clerk a written statement of the result of the election, duly certified under their hands, which shall be recorded by the clerk in the minutes of the board. Returns of election.

SEC. 6. The board shall cause books for the registration of voters to be furnished to the registrars, which shall be deposited with the city clerk by the registrar, at the time of filing with him their statements of the result of the election. Registration books.

SEC. 7. The registrars shall open the books of registration at the time and places designated by the board, and shall keep them open for the registration of voters at least twenty days before the Saturday which next precedes the day of election, and on the said Saturday the books shall be closed at the hour of twelve o'clock, M., and no person shall be permitted to register thereafter, unless he shall Registration.

have become qualified to vote and entitled to register since the said time.

Act applicable to future special elections.

SEC. 8. That the provisions of this act in regard to holding an election shall apply to all future special elections held in said city, but this section shall not be construed to refer to or include any election for city or municipal officers.

SEC. 9. That this act shall take effect and be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1891.

CHAPTER 253.

An act to incorporate the Blue Ridge and Saluda Turnpike Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Frank Coxe, J. C. McFarland, T. T. Ballenger, Wm. Justice, Martin Hamilton, Eli Jackson and Israel Higgins, their associates, successors and assigns, be and they are hereby created and declared a body politic and corporate under the name and style of "The Blue Ridge and Saluda Turnpike Company."

Corporate name.

Authorized to construct turnpike road.
Termini.

SEC. 2. That the said company be and it is hereby authorized and empowered to construct a turnpike road from Mills Springs, Columbus, Tryon, or some intermediate point between said places in Polk county to Hendersonville or Edneyville, or some practical point near said places in Henderson county, through and across such gap or gaps of the Blue Ridge mountains and upon such line or route as by a survey may be found most feasible and practicable for such road.

Route.

Road to be reviewed by commissioners of Polk and Henderson.

SEC. 3. That when the said company shall have completed the construction of said road between the above named terminate points, it shall be reviewed by the board of commissioners of Polk county as to that portion of it in said county and by the board of commissioners of Henderson county as to that portion of the same in said county, and when the said boards or a majority of each shall approve said terminal points and give to the said company a certificate under their hands of such approval, and that said road is reasonably well constructed upon a grade not greater than one foot rise in sixteen feet in each of their respective counties, and that it is in as good condition as it can practically be made, then the said company shall have power to erect a gate or gates on any part of said road within three (3) miles of the point where said road strikes said mountain or mountains, and collect such toll as said company may fix, not to exceed the following terms, to-wit: For hogs and cattle, each three (3) cents;

On approval company entitled to erect gates and collect tolls.

Tolls.

loose horses, five (5) cents; single horsemen, twenty (20) cents; one-horse wagon, twenty-five (25) cents; two-horse wagon, forty (40) cents; three-horse wagons, sixty (60) cents; four, five or six-horse wagons, seventy-five (75) cents; one-horse buggy, forty (40) cents; two-horse buggy, fifty (50) cents; one-horse carriage or other vehicle not hereinbefore mentioned drawn by one horse, fifty (50) cents; two-horse carriage or other vehicle not hereinbefore mentioned drawn by two horses or more, seventy-five (75) cents: *Provided*, that said company shall at all times keep said road in good condition: *And provided* further, that no tolls shall be collected from any person passing over the same to any church or public mill only, nor shall any person residing within three miles of said road be charged any tolls: *Provided*, that said company shall not close, shut up or obstruct any road now existing in said mountains except by the consent of said board or boards of commissioners respectively.

SEC. 4. That the said company shall have the power and authority herein granted for fifty years, and shall be subject to indictment and liable for all the pains and penalties for failure to keep said road in proper repair and condition, as prescribed by law for overseers of public roads in such cases; and all persons passing through said toll-gate or gates, and wilfully refusing to pay the lawful tolls, or who shall wilfully pass around said gate or gates with the intent to avoid the payment of lawful tolls, shall be guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 5. That said company shall in their corporate name sue and be sued, plead and be impleaded, and shall have the right to adopt and use a common seal and all other rights incident to all such corporations.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 254.

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-three, private laws of one thousand eight hundred and seventy-three and seventy-four, be and the same is hereby amended by striking out section two and substituting in lieu thereof the following, to-wit: "That the corporate limits of said town shall extend from the centre of the depot building of the

Chapter 73, Private Laws 1873-'4, amended.

Corporate limits of town of Kings Mountain.

Proviso.

Atlanta and Charlotte Air-line Railroad in said town one mile north, south, east and west, making the town square two miles in length : *Provided*, the new territory lying in the angle formed by the crossing of the Richmond and Danville Railroad and the Yorkville public road included in this bill shall not be subject to any indebtedness now standing against the town of Kings Mountain under its old corporation."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1891.

CHAPTER 255.

An act to charter Fair View Male and Female College at Trap Hill, Wilkes county, North Carolina.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That H. C. Bryan, G. W. Brown, C. W. Smith, A. J. Johnson and J. Q. A. Bryan, who have been appointed on the part of the quarterly conference of Trap Hill Circuit Methodist Episcopal church, and William Miles, P. A. Lomax, J. C. Lowe and Lindolph Parks, who have been associated with them, and their successors, be and are hereby created a body politic and corporate under the name and style of "The Trustees of Fair View 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 at Trap Hill in the county of Wilkes 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 do all other acts pertaining to similar corporations and not inconsistent with the laws of this state or of the United States.

Corporate name.

Corporate powers.

Terms of office of trustees.

SEC. 2. That the term of office of trustees shall be two years from the date of their election, subject, however, to removal by a majority of the others for neglect of duty; or in case of death, removal from the state, resignation, or for any other cause, there shall be a vacancy. the same may be filled by a majority of the trustees at any regular meeting.

SEC. 3. At the first regular meeting after the ratification of this Organization, 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 may enact by-laws for [the] regulation of the duties of all officers appointed by them. Five trustees shall be a quorum for the transaction of business.

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.

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.

SEC. 6. That the individual property of aforesaid trustees shall not be liable for the debts of said corporation.

SEC. 7. That Trap Hill Lodge, number three hundred and forty-six (346), A. F. and A. M., shall continue to have the use of the Masonic hall room on second floor of said college.

SEC. 8. That while the title to said college is vested in the M. E. Church, the college is to be conducted as heretofore in a non-political and non-sectarian manner.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 256.

An act to allow the commissioners of the town of Louisburg to purchase claims and interests in the Louisburg Female College property and to sell and convey said property in trust for school 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 two 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 the sum of fifty-five hundred dollars, for the purpose of acquiring by purchase the interest, claim and right of the parties claiming the property known as the Louisburg Female College under execution sale against the Louisburg Female College Company and mesne conveyances.

Election on question of issuing bonds not exceeding \$5,500 to purchase Louisburg Female College property.

Election, how held.

Ballots.

Bonds to be issued on majority vote. Description of bonds.

Mortgage on property to secure bonds.

Property to be held in trust for school.

Commissioners authorized to sell property.

Purchaser to hold in trust for school purposes.

Consideration.

SEC. 2. That said election shall be held under the same rules and regulations 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."

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 thirty years from their date, but redeemable at any time after one year 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.

SEC. 4. That for the security of said bonds, the said commissioners are authorized and empowered to execute a mortgage or deed in trust upon the aforesaid Louisburg Female College property, which is bounded as follows, to-wit: On the east by Main street, on the south by College street, on the west by the lands of J. J. Davis and B. D. Creekmore, and on the north by the land belonging to the heirs of T. A. Person.

SEC. 5. That the said property shall be held by the said commissioners in trust exclusive[ly] for a school or schools for the white race; and any party who shall by lease or purchase from the said commissioners or in any way acquire the said property shall hold the same affected by the said use and trust.

SEC. 6. That said commissioners, however, be and they are hereby authorized and empowered at any time either before or after the holding of the aforesaid election and the acquiring of the aforesaid claims or interest, to sell, convey and make title to the said property to such person or persons as they may think best, to be held and used by such purchaser or purchasers in trust exclusively for the purposes of a school or schools for the white race. That if such sale shall be made before the issuing of the bonds as aforesaid, then the consideration for which a sale is authorized under this act shall not be for less than a sum required to be paid to the claimants aforesaid to acquire their interest in said property, and which said sum on this account shall not exceed fifty-five hundred dollars, with interest at eight per centum from the ratification of this act, and such other additional consideration as said commissioners may require, not to be less than fifty dollars. That if such sale shall be made after the town shall have acquired the said title of the said claimant as provided above, then it shall not be for a less consideration than a sum sufficient to pay off said bonds which shall have been issued by the

said commissioners and such additional consideration as the commissioners may require, not to be less than fifty dollars.

SEC. 7. That if the commissioners of said town shall by the issuing and sale of the bonds aforesaid acquire the aforesaid interest in said property, then thereafter, and until they shall make sale of said property, they are hereby authorized to lease and rent such property for the purposes of a school for the white race, and the rents so received, after paying the insurance and for the repairs upon said property, shall be applied to the payment of the interest on said bonds.

Lease of property

Rents applicable to payment of interest on bonds.

SEC. 8. That if this shall be insufficient to pay the interest on said bonds, then the said commissioners shall for any balance that may be required for that purpose compute and levy each year upon the proper subjects for taxation in said town, in addition to the other taxes, a sum sufficient for that purpose. And after nineteen years from the date of said bonds, they shall in addition 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.

If rents insufficient, special tax to be levied

Special tax for payment of bonds.

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

Ratified the 6th day of February, A. D. 1891.

CHAPTER 257.

An act to incorporate the Farmers and Merchants Bank of Greenville.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Murphy, T. J. Jarvis, R. A. Tyson, J. B. Cherry, John Flannagan, J. D. Murphy, J. S. Congleton, Harry Skinner, L. C. Latham, Abram Cox, A. G. Cox, R. R. Cotten and R. L. Davis, and their present and future associates, successors and assigns, be and they are constituted, created and declared to be a body politic and corporate under the name and style of the Farmers and Merchants Bank of Greenville, and shall so continue for the period of thirty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate 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 four, volume two of The Code, entitled "Banks."

Body politic.

Corporate name.
Corporate existence.
Corporate powers.

SEC. 2. That the capital stock of said bank shall be fifty thousand dollars, in shares of one hundred dollars each, with liberty to the

Capital stock.

stockholders or a majority of them to increase said capital stock from time to time to one hundred thousand dollars, with liberty to stockholders to accept real estate in payment of stock.

Place of business.

SEC. 3. The office and place of business of said company shall be in the town of Greenville, state of North Carolina, and its officers shall consist of a president, vice-president, cashier and teller and a board of not less than five nor more than nine directors, who are to be elected annually by the stockholders; the directors so chosen to choose the officers aforesaid, and shall require the president, the cashier and the teller each to give bond with approved security for the faithful performance of their respective duties.

Officers.

Duties and powers of directors.

SEC. 4. 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.

Quorum.

Taxation.

SEC. 5. The capital stock of this bank shall be taxed as other property in this state to the full amount paid in thereon less the value of its taxable property and all non-taxable bonds, which shall be deducted from the amount paid on the said capital stock.

Corporate powers.

SEC. 6. That the 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 from any person, company, partnership or corporation, to invest its own money or the money of others, to lend or invest money in or upon the security of mortgage, pledge or otherwise on any lands, hereditaments or personal property or interest therein of any description situated anywhere; to lend money upon or purchase bills, notes choses in action or any or 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 anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate allowed by law.

Corporate powers.

SEC. 7. That said company may subscribe to, purchase or acquire or lend money upon any stock, shares, notes, 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 guaranty or collateral obligation by this company, and may sell or subscribe any of the property real or personal or any interest acquired therein by it, to any corporation from any portion of its bonds, securities, obliga-

tions or capital stock as may be agreed upon without liability upon such stock so purchased or subscribed for beyond the agreed terms of such purchase or subscription.

SEC. 8. *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 as the board of directors may agree upon, and when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially, to their own use [or] credit, they, or any of them, may draw these out on their check or order and be bound thereby; and minors, married women or apprentices shall be bound by said individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against said minor, married woman or apprentice and all persons whatever.

Deposits.

Deposits by married women, &c.

SEC. 9. 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 upon, in registering, selling and countersigning, collecting and acquiring, holding, dealing and disposing of on account of any state, county, town, municipality, corporation, company or personal bonds, certificates or stocks, 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, commissions, or rate of commissions, as may be agreed on, in and for any of the matters and things authorized by this charter.

Corporate powers.

SEC. 10. 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 to hold any real or personal estate or trust created in accordance with the laws 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 or [on] deposit all funds in litigation in the various courts of this state, and to 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 or 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. 11. *Be it further enacted*, that said company is hereby given the right to assure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of

Corporate powers.

indebtedness of any person, partnership or corporation, for any price and on any consideration agreed upon.

Branch banks.

SEC. 12. Branches of this bank may be established at such times and places as the president and board of directors may designate, and any such branch shall be known as "A branch of the Farmers and Merchants Bank of Greenville": *Provided*, such branch banks shall pay the state tax imposed by law of the town or city in which such branch may be established; and for the further purposes of this section this corporation shall have power to issue stock for said branches or any one of them in amount, not greater than fifty thousand dollars, as may be deemed best by the board of directors of this bank, and such branches or any one of them may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of this bank.

Proviso.

Stock of branch banks.

Removal.

May do savings bank business.

SEC. 13. This company is specially invested with the power 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 savings or by fixed rates according as may be agreed upon 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.

May purchase property sold for its benefit, &c.

SEC. 14. When this bank sells the property of its debtors, or when such property shall be sold for its benefit, it may bid for, buy and hold any and all such property, free from lien or incumbrances, and its title thereto shall be absolute and unconditional, and shall be in all respects valid and binding against all persons.

Meetings.

SEC. 15. That the board of directors shall by the by-laws fix the time for the annual meeting of the stockholders of this corporation and how the said meetings shall be called, and also provide for special meetings; at all general or special meetings the stockholders may be represented in person or by proxy, and each share of stock shall be entitled to one vote.

Stock vote.

Non-liability of stockholders for corporate debts.

SEC. 16. That the stockholders of this corporation shall not be individually liable for any of the debts, contracts or liabilities of the corporation.

Transfer of stock.

SEC. 17. That the stock held by anyone shall be transferred only on the books of said corporation, either by person or 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 or 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.

Lien.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 258.

An act to dispose of certain stock in the Caldwell and Watauga Turnpike Company.

WHEREAS, Certain stockholders of the Caldwell and Watauga Turnpike Company, to-wit: Joel Mast, accredited with ten shares; Franklin Baird, accredited with five shares; S. P. Dula, accredited with two shares; George Conley, accredited with five shares; Henry Smith, accredited with two shares; William Deal, accredited with two shares; Benjamin Councill, accredited with five shares; Wm. Fincannon, accredited with two shares; Reuben Mast, accredited with five shares; John Mast, accredited with ten shares; Noah Mast, accredited with ten shares; Benjamin Green, accredited with six shares; Phillip Shull, accredited with two shares; Alexander Green, accredited with four shares; Euclid Mast, accredited with ----- shares, have died or removed from the state, and their legal representatives or their present places of residence are unknown to the president of the said turnpike company:

The General Assembly of North Carolina do enact:

SECTION 1. That the president of the Caldwell and Watauga Turnpike Company is hereby authorized to make advertisement for six successive weeks in the *Lenoir Topic* and *Watauga Democrat*, notifying the aforesaid stockholders or their legal representatives to claim their said stock in person or otherwise.

Notice to certain stockholders to claim stock.

SEC. 2. That all the shares of stock remaining unclaimed on the first day of June one thousand eight hundred and ninety-one, shall on the aforesaid day be sold to the highest bidder by the president of said company at his office in Patterson in Caldwell county, and the proceeds of such sale shall be paid to the treasurer of the university of the state as in the case of escheats, and certificates of stock in said company shall be issued to the purchaser of said stock.

Sale of unclaimed shares.

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

Proceeds payable to State University. Certificates to purchaser.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 259.

An act to incorporate Pleasant Grove Camp Ground in the county of Union.

The General Assembly of North Carolina do enact:

- Body politic. SECTION 1. That G. D. Wolfe, G. Allison Winchester, W. H. Howie, W. C. Wolfe, senior, and G. R. Winchester, and their successors, shall be and they are hereby declared a body politic and corporate in fact and in law, existing under the name and style of "Pleasant Grove Camp Ground Trustees" in Sandy Ridge township, Union county, North Carolina, and they shall have power to hold, acquire and retain the title to real estate, have perpetual succession, sue and be sued, plead and be impleaded, and to elect such officers as shall be necessary for the proper government of their incorporation.
- Corporate name. Corporate powers. Temporary officers. SEC. 2. That until their election shall be held in May, one thousand eight hundred and ninety-one, W. H. Howie shall be mayor of said corporation and J. Alonzo Winchester shall be constable, both of whom shall hold their office until their successors shall be elected.
- Unlawful to sell, &c., liquor within three miles at certain times. SEC. 3. That it shall be unlawful for any person during the time the public services are advertised to take place, or during the week appointed for the holding of the annual camp-meeting, to sell or give away any spirituous, vinous, malt or other intoxicating liquors or cider within three miles of said camp-ground, or in any way to sell any article of merchandise or trade, except prepared [food] and provender.
- Ordinances, &c. SEC. 4. That the persons hereinbefore nominated as the persons composing the body politic and corporate shall have full power and authority to pass such ordinances and by-laws for the government of the incorporation as shall in their opinion be for the best interest of their community: *Provided*, the same are in accordance with the constitution and laws of the United States and the state of North Carolina.
- Proviso. SEC. 5. That said trustees or incorporators shall have power to appoint a special police for the government of said camp-ground, to prescribe rules for the government of the people assembled to worship, or for other purposes, and shall have further power to elect an intendent and other necessary officers, who shall hold their offices for one year or until their successors are elected.
- Special police. Intendent, &c. Powers of police. SEC. 6. That the policemen appointed or elected shall have all the power and authority of a constable within the township, and shall serve all papers, warrants or other writs issued to them according to law.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 260.

An act to authorize the board of councilmen of the town of Plymouth to issue bonds to build a town hall and market-house and to levy a special tax.

The General Assembly of North Carolina do enact :

- SECTION 1. That the board of councilmen of the town of Plymouth are hereby authorized and empowered to issue bonds of such denomination as they may prescribe, to an amount not to exceed in all four thousand dollars, at such rate of interest, not exceeding eight per centum, as they may prescribe, and the said town shall be liable for the payment thereof.
- SECTION 2. That the question of issuing the bonds hereby authorized shall be submitted to a vote of the qualified voters of said town at an election to be held on a day to be designated by the board of councilmen, at any time after ten days from the ratification of this act, and after public notice for thirty days preceding the election, of time, place and amount of bonds to be issued and the purpose of issuing the same, said notice to be inserted in a newspaper published in said town or posted at four public places in said town. Said election shall be held as elections are now held under the rules and regulations of said town. At such election those approving the erection of the town hall and market-house and the issuing of said bonds shall vote "Approved;" those disapproving shall vote "Not approved." If a majority shall vote "Approved" then the said board of councilmen 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 board of councilmen shall not be authorized to issue bonds therefor. In case the majority shall vote "Not approved" at the first election, in any subsequent year, upon the application in writing of twenty voters of the town, the said board of councilmen may submit the question to the qualified voters of the town as above directed, and proceed as the majority of the voters may decide.
- SECTION 3. The bonds to be issued under this act shall run for ten years and bear interest at a rate not to exceed eight per centum per annum, payable annually by coupons; said coupons when due shall be receivable for town taxes, and said bonds shall be redeemable at the pleasure of said town at the expiration of any year upon payment of principal and all due coupons. Said bonds shall not be sold for less than par and shall be redeemable according to their numbers, that is the smallest number first and so on [to] the largest.
- SECTION 4. That from the taxes collected each year enough shall be applied to the payment of the bonded debt to pay the entire interest and one-tenth of the principal; and if at the end of any fiscal year

Councilmen authorized to issue bonds not exceeding \$4,000.

Election on question of issuing bonds.

Notice of election.

Election, how held.

Ballots.

Bonds to be issued on majority vote.

Other elections.

Description of bonds.

Coupons receivable for town taxes.
Redemption of bonds.
Not to be sold for less than par.

Payment of interest, &c.

there is a surplus it may be applied to the same purpose if the board of councilmen deem such course best for the interest of the town.

- Exemption from taxation. The aforesaid bonds shall not be subject to taxation under the laws of said town.
- Special tax. SEC. 5. That for the purpose of paying the interest and principal of the bonds issued under this act the board of councilmen of said town are authorized and empowered to levy a special tax of twenty-five cents or less on the hundred dollars valuation of all property subject to taxation by the laws of said town and sixty cents or less (observing the equation required by the constitution of North Carolina) on each poll.
- Building of town hall and market-house. SEC. 6. That the building of the town hall and market-house hereby authorized shall be managed and superintended by a building committee consisting of five voters of said town, to be appointed by the board of councilmen of said town, who shall appoint one of their number chairman, and all bills contracted for the building of said town hall and market-house shall be submitted to said building committee and, if approved by them, shall be paid by the treasurer of said town, on the warrant of the chairman of said committee, out of any money in his hands raised by the sale of the bonds hereby authorized. Said treasurer shall keep a book in which he shall enter all amounts so paid by him and the date of each payment, which book shall be subject to the inspection of any qualified voter at any time.
- Building committee. Payment of bills. SEC. 7. That the treasurer of said town, before receiving the proceeds of the sale of the bonds hereby authorized, shall enter [into a] bond in double the amount of the money to be so received by him, with two or more sufficient sureties, to be approved by the board of councilmen of said town, payable to the state of North Carolina and conditioned for the faithful performance of his duties in the management of said fund and for the payment thereof on the warrant of the chairman of said building committee, and for the faithful accounting therefor to the board of councilmen of said town when required by them to do so, and for the payment thereof to his successor in office when duly qualified and authorized to receive the same; for any misapplication of said funds said treasurer shall be liable to suit on his official bond for the penalty thereof, and the recovery in such suit shall be not less than the amount of money misapplied and not accounted for, with interest from the commencement of the suit; and said treasurer shall also be guilty of a misdemeanor and on conviction shall be punished by fine not less than one hundred dollars or more than five hundred dollars, or imprisoned in the county jail of Washington county for a term not less than six months or both in the discretion of the court.
- Bond of treasurer. SEC. 8. The bond issued under this act shall be signed by the mayor of said town and countersigned by the treasurer of said town.
- Action on bond. SEC. 9. That the board of councilmen of said town shall keep a
- Misdemeanor.
- Bonds, how signed.
- Record book.

book in which shall be entered the amounts of the bonds issued under this act, the date thereof and to whom issued, which book shall be open to the inspection of any qualified voter of said town at any time.

SEC. 10. That as soon as said bonds are issued, signed and counter signed as hereinbefore provided, said board of councilmen shall place the same in the hands of the treasurer of said town, who shall dispose of the same as herein prescribed, and shall be liable on the bond hereinbefore required of him for the proceeds of such bonds as he may dispose of, and shall make out and return to said board of councilmen an accurate account of the number and denomination of said bonds, and where and to whom delivered. Sale of bonds.

SEC. 11. That said treasurer shall make out and deliver to the board of councilmen of said town an accurate statement of all money received by him from the sale of said bonds, and of all money paid out by him on the warrant of the chairman of the building committee, a copy of which statement shall be posted at the court-house door in said town for thirty days. Said statement may be required by said board of councilmen as often as they may think proper. Treasurer to make statement to councilmen, &c.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 261.

An act to amend chapter fifty-six, private laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact:

SECTION 1. That section first, chapter fifty-six of the private laws of one thousand eight hundred and eighty-nine, be amended by inserting between the word "purposes" and the word "or" in the ninth line of said section the words "for the establishment of educational or charitable institutions." Chapter 56, private laws 1889, amended. Town of Morganton authorized to issue bonds for establishment of educational or charitable institutions.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 262.

An act to incorporate the Winston Trust Company.

The General Assembly of North Carolina do enact :

Body politic.

Corporate name.
Corporate exist-
ence.
Corporate powers

SECTION 1. That Geo. W. Hinshaw, W. A. Blair, J. L. Patterson, Frank E. Patterson and Francis F. Patterson, of said state, their associates and successors, be and they are hereby declared a body corporate under the name of "The Winston Trust Company" for the full term of fifty years, with the privilege of renewal at the expiration of such term, and with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and use a common seal, and to make, alter and amend such by-laws as may be necessary or expedient for carrying out the purpose and design of such incorporation: *Provided*, such by-laws are not in conflict with the powers herein granted or with the laws of this state or of the United States, and to do and perform every act necessary or expedient to carry on the business of said company as completely as the same could be done by an individual citizen of this state, and that the office of said company shall be located in the city of Winston, North Carolina.

Corporate powers

SEC. 2. That said company shall have the right to do a general banking business, to receive deposits, make loans and discounts, buy and sell exchange, and to lend its own or its depositors' funds; to obtain loans for any person, partnership or corporation, and to do all things necessary towards mediating between borrower and lender, either with or without guaranty, and to charge for such service such commission as may be agreed upon between the borrower and said company, not in conflict with the usury laws of this State; to lend and borrow money on its own account, and to give or receive such security as may be lawful and expedient, and to do all other acts as borrower or lender that a private individual may lawfully do; to invest its own or the money of others in property, real or personal; to improve any real estate belonging to it by building or otherwise, and to buy, sell, rent, lease or deal in any real or personal property; to carry on the business of guaranty insurance; to guarantee the title to any real estate or personal property (except fire and life insurance); to guarantee the payment of any bonds, notes, mortgages, undertakings or other securities or evidences of indebtedness of any person, partnership, company or corporation, municipal or private; to subscribe to, purchase, acquire or lend money in or upon any stock, shares, bonds, notes, debentures or other securities of any government, state, municipality, corporation, company, partnership or individual, and may hold, deal in or sell the same; to receive, upon deposit for safe-keeping, jewelry plate, stocks, bonds and valuable property of every description, upon such terms as may be agreed

upon, any charge for safe-keeping to be a lien upon such deposits until paid; and to insure the fidelity of persons holding places of responsibility and of trust, and of acting as a surety in such cases where by law sureties are required.

SEC. 3. That said company shall have power to accept and execute all trusts that may be committed to it by any court, corporation, company or individuals, and to accept any grant, assignment, transfer, devise or bequest, and to hold in trust any real or personal property, and to execute such trust upon such terms as may be established by its board of directors not in conflict with the laws of North Carolina or of the United States; that said company is authorized to receive on deposit all funds in litigation in the courts of this state, and to pay therefor such interest as may be agreed upon; that said company may receive and accept the appointment of executor, administrator, guardian or receiver, and the courts of this state are authorized to appoint said company as administrator, receiver or guardian, and to grant letters testamentary in case of its appointment as executor, and said company having received such appointments shall have power to act as such executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatsoever nature or description as may be conferred upon, or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on. In lieu of the bond required by law to be given by administrators, guardians, trustees, receivers or other fiduciaries, it shall be lawful, and before assuming any such trust under order of any court the said company shall file in the office of the clerk of the superior court of Forsyth or other county where such appointment is made, or such trust is to be executed, an undertaking with sufficient security, either personal or consisting of bonds of the state of North Carolina, or of the United States, or of any county or city of the state of North Carolina, or any other security satisfactory to the court, and to be approved by the said clerk; and the said undertaking so filed may be accepted by the said clerk and held as such security in the sum of ten thousand dollars; conditioned for the faithful performance of any trust which may be committed to the said company by order of any court of North Carolina or entrusted to it as aforesaid, or by any guardian, executor, administrator or other trustee as to any other trust funds, and separate bonds shall not be required in each case of trust committed to said company, but the said bond of ten thousand dollars (\$10,000) shall be sufficient in all of such cases, unless and until the same is increased as hereinafter pro-

vided. In case of default in the performance of any trust so committed to said company as aforesaid, or by any guardian, executor, administrator or other trustee, the said undertaking may be sued upon by the party injured or his personal representative in the superior court of any county of North Carolina where such default may have been made. And the superior court of Forsyth or other county where such bond may be filed whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all such trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same. A copy of such undertaking duly certified by the seal of the superior court of Forsyth or other county in this state where the same is filed, and if secured by bonds of the state, or of the United States, or of any county or city, or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina, and the superior court wherein said company shall have been appointed guardian, executor, administrator, receiver, trustee or depository shall have the power to make orders respecting such trust and to require the said company to render all accounts which said court might lawfully make or require if such trustee were a natural person, and in accepting any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers. The said company shall have discretionary power to invest the funds received by it in trust in bonds of the United States, or any state, or in the bonds duly authorized to be issued by any county or incorporated city, or in its own coupon bonds or other good security, or in safe real and personal securities, but all such investments shall be at the sole risk of said company; and for any losses by reason of such investments the capital stock, property and effects of said corporation shall be absolutely liable, together with the additional liability of the stockholders hereinafter referred to. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents or profits than can [be] reasonably earned by safe and prudent investments.

Legal depository
for trust funds.

SEC. 4. That said company shall be a legal depository for trust funds by other trustees and persons in positions of trust.

Capital stock.

SEC. 5. That the capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into one thousand shares of the par value of one hundred dollars (\$100) per share; but said capital stock may be increased at any time by a majority vote of the board of directors to an amount not exceeding one million dollars. Each stockholder shall be liable for all assessments called for by the board of directors until his or her subscription shall be fully paid up, and if any assessment so called for is not paid when due such stock

Assessments.

Sale of stock if
assessments not
paid.

may be sold at public sale, after sixty days' notice to the subscriber, and after paying the due assessments and expenses of sale the balance shall be paid over to the subscriber. Said company shall begin business whenever stock to the amount of one hundred thousand dollars (\$100,000) shall have been subscribed and one-half thereof paid in; and said company shall be responsible to its creditors to the extent of its paid up capital and its assets, and each stockholder shall be individually liable for all the debts of said corporation to the extent of his or her unpaid shares of stock, and said stockholders shall be further and additionally liable, equally and ratably, and not one for another, in an amount equal to the face value of their respective shares of stock.

When to begin business.

Responsibility to creditors. Liability of stockholders.

SEC. 6. That the business of said company shall be managed by a board of directors of not less than five members, to be elected by the stockholders, each share being entitled to one vote, and they shall hold office for one year or until their successors are elected and qualified. The board of directors shall have power to elect all officers of said company and to fill all vacancies occurring in their own body. The officers of said company shall consist of a president, vice-president, secretary, treasurer, general manager and general counsellor, and such other officers as the board of directors may see fit to create; but the same person may hold two or more of said offices, and the board of directors may dispense with one or more of said offices at their pleasure. The officers shall hold at the pleasure of the board of directors, who may require bonds from said officers in such amounts as they may deem reasonable and necessary for the faithful performance of their duties; and the board of directors may alter, amend or repeal any of the by-laws of said company by a majority vote of the board.

Board of directors.

Officers.

Terms of office.

Bonds.

By-laws.

SEC. 7. That in the event any money shall be deposited with said company by any married woman or any minor, either for investment or otherwise, such money may be withdrawn by said married woman or said minor without the consent of the husband, parent or guardian, and the check or receipt of said married woman or said minor shall be as binding on said married woman or said minor or the husband or the parent or guardian as though she were a *feme sole*, or he or she were of full age.

Deposits by married women, &c.

SEC. 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 263.

An act to incorporate the grounds of Trinity College as Trinity College Park, and an act to amend the charter of Trinity College so as to provide for the admission of students to share in the government thereof.

The General Assembly of North Carolina do enact :

- Grounds of Trinity College incorporated. Corporate name. Corporate powers
- SECTION 1. The grounds of Trinity College adjacent to the city of Durham in the county of Durham, North Carolina, are hereby incorporated under the charter of the college as Trinity College Park, and shall have the benefit of and be subject to all the provisions of law in reference to the government of municipal communities as set forth in chapter sixty-two (62) Code of North Carolina not inconsistent with this act and not inconsistent with the purposes of said college as defined in its charter granted to the board of trustees of Trinity College.
- Corporate limits.
- SEC. 2. The geographical limits of said park shall embrace the sixty-two-and-a-half acres of land in Durham county now owned by Trinity College and such other lands adjoining or adjacent thereto as may from time to time come into the possession of said board of trustees and be used for the purposes of the college, and also such other lands not adjacent as may be owned by and set apart for the express use of the college.
- Officers.
- SEC. 3. The officers of said park shall consist of a mayor, three commissioners and a constable, to be elected on the first Monday of May, eighteen hundred and ninety-two, and annually thereafter.
- Electors.
- SEC. 4. The qualified voters in the election of said officers shall be all residents within the limits of said park who are entitled to vote under the laws of the state of North Carolina and of the United States. The mode of election shall not be inconsistent with said laws.
- Mode of election.
- SEC. 5. Said park shall be open to public use, as such subject to such regulations and restrictions as the legally constituted commissioners may from time to time enact, and the entire population resident thereon shall in any official enumeration district as part of the population of the city of Durham, so far as the provisions of this section of this act shall not be inconsistent with the government of the college as hereinafter defined.
- Park open to public under regulations, &c.
- Part of population of Durham, &c.
- SEC. 6. The jurisdiction of the municipal officers herein provided for shall also extend to the enforcement of the authority of the governing powers of the college.
- Jurisdiction of municipal officers.
- Government of college, &c.
- SEC. 7. In order to provide for the better government of the college under its charter, the government of the college shall be in *loco parentis* so far only as said governing relates to that portion of the students of the college who have not been admitted to full standing

into the junior or the senior classes or into any of the professional schools of the college.

SEC. 8. It shall furthermore be provided that all minor members of the junior and senior classes and all members not of age of the professional schools, who shall have complied fully with the requirements for admission thereto, are hereby constituted a self-governing body to be known as the lower council, whose rules of government and acts of discipline must, to be valid and binding, have the approval of the majority of the upper council, which shall be composed of all such citizens among the faculty and officers of the college, and all students thereof having attained the age of twenty-one years or over, over all of which rules and acts the president of the college, as the authorized representative of the board of trustees, shall have an absolute veto. Any or all such laws or acts may at any time be declared null and void by vote of the board of trustees.

Lower council of students, &c.

Rules of government, &c. to be approved by "upper council," "Upper council," how constituted.

Veto power of president.

SEC. 9. This act shall be in force from its ratification by the general assembly and acceptance by the board of trustees of Trinity college.

When act to take effect.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 264.

An act to incorporate the Rocky Point and Pender Phosphate and Improvement Company of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That Wm. T. Dortch, John H. Hill, Jr., Robert Tyson, Pope Washington and H. P. Dortch, or a majority of them, their associates, successors or assigns, or such of them and such other persons as may become associated with them, be and they are hereby incorporated a body corporate and politic in fact and in law under the name and style of "The Rocky Point and Pender Phosphate and Improvement Company of North Carolina"; and by that name shall enjoy all the franchises and privileges incident to a corporation, sue and to be sued, plead and be impleaded; may have a common seal which they may have power to alter and renew at pleasure; hold and possess real estate not to exceed thirty thousand acres; to receive and hold in *fee simple* or otherwise lands and tenements, estates, personal and all property, by deed of conveyance, lease or otherwise, and dispose of the same or any part thereof, and to do such acts and things as may be necessary or expedient to assist and promote the objects and designs of this corporation.

Body politic.

Corporate name.

Corporate powers

Purposes of corporation.

SEC. 2. The purpose of the corporation is to carry on a general mining business and the utilizing of the products therefrom, and more especially to develop, mine, manufacture and market the minerals and ores of North Carolina, and to transport and sell the same, and to erect, maintain and operate such factories, works, roads, buildings and improvements as may be necessary for the purposes of the corporation.

Capital stock.

SEC. 3. The capital stock of the corporation shall not be less than two hundred thousand dollars nor more than one million dollars, divided into such number of shares of such par value as the incorporators or directors or a majority of them may deem best, and for which payment may be received in full in cash, lands, timber, labor, services, or any real or personal estate; and the liabilities of the stock or shareholders shall only be to the amount which may be due on any share or shares held by each respectively, and the holder or owner of a full paid share or shares issued in return for cash, lands, timber, labor, services or any real or personal estate shall be exempt from all liability whatever, and the incorporators, stockholders and their successors shall not be individually or personally liable or responsible for the debts, contracts, obligations or torts of the corporation.

Subscriptions, how made. Liability of stockholders.

Non-liability of stockholders for corporate debts.

Board of directors.

SEC. 4. The business of the corporation shall be conducted and managed by a board of directors and president to be chosen in such a manner, and to consist of such a number, and to hold office for such periods of time as may be prescribed in the by-laws of the corporation; and the directors or a majority of them shall have power to make by-laws and rules for the government of the corporation and to alter and amend them when necessary; to appoint such officers and define their duties; to enter into contracts, buy and sell real and personal property, minerals and mineral products, and to do all other acts and things incident and according to the laws governing corporations; and the above named incorporators or a majority of them shall manage the affairs of the corporation until such times as the stock or shareholders may meet and elect a board of directors, who shall elect a president.

Powers.

Principal office.

SEC. 5. The principal office of the corporation shall be at such place in the state of North Carolina as may be determined by a majority of the incorporators or directors; but they shall have power to establish branch agencies for the selling of their products, conducting their financial business and for the selling and transferring of the stock, or bonds or other obligations as they may deem best for the interest of the corporation; and they may appoint such places in North Carolina for holding of meetings and for the election of directors and for the transaction of the business of the corporation as a majority of them may deem most convenient.

Branch agencies.

Places of meeting.

SEC. 6. It shall be lawful for the corporation to borrow money to such an amount as may be necessary in the prosecution of any of its works, and to issue and sell its bonds from time to time for such terms as the board of directors may deem expedient. Such bonds or debentures may be expressed in dollars or in pounds sterling, and to secure the payment of such bonds by mortgage or mortgages upon all or any parts of its property, franchise or income. Authorized to borrow money on mortgage.

SEC. 7. That this corporation shall exist and be in force and effect and shall have perpetual succession from and after the ratification of this act. Corporate existence.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 265.

An act to incorporate the town of Pigeon River in Haywood county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Pigeon River, Haywood county, North Carolina, be and the same is hereby incorporated by the name and style of "The Town of Pigeon River," and shall be subject to all the provisions contained in The Code of North Carolina for incorporated towns, also subject to the general law in relation to municipal corporations. Incorporated.
Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows : Beginning on [the] east bank [of] Pigeon river and corner to Mrs. P. Hollsclair and W. A. Pharr and runs east with said line to Dr. J. M. Mease's line ; thence with this line to his corner in cemetery ; thence with James Smathers' line, crossing the railroad to J. M. Gwyn's corner ; thence with his line to the camp-ground branch ; thence down said branch to the mouth of a ditch in J. M. Mease's field ; thence nearly south with said ditch as it meanders to Pigeon river north and near Joseph Abbott's dwelling ; thence up said river to the railroad ; thence with the railroad to C. T. Mills', northeast corner of his Penland tract ; thence with his and the line of the Halliburton tract to the top of a small mountain ; thence east with said mountain to W. B. Smather's line ; thence with his line to line of [the] W. H. Moore tract ; thence to the beginning. Corporate limits

SEC. 3. The officers of said town shall consist of a mayor, three commissioners and a marshal. Officers.

SEC. 4. That the first regular election for mayor, commissioners and marshal shall be held on the first Monday in May, eighteen hun- Election.

- dred and ninety-two, and every year thereafter, and it shall be the duty of the sheriff of Haywood county or some justice of the peace in said county after ten days' notice by advertising at three or more public places in said corporation prior to the said first Monday in May, eighteen hundred and ninety two, to open the polls and conduct the election herein provided for under the same restrictions and regulations that other county and state elections are held: *Provided*, that elections held hereafter under the provisions of this charter shall be subject to the control of the commissioners of said town:
- Provided further*, that the following officers nominated and appointed under this act shall duly exercise the duty of said officers from the ratification hereof until the said election shall have been held, to-wit: For mayor, J. M. Mease; commissioners, W. J. Hampton, J. H. Anderson and M. J. Mears.
- How held.** SEC. 5. That all the qualified voters within said corporation that have resided therein ninety days previous to the day of the election shall be entitled to vote in said election.
- Proviso.** SEC. 6. It shall be the duty of the commissioners, mayor and marshal elect to meet, take the oath of office and organize.
- Proviso.** SEC. 7. That the commissioners shall have power to levy and collect a tax not to exceed twenty-five cents on the poll and seventy-five cents on the hundred dollars worth of all personal and real property in said town.
- Temporary officers.** SEC. 8. When it shall be necessary for the preservation of the public peace, good order and common decency or the protection of life, liberty, person or property of individuals, the town marshal shall have power and it shall be the duty of such marshal to arrest the body of offending parties who have violated the law in the presence of said marshal without warrant, to 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 offendant 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 bystanders to assist him in any legal arrest, and any one so summoned or called who refuses or fails to assist in making such arrest or arrests shall upon conviction before the mayor be punished as the ordinances of said town prescribe.
- Electors.** SEC. 9. That the commissioners shall have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them; they shall also have power to prescribe any rules, regulations and ordinances for the good government of the town not inconsistent with the laws of the state or the United States.
- Oath of office.** SEC. 10. 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
- Taxation.**
- Arrests by town marshal.**
- Penalty for resistance.**
- Posse comitatis.*
- Penalty.**
- Abatement of nuisances.**
- Ordinances.**
- Streets.**

or streets or any part thereof within the corporate limit of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for the purpose named in this section upon making 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 arbitrators then the mayor shall, in his or their stead, choose two; and in case the four chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the lands sought to be condemned and ascertain the damages that will be sustained 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 party, 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 Haywood county, where the same shall be heard *de novo* in term as to the amount of damages sustained, but such appeal shall not have the effect to stay proceedings for making the said improvement.

Condemnation of land.

Oath of appraiser.

Appeal.

SEC. 11. That any person violating any ordinances 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.

Violation of ordinance a misdemeanor.

SEC. 12. That it shall be unlawful for any person or persons to manufacture, sell or give away or dispose of in any other way, directly or indirectly, any spirituous liquors or intoxicating drinks within the corporate limits of said town, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, for each and every offence.

Unlawful to sell, &c. liquor within corporate limits.

SEC. 13. That the mayor of the town of Pigeon River 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

Jurisdiction of mayor.

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, and shall have power to commit any person convicted of violation of any town ordinance to the town prison under [until] the fine imposed, together with all costs, shall be paid or secured.

Taxes, fines, &c.
payable to town.

SEC. 14. That all taxes levied and collected and all fines imposed and collected under the provisions of this chapter shall go to the use of the town.

Fees of mayor.

SEC. 15. That the mayor shall be entitled to the same fees as are by law allowed to a justice of the peace in like cases.

License taxes.

SEC. 16. 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: 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, broker or banking office, dealer in patent rights, fire or life insurance agent, circus performers, games of hazard, sleight-of-hand performance, concert or exhibition: *Provided*, that the board of commissioners may exempt from this tax such concerts and exhibitions as are deemed for the public good.

Proviso.

Powers of tax-
collector, &c.

SEC. 17. That the marshal or tax-collector of said town 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-lists 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 hand 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 marshal 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

Collection of
taxes.

Removal of tax-
collector.

Bonds of officers.

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.

Fees.

SEC. 18. That the board of commissioners shall have authority to put to and keep at work on the streets or other public works of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town; and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties and forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Persons falling to pay fine liable to work on streets.

SEC. 19. That the said commissioners may prohibit the running at large of horses, cattle, sheep, hogs, jacks, jennies, 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, 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.

Live stock running at large.

SEC. 20. 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.

Work on streets by persons subject to road duty.

SEC. 21. That chapter one hundred and sixty-eight, private laws eighteen hundred and eighty-nine, be and the same is hereby repealed.

Chapter 168, Private Laws 1889, repealed, (Act incorporating the town of Buford.)

SEC. 22. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 266.

An act to create the office of "Chief of Fire Department" of the city of Wilmington distinct from that of the chief of police.

The General Assembly of North Carolina do enact :

SECTION 1. That the office of "Chief of Fire Department" of the city of Wilmington is hereby declared a distinct and separate office from that of the office of Chief of Police, and the said board of aldermen, the board of audit and finance concurring, shall have the right to fix the salary of said office and define the duties of the said officer as in other cases of city officers.

Chief of fire department of Wilmington made separate office.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 267.

An act to incorporate the town of Whiteville in Columbus county.

The General Assembly of North Carolina do enact :

- Incorporated. SECTION 1. That the town of Whiteville in the county of Columbus
 Corporate name. be and the same in [is] hereby incorporated under the name and
 style of "The Town of Whiteville," and that H. F. Schulken, R. H. Powell, C. M. Baldwin, R. S. Richardson and C. C. Forney DuVal, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body corporate and politic, with the succession during the corporate existence of said town, and shall be styled "The Commissioners of the town of Whiteville," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of twenty-five thousand dollars. That Thomas S. Memory, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.
- Commissioners a body corporate. Corporate powers
 Temporary officers. |
- Corporate limits. SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning on a black-gum in the north edge of Sole's swamp south of the W. C. and A. Railroad and distant thirty feet from the centre of the public road leading from Whiteville depot across said swamp and about ten feet from the southeast corner of Powell & Co.'s field fence and runs east fifty-eight chains and twenty-five links to a stake in M. C. Millican's field; thence north one hundred and forty-two chains and fifty links to a stake and pointers; thence west eighty-five chains to a pine stump; thence south one hundred and forty-two chains and fifty links; thence east twenty-six chains and seventy-five links to the beginning.
- Officers. SEC. 3. The officers of said town shall consist of a mayor, five commissioners and a constable, to be elected by the qualified voters of said town annually on the first Monday in May.
- Election. SEC. 4. Said election of mayor, commissioners and constable shall be held at the court-house in said town, and no person shall be entitled to vote at said election or 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 the election within the said town.
- Election, where held.
 Electors.
- Registrar and judges of election SEC. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appoint-

ment by the constable of said town. The registrar so appointed shall immediately make publication at the court-house door and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sunday excepted) for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town or do not appear on the revised lists, but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Duties of registrar.

Registration.

New registration.

SEC. 6. The registrar and the 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 or clerk of the superior court of Columbus county.

Oath of registrar and judges.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration book on the Monday next preceding the day of election from the hour of nine o'clock A. M. until the hour of five o'clock P. M., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that 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.

Challenges.

Proviso.

Erasure of name.

SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of 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, commissioners and constable counted out by them. They shall keep poll-books and write in them the name of

Election, how held.

- 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, or some officer qualified to administer oaths, before acting.
- Vacancies. SEC. 9. The voters shall vote by ballot, having the name of the mayor, commissioners and constable 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.
- Canvass of vote.
- Tie vote.
- Who eligible to office. SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.
- Notices of election. SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor, commissioners and constable elect of their election.
- Oath of office. SEC. 12. The said officers shall, within thirty days after having been notified by the town clerk and treasurer as aforesaid, before some justice of the peace or clerk of the superior court in said Columbus county, take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.
- Penalty for refusal of mayor or commissioner elect to qualify. SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter, refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of one 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.
- Quorum of commissioners. SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.
- Mayor to preside, &c. SEC. 15. That the mayor when present shall preside at all meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie.
- Mayor *pro tem*. In the absence of the mayor the said commissioners shall select one of their number to act as mayor *pro tempore*, who shall, while acting as such, have all the authority and power conveyed by this charter on the mayor of said town.
- Vacancies in office of mayor and commissioner. SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town the board of commissioners thereof shall be and are hereby empowered to fill said vacancy, and

their appointee shall hold office until the next regular election herein provided for.

SEC. 17. That said commissioners shall at the first meeting after their election or thereafter select some one as town clerk and treasurer, who shall hold office for one year or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good [and] sufficient bond with assurities in a sum to be approved by the board of commissioners of said town, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of 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 Whiteville against the said official and his sureties.

Town clerk and treasurer.

Bond.

Monthly statements.

Breach of bond.

Forfeiture of office.
Actions on official bonds.

SEC. 18. The constable aforesaid shall hold his office for one year or until his successor is elected and qualified, and before entering upon the discharge of the duties of his office shall give bond with good and sufficient sureties, in a sum to be approved by the said 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.

Constable.

Bond.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

By-laws and ordinances.

Abatement of nuisances.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Violation of ordinance a misdemeanor.

SEC. 21. Any person or persons violating any ordinance of said town shall be 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.

Offenders failing to pay fine liable to work on streets

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for the violation of any of the ordinances thereof and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against such offender therefor, may order that on failure to pay such fine to the constable of said town for the space of one day such offender so convicted shall be by the constable of Whiteville put to work on the streets of said town for a term to be fixed by the mayor, not exceeding twenty days, when he shall be discharged.

Jurisdiction of mayor.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges and indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

Duties and powers of constable.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor; shall have authority to preserve the peace in said town and within the corporate limits thereof; shall have the same authority in criminal matters, and be entitled to the same fees as a sheriff has in the county, and in the collection of taxes of said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Streets.

SEC. 25. 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

Condemnation of land.

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 they may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order directed to the town constable commanding him to summon as jurors six citizens of said town, freeholders connected neither by consanguinity or affinity with the

mayor or commissioners of said town, or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed or discontinued on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting, and the purpose of meeting, for five days before the day when said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer under the order and direction of the commissioners of said town of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

SEC. 26. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town. Sidewalks.

SEC. 27. 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. 28. They may erect at some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats or rye in straw, cotton, crude turpentine and live stock on foot offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fee and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher. Public scales. Weigher.

- Contagious diseases. SEC. 29. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.
- Retail liquor license tax. SEC. 30. The said commissioners shall have the power to levy annually, not to exceed two hundred dollars, a tax on all retail dealers in spirituous or malt liquors within the corporate limits of said town, and shall prescribe when the same shall be due and payable: *Provided*, that no person, firm or company retailing liquors as aforesaid shall be permitted to pay a less amount for selling in any part of a year than shall be prescribed by said commissioners for a full year.
- Proviso.
- Taxation. SEC. 31. 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 one hundred dollars valuation on all real and personal property, and one dollar on each taxable poll, and the valuation on all property within said town or taxed by said town commissioners shall be the same as that at which it is assessed for taxation for state and county purposes.
- Proviso.
- Assessment of property.
- Taxes, when due. SEC. 32. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by distraining any personal property of the tax-payer to be found within said town.
- Collection.
- Listing of property for taxation. SEC. 33. On the first Monday in June in each and every year the said town clerk and treasurer shall, by advertisement at the courthouse door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make return 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 return of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax-payers an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter; said list so returned shall state the age of the tax-payer and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list-taker of Whiteville township, to be assessed for taxation for state and county purposes.
- What list to show.

SEC. 34. 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 twenty-three of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons *non compos mentis*, shall be returned as herein provided by their guardian or guardians, if they shall have any such.

All property to be listed.

Property of minors, &c.

SEC. 35. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees, shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them, and the constable of said town is hereby authorized, at any time after the taxes may be due the town on said property as aforesaid, to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Property held by executors, &c.

Collection of tax from individual property of guardians, &c.

SEC. 36. 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 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 of 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.

Tax-list.

Unlisted property.

Double tax.

Collection of taxes.

SEC. 37. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year and shall continue until such taxes, together with any penalty that shall accrue thereon shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

Lien for taxes.

Sale of personal property for taxes.

SEC. 38. Whenever the taxes due said town shall be due and unpaid the constable of said town shall immediately proceed to collect them as follows: First, if the party charged or his agent have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under the same rules as sheriffs are required to sell personal property under the execution,

Taxes, how collected.

- 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, a sufficient value to satisfy his taxes, the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy; third, the constable shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed post-paid to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice, substantially as above described, at the court-house door and four other public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in 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 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 amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.
- Levy on land.**
- Notice of levy and day of sale.**
- Sale.**
- Notice of sale.**
- Sale of land, how made.** SEC. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land. That at all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.
- Purchase by town.**
- Redemption of land sold for taxes.** SEC. 40. The delinquent may retain possession of the property for twelve months after sale and within that time redeem it by paying the amount paid by him and twenty-five per cent 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 payment to the purchaser or town clerk all rights under the purchase shall cease.

SEC. 41. At the time of such purchase of real estate for taxes the town constable, on the receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Receipt to be given purchaser at sale.

SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty hereof, for twelve months, at the end of that time the purchaser may present his receipt referred to in section forty-one hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to 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 Columbus county within six months from the time of execution and delivery thereof, and where [when] so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which delinquent, his agent or attorney had at the time of sale for taxes.

Conveyance to purchaser.

Registration of deed.

SEC. 43. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes, may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum addition to the town clerk and treasurer within twelve months.

Redemption of land purchased by town.

SEC. 44. 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 privileged taxes as shall seem to them fair and equitable 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 anything for which they charge or receive any gratuity, fee or pay or award whatsoever; on every itinerant physician, dentist, druggist, artisan, merchant, daguerrean or photograph artist or other picture taker within the limits of said town, and the commissioners of said town shall prescribe the license tax herein provided for and when they shall be due and payable.

License taxes.

SEC. 45. That all fines collected for the violation of any ordinance of said town shall be paid into the town treasury for the benefit of the town.

Fines payable to town.

SEC. 46. That the officers of said town shall receive such compensation as the commissioners of said town of their discretion shall authorize.

Compensation of officers.

SEC. 47. That said commissioners may appoint one or more street commissioners for working the streets of the town, with such author-

Street commissioners.

ity and compensation as the said commissioners shall see fit and proper.

Policemen. SEC. 48. That said commissioners are authorized and empowered in their discretion to appoint policemen for the better government of said town.

Ordinances to be posted, &c. SEC. 49. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

When ordinances to take effect.

Former laws repealed. SEC. 50. That all laws heretofore passed for the better government and regulation of the said town of Whiteville be and the same are hereby repealed.

SEC. 51. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 268.

An act to incorporate the town [of] Essex in Halifax county.

The General Assembly of North Carolina do enact :

Incorporated. SECTION 1. That the town of Essex in the county of Halifax be and the same is hereby incorporated by the name and style of "The Corporate name. Town of Essex," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits. SEC. 2. That the corporate limits of said town be as follows: Beginning at a stone planted in the ground running north eight hundred (800) yards from said stone; thence east eight hundred (800) yards from said stone; thence south eight hundred (800) yards from said stone; thence west eight hundred (800) yards from said stone.

Officers. SEC. 3. That 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 ninety-one, viz.: R. L. Stokes, mayor; commissioners, William Stokes, H. W. Stokes, Sidney Williams, N. L. Keen, Dudley Lynch; constable, T. P. Lynch.

Temporary officers.

Election. SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-one, and each succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said corporation who have resided in the state twelve months

Electors.

and within the corporate limits ninety days 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 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. Powers of commissioners.

SEC. 6. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 269.

An act to incorporate the Far Creek Oyster Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Claude W. Davis, S. H. Spencer, I. B. Watson, John M. Clayton and M. Makely, and all other persons who become stockholders in the company hereby incorporated, are hereby constituted a body politic under the name of "The Far Creek Oyster Company," and by that name shall have perpetual succession, a common seal, the power to sue and be sued, to purchase, hold, sell and convey real estate and personal property, to contract and be contracted with, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations. Body politic. Corporate name. Corporate powers.

SEC. 2. The said corporation is hereby authorized and empowered to carry on the canning business—to can oysters, fruits, vegetables, and so forth—and to erect saw-mill and other machinery so as to manufacture boxes, cans, and so forth, at the plant which is to be erected near Far creek, Hyde county, North Carolina. Corporate powers.

SEC. 3. That said corporation is hereby authorized to own oyster grounds in Far Creek and near Far Creek not over ten miles from said creek, to purchase the same from the state or from private parties as they may wish for the purpose of cultivating oysters: *Provided*, that the said corporation shall at no time acquire or hold more oyster land than the combined number of acres allowed by the laws of this state to be held by the stockholders in their individual capacity. Corporate powers.

SEC. 4. That said corporation shall enjoy all the rights and privileges in cultivation of oysters that are enjoyed by private parties, and that all the ground taken up by said corporation and planted Corporate powers.

with not less than two hundred bushels per acre shall be held by said corporation in fee-simple.

May take oysters from public grounds for planting, &c.

SEC. 5. That said corporation shall have the right to catch or take oysters from any of the public grounds or rocks of the state (where there is no restriction placed or ordered on account of over-fishing or breaking up of the bed) at all seasons of the year and in such manner not inconsistent with the laws of this state as they may think best to plant their grounds.

Capital stock.

SEC. 6. The capital stock of said company is ten thousand dollars, divided into shares of ten dollars each, but the same may be increased to any sum not exceeding one hundred thousand dollars.

Liability of stockholders.

SEC. 7. 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 stock subscription to be enforced by law.

Place of business.

SEC. 8. The principal place of business of said corporation shall be at or near Englehard, Hyde county, North Carolina, and the said company shall have an office and agent there, upon whom all process may be served; service upon such agent shall have the same effect as if made upon the president or other officers of the company.

By-laws.

SEC. 9. The said corporation shall have the right at the lawful meetings of the stockholders to make, change and adopt by-laws for the regulation and management not inconsistent with the laws and constitution of this state.

SEC. 10. This act shall be in force from and after its ratification. Ratified the 7th day of February, A. D. 1891.

CHAPTER 270.

An act to amend the laws relating to Fayetteville, North Carolina.

The General Assembly of North Carolina do enact :

Chapter 112, Private Laws 1883; chapter 86, Private Laws 1885; chapter 51, Private Laws 1887, and chapter 194, Private Laws 1889, amended.

That the laws relating to Fayetteville as contained in chapter one hundred and twelve, private laws one thousand eight hundred and eighty-three; chapter eighty-six, private laws one thousand eight hundred and eighty-five; chapter fifty-one, private laws one thousand eight hundred and eighty-seven; and chapter one hundred and ninety-four, private laws one thousand eight hundred and eighty-nine, be amended as follows, viz.:

- SECTION 1. That section three of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, as amended by section one, said chapter fifty-one, acts one thousand eight hundred and eighty-seven, be further amended by striking out the words "for five years" in line eleven and inserting in lieu thereof the words "until June first, one thousand eight hundred and ninety-five; and said section is further amended by adding thereto as follows, viz.: "The person appointed chairman of the commissioners shall be *ex officio* mayor of Fayetteville, and the person who shall be appointed chairman *pro tempore* shall be mayor *pro tempore*, and the said mayor and in his absence or inability or incapacity to serve for any reason, then said mayor *pro tempore* shall be and is hereby constituted as an official court, and as such said mayor and mayor *pro tempore* shall have all the jurisdiction and powers contemplated and provided for by section ten in said chapter fifty-one, acts of one thousand eight hundred and eighty-seven, and it is hereby enacted that section twenty-seven of The Code shall not be applicable to any person acting as mayor or mayor *pro tempore* as herein provided; and it is enacted also that section nine hundred and seven of The Code shall not be applicable to the court of such mayor or mayor *pro tempore*, but all parties shall have the right of appeal on same terms and conditions as in other justices courts."
- SEC. 2. That section six of said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three, as amended by section three of chapter eighty-six, acts of one thousand eight hundred and eighty-five, be further amended by adding thereto as follows, viz.: "One-half of the tax of one per centum on property as herein provided is levied for the purpose of paying such debts as may be brought within the provisions of section fourteen of said chapter one hundred and twelve, acts [of] one thousand eight hundred and eighty-three, and shall be applied to paying interest on same and on any bonds that may be issued for refunding such debts, for creating a sinking fund to finally pay such debts."
- SEC. 3. That section nine of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, as amended by section one, chapter one hundred and ninety-four, acts one thousand eight hundred and eighty-nine, be further amended so as to extend the time for collecting back taxes as therein provided, to December the first, one thousand eight hundred and ninety-two.
- SEC. 4. That section eleven of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, as amended by section two, chapter eighty-six, acts one thousand eight hundred and eighty-five, and by section nine, chapter fifty-one, acts one thousand eight hundred and eighty-seven, be further amended by striking out the words "sixty dollars" in the fifth line of said section nine, chapter fifty-one, acts one thousand eight hundred

Terms of office of commissioners extended.

Chairman *ex officio* mayor.

Mayor *pro tem*.

Jurisdiction.

Code, sections 27 and 907 not applicable.

Right of appeal.

Part of tax applicable to payment of debt.

Time extended for collection of back taxes.

Retail liquor license tax.

and eighty-seven, and inserting in lieu thereof the words "one hundred dollars," one-half of which must be paid in advance and the other half at the end of the first six months.

Sinking fund for payment of old debt.

SEC. 5. That section thirteen of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, be amended so as to read as follows, viz.: "One-half of the moneys arising from the property tax of one per centum, as provided in section six, shall be applied exclusively to the old debt that may be brought within the terms of section fourteen; and after the interest on such debt or the bonds that may be issued therefor, as herein contemplated, has been paid, the overplus in every year shall be applied to a sinking fund for the final extinguishment of the debt, and as such shall be invested as the commissioners shall deem best: *Provided*, that when such overplus, after paying the interest, shall exceed two thousand dollars (\$2,000), all in excess of two thousand dollars (\$2,000), may be used for such public uses as the commissioners may deem best; one-tenth of the moneys arising from the said property tax may be applied and appropriated by the commissioners, and under their direction for the purpose of securing water-works; and the commissioners are hereby authorized to use said amount in paying water-rents for fire hydrants, and such other public uses as may be included in any contracts that may be made with any person or corporation in regard to water-works; and if any contract be made by which the commissioners shall appropriate one-tenth of one per centum property tax to paying for water-rents for public uses, fire hydrants, etc., as above contemplated, then said tax of one-tenth of one per centum on property in Fayetteville shall be a permanent appropriation for that purpose, and shall be faithfully applied accordingly by the commissioners; and upon their failure so to do the superior court of Cumberland county, at the suit of the persons or corporation with whom the contract may be made, or to whom it may be assigned, may cause same to be done according to the true intent and meaning of this act. The remaining four-tenths of the tax of one per centum on property, or the moneys arising therefrom, and all moneys arising from all sources as provided by the laws relating to Fayetteville, may be expended by the commissioners of Fayetteville for the current expenses of Fayetteville, and for such expenses as they may deem [deem] practicable and expedient."

How invested.
Proviso.

Water-works.

Permanent appropriation for water-rents, &c.

Action in superior court.

Appropriation for current expenses.

Creditors allowed until Jan. 1, 1893, to present claims.

Extension of limits within which unlawful to build other than fire proof building.

SEC. 6. That section nineteen of said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three, be again amended so as to allow creditors until the first day of January, one thousand eight hundred and ninety-three, to bring their claims within the provisions of section fourteen of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three.

SEC. 7. That section twenty-two of said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three, be

amended by adding thereto as follows, viz.: "The commissioners may in the direction [their discretion] prescribe other limits within which it shall be unlawful to erect structures that are not in compliance with the requirements of this section, and any person or corporation who shall willfully violate the provisions of this section shall be guilty of a misdemeanor."

Misdemeanor.

SEC. 8. That section thirty-five of said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three, be amended by adding thereto as follows: "The marshal, by and with the consent or approval of the commissioners or of the mayor, may appoint suitable persons as deputy or assistant marshal, who, in the discretion of the commissioners, may be required to give bond in such sum as they may prescribe, conditioned for the faithful performance of their duties, and such deputy or assistant marshal shall have the same duties and powers as are prescribed by said laws for the marshal." Said section is further amended so as to provide that all offenders may be carried before the mayor's court as in said laws provided.

Deputy marshals

Bond.

Duties and powers.

SEC. 9. That section thirty-seven of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, be amended by striking out all between the words "employed" and "united" in the second line, inserting in lieu of the words so stricken out the words "in Fayetteville in hauling for hire or in the hauling and delivery of merchandise or other articles for any person or corporation."

Wagons, &c., to be licensed.

SEC. 10. That section thirty-eight of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, be amended to read as follows, viz.: "The commissioners may appoint such watchmen or policemen as they may consider necessary if the means herein provided admit; and when occasion requires it, the mayor [or] the marshal by his direction, may appoint such special watchmen or policemen as may be deemed necessary. Such watchmen and policemen shall be under the control and direction of the commissioners and may be discharged at any time upon sufficient cause; whilst on duty they shall have all the powers and duties that by the ^{original} law are given to township constables; and in all cases of violence ⁱⁿ ~~Carolina~~ disorderly acts, threats, affrays, riots and breaches of the peace ⁱⁿ ~~Carolina~~ in all cases of offences against decency and morality, they shall have the power and duties prescribed for the marshal and assistant as prescribed in section thirty-five."

Policemen.

To be under control of commissioners.

Powers and duties.

SEC. 11. That section forty of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, be amended by adding thereto as follows, viz.: "The commissioners may also in their discretion direct the widening, straightening and grading of streets, lanes, alleys or squares, and may also provide for the opening of such new streets as they may deem necessary, and to that end

Widening streets, &c., new streets, &c.

Condemnation of land.

may condemn such lands, lots and parts of lots as may be necessary for widening, straightening and grading of streets or laying off new streets, and may institute process and assess benefits and damages, when the taking of private property is necessary, and pay such damages if the means herein provided admit."

Commissioners may contract for water-works on franchise plan, &c.

SEC. 12. That section fourteen of chapter one hundred and ninety-four, private laws of one thousand eight hundred and eighty-nine, be so amended and modified as to permit the commissioners to contract for water-works on what is known as the franchise plan, and if the means provided by the laws of Fayetteville as amended by this act permit they may pay such as water-rents, for fire hydrants and other public purposes as may be agreed upon.

Hog pens.

SEC. 13. That section forty-one of said chapter one hundred and twelve, acts one thousand eight hundred and eighty-three, as heretofore amended, be further amended by adding thereto as follows, viz.: "That it shall not be lawful for anyone to keep or permit to be kept on his premises any hog or hog pen within seventy-five yards of any public building occupied as a dwelling, unless the occupants of such building shall in writing assent thereto, and any person or corporation keeping hogs in Fayetteville shall in all things conform to the requirements of the commissioners and the health officers in regard to same. That it shall be unlawful for anyone to destroy, remove or injure any fence, gate, sign, building, lamp, lamp-post or shade tree, or to post any bills or advertisements of any sort thereon, without the consent of the owner of the property."

Unlawful to injure, &c., fences, &c.

Unlawful to open bar-room on Sunday.

SEC. 14. That said chapter one hundred and twelve, acts of one thousand eight hundred and eighty-three, be further amended by inserting between sections forty-one and forty-two section forty-one and one-half (41½) as follows, viz.: "That it shall be unlawful for any licensed liquor dealer to open or to permit to be opened his shop or place for vending liquors on Sunday, and if any person who is neither proprietor nor clerk regularly employed in such shop or place be seen entering or coming out of any such shop, bar-room or place of vending liquors on Sunday, it shall be held as *prima facie* evidence that the dealer whose shop or place it is is guilty of selling liquor on Sunday, and that he is guilty of a misdemeanor."

Prima facie evidence.

Commissioners may elect "Recorder."

SEC. 15. That the commissioners of Fayetteville may and shall prior to April first elect from the qualified voters of Fayetteville a suitable person to be known as "the recorder," who shall hold the office of recorder from the first Monday in April for one year and until his successor is chosen and qualified: *Provided*, that the commissioners may, for good cause, and after notice to the recorder, remove him from office and elect another for the unexpired term.

Removal.

Oath of recorder.

SEC. 16. The person so elected, before entering upon the duties of the office, shall take and subscribe before the clerk of the superior

court of Cumberland county an oath similar to that prescribed for justices of the peace, and said clerk shall file said oath.

SEC. 17. The person so elected and qualified shall be and is hereby constituted a court to be known as the recorder's court, and shall have and may exercise all the rights, duties, powers and jurisdiction prescribed for justices of the peace, and in regard to violations of the laws relating to Fayetteville and offenders against the same he shall have and may exercise the rights, duties, powers and jurisdictions allowed and given to the chairman of the commissioners or mayor of Fayetteville by laws heretofore and by this general assembly enacted. The provisions of section twenty-seven and nine hundred and seven of The Code shall not be applicable to said recorder's court, but all parties shall have the right of appeal to the superior court of Cumberland county.

Recorder's court created.

Jurisdiction.

Code, sections 27 and 207 not applicable.

Right of appeal.

SEC. 18. The fees in said court shall be the same as are prescribed for justice courts, and the recorder shall keep a record in a well-bound book, showing a true statement of all the doings of said court, with an itemized statement of fees and to whom paid, which record shall be at all times subject to inspection and examination by the commissioners. But the commissioners may, if in their opinion it be deemed best, cause the recorder to be paid such annual or monthly salary as may be agreed upon, and in such case all the recorder fees shall, together with all fines, forfeitures and penalties collected in said court, to be paid to the treasurer of Fayetteville.

Fees of recorder.

Record.

Commissioners may pay salary.

Fees payable to treasurer.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 271.

An act to amend chapter two hundred, private laws of one thousand eight hundred and eighty-nine, entitled an act to incorporate the East Carolina Land, Improvement and Banking Company.

The General Assembly of North Carolina do enact :

SECTION 1. Section two, chapter two hundred of the private laws of one thousand eight hundred and eighty-nine, is amended by striking out in lines one and two thereof the words "five hundred thousand dollars" and inserting in lieu thereof the words "five millions."

Chapter 200, Private Laws 1889, amended.

Capital stock.

SEC. 2. Section four of the said act is amended by striking out the word "final" in line one and inserting in lieu thereof the word "first."

Principal office to be located at first meeting of stockholders.

Limitation of ownership of land.

SEC. 3. The company shall not have power to hold at any one time exceeding ten thousand acres of land.

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

Ratified the 6th day of March, A. D. 1891.

CHAPTER 272.

An act to incorporate the Burgwyn Brothers Tobacco Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That William H. S. Burgwyn, George P. Burgwyn, J. Alverton Burgwyn and Harry B. Baker, all of the state of North Carolina, and Collimon P. E. Burgwyn, of the state of Virginia, and their present and future associates and successors, be and the same are hereby created and constituted a body corporate and politic under

Corporate name.

the name and style of "The Burgwyn Brothers Tobacco Company,"

Purposes of company.

for the purpose of conducting, transacting and carrying on in all its branches the business of curing, manufacturing, buying and selling tobacco, and to establish factories, agencies and depots for the sale and distribution thereof, and to transport or cause the same to be transported as an article of commerce, and to do all things incidental to the business of manufacturing and trading as aforesaid. The company proposes to carry on its operations in all the states and territories of the United States and in Canada and in Great Britain, and in foreign countries, and as such corporation they may sue and

Corporate powers.

be sued, plead and be impleaded, prosecute and defend actions and special proceedings, have a common seal which they may break or alter at pleasure, make such by-laws, rules and regulations for the government and well-being of the corporation as they may see fit: *Provided*, they are not in conflict with the laws of the United States or of the state of North Carolina. They may elect such officers as they see proper, in such manner as they may prefer, prescribe their compensation, duties and term of office; and, in short, may do any and all things necessary or desirable for the profitable conduct of their business; if the same be not prohibited by law they may erect, maintain and operate such buildings, machinery, tanks, pumps, pipes, wires, water-way, drains and other appliances as may be necessary or conducive to the successful operation of the business. They may buy, sell, hold, lease and convey real estate, and convey the same by deed duly executed by the president of the corporation and attested by the seal of the same. They shall have the right and power to borrow money and execute notes, bonds and other evidences of

debt, the same to be signed by the president of the corporation and secure the same by mortgage of its properties, and make such evidences of debt commutable, and provide for their conversion into the capital stock of the company. They may take out, own and possess such patents, trade-marks, brands and other devices to designate and distinguish their manufactured products as they deem expedient, and shall have the right to sell, mortgage or otherwise dispose of the same; it shall be lawful for said corporation to receive in full or part payment of subscription to its capital stock buildings, money, lands, labor, leases, material, stock, bonds, appliances or other property, or interest therein, or other means deemed available for the purposes or adopted to the uses of said company, or the proceeds of which, by sale or exchange, may be converted to the uses of said company; and such subscriptions may be received from individuals or other associations or corporations. The principal office of the corporation shall be in the town of Henderson, in Vance county, North Carolina.

SEC. 2. The capital stock of the said corporation shall not be less than two hundred and fifty thousand dollars and may be increased by a two-thirds vote of the subscribers thereto to any amount not exceeding five hundred thousand dollars, said stock to be divided into shares of the par value of fifty dollars each. Of said stock two-thirds shall be general or common stock and one-third shall be preferred stock. Said preferred stock shall entitle the holder to receive in each year a dividend of eight per centum payable half-yearly before any dividend shall be set apart or paid on general or common stock, and if the net profits in any year shall not be sufficient to pay a dividend of eight per centum on said preferred stock, then such dividend shall be paid thereon as the net profits of the year will suffice to pay. The holders of the preferred stock shall have a preference on the assets of the company, but the dividends each year are not to be commutative, but shall be payable each year only out of the profits of that year, and such preferred stock and the certificates therefor may be issued by the board of directors by resolution.

Capital stock.

Common and preferred stock.

Dividend on preferred stock.

Preference to holders of preferred stock.

Payment of dividends.

SEC. 3. The officers of said corporation shall be a president, vice-president, secretary and treasurer and such other officers as from time to time may be deemed necessary or expedient; they shall be annually elected by the board of directors and be entitled to such salaries and compensation as may be determined by said board, and shall hold office until their successors are appointed.

Officers.

SEC. 4. The affairs of the corporation shall be managed by a board of directors, to be elected by the stockholders at each annual meeting. This board shall consist of not less than three nor more than ten stockholders, and shall hold their offices until their successors are elected; three directors shall constitute a quorum to transact business,

Board of directors.

and a majority vote of those present at any meeting shall decide all matters.

Corporate powers.

SEC. 5. The said Burgwyn Brothers Tobacco Company, their present and future associates and successors under this charter, shall have the power to carry on and conduct the said business, and may buy, sell and deal in goods, wares and merchandise of every kind and description, for a period not exceeding fifty years from the date of the incorporation thereof.

Corporate existence.

Non-liability of stockholders for corporate debts.

SEC. 6. The corporators and stockholders of said corporation and their successors shall not be individually or personally liable or responsible for the debts, liabilities, contracts, engagements or torts of the corporation.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 273.

An act to incorporate the Harper Fabric Company.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Orlando M. Harper, E. F. McElroy and S. P. Wickett, their associates, successors and assigns, be and they are hereby created a body corporate and politic by the name, style and title of "The Harper Fabric Company"; and by that name and title shall be known 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 and 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, may 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 and for the carrying on of any business, the same not being contrary to the constitution and laws of this state, and generally

Corporate name.

Corporate powers.

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. Proviso.

SEC. 2. That the said company shall have the 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 such times as may be agreed upon by the parties respectively, and may purchase, lease, use, maintain and sublease the same, and also co-operate and unite with any other company in so doing. Corporate powers.

SEC. 3. The said company shall have power to make purchase and sales or investments in the securities of other companies, and to make advancements of money and of credit to other parties and to and in like manner [aid] 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 to dispose thereof on such times [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 resume, 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. Corporate powers.

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 said company, and to 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: *Provided*, that this company shall not consolidate with any other company outside of Rockingham county. Corporate powers.

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 call. The corporators named in the first section of this 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 percentum thereon actually paid in, organize the Proviso. Certificates of stock. Books of subscription. Organization.

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 position 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 anywise affected, or be dissolved by reason of the failure to elect officers.

Authorized to borrow money on mortgage.

SEC. 6. The said company from time to time may borrow money 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 Spray, and may have a general office or offices elsewhere within the state of North Carolina.

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 until respectively declared to be fully paid as herein provided.

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; stock 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.

Taxation.

SEC. 11. The said company shall be assessed and pay taxes on all its real and personal property situated within the state as other corporations are taxed under the laws of the state, and all the rights, duties and privileges and liabilities of said company shall be as herein provided and not otherwise.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 274.

An act to amend chapter one hundred and fifty-nine of the private acts of the general assembly of North Carolina, passed at the session of one thousand eight hundred and eighty-seven, relative to the town of Southern Pines.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-nine of the private laws of North Carolina, passed by the general assembly at its session of one thousand eight hundred and eighty-seven, be amended as follows: Strike out all of section two of said chapter except the first line, and insert the following: "Commencing at the thirtieth mile-post on the Morganton road on the east side of Raleigh & Augusta Air-Line Railroad, running to the south-easterly corner of Manly; thence north-westerly as the line of Manly, crossing the Raleigh & Augusta Air-Line Railroad to the north-westerly corner of Manly; thence north-easterly as the line of Manly to the Yadkin road, so called; thence as the Yadkin road to the intersection of the Pee Dee road, so called; thence southerly as the Pee Dee road to the Southern Pines plat; thence with the boundary line of the Southern Pines plat to the corner of C. W. Shaw and the Southern Pines plat; thence with the line of C. W. Shaw and the land formerly owned by J. W. T. Rodgers and known as the Turner tract to the Morganton road, so called; thence with the Morganton road easterly crossing the Raleigh & Augusta Air-Line Railroad to the thirtieth mile-post, the place of beginning."

Chapter 159, Private Laws 1887, amended.

Corporate limits.

SEC. 2. By adding to said chapter the following sections:

Corporate powers.

"SEC. 7. That the town of Southern Pines as heretofore incorporated is hereby invested with all the property, privileges, immunities and franchises, and with all other rights heretofore belonging or appertaining to said town, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property real and personal for the use of the town as its board of commissioners may deem necessary and expedient.

"SEC. 8. That if any person, after being elected mayor of said town shall refuse to qualify or if a vacancy occur in said office after election and qualification by resignation or otherwise, or if the mayor be temporarily absent from the town or unable to discharge the duties of his office from sickness or otherwise, the commissioners of said town may choose one of their number to fill said office for the term or for the unexpired portion thereof, or *pro tempore*, as the case may be; and in case a commissioner refuse to qualify or resign or become unable to act as such, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy.

Vacancy in office of mayor.

Vacancy in office of commissioner.

- Jurisdiction of mayor. "SEC. 9. That the mayor, as a peace officer, shall have within the corporate limits all the power and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard-house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Moore county upon recognizance with security for his appearance at the next term thereof.
- Right of appeal.
- Mayor's precepts. "SEC. 10. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without an affidavit to any constable of the town, or to other officers to whom a justice of the peace may direct his precepts.
- Fines, how applied. "SEC. 11. That all fines collected under the provisions of the foregoing act for violation of town ordinances shall go to the use of the town.
- Board of commissioners. "SEC. 12. That [the] town commissioners shall constitute a board, a majority of whom shall be competent to perform all the duties prescribed for them unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners shall be held on the call of the mayor or a majority of the commissioners, and of every such meeting, when called by the mayor, the commissioners not joining in the call shall be notified in writing.
- Powers and duties of commissioners. "SEC. 13. That the commissioners shall have power, and it shall be their duty, to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane, or obscene language, riots, affrays, trespasses, or other breaches of the peace or irregularities tending to disturb the peace of the citizens. They shall provide for repairing the streets, sidewalks and alleys and cause the same to be kept clean and in good order, take all proper means to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances and prohibit any indecent exposure of the person by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of the peace as they shall deem adequate.
- Abatement of nuisances. "SEC. 14. That the commissioners may require and compel the abatement and removal of nuisances, and shall have power to pull down and remove any old house, barn, or other building in said town when the same may be considered dangerous from fire or other

causes to the safety of the person or property of adjacent residents: *Provided*, that before such [action the] property [owner] shall be notified in writing by the secretary of said board of the action thereof, and allowed one month for the repairing or removing of [such buildings.

“SEC. 15. That the commissioners shall have power to prevent dogs, horses, cattle and other brutes from running at large in [the town, and the town marshal may, by order of the mayor, seize and detain such animals till such fines and costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town, after giving three [days’ notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock. This section shall not be in force until said town is fenced in.

Live stock running at large.

“SEC. 16. That the commissioners may prohibit the firing of any gun, pistol, fire-cracker, gunpowder and other material or dangerous combustible substances in the streets, public grounds or elsewhere in the town.

Firing guns, &c.

“SEC. 17. That the commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances, and for feeding such prisoners the town marshal shall be allowed such compensation as is allowed to the keeper of the common jail in Moore county: *Provided*, in the above case no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having had his case heard and determined before the mayor.

Guard-house.

Compensation of marshal for feeding prisoners.
Proviso.

“SEC. 18. That the commissioners shall have power to lay out and open any new street or streets, park or parks within the corporate limits of said town whenever by them deemed necessary, and they shall have the power at any time to widen, enlarge, add to, change, extend, narrow or discontinue any street or streets, park or parks within said corporate limits whenever they may so determine by making a reasonable compensation to the owners of property damaged thereby. In case the owners of land cannot agree with the commissioners regarding the value of the land or property and the damages, the mayor of the town shall issue his warrant to the town marshal commanding him to summon three disinterested freeholders of said town, who together with two freeholders, to be selected by the party claiming damages, shall determine the value of such property and assess the damages, after which they shall return a report of their proceedings into the office of the mayor to be filed. Before proceeding to view the premises and assess damages the parties so summoned shall take the following oath before some one qualified to administer oaths: ‘I, -----, do solemnly swear (or affirm) that I will faithfully and honestly discharge the duty of appraiser for the

Streets.

Condemnation of land.

- purpose of which I have been chosen and a true report make: So help me God.' If the party damaged or claiming damages refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: *Provided*, if either the commissioners or the opposite party be dissatisfied with the report of the freeholders they may appeal to the superior court of Moore county, in which case the report of the valuation and the proceedings therein shall be sent up by said appraisers to said court, there to be determined.
- Appeal.
- Taxation. "SEC. 19. The commissioners shall have power to levy and collect the following taxes, to-wit: Upon all real estate and personal property within the corporate limits of said town; upon all money on hand and solvent credits; upon all polls and other subjects of taxation taxed by the general assembly and the laws of the state for public purposes: *Provided*, the annual tax on property shall not exceed fifty cents on the one hundred dollars valuation thereof, nor shall the poll-tax and street commutation tax exceed one dollar and a-half annually.
- Proviso.
- Property to be listed for taxation. "SEC. 20. That all persons liable to taxation of any kind in said town shall, on or before the first Monday in July in each and every year, make a return of their respective lists of taxable property to the secretary or clerk of said board of commissioners; said lists shall give a description of all the property owned by the person or persons returning the same liable to a town tax and shall be sworn to. The tax-lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes, assessed thereon, compute and make out the taxes due in the same manner as tax-lists are made or required to be made for the collection of state taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town which shall be subject to a double tax. The tax-list when placed in the hands of the marshal or tax-collector by the commissioners of said town shall have the force and effect of an execution.
- Tax list.
- Double tax.
- Taxes, when due. "SEC. 21. That said taxes shall be due on the first Monday of September in each year, but the tax-collector shall have no power to enforce the collection of the same by sale before the first day of January next ensuing. When the taxes due shall be unpaid on the first day of October, the tax-collector shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriff of the state: *Provided*, the owner of property sold for taxes may redeem the same within twelve months from said sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon, and one dollar for the expense of reconveyance.
- Collection.
- Redemption of land sold for taxes.
- Claims against town. "SEC. 22. That all persons to whom said town shall become indebted shall present their claims, duly sworn to, to the board of commis-

sioners, who shall credit the same and issue an order to the town treasurer for the payment thereof, if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.

“SEC. 23. The commissioners are authorized and empowered to establish and maintain in said town, at the expense of the town, a signal service station, and all things necessary and appurtenant thereto. Signal service station.

“SEC. 24. The commissioners shall have power and authority to make such rules, regulations and by-laws as may be necessary for the promotion and preservation of the health of the inhabitants of said town, appoint such officers as may be necessary for the enforcement of said rules, regulations and by-laws, and make such other provisions and take such other action in the premises as they may deem advisable or expedient for this purpose. Powers of commissioners.

“SEC. 25. This act shall be in force and effect from and after its ratification.”

Ratified the 7th day of March, A. D. 1891.

CHAPTER 275.

An act to regulate local option at Kenansville, Duplin county.

The General Assembly of North Carolina do enact :

SECTION 1. That all laws and clauses of laws in the charter of the town of Kenansville, Duplin county, pertaining to elections in regard to the sale of intoxicating liquors and in regard to the time and manner of electing commissioners are hereby repealed: *Provided*, that nothing in this act shall be construed to prevent holding elections in regard to the sale of intoxicating liquors under the general local option law of the state nor to prevent the advertising and holding of elections for commissioners under the general laws of the state. Provisions in charter of Kenansville in regard to local option and election of commissioners repealed. 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 7th day of March, A. D. 1891.

CHAPTER 276.

An act to incorporate the Jones and Onslow Tram-way Company.

The General Assembly of North Carolina do enact :

- Body politic. SECTION 1. That Lewis Bynum, Joseph Mattocks, George Mattocks, Joseph Lobiston, Killey E. Terry, J. C. Whittey and James Howard, 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 Jones and Onslow Tram-way Company," and by such 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. 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 in shares of fifty dollars each to an amount not exceeding twenty thousand dollars, and as soon as twenty-five per centum of said capital stock shall have been subscribed a meeting of the subscribers shall be called by the said incorporators at such time and on such notice as to the corporators 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 its affairs as they may deem necessary: *Provided*, the same are not inconsistent with the laws of this state and the United States.
- Books of subscription. Organization. SEC. 3. That the capital stock of said company shall not be less than five thousand dollars divided into shares of fifty dollars each, and the said capital stock may be increased at any time to an amount not exceeding forty thousand dollars by the stockholders at any meeting called for that purpose. Each stockholder present in person or by proxy at any meeting shall be entitled to one vote for each share of stock held, and a majority of stock so represented at any meeting shall constitute a quorum for the transaction of any business.
- Capital stock. Stock vote. SEC. 4. The said company shall have the right to 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 one thousand acres. Said company may also acquire and hold any and all kinds of personal property necessary to the management and operation of its business.
- Quorum. Authorized to hold, &c., real estate. Proviso. May hold, &c., personal estate. SEC. 5. That said company shall have the right to own, construct, maintain and operate by steam or otherwise one or more lines of tram-road, tram-way or boggy roads not to exceed twenty miles in
- Authorized to construct, &c., tram-roads, &c., in certain counties.

length of each main line in the counties of Jones, Onslow and Carteret, with the right to build, maintain and operate lateral or branch lines not to exceed six miles in length, and to that end the said company shall have the right to acquire by purchase or by condemnation proceedings as prescribed in chapter forty-nine of The Code and amendments thereto relating to condemnation of lands for railroad purposes in this state any and all rights-of-way or other real property or interest therein necessary to the construction and operation of said lines: *Provided*, that no right-of-way by condemnation proceedings shall be more than twenty-five (25) feet in width. Such tram-way, tram-road or bogy road and all branches of the same may be operated by steam or otherwise, and said company shall have the right to transport or convey over its said roads all timbers, lumber or other freight necessary for the prosecution and operation of its business.

Condemnation of land.

Proviso.

Operation of road

SEC. 6. The shares of stock in said company may be paid in rights-of-way, real or personal property, at such valuation as may be agreed on between the subscribers and said corporation. No corporator or stockholder shall be individually liable for the debts or liabilities of the corporation. Said corporation may continue in existence for fifteen years after the ratification of this act.

Subscriptions, how paid.

Non-liability of stockholders for corporate debts. Corporate existence.

SEC. 7. The principal office of said company or corporation and the place of holding its annual meetings shall be in Maysville, Jones county, North Carolina.

Principal office.

SEC. 8. All laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 277.

An act to incorporate Union Cotton Mills.

The General Assembly of North Carolina do enact:

SECTION 1. That J. F. Rabb, G. W. Rabb, L. E. Rabb, A. J. Klutz, D. M. Carpenter, H. F. Carpenter, L. A. Carpenter, D. M. Boyd, E. L. Propst, M. Keener, Silas Sawyer, J. F. Bost, A. M. Propst, M. R. Bost, J. M. Hollman, R. England, D. A. Finger, R. W. Boyd, T. L. Finger, A. Hollman, J. L. Murphy, J. M. Cook, A. A. Withers, J. L. Shreme, O. T. Bost, John Arnte, C. J. Frazier, J. G. Little, Milton Campbill, J. W. Williams, D. F. Propst, H. S. Robinson and D. H. Thorton, together with all other persons that shall be associated with them and become stockholders in the corporation hereby incor-

Body politic.

- porated, their successors and assigns, are hereby created and constituted a body politic and corporate under the name, style and title of
- Corporate name. "Union Cotton Mills," by which name said corporation may sue and
 Corporate powers. be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever, and in all suits or actions, contract and be contracted with, and shall have the privileges and rights hereby granted and such as may be necessary to the full and complete enjoyment of the same. The said corporation shall also have perpetual succession and enjoy all the rights and privileges, liberties and immunities, franchises and powers conferred upon and pertaining to other corporations and not forbidden by the laws of the United States and North Carolina.
- Common seal. SEC. 2. The said corporation shall have a common seal and may alter the same at pleasure.
- Corporate powers. SEC. 3. The said corporation is hereby empowered and authorized to spin thread out of cotton, and weave and manufacture cotton goods in such manner as the stockholders may direct, and for such purpose may purchase or otherwise acquire real estate, and may sell and convey the same; may build and erect factories and all suitable and necessary buildings in which to conduct and carry on business, and purchase such machinery and other personal property as may be directed by the proper authorities. The said corporation, its successors and assigns, may borrow money and mortgage or otherwise convey its property to secure the same. But the property of the corporation shall not be mortgaged or otherwise conveyed to secure the loan of money unless authorized at a singular [regular] meeting of the stockholders and by resolution spread upon their minutes, and said resolution shall not be entertained by them unless ten days' notice thereof has been given to each stockholder, either in person or by publication in some newspaper published in Catawba county, North Carolina. But no stockholder shall vote his stock to mortgage or otherwise convey the property of the corporation to secure a debt due to such stockholder, or money loaned by such stockholder to the corporation, nor shall the same be transferred or assigned to any other person for the mere purpose of so using it to evade this section, and any mortgage or conveyance so procured shall be void.
- Capital stock. SEC. 4. The capital stock of said corporation shall be for such a total sum and shall be divided into such a number of shares as a majority of the stockholders in a general meeting may determine:
- Proviso. *Provided*, that such capital stock shall not be less than fifty thousand dollars or more than one hundred thousand dollars. The said corporation shall have authority to organize and commence business when fifty thousand dollars of stock shall be subscribed and received, or paid in money or property of the value of such subscribed stock.
- Organization. The capital stock may be increased from time to time as the stockholder may prescribe, until the limit of one hundred thousand dol-
- Increase of capital stock.

lars is reached. But such increase of stock shall not be made except for the purpose of providing working capital; and in case of such increase no stock is to be sold for less than the par value thereof.

SEC. 5. The officers, directors and stockholders of said corporation shall not be liable personally for the debts, contracts or torts of the same. Non-liability of stockholders for corporate debts.

SEC. 6. The place of business of said corporation shall be at Maiden, in Catawba county, North Carolina. Place of business.

SEC. 7. The officers of said corporation shall be a president, a vice-president, a secretary and treasurer and a superintendent. The office of secretary and treasurer may be combined and the duties thereof discharged by one person. There shall also be a board of directors of not less than three nor more than seven, as the stockholders may see fit and proper. The stockholders by proper by-laws and regulations shall prescribe the duties of the various officers. They shall also fix the term of each officer and board of directors. They shall also have power at a regular or call meeting to remove an officer or a member of the board of directors from office for fraud against the corporation, drunkenness, gross immorality or inattention to the duties of his office; but no officer or member of the board of directors shall be put upon his trial until he shall have been served with a copy of the complaint, which shall plainly and concisely specify the charges against him, and have at least ten days in which to answer the same and prepare his defence. The officers shall be required to enter into bond in such sum as the stockholders may prescribe for the faithful discharge of their duties. Officers.
Directors.
Removal from office.
Bonds.

SEC. 8. The persons named in the first section of this act are constituted provisional directors of the corporation, of whom a majority shall be a quorum, and as such shall hold office until the first election of directors under this act, and shall have power forthwith to open stock book and procure subscription of stock in said corporation; when and as soon as shares to the amount of fifty thousand dollars in [of] the capital stock of the corporation have been subscribed any one of the provisional directors shall call a meeting of the subscribers to the said capital stock at Maiden, North Carolina, for the purpose of organizing the corporation, electing officers, directors, etc., giving at least ten days' previous notice by circulars or otherwise to the subscribers of stock of the time, place and purpose of said meeting; at such meeting stockholders may elect the officers and fix the terms thereof and also elect a board of directors. The officers and directors shall hold their office until their successors are elected and inducted into office. In the meeting of the stockholders each stockholder shall be entitled to as many votes as he or she owns shares. The stockholders of the corporation shall have power to make such by-laws, rules and regulations for the transaction of business and for their own government as may not be in conflict with the Provisional directors.
Books of subscription.
Organization.
Stock vote.
By-laws.

be and is hereby authorized to acquire by purchase or otherwise, and to hold lands, either in fee-simple or by a less tenure, without limit as to time or quantity, not exceeding five thousand acres at any one time, and that this act shall apply to lands acquired by said company before as well as after the passage of this act. Limitation.

SEC. 2. That this company may exercise all such rights and franchises as are common to similar corporations, and shall have the right to acquire and hold without restriction as to quantity and time, except as aforesaid, all kinds of property, whether real, personal or mixed. Corporate powers.

SEC. 3. The stockholders of said company shall not be personally liable for any of the debts, obligations, equipments, liabilities or contracts of said company. Non-liability of stockholders for corporate debts.

SEC. 4. This act shall not be construed to repeal or abrogate any of the powers or privileges conferred upon the said company in its incorporation as set forth in the first section of this act, not inconsistent herewith, nor in any way interfere with or impair its said incorporation, nor to render illegal or void any act or contract of said company done or entered into thereunder, and the powers and privileges conferred in the said articles of incorporation in all respects are hereby ratified and confirmed. Construction of act.

SEC. 5. Said company shall have the power, for the purpose of carrying out the objects of its incorporation, to issue bonds and stock and to secure the same by mortgage on its property or by preferring and guaranteeing any part or all of its stock in such manner as the stockholders or directors may determine. Authorized to issue mortgage bonds.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 279.

An act to incorporate the town of Roseboro.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Roseboro in Sampson county be and the same is hereby incorporated by the name and style of "The Town of Roseboro," and it shall be subject to all the provisions of chapter sixty-two (62) of The Code of North Carolina entitled "Cities and Towns." Incorporated.
Corporate name.

SEC. 2. That the boundaries of said town shall be a circle with a radius of one-fourth mile, the centre of the circle being the spot where the warehouse of the Cape Fear and Yadkin Valley Railroad Corporate limits.

Company is now situated in the town of Roseboro, and that the area included in such circle be under the corporate authority of said town.

Officers.

SEC. 3. The officers of said town shall consist of a mayor, a marshal, a treasurer and five commissioners. The following named persons shall be officers of said town till the next regular election under laws, viz.: A. M. Butler, mayor; E. R. Johnson, marshal; P. M. Bullard, F. S. Maulsby, W. J. Fisher, J. F. Owen and W. J. Underwood, commissioners. The mayor shall be chairman of the board of commissioners.

Temporary officers.

No retail liquor license granted without permission of commissioners. Powers of commissioners.

SEC. 4. That license shall not be granted anyone to sell spirituous liquors of any kind in said town without the permission of the town commissioners.

SEC. 5. That said commissioners shall have power to pass all lawful by-laws and regulations for the good government of the town, and to impose fines for the violation of town ordinances and to collect the same for the use of the town.

Compensation of town officers.

SEC. 6. The mayor and commissioners shall regulate the compensations that may be allowed in their discretion the officers of the town.

Qualification of officers.

SEC. 7. The officers appointed in this act shall qualify before some justice of the peace within thirty days.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 280.

An act to incorporate the town of Jacksonville in Onslow county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Jacksonville in the county of Onslow be and the same is hereby incorporated under the name and style of

Corporate name. Commissioners a body politic.

Jacksonville, and that Chas. Gerrock, G. W. Taylor, L. A. Avery, and their successors in office, shall be and are hereby declared a body politic and corporate with succession during the corporate existence of said town, and shall be styled "The Commissioners of the Town of Jacksonville," and as such shall have power to sue and be sued,

Powers.

plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of thirty thousand dollars. That A. C. Huggins, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.

Temporary officers.

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits. Beginning at a point on the east bank of New river about three hundred feet below where the Wilmington, Onslow & Eastern Carolina Railroad crosses New river, at the mouth of a small branch or ditch, thence up said branch and along its several courses, the general direction of which is north, seven hundred and seventy east three thousand three hundred feet to a crook in said branch toward the county road; thence in the same direction nine hundred feet farther to a pond; thence direct north nine hundred feet to a point about six hundred and forty feet north of the main street or county road leading through Jacksonville; thence north sixty-eight degrees west about two thousand eight hundred feet, the easterly shore of New river, said line being parallel to and six hundred feet from the main street or county road mentioned above; thence along the easterly shore of New river to the point of beginning.

SEC. 3. The officers of said town shall consist of a mayor and four commissioners, to be elected by the qualified voters of said town annually on the second Monday in May. Officers.

SEC. 4. Said election of mayor and commissioners shall be held at the court-house in said town, and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes unless he shall be an elector of the state of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation. Election of mayor and commissioners. Electors.

SEC. 5. It shall be the duty of the commissioners of said town, on the first Wednesday after 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, within ten days thereafter [shall] be notified of their appointment by the constable of said town. The registrar so appointed shall immediately make publication at the door of the court-house and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day, Sundays excepted, for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town or do not appear on the revised lists; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein. Registrar and judges of election. Duties of registrar. New registration.

- Oath of registrar and judges.† SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Onslow county.
- Inspection of registration book SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling places in said town with the registration book on the second Saturday preceding the election from the hour of nine o'clock A. M. until the hour of five o'clock P. M., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election shall hear and decide said objection, giving due notice to the voters 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.
- Challenges.
- Proviso.
- Election, how held. SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock A. M. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners counted out by them. They shall keep poll-books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll-lists and deposit them with the clerk and treasurer of said town, and said poll-books shall, in any trial for illegal or fraudulent voting, be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.
- Canvass of vote.
- Evidence.
Vacancies.
- Ballots. SEC. 9. The voters shall vote by ballots having the name of the mayor and commissioners on one ballot either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.
- Who elected.
- Tie vote.
- Eligibility to office. SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify in writing the mayor and commissioners elect of their election.

Notice to persons elected.

SEC. 12. That the mayor and commissioners elect shall, within three days after having been notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Oath of mayor and commissioners.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election, shall forfeit and pay the sum of twenty-five dollars, one-half to 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 of mayor or commissioners elect to qualify.

SEC. 14. That the majority of said commissioners shall constitute a quorum for the transaction of business.

Quorum of commissioners.

SEC. 15. That the mayor when present shall preside at all meetings of the commissioners; he shall also have power to call meetings when he shall deem it necessary, and may vote only in case of a tie.

Mayor to preside, &c.

In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have the authority and power conveyed by this charter on the mayor of said town.

Mayor *pro tem*.

SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.

Vacancy in office of mayor or commissioner.

SEC. 17. That said commissioners shall at the first meeting after their election elect some one as town clerk and treasurer, who shall hold office for one year [or] until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond with securities to be approved by the board of commissioners of said town in such sum as the commissioners may require, not exceeding the sum of one thousand dollars, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all money that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town shall require of the town clerk and treasurer a monthly statement and exhibit [of] receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same it shall be

Clerk and treasurer.

Bond.

Monthly statement.

Penalty.

Suits on bond.

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 Jacksonville against the said official and his securities.

Constable.

SEC. 18. The said commissioners shall, at the first meeting after their election, select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon [the] discharge of the duties of his office, enter into bond in the sum of five hundred 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 processes that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all money that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

Bond.

Powers of commissioners.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as the majority of them deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, to establish a fire department, and the preservation of the health in the same, and to make all such other regulations as the interest, comfort and convenience of the citizens of said town may require.

Abatement of nuisances.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Violation of ordinance a misdemeanor.

SEC. 21. Any person or persons violating any ordinances of said town shall be guilty of a misdemeanor, and punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Persons failing to pay fine liable to work on streets.

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for a violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against said offender thereof, or 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 Jacksonville, 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.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of [the] peace over all crimes and criminal offences committed within the corporate limits of said town.

Powers and jurisdiction of mayor.

SEC. 24. The constable of said town shall execute all processes placed in his hands by the mayor, shall have authority to preserve the peace in said town and within the corporate limits thereof; shall have the same authority in criminal matters and be entitled to the same fees that a sheriff has in a county; and in the collection of the taxes in said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this chapter.

Duties and powers of constable.

SEC. 25. The commissioners of said town shall have power to open and to lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time [to] widen, enlarge, make narrower, change, extend or discontinue any street or streets or any part thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section, on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order, directed to the town constable, commanding him to summons six jurors, six citizens of said town, freeholders, connected neither by consanguinity or affinity with the mayor or commissioners of said town or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose land said proposed new street will run; said mayor shall order 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 purposes of their meeting, for five days before the day when said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out; said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets, as the case may be, and shall assess the damages sustained

Streets.

Condemnation of land.

- by the owner or owners of such land, 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 land 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 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: *Provided*, that nothing in this section or act shall allow the condemnation or appropriation, destruction, interference or removal of any building or edifice now constructed, or in process of construction at the date of the passage of this act, for the purpose of opening, laying out, changing or widening the streets of said town, unless the owner or representative of such building or edifice, and a majority of said commissioners, shall mutually agree as to the damage or compensation to be paid to such owner or representative; and in all cases arising under this section when the damage or compensation is fixed, the sum shall be payable in cash before the rights of said town shall [vest], and any owner or his or her representative aggrieved by any decision of said commissioners or jurors shall have the right of appeal to the superior court under the same rules and regulations as now apply to the appeals from justices' courts.
- Proviso.**
- Appeal.**
- Sidewalks.** SEC. 26. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town.
- Public scales.** SEC. 27. They may erect at some suitable place within said corporation public scales for the purpose of weighing fish, fodder, hay, oats or rye in straw, cotton, crude turpentine and live stock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.
- Weigher.**
- Contagious diseases.** SEC. 28. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.
- Market.** SEC. 29. The commissioners of said town may establish a market or markets and regulate the same, and prescribe at what place or places within the corporate limits of said town shall be sold marketable things, and in what manner, whether by weight or by measure.

SEC. 30. That the authorities of said town shall, before the first [day] of June, eighteen hundred and ninety-one, cause the territory embraced within the limits of said town to be laid off into streets and squares or blocks and lots where they are not so laid off, and cause the same to be numbered, and interfering as little as practicable with the present holdings, buildings and enclosures, and cause accurate plats and maps to be made, one of which shall be recorded in the office of the register of deeds of Onslow county after due proof of the identity of the same before the clerk of the superior court of Onslow county and ordered by him to so be registered.

Territory to be laid off into streets and squares, &c.

SEC. 31. 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 one hundred dollars valuation on all real and personal [property] and one dollar on each taxable poll, and the valuation on 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.

Taxation.

Proviso.

Assessment of property.

SEC. 32. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by distraining any personal property of the tax-payer to be found within said town.

Taxes, when due.

SEC. 33. That it shall be the duty of the town clerk of the said town to make a full and complete list of all the taxable property and all polls subject to taxation in said town as returned by the assessors of Jack-onville township, and place said list, or a certified copy thereof, in the hands of the constable of said town on or by the second 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.

Tax-list.

SEC. 34. 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 therein, shall be paid. All personal property liable to taxation of tax-payers within said town shall be liable to be seized and sold after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes, by the town constable, after said taxes shall have become due and payable.

Lien for taxes.

Sale of personal property.

SEC. 35. 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

Taxes, how collected.

Sale of personal property.

- 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 said town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, to [of] 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 each levy and of the day and place of sale by service of a notice, stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the constable shall post a notice, substantially as above described, at the court-house door and four other public places in said town at least thirty days before the sale of the land, and the last mentioned notice shall be posted in all cases of sales of land for taxes in said town; fourth, the sales shall be made at the court-house in said town, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the constable, the constable shall within one month after the sale mail to him notice of the sale and the date thereof, and the name and address of the purchaser, of the sums bid and amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.
- Sale of real estate.**
- Notice.**
- Sale, where and how made.**
Notice of sale to be given non-resident.
- Sale, how made.** SEC. 36. 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 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. 37. The delinquent may retain possession of the property for twelve months after sale and within that time redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto. At the time of said payment to the purchaser he shall give to delinquent a receipt therefor. If he shall refuse, or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk all rights under the purchase shall cease.

SEC. 38. At the time of such purchase of real estate for taxes the town constable, on the receipt of the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Constable to give receipt, &c.

SEC. 39. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section thirty-seven hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section thirty-eight hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar, to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office in Orslo 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 before for taxes.

Conveyance to purchaser.

Registration of deed.

SEC. 40. All real estate bid [in] by the mayor of said town for the use of the town at sales made by the constable for taxes, may be redeemed as herein provided, by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional, to the town clerk and treasurer within twelve months.

Redemption of land purchased by town.

SEC. 41. 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 privileged tax as seem to them fair and equitable on the professions, callings, trades, occupation and all other business carried on in said town, that is to say, every merchant, lawyer, physician, dentist, druggist, daguerrean artist or other picture taker, jeweler, liquor dealer, confection grocer; on billiard or bagatelle table, public or private bowling, nine or ten-pin alley; on all lectures for reward; on every livery-stable, cotton-gin or turpentine or other distillery; on every hotel or boarding-house, restaurant, eating [-house] or eating-booth; on all drays, carts, wagons, carriages, buggies; on all horses, cattle, sheep, hogs, goats or dogs owned or kept in said town; on every stallion kept or exhibited in said town; on all itinerant traders, and on all hucksters 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 therein provided for shall be due and payable.

License taxes.

SEC. 42. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house door and three other public places in said

Ordinances to be posted.

town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Powers and duties of mayor and commissioners.

SEC. 43. That when not otherwise herein provided, the mayor and commissioners of said town shall have the same power and be subject to the same duties as provided by chapter sixty-two, volume two of The Code. That chapter one hundred and fifteen of the private laws of eighteen hundred and eighty-three, and all laws heretofore passed for the better government of the town of Jacksonville be and the same are hereby repealed.

Former laws repealed.

SEC. 44. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 281.

An act to incorporate the town of Davidson in Mecklenburg county.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the inhabitants of the town of Davidson shall be and continue to be, as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name of

Corporate name.

“The Town of Davidson,” and under such name and style is hereby invested with all the property and rights of property which now belong to the present corporation of the town of Davidson College under said name, or any other name by which it has heretofore been known, and that R. W. Shelton, mayor, S. R. Neel, W. S. Graves, J. P. Munroe, J. L. Brattain and J. W. Summers, the present commissioners of the town of Davidson College, and their successors in office, be and the same are hereby declared a body politic and corporate with succession during the corporate existence of said town

Commissioners incorporated.

of Davidson, and shall be styled “The Commissioners of the Town of Davidson,” and shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and to acquire and dispose of real and personal property to the amount of one hundred thousand dollars. That R. W. Shelton, the present mayor of said town of Davidson College, and the commissioners aforesaid, shall continue in office as mayor and commissioners of the town of Davidson and perform all the duties pertaining to their offices as such till their successors shall be elected and shall qualify as hereinafter provided.

Corporate name.

Corporate powers

of Davidson,” and shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and to acquire and dispose of real and personal property to the amount of one hundred thousand dollars. That R. W. Shelton, the present mayor of said town of Davidson College, and the commissioners aforesaid, shall continue in office as mayor and commissioners of the town of Davidson and perform all the duties pertaining to their offices as such till their successors shall be elected and shall qualify as hereinafter provided.

Temporary mayor and commissioners.

Corporate limits.

SEC. 2. That the corporate limits of the town of Davidson shall be as follows: Beginning at the gate of the Iredell county line; thence

south seventy-one degrees east three-eighths of a mile to a stone on H. P. Helper's farm; thence south nineteen degrees west one and one-third miles to a stone; thence north seventy-one degrees west one mile to a stone on Mrs. S. J. Johnston's land; thence north nineteen degrees east one and one-third miles to a post-oak on the Iredell county line; thence with said line five-eighths of a mile to the beginning, making a rectangle one mile by one and one-third miles.

SEC. 3. That the officers of said town shall consist of a mayor and five 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 till their successors are elected and shall qualify.

Officers.
Election.

SEC. 4. Any person who is a qualified elector of the state of North Carolina and shall have resided in the said town sixty days next preceding the day of election shall be a qualified voter and shall be entitled to vote at any municipal election in said town.

Electors.

SEC. 5. That no person, except a duly qualified elector of said town, shall be eligible as mayor or commissioner of said town.

Who eligible for mayor or commissioners.

SEC. 6. That the mayor and commissioners of said town shall form the board of commissioners or town council, and they may order an election for any purpose they may see fit and whenever they may deem necessary; a majority of the board shall constitute a quorum for the transaction of business.

Board of commissioners.
May order election.

Quorum.

SEC. 7. That the mayor shall, thirty days before the first Monday in May, or thirty days before any other election, appoint a suitable person to act as registrar within the corporation of said town and the registration books shall be open at least twenty days. The town marshal shall notify said person of his appointment, and the said registrar shall at once post a notice, at as many as two public places in said town, of his appointment, and shall designate the place where he will keep the books open and the time after which the books shall be closed, and when and for what purpose the election shall be held.

Registrar.

To give notice, &c.

SEC. 8. In all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Where polls to be opened.

SEC. 9. The book of registration of the voters of the town shall be furnished the poll-holders and no person shall be allowed to vote unless his name be found thereon.

Registration

SEC. 10. Any person offering to register may be required to take an oath that he is a citizen of North Carolina and has resided in the town of Davidson sixty days next preceding that date or is otherwise entitled to register, and if any person shall wilfully swear falsely in said oath he shall be guilty of perjury.

Oath of elector.

SEC. 11. That within twenty-four hours after the close of the registration for each election the registration books shall be opened for the inspection of the citizens of the town. And it shall be lawful

Inspection of registration book.

- Challenges. for any elector to challenge the right of any person to register or vote, and the judges of election shall decide the right of such person to register or vote.
- Inspectors of election. SEC. 12. That for the purpose of electing said officers the commissioners shall, at least twenty days before the election, appoint three inspectors who shall be qualified voters, and the inspectors, before they proceed to act, shall be sworn before the mayor or a justice of the peace to conduct the election fairly and impartially and according to law, and in the absence of any inspectors his place shall be filled by the mayor or registrar. On the day of the election the inspectors with the registrar shall duly attend the polls at the proper time, and they 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.
- Oath.
- Election, how held. SEC. 13. That the candidates for mayor and commissioners shall be voted for in separate boxes on a separate ballot, printed or written.
- Separate ballot-box.
- Canvass of vote. SEC. 14. That at the close of the election the votes shall be counted by the inspectors, and such person or persons having the largest number of votes shall be duly declared elected to fill the board of commissioners, and the officers so elected shall be notified by the inspectors of their election. But if it shall be found that there is a tie between two or more persons for any office, the commissioners shall, within five days after their qualification, proceed to select out of the number of persons so tied a person or persons to fill the office or offices so left vacant. And if at any time there shall be a vacancy in the board the commissioners may fill the vacancy from among the qualified electors of the town.
- Notice to officers elected.
Tie vote.
- Vacancy in board of commissioners.
- Returns of election. SEC. 15. That the inspectors shall certify and subscribe two poll-lists and return one to the clerk of the board and one to the register of deeds of the county for safe-keeping.
- Oath of mayor and commissioners. SEC. 16. That the mayor and each commissioner, after election and before entering on the duties of their offices, shall take an oath before a justice of the peace to perform the duties of mayor or commissioner for the town truly and impartially and according to their best skill, judgment and ability. And they shall hold their offices till the next election and until their successors are qualified.
- Penalty for refusal of mayor or commissioner elect to qualify. SEC. 17. That any person elected mayor or commissioner who shall refuse to qualify and act as such shall forfeit and pay to the equal use of the town and of him who shall sue therefor twenty-five dollars.
- Jurisdiction of mayor. SEC. 18. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of said town, have all the powers, 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 [under] the ordinances and regulations of the town, to enforce penalties by issuing

execution upon adjudged violations therefor and to execute the by-laws, rules and regulations made by the board of commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest any and all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the mayor or court, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county or fined not exceeding fifty dollars. If the accused be dissatisfied with the judgment of the mayor or court he may appeal to the proper court in like manner as prescribed for appeals from judgments of a justice of the peace. The fees of the mayor shall be as follows: 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 among the costs on submission or conviction of the offender; for the use of the town seal for other than town purposes, fifty cents; for every certificate for other than town purposes, twenty-five cents; for all other purposes, the same fees as are allowed to justices of the peace; and the mayor shall have power to probate conveyances in like manner as a justice of the peace and with like fees.

Appeal.

Fees of mayor.

SEC. 19. That the mayor may issue his precepts to the town marshal, who may execute the same anywhere in Mecklenburg county, or to such other officers as a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same.

Mayor's precepts.

SEC. 20. That the mayor shall keep faithful minutes 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 county of Mecklenburg 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 Mecklenburg county.

Mayor to keep minutes.
Force of judgments.

SEC. 21. That the mayor shall keep his office in some convenient part of the town. He shall perform all the duties as shall from time to time be prescribed and when present shall preside at all meetings of the board of commissioners, and shall have the deciding vote in case of a tie, but he shall vote in no other case. If he shall be absent,

Mayor's office.
Duties.

- Mayor *pro tem.* the board may appoint one of their number *pro tempore* to exercise the duties of the mayor to act during his absence.
- Other town officers. SEC. 22. That the mayor and commissioners shall at their first regular meeting appoint a secretary and treasurer, a marshal and any other officers they may think necessary, who shall receive such compensation for their services as the board may determine.
- Board of commissioners. SEC. 23. That within five days after their election the board of commissioners shall convene for the transaction of business and shall then fix stated days of meeting for the year. A special meeting may be called by the mayor or a majority of the commissioners whenever it seems advisable. And the board may fix a fine or penalty for the non-attendance of any member thereof, and such fine or penalty shall be recovered as other fines and penalties for breaches of the town ordinances.
- Meetings.
- Penalty for non-attendance. SEC. 24. That the board when convened shall have power to make and provide for the execution thereof, such ordinances, by-laws and regulations for the better government of the town as they deem necessary: *Provided*, the same be allowed by the provisions of this act and be consistent with the laws of the state.
- Ordinances.
- Proviso. SEC. 25. That among the powers hereby conferred on the board of commissioners, they may borrow money only by the consent of three-fourths of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those not consenting shall vote "Not approved": *Provided, however*, that a majority of the registered freeholders shall vote affirmatively. They may provide water and lights, provide for the repairing and cleaning of the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations for town watchers, suppress and remove nuisances, protect the town against contagious and infectious diseases, appoint constables to execute such precepts as the mayor or other persons may lawfully direct to them, preserve the peace and order, and execute the ordinances of the town and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. They shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicle, and to issue license to omnibuses, hacks, drays or other vehicles for transportation of persons or things used for hire.
- Powers of commissioners.
- Proviso. SEC. 26. That by virtue of his office the town constable or marshal shall be tax-collector, unless the board shall order otherwise, in which event they shall appoint some person to such office. The town tax-collector shall have the same powers and be subject to the same penalties in collecting the town taxes as sheriffs or tax collectors have in the collection of state and county taxes.
- Constable and tax-collector.
- Powers.

SEC. 27. The town constable or marshal is empowered to serve papers and make arrests anywhere in Mecklenburg county the same as within the town limits of Davidson. It shall be his duty to preserve the peace and good order of the town, and to do so he shall have power and authority to arrest, without warrant or other process, all disorderly persons or any other person or persons violating any by-law, ordinance or regulation of the town or attempting to escape; and if within the hours of seven A. M. and nine P. M., take such unruly person or persons forthwith before the mayor to answer for such violations and disorderly conduct; but if such arrest be made at other time than that above mentioned, then the person or persons so arrested shall be taken to the lock-up or jail and be safely kept till such hours on the following day, at the earliest moment, as the mayor may set for the hearing. Any person who may be so intoxicated as to be incapacitated for trial, or who may be otherwise incapacitated, shall be locked up and safely held till they have become duly sober or in a proper condition for trial. The town marshal shall do any other duties that may be prescribed by the board, who shall fix the compensation for such services.

Powers and duties of constable.

Arrest of intoxicated persons.

Compensation.

SEC. 28. That the board of commissioners shall have power to regulate the manner in which the taxes shall be collected and the property of the citizens of the town shall be listed. They may also, at their discretion, exempt any manufacturing establishments already in existence or contemplating erection from town taxation for any length of time not exceeding thirty years.

Collection of taxes, &c.

Exemptions.

SEC. 29. That in order to raise a fund for the expenses incident to the government of said town, the commissioners may annually levy and collect the following taxes, namely:

Taxation.

(1). On real and personal property, moneys, credits, investments, etc., which the owner is required to list for state and county taxes in the town, a tax not exceeding fifty cents on every hundred dollars worth of property.

Ad valorem tax.

(2). On all taxable polls, a tax equal to the present constitutional limit on all who may be resident in the town on the first day of April in each year, or who may have been so resident within sixty days next preceding that day, not exceeding one dollar-and-a-half.

Poll-tax.

SEC. 30. That in addition to those subjects above listed for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the tax-collector instantly, and if the same be not paid on demand it may be recovered by suit, and the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same:

License taxes.

(1). On every peddler or itinerant merchant vending or offering to vend within the town, a tax not exceeding twenty-five dollars.

Peddlers.

- Dogs. (2). On every dog or bitch, a tax not exceeding five dollars per head on bitches and three dollars on dogs. .
- Livery-stables, &c. (3). On each livery, feed or sale-stable, a tax not exceeding ten dollars.
- Circuses, &c. (4). On every company of circus riders who shall exhibit within the town or within two miles thereof, a tax not exceeding fifty dollars for each day, the tax to be paid before exhibition or be double.
- Theatres, &c. (5). On every person or company exhibiting in the town or within two miles thereof stage plays or theatricals, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, menageries, a tax not exceeding fifty dollars for each day.
- Artificial curiosities, &c. (6). Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the town or within one mile thereof, a tax not exceeding twenty-five dollars, to be paid before exhibition or be double.
- Shows, &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 twenty dollars, to be paid before exhibition.
- Corporate powers. (8). That the town of Davidson is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled "Towns" not inconsistent herewith.
- Levy of taxes. SEC. 31. That as soon as the tax-list can be completed, and not later than the first Monday in August in each year, the board of commissioners shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax-list in the hands of the tax-collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of January next ensuing, and pay all moneys as they are collected to the treasurer.
- Collection. SEC. 32. That on the first Monday in January in each year the board of commissioners shall examine the tax-list and cause a list of the insolvents to be made out, which list the clerk of the board shall at once copy and post in two or more public places in said town.
- Insolvent taxes, list to be posted. SEC. 33. That if any person liable for taxes on subjects determined to be liable 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 in three public places for ten days if the property is personalty, and if real estate for twenty days; and when the tax due on any lot or other lands (which is hereby declared a lien on the same) shall remain unpaid on the first day of January, and there is no other [property] visible but such lot or land of the person whose name is listed liable to distress and sale known to the collector, he shall report the fact to the board, with a description of the real estate, and thereupon the board shall direct the same to be sold upon the premises by the collector, after adver-
- Collection by distress, &c.
- Sale of real estate for taxes.

tising as above, when the collector shall divide the said lands into as many parts as may be convenient (for which purpose he may employ a surveyor), and shall sell as many thereof as may be required to pay all taxes and 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 town in fee.

Purchase by town.

SEC. 34. That the collector shall return an account of his proceedings to the board, specifying the portions into which the land has been divided, the purchaser or purchasers thereof, with price 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 costs the same shall be paid into the town treasury subject to the demand of the owner. And the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after 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 the taxes. And 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 agent, and the recital of [in] such conveyance or in any other conveyance of land sold for taxes due the town, that the taxes were due, as of any other matters required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Tax-collector, to make returns.

Surplus.

Redemption of land sold for taxes.

Conveyance to purchaser.

Prima facie evidence.

SEC. 35. That it shall be the duty of the treasurer to make out annually and post in some conspicuous place or places an itemized account of the receipts and disbursements on account of the town for the general inspection of the citizens; this account shall be so posted at least ten days before the first Monday in May in each year. And any board failing to cause said transcript to be so posted shall be guilty of a misdemeanor and punished by a fine of twenty dollars on the mayor and each commissioner, said fines to be used for the benefit of the town.

Annual statement of treasurer

To be posted.

Misdemeanor.

SEC. 36. That the board shall have power to appoint a cotton weigher, make such regulations in regard to the weighing of cotton sold in said town as do not conflict with the laws of the land, and fix the amount of fees or charges for weighing cotton, not exceeding ten cents per bale. All moneys derived from this source shall be used to pay the salary of the weigher and other legitimate expenses of the cotton yard or for other purposes deemed necessary.

Weighing of cotton.

Fees.

Application of proceeds.

SEC. 37. That the mayor of said town shall have power to make all deeds for the sale of all lands sold by the town for taxes or otherwise.

Mayor to execute deeds.

Cellars.

SEC. 38. That no celler shall be built under any sidewalk in the town or entrance established on the sidewalk to any cellar, whereby the free passage of persons may be delayed, hindered or interrupted. Any offender herein shall forfeit and pay to the town twenty dollars for every day the same remains.

Abatement of nuisances.

SEC. 39. That the board 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 grounds on which the same may be; they may also prevent the establishment within the town, and may regulate the same if allowed to be established, any slaughter-house or place or [for] the exercisc within the town of any offensive or unhealthy trade, business or employment.

Fast riding, &c.

SEC. 40. That they may prohibit and prevent the riding or driving of horses or other animals at a speed greater than six miles an hour within the town, and also the firing of guns, pistols, crackers, gunpowder or any other explosive, combustible or dangerous material in the public grounds, streets or elsewhere in the town.

Streets.

SEC. 41. That the board of commissioners of the town of Davidson shall have power whenever they may deem it necessary or to the interest of the town to lay out or open new streets, or to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for the purpose named in this section upon making reasonable compensation to the owner or owners thereof; and in case the owner or 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 citizen of said town, but if the owner or owners of the land shall refuse to choose such arbitrator within two days after notice then the board shall select one in his stead for him, and in case the two chosen aforesaid cannot agree they shall select an umpire within two days after their appointment, and if they cannot agree on the third man within said time then the board may also appoint the third man. It shall be the duty of the arbitrators aforesaid to meet on the premises or land to be condemned and assess the damages that the owner or owners may sustain by reason of such condemnation, deducting, however, from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street or the changing or discontinuing of the same. The owner or owners shall have at least ten days' notice of the condemnation for the purpose of appointing his arbitrator, said notice to be served by the town marshal or any other person authorized to serve notices. In case the arbitrators after the selection of the third man aforesaid cannot agree as to the damage, then the opinion of any two shall prevail and be returned as the award of the arbitrators.

Condemnation of land.

The arbitrators shall return a report of their valuation to the board of commissioners who may confirm the same, and after confirmation of the same shall cause the same to be entered on their minute book, and the said report so confirmed shall be in all respects the same as a judgment against said town, and said confirmation shall be a complete, perfect appropriation of said land or lands for said purposes: *Provided, however*, that the owner or owners if dissatisfied with the report of the arbitrators may, if the same be confirmed, appeal to the next term of the superior court of the county, where the same may be heard anew as to the amount of damages sustained, but said appeal shall not have the effect of staying the proceedings for making the desired improvement, and all damages agreed on by the commissioners or awarded by the arbitrators shall be paid as other liabilities of the town, by taxation. Appeal.

SEC. 42. That the board of commissioners shall have power to cause the sidewalks to be curbed and paved and repaired whenever and in whatever manner they may deem necessary: *Provided, however*, that said commissioners shall not have power to condemn any land belonging to Davidson College without first obtaining the consent of the executive committee of said college. Sidewalks. Proviso.

SEC. 43. That any persons who shall be found to be insolvent, or who may so desire, may be allowed to work out their taxes on the streets of the town under such regulations and at such rate per day as the board shall prescribe, and all persons who may be convicted of a violation of any ordinance of the town and shall be fined or imprisoned, or shall be allowed to work out such fine or imprisonment, or both, as the board shall decide, and in whatever way and on whatever terms the board may deem suitable. Insolvent taxpayers may work on streets. Persons convicted, fined, &c., may work on streets.

SEC. 44. That all officers who may be intrusted with the funds of the town may be required to give bond in such sum as the board may require. Bonds.

SEC. 45. That the board may provide grave-yards in or near the town and regulate the same: may appoint a keeper and compel the keeping and returning of bills of mortality, and they may prohibit interments in the town. Grave-yards.

SEC. 46. That they may provide for the establishment, organization, equipment and government of fire companies. Fire companies.

SEC. 47. That all penalties imposed relating to the town or by this act, by any ordinance of the town, unless otherwise provided, shall be recoverable, in the name of the town of Davidson, before the mayor or any tribunal having jurisdiction thereof. Recovery of penalties.

SEC. 48. That the board of commissioners shall not have power to impose for any offence a larger penalty than fifty dollars, nor a greater fine than fifty dollars, nor longer punishment than thirty days, unless the same be expressly authorized; and from any judgment of the mayor for any fine, penalty or imprisonment which is imposed or Limitation of penalties, &c.

allowed to be imposed by this act, or for other causes of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of [a justice of] the peace to the superior court.

Appeal.

SEC. 49. That every imprisonment or commitment by virtue of this charter shall be in the public jail of the county: *Provided, however,* that the mayor may, if he think proper, order the commitment to be in the town lock-up.

Improvements.
Proviso.

SEC. 50. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of the town, and the person or persons against whom the same is adjudged refuses and is unable to pay such judgment, it may and shall be lawful for the mayor to order and require such person or persons so convicted to work on the streets or public works till, at fair rates of wages, such person or persons shall have worked out the full amount of judgment and all the cost of suit.

Persons unable to pay fine, &c., liable to work on streets.

SEC. 51. That the majority of the commissioners shall have power at all times to sell at public outcry after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the town and apply the means as they think best.

Sale of town property.

SEC. 52. That the mayor and commissioners, tax-collector and all other officers of the town, who shall on demand fail to turn over to their successors in office the property, books, moneys, seals or effects of the town, shall be deemed guilty of a misdemeanor, and upon conviction before the superior court of the county shall be fined not exceeding one hundred dollars or imprisoned not more than six months.

Officers failing to turn over property, &c., to successor guilty of misdemeanor.

SEC. 53. All tax-lists which have been or may hereafter be placed in the hands of the tax-collector shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, and shall be surrendered to the authorities for such inspection or correction, and if the tax-collector fails or refuses to surrender his list on demand, he shall be deemed guilty of a misdemeanor, and upon conviction be subject to the penalties imposed by the preceding section: *Provided,* this act shall not go into effect until the board of county commissioners, township justices and the board of commissioners of Davidson shall come to some agreement in writing as to bridging ravines near said town and have the same spread upon the minutes of said county commissioners.

Tax-lists under control of town authorities.

Failure of collector to surrender tax-list a misdemeanor.

Proviso.

SEC. 54. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 282.

An act to incorporate the town of Dobson in the county of Surry.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Dobson in the county of Surry be and the same is hereby incorporated under the name and style of "The Town of Dobson," and in that name by its commissioners may sue and be sued, contract and be contracted with, plead and be impleaded, may acquire and hold real and personal property for the use of the town and convey the same as the commissioners may think best. Incorporation.

SEC. 2. That the corporate limits of said town shall be a territory embraced in the following boundary, viz.: Beginning at the fork of the road west of said town on the Fisher's Gap road at corner of W. H. Freeman's fence, and thence in a southerly direction a straight line to a point on the upper Elkin road at the north-west corner of J. C. Cooper's field; thence a straight line to the fork of the Rockfords road south of R. F. McGuffin's; thence a straight line to the south-west corner of Richard Collins' land; thence a direct line north to the north-west corner of W. R. Morton's Hines tract of land; thence a straight line to and including Peter Allinson, the Haystack road; thence a direct line to the beginning. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and five commissioners, who shall be styled "The Board of Commissioners of the Town of Dobson," who shall have power to select a town marshal immediately after its organization. Said marshal shall hold office for one year at the pleasure of the board of commissioners; and until after the first Monday in May, eighteen hundred and ninety-two, R. C. Freeman shall fill the office of mayor and T. W. Folger, W. L. Keece, S. M. Holton, Q. W. Samuel and J. H. C. Norman shall act as town commissioners, at which time and annually thereafter, to-wit, on [the] first Monday in May, eighteen hundred and ninety-two, there shall be an election held in said town to choose its officers. Mayor.
Fire commis-
sioners.

Names of officers.

SEC. 4. That said board of commissioners, at least thirty days preceding each election, shall appoint a registrar of voters and two judges of election. The registrar shall register the voters within said corporate limits and hold said elections in the same manner as elections are now held for members of the general assembly. Election, how held.

SEC. 5. That any person who is a qualified elector in the county of Surry and has been a *bona fide* resident of said town for ninety days next preceding the election, shall be a qualified voter in all municipal elections in said town. Electors.

SEC. 6. That any person who is an elector in said town shall be eligible to any of the offices of said town. Eligibility to office.

- Powers of commissioners.** SEC. 7. That the commissioners of said town shall have power to appoint all officers necessary to the proper and efficient enforcement of the law within the corporate limits and ordinances passed by said board of commissioners, and they or the mayor of said town shall have power to examine the acts, books and accounts of said officers, and shall require all persons or officers, except the mayor, who collects or receives money for the town, to enter into a bond with approved security payable to the state in such sums as the commissioners may think necessary. The mayor, with the concurrence of a majority of the commissioners, may remove any officer for misconduct or negligence in office, after giving him five days' notice and an opportunity to be heard in his defence. The commissioners may fill all vacancies that occur in any of the offices of said town.
- Bonds required of officers.**
- Power to remove from office.**
- Mayor *pro tem*.** That in case of sickness or absence of mayor, the commissioners may elect a mayor *pro tempore*, who shall act in place of the mayor during his sickness or absence.
- Ordinances.** SEC. 8. That said board of commissioners shall have power and authority to pass all ordinances necessary to enforce the due observance of the Sabbath and to protect the morals, peace and health of the town and all other ordinances and by-laws necessary to be passed not inconsistent with the constitution and law of the state and United States.
- Powers and duties of mayor.** SEC. 9. That the mayor shall be the chief executive officer of the town, and shall have the same jurisdiction in said corporate limits as a justice of the peace, and shall have power and authority to enforce the law and all ordinances by fines and imprisonment, and may imprison for failure to pay fines, and any person so imprisoned may be worked on the streets of said town, until the fine and cost is paid, at such a price as the commissioners may adopt for labor: and shall preside at all meetings of the board of commissioners, and shall be entitled to vote on all questions that may arise before them.
- Powers of marshal and police.** SEC. 10. That the marshal or police appointed by the commissioners shall execute all precepts directed to them by the mayor of said town in any part of Surry county, and may arrest all persons who they may find engaged in a violation of law or an ordinance of the town without warrant; but shall, as quick as practicable, bring such person or persons before the mayor for trial; and if, for any cause, the trial cannot be had at once, and no one will go on bail for such person, the officer may imprison him in the common jail or lock-up until a trial can be had; and the said officers shall have all the powers that a constable or other peace officer has under the laws of the state; and he shall have the same fees for like service as are allowed sheriffs, and such additional compensation as the commissioners may allow.
- Docket to be kept.** SEC. 11. That the mayor shall keep a minute of all precepts by him issued and of all judicial proceedings had before him, and he

shall have for his services the same fees as are now allowed justices of the peace.

SEC. 12. That all moneys received or collected by any officer of this town, either as a fine, penalty, forfeiture or taxes collected, shall be paid over to the treasurer and by him paid out only upon the written order of the commissioners, and they may require all officers to settle and exhibit their accounts as often as they may think necessary, on penalty of removal from office for failure to do so.

Moneys collected to be paid to treasurer.

SEC. 13. That all officers of said town shall take the usual oath of office before he enters upon his duties as such officer.

Oath of office.

SEC. 14. That the commissioners shall have power from time to time as they deem necessary to open out any new street, or streets, to widen, extend or discontinue any street in whole or part of said town, and they shall have the same power over alleys that is hereby conferred as to streets. When the commissioners shall think necessary to open any new street or to widen one in said town, they shall give the owner or owners of land over which the proposed street may pass five days' notice that they propose to condemn his or their land for said purpose, and [if] at the time of said condemnation the commissioners and the land-owners are unable to agree as to the amount of damages the land-owner sustains, it shall be left to three persons who are disinterested and to be selected by the commissioners and by the land-owner and they select the third, and in case the land-owner shall neglect or refuse to select one of the arbitrators, then and in that event the one selected by the commissioners shall act; in either case the person or persons so chosen shall examine the line of the proposed street and consider the damages sustained and the benefit accrued to the land-owners, and shall report what the damages are over and above the benefit, and his or their finding shall be final and vest the street in the commissioners for the purposes therein named: *Provided*, either party may appeal to the superior court of Surry county in the same manner as appeals are now taken in other cases, and the damages thus assessed shall be paid as other expenses of the town, to-wit, by fines, penalties, taxes, etc. That the mayor and commissioners may in their discretion require all persons to furnish their stock and tools to open new streets or to keep in repair the old ones, and all hands subject to work on roads shall work on said streets and shall be exempted from work on public roads.

Power to open streets.

Condemnation of land for streets.

Damages.

Appeal.

Work on streets.

SEC. 15. That to enable the commissioners in order to enable them to maintain the government of the town shall have power and authority to levy and collect a tax on all property both real and personal which the state now taxes, not to exceed twenty-five cents on the hundred dollars valuation and ninety-five cents on the poll, and that the valuation of the property in said town shall be the same as is fixed by the county assessors.

Tax of 25 cents on \$100.

Powers of commissioners as to tax.

SEC. 16. That the commissioners shall have the same power to manage the tax of the town in all things that the county commissioners have over county tax.

Powers of tax-collector.

¹ SEC. 17. That the officers designated by the commissioners to collect the taxes shall have the same power as the sheriff has of the county taxes and shall do the same in like manner.

Powers of Code, chapter 62.

SEC. 18. That in addition to the foregoing, said town shall have all the powers conferred by chapter sixty-two of The Code of North Carolina not inconsistent with this act.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 283.

An act to amend the charter of the town of Salisbury so as to require certain persons to pay one-half of the expenses of paving sidewalks.

The General Assembly of North Carolina do enact :

One-half expense of paving, &c., to be paid by owner of abutting lots.

SECTION 1. That all persons owning lots in the town of Salisbury which front on streets and sidewalks that may be macadamized, graded, paved and otherwise improved by the board of street commissioners of said town shall pay respectively one-half of the expenses of grading, paving or otherwise improving the sidewalks which shall be adjoining and immediately in front of said lots respectively.

Commissioners to levy tax for paving, &c.

SEC. 2. That the board of commissioners for said town shall levy a tax on each and every of said persons owning said lots, which shall be equal to the amount of such expenses respectively, and the same shall be a lien on said lots respectively, and the town tax-collector shall collect said taxes provided by law for the collection of other taxes, and the said money shall be applied to the payment of said expenses respectively and to no other.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 284.

An act to repeal the charter of Garner Station, Wake county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter eighty-eight, private laws of eighteen hundred and eighty-three, incorporating Garner Station in Wake county, North Carolina, and chapter ninety-six private laws of eighteen hundred and eighty-five amending the same, be and the same are hereby repealed.

Charter of Garner Station repealed.

SEC. 2. That this act shall be in force from and after its ratification Ratified the 7th day of March, A. D. 1891.

CHAPTER 285.

An act to incorporate the town of New London.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the present village of Bilesville in Stanly county, and those living within the limits hereinafter prescribed, are hereby incorporated as a town under the name and style of "New London," with all the rights, powers, privileges and immunities and subject to all the provisions of chapter sixty-two of The Code of North Carolina.

Name of Bilesville changed to New London.

Corporate powers.

SEC. 2. That the limits of said town shall be as follows: Beginning at a point in the centre of the public square, the intersection of Depot and Main streets, and running thence four straight lines, each three thousand nine hundred and thirty-eight feet long, beginning with the intersection of said streets and running respectively north seventy-two degrees west, south seventy-two degrees east, north sixteen and one-half degrees east, south sixteen and one-half degrees west; and the corporate limits of said town shall be confined within a square included within four lines running at right angles to said lines and extending each way until they intersect each other respectively.

Corporate limits.

SEC. 3. The officers of said town shall consist of a mayor and three commissioners, a marshal and a treasurer, the two latter to be elected by the commissioners. The following named persons shall fill the offices of mayor and commissioners until the first Monday in May, one thousand eight hundred and ninety-one (1891), and until their successors are elected and qualified: Mayor, R. J. Ross; commissioners, Henry C. Ivey, W. J. Ross, A. C. Boyles; marshal, H. C. Crowell.

Officers.

Mayor.
Commissioners.

Election, how held.

SEC. 4. That there shall be an election held for mayor and commissioners of said town on the first Monday in May, one thousand eight hundred and ninety-one, and each succeeding year thereafter, under the regulations and restrictions printed in chapter sixty-two (62) of The Code of North Carolina; and all citizens of said corporation who shall have resided twelve months within the state, and ninety days within the corporate limits immediately preceding said election, and who are not incapacitated by law, shall be entitled to vote at said election.

Powers of commissioners.

SEC. 5. That said commissioners shall have generally all the rights, powers and privileges conferred upon incorporated towns by chapter sixty-two (62) of The Code of North Carolina; shall have power to elect all necessary officers and agents and to fix their compensation; shall have power to pass and enforce all necessary by-laws and ordinances for the government of said town not inconsistent with the laws of this state or the United States; shall have the power to levy a tax on all objects of state taxation not to exceed sixteen and two-third cents on the 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; to require bonds from their officers and agents for the faithful performance of their duties.

Ordinances.

Tax.

Fines.

Bonds of officers.

Powers of mayor.

SEC. 6. The mayor of said town shall have all the rights, powers, privileges and jurisdiction conferred by this act and by chapter sixty-two (62) of The Code of North Carolina; and shall receive such compensation for his services as may be fixed by the commissioners.

Subject to provisions of charter of Bilesville Academy.

SEC. 7. That this chapter shall be subject to all the provisions, privileges and conditions of chapter eighty-one (81), private laws of North Carolina, ratified March sixth, one thousand eight hundred and eighty-five, incorporating Bilesville Academy.

Qualification of officers.

SEC. 8. That it shall be the duty of the officers appointed in this act to go before some justice of the peace of Stanly county, within thirty days from its ratification, and take the oath of office prescribed for such officers, and enter upon the discharge of their duties.

Name of polling precinct, "New London."

SEC. 9. The name of the village of Bilesville is hereby changed to that of "New London," and said town of New London is hereby made an election precinct and polling place for all national, state and county elections.

SEC. 10. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 286.

An act supplemental to an act entitled "An act to amend the charter of the Winston-Salem Land and Investment Company and to enlarge its powers."

The General Assembly of North Carolina do enact :

SECTION 1. That nothing contained in an act entitled "An act to amend the charter of the Winston-Salem Land and Investment Company and to enlarge its powers," ratified the .. day of .., one thousand eight hundred and ninety-one, shall be construed to confer upon the Winston-Salem Land and Investment Company authority to construct a street railway over its property, nor shall this supplemental act be construed to repeal or impair any right conferred upon said company by its original articles of incorporation.

Act of 1891, amending charter, to give no power to construct street railway.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 287.

An act to amend the charter of the town of Pilot Mountain in Surry county.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Pilot Mountain shall be and continue a body politic and corporate, shall have a right in the name and by the board of commissioners of the town of Pilot Mountain, to contract and be contracted with, to sue and be sued, to plead and be impleaded, to hold and purchase real or personal property and sell and convey the same.

SEC. 2. That the corporate boundaries of the town of Pilot Mountain shall be as follows: Beginning on a stake in Old and New Hollow road; thence with New Hollow road one hundred and fifty feet to a stake; thence north-east to fork [of] Lynchburg and Forge road; thence east to a stake in S. H. Venable's and David Whett's line; thence with said Venable's line to Hollow road; thence south with J. F. Venable's [and] A. L. Whett's line, crossing railroad, to a stake on north side of Heatherly's creek; thence north-west to a certain popular, [poplar] Stephens' corner; thence north-west to Boyle's and Hiatt's line in Lynchburg road: thence north to the beginning.

Corporate boundaries.

SEC. 3. That there shall be [held] annually on [the] first Monday in May, one thousand eight hundred and ninety-one, as heretofore, and

Election, how held.

on the same date thereafter each year, an election for a mayor and three town commissioners, who shall hold office until their successors are elected and qualified, all to be elected by the qualified voters of said town: *Provided*, that the present officers of said town shall continue in office until their successors are elected and qualified.

All voters eligible to office.
Proviso.

SEC. 4. That any qualified voter under the laws of the state shall be eligible to the office of mayor or town commissioner: *Provided*, he is a citizen of said town and has resided in said town for twelve months next preceding the election.

Voters.

SEC. 5. That all persons entitled to vote in the county of Surry for members of the general assembly, and who shall have been *bona fide* residents of the town of Pilot Mountain for ninety days next preceding the election, shall be entitled to vote for mayor, commissioners and other elections held for municipal purposes, provided he shall have complied with the registration laws.

Officers to be appointed.

SEC. 6. That the board [of] commissioners shall have power to appoint a town marshal, policemen, town tax-collector and registrar of votes prior to each election.

Powers of registrar of election.

SEC. 7. That the registrar shall have the same power and authorities as are conferred by law on the registrars of elections of members of the general assembly, and the same duties and liabilities are hereby imposed.

Appointment of election officers.

SEC. 8. That at least thirty days prior to each election the commissioners shall appoint said registrar and two judges of election, who shall hold said election in the same manner as provided by law for holding elections for members of the general assembly.

Oath of office.

SEC. 9. That all the officers of the town of Pilot Mountain shall take and subscribe to the usual oath of office before they enter upon their duties as officers.

Powers of commissioners.
Vacancies in office, how filled.

SEC. 10. That the board of commissioners of said town shall have authority to fill any vacancy that may occur during their term of office in the board of commissioners and in the office of mayor, and they may appoint all officers which they may deem necessary to the proper and efficient enforcement of the ordinances and by-laws of the town, and shall prescribe the term of office for all officers appointed by them: *Provided*, that the term of office of no officer shall be for a longer time than the term of office of the board of commissioners so appointing was elected. The board of commissioners of said town shall also have power to appoint one of their number mayor *pro tempore* in case the mayor is absent or unable to attend to his duties as mayor, and he shall in such case act as mayor of said town: *Provided*, that all officers who collect moneys for or belonging to said town, except the mayor, shall give bond to be approved by the board of commissioners before they enter upon their duties as officers.

Term.

Mayor *pro tem*.

Bond of officers.

Ordinances.

SEC. 11. That the board of commissioners of said town, a majority being present, shall have power to pass and make such ordinances

for the better government of the town, and the protection of the health and property of its citizens as they may deem expedient and proper, and they shall provide for and secure the peace, good order and tranquility of the town against disturbances, quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace or indecent exposure of the person, by imposing such fines and terms of imprisonment as are within jurisdiction of a justice of the peace as they shall deem expedient and sufficient to prevent the same.

Criminal offences

Fines, &c.

SEC. 12. That the mayor of said town of Pilot Mountain is hereby constituted an inferior court, and as such shall have the same jurisdiction within the corporate limits of the town as a justice of the peace, and have the further power, and it shall be his duty, to enforce all law and punish violators thereof within the said corporate limits, and all ordinances and by-laws passed by the commissioners of said town, and shall have power to impose fines, penalties and imprison any who violate the law, by-laws or ordinances of the town in such manner as is or may be prescribed by the ordinances of the town. But any person dissatisfied with the judgment of the mayor may appeal to the superior court of Surry county in the same manner as appeals are taken from justices of the peace.

Mayor constituted a court.

Powers of mayor.

Appeal.

SEC. 13. The mayor may issue precepts to the town constable of said town or policemen, who shall have authority to execute the same anywhere in Surry county, or to any other officer to whom a justice of the peace may direct his precepts. The endorsement of the names of the witnesses on the precepts shall be authority for the officer to subpoena the witnesses whose names are so endorsed, and the mayor shall keep a correct minute of all precepts by him issued and of all his judicial proceedings.

Precept.

Town constable.

Docket.

SEC. 14. That the mayor shall receive the same fees as justices of the peace for like services, and the police, and town marshal, tax-collector shall receive the same fees as sheriffs receive for like service: *Provided*, this shall not prevent the commissioners paying the policemen or any other officer of said town a regular salary, when and for such a length of time as commissioners may think necessary.

Fees of mayor.

Of town marshal.

Of tax-collector.

Policemen.

SEC. 15. That the board of commissioners shall have power and authority to put and keep at work on the streets all persons who violate the law or ordinances of said town and fail to pay the fine imposed therefor, until such fine and cost is paid at such rates for labor as the commissioners may fix and adopt.

Power to work on streets.

SEC. 16. That the town constable, police, watchmen or other town officers may arrest any person without any precept if they are caught by said officer within the corporate limits violating the law or the ordinances of said town, and shall carry such person or persons before the mayor, and as soon as practicable, and procure a warrant, and if for any reason the person so arrested cannot be taken at once,

Arrest of offenders.

Duties of officers.

the officer may commit such person to the lock-up or common jail of the county for as early a trial as practicable.

Powers of mayor. SEC. 17. That the mayor shall be the chief executive officer of the town, and as such shall be vested with all the powers of a justice of the peace, and he shall see that the duties of the various town officers are faithfully performed. He shall have power to investigate their acts, and he and the commissioners, or either of them, shall have access to their books and accounts and examine them on oath. He, with the concurrence of a majority of the commissioners, shall have the power and authority to remove said officers, whether they be appointed or elected, for misconduct in office or neglect of duty, after giving him reasonable notice and an opportunity to be heard in his defence.

Power to remove from office.

Power to lay out streets.

SEC. 18. That the commissioners shall have power to lay out and open and name any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any and all times 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

Condemnation of land for streets.

condemn, appropriate or use any lands necessary for any of the purposes named in this section upon making reasonable compensation to the owner or owners thereof, upon notice of five days to the owner or owners that such condemnation will be made; and if, at the time of making the order of condemnation, the owner or owners and the commissioners cannot agree as to the damages, then and in that event the

Procedure.

commissioners shall choose one arbitrator and the owner of the land another, who shall be arbitrators and settle the matter of damages, and in case the two so chosen shall fail to agree, said arbitrators shall choose a third man, and if the land-owner shall neglect or refuse to select one of the arbitrators, then the one selected by the commissioners shall act alone, and in either case it shall be the duty of the arbitrator or arbitrators so chosen to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner of the land in consequence of the changes, and the awards of the arbitrators shall be conclusive of the right of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities, by taxation: *Provided*, that the arbitrators shall be freeholders and be residents of the said town: *And further provided*, that either party may appeal to the superior court, as is now provided by law.

Damages.

Appeal.

Nuisances.

SEC. 19. That the commissioners may require and compel the abatement of all nuisances within the town at the expense of the person causing the same.

Various powers of commissioners

SEC. 20. That the commissioners have power and authority to cause due observance of the Sabbath, suppress and remove nuisances;

to regulate the speed of riding or driving in town; to keep the streets and sidewalks in town clear of obstruction; to cut and clean all limbs, trees and shrubbery extending upon or overhanging the streets or sidewalks.

Fast driving.
Sidewalks.

SEC. 21. That the town of Pilot Mountain is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled "Towns and Cities," not inconsistent with any of the provisions of this act.

Powers under Code, chapter 61.

SEC. 22. That the board of commissioners, in order to raise a fund to pay the expenses incident to the proper government of the town, and all other expenses which they by law they [may] have to pay, are hereby authorized to levy and collect a tax of thirty-three and a third cents on the hundred dollars valuation of property both real and personal, and one dollar on each poll liable to poll-tax under the laws of the state, and no more.

Tax of 33 $\frac{1}{3}$ cent.

Poll-tax.

SEC. 23. That the town commissioners shall have the same power over the levying, collecting and settling taxes of said town as the commissioners of the county has [have] over the taxes of the county, and they shall do the same in like manner.

Same powers as county commissioners.

SEC. 24. That the tax-collector or other officer who shall be authorized by the town commissioners to collect the tax of the town is hereby given as full power and authority to sell property, and in all things act as a sheriff of the county acts in collecting the county taxes, and all persons purchasing property at a sale for taxes in said town by the tax-collector shall get the title as if he was to buy the same at a sheriff's sale for county taxes.

Powers of tax-collector.

SEC. 25. That the value of the property subject to taxation in said town shall be ascertained by assessors or otherwise, as the commissioners of said town may think best.

Assessors.

SEC. 26. That all laws and clauses of laws in conflict with this act be and the same is [are] hereby repealed.

Repealing clause.

SEC. 27. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 288.

An act to amend [the] charter of the C. M. Stedman Bucket Company of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to incorporate the C. M. Stedman Bucket Company of Wilmington, North Carolina." be amended by substituting "The Fifth Ward Hook and Ladder Com-

Name changed to "Fifth Ward Hook and Ladder Company."

pany of Wilmington, North Carolina," for "The C. M. Stedman Bucket Company of Wilmington, North Carolina," wherever it appears in said act, so as to change the name of said company.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 289.

An act to amend the charter of the town of Wilson, North Carolina.

The General Assembly of North Carolina do enact:

Corporate limits extended.

SECTION 1. The corporate limits of the town shall be extended as follows: Beginning at the present corporation corner on Pender street, then at right angles to Pender street one hundred and forty yards; then in a southerly direction parallel with present corporation line to Taylor's line, leading from Barnes street near the depot.

Elections, how ordered.

SEC. 2. The commissioners of the town shall have authority to order the elections for the various wards of the town at such place or places and by such officers as they may deem proper.

Buildings on line of proposed streets regulated.

SEC. 3. The commissioners shall have power to prohibit the erection of any building in the line of a proposed street.

Criminal jurisdiction of mayor.

SEC. 4. The criminal jurisdiction of mayor shall extend one-half mile beyond the corporation line, and the ordinances that govern the town shall apply to this extension.

Jurisdiction of mayor.

SEC. 5. The mayor shall have original jurisdiction of all offences committed within said corporation of all violations of the ordinances of the town.

Repealing clause.

SEC. 6. All laws or parts of laws in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 290.

An act to incorporate Monroe High School, in Union county, North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That L. B. Andrews, H. W. Spinks, their associates and successors, are hereby incorporated a body politic for educational purposes, under the name and style of "Monroe High School," in

Name.

the county of Union, state of North Carolina, and as such may have all the powers of like institutions, and may sue and be sued, plead and be impleaded. Said corporation shall have corporate existence for a period of sixty years. Corporate powers

SEC. 2. That 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. May hold property.

SEC. 3. That the said Monroe High School is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable. May grant certificates.

SEC. 4. That it shall be unlawful for any person or [to] sell or give, or in any way deliver to a student of Monroe High School any spirituous, vinous, or malt liquors: *Provided*, this section shall not apply to any regular practicing physician who shall prescribe the same. Unlawful to sell spirits, &c., to student.
Proviso.

SEC. 5. That anyone 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 of not more than fifty dollars or imprisoned not more than thirty (30) days at the discretion of the court. Penalty for violation.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 291. ✓

*Am. Chp. 302,
Printed 1893*

An act to incorporate the Electro-Typograph Company.

The General Assembly of North Carolina do enact:

SECTION 1. That B. Cade, C. M. Cooke, E. W. Timberlake, J. H. Upperman, E. S. Green, R. Y. Yarboro, W. J. King and Thomas B. Wilder of the state of North Carolina, and A. J. Clark of the state of South Carolina, and their present and future associates, be and they are hereby declared a body politic and corporate under the name and style of "The Electro-Typograph Company," and by such name they are hereby made capable in law of carrying on the business of manufacturing or having manufactured and selling Electro-Typograph machines; to erect such mills, buildings, machine-shops and other works as may be requisite or necessary to carry on such business as this act may provide for. 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 pleasure; make, alter and amend such by-laws and regulations as may be deemed by them proper, not repugnant to the laws of the land. Corporators.
Corporate name.
Powers conferred
Corporate powers

- Capital stock. SEC. 2. That the capital stock of the said company shall be one million dollars, divided into shares of one hundred each, and in the meetings of the stockholders each share shall entitle its owner to one vote. The private property of the stockholders shall not be liable for the debts of the corporation. Said stock shall be transferred in such manner as the said corporation shall direct.
- Officers. SEC. 3. That the officers of said company shall be a president, vice-president, secretary and treasurer and such other officers as may be necessary to carry out the purposes of the incorporation. The said officers shall be elected annually and shall hold office until their successors shall be elected or qualified, and in case of a vacancy caused by death or resignation the president shall appoint a successor until another meeting shall be held.
- In force for thirty years. SEC. 4. That this act shall be in force from and after its ratification and remain in effect for thirty years.
Ratified the 7th day of March, A. D. 1891.

CHAPTER 292.

An act to incorporate the town of Sunset Park in the county of Buncombe.

The General Assembly of North Carolina do enact :

- Town of Sunset Park incorporated. SECTION 1. That the town of Sunset Park in the county of Buncombe be and the same is hereby incorporated by the name and style of "The Town of Sunset Park," 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 at the intersection of the west margin of Charlotte street with the northern boundary line of the city of Asheville and running thence with said corporation line to the north-east corner of the corporation of said city ; thence east to the eastern boundary line of the lands of the Sunset Park Land Company ; thence with the lines of said company northward and eastward to the top of the mountain, Clemmons' corner ; thence southward with the top of the mountain to Lyman's corner ; thence westward with the line of said land company and Lyman to what is known as the Suttle tract ; thence following the lines between said tract and Lyman, various courses down to the road sometimes called the extension of Charlotte street ; thence southward with said road and with the lines of the tracts of land known as the Kimberly and Murdock tracts to the beginning.

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.

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, C. T. Collier; commissioners, R. E. Sudderth, G. L. Sudderth, John Davis, W. E. Masters and Lafayette Brown, 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.

SEC. 5. That there shall be held on the first Monday in May, one thousand eight hundred and ninety-one, and every two years 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.

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.

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.

SEC. 8. That all persons eligible 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 Sunset Park 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.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 293.

An act to incorporate the Citizens Bank of New Berne.

The General Assembly of North Carolina do enact:

SECTION 1. That Thomas A. Green, C. E. Foy, Oncer H. Guion, J. A. Meadows, Edward M. Pavie, E. H. Meadows, George Sloven, William Sutton, William Dunn, John Dunn, Mathias Manly, Basil

Name.	Manly, Charles H. Fowler, James Redmond, Ferdinand Ulrich, E. W. Smallwood, M. H. Sutton, Chas. Reizenstein, George N. Ives, Myer Hahn, Edward K. Bishop, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "The Citizen's Bank of New Berne,"
Location.	
Corporate powers.	
Capital stock.	SEC. 2. That the capital stock 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 to exceed five hundred thousand dollars.
Limitation.	SEC. 3. That the incorporators named in section one, or any three 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 may determine and the stockholders or a majority of them may at any time, at any general meeting called after the organization of said corporation, at their discretion re-open books of subscription to said capital stock until the same as herein limited or [are] wholly taken.
Books of subscription.	
Organization.	SEC. 4. Whenever thirty thousand dollars shall be subscribed and paid in to the capital stock of said bank, the beforementioned incorporators or any three of them may call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, and such stockholders may elect such directors as they may deem proper and sufficient, who shall hold their offices for one year, or until their successors are elected, with power in said board of directors to fill all vacancies occurring in their body until any general election thereafter, and said directors may elect a president, vice-president, attorney, cashier, teller, bank[book]-keeper and all other such officers as may to them be deemed necessary to serve during their continuance in office.
Directors.	SEC. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of the corporation consistent with such by-laws as may be adopted by the stockholders; they may regulate the terms and rates on which loans may be made, and discounts received, and deposits taken, and when dividends of the profits and the amount thereof shall be made and declared, and fill all vacancies occurring among the officers or agents of the said corporation; they
Vacancies.	
President and other officers.	
Seal.	
Officers.	
Loans.	
Dividends.	

may call meetings of the stockholders at such time and upon such notice as they may deem proper, and at all such meetings of the stockholders they may be represented by written proxy, and each share shall be entitled to one vote.

Meetings of stockholders.

Proxies.

SEC. 6. That said bank may receive and pay out all lawful currency with full power of circulating currency of its own issue under all rights, powers and authority, and under such restrictions as may be imposed by the laws of this state and of the United States as to circulation by state banks; deal in exchange, gold and silver coin, current and uncurrent paper, public and other securities; and for the purpose of aiding planters and miners, manufacturers and others, said bank shall and may have power to loan any sum or sums of money, and to secure the re-payment of the same by taking in writing a lien or liens upon the crops to be raised or upon any article or articles then in existence, and shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; and in case of failure of purchasers at such sale, under the power in such mortgages, said property therein named may be purchased by said bank at a sale of the said property or any part or parcel thereof, and the title thereto acquired shall be valid and binding in all respects; and shall also have power to receive, in storage or warehouse, any cotton, tobacco, wheat, corn, potatoes, oats, rice, or any other article of produce, trade or manufacture, as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the sum so due or advanced thereon, and upon failure to pay at the time agreed upon said property may be sold after the same advertisement as required for sale of personal property under chattel mortgages; may discount notes and other evidences of debt, buy or sell, and otherwise deal in all commercial paper of every kind; may loan money to and receive deposits of the same from any and all persons, including corporations, minors, *femes covert*, upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of the state, and may take and receive such interest at the time of making such loan or at such times as may be agreed upon; may invest in stocks, bonds or other securities of this state, the United States, or any corporation, public or private, of this or any other state in the Union, and may issue its own bonds in such denominations and payable at such time and manner as it may see fit.

Banking powers.

Crop lien.

Loans on mortgage.

Foreclosure.

Storage.

Deposits.

Bonds.

Hold real and personal property

SEC. 7. May purchase and hold property, real, personal or mixed, and such as may be conveyed to it to secure or satisfy any debt due it or for any other purpose, or any sold under mortgage execution or order of court to satisfy any debt due it, and may sell and convey the same at pleasure and use or reinvest the proceeds thereof as it may deem best.

- Deposit of minors and married women. SEC. 8. That whenever any deposit shall be made by any minor or *feme covert*, the said corporation may, at its discretion, pay to such minor or *feme covert* such sum or sums as may be required by them from such deposit, and any check, draft, order, receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to discharge the said corporation from any and all liability on account thereof.
- Failure to pay for stock. SEC. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire amount due upon said stock shall be due and may be recovered in the name of said corporation by civil action, either in the county of the principal office of such corporation or of the residence of such delinquent, or the entire stock of such delinquent may be sold in the city of New Berne after ten days notice at the court-house door, and if the proceeds thereon shall not be sufficient to discharge the amount unpaid, with all costs and expenses for such sale, the delinquent shall be liable for the balance found still deficient, or such stock, after five days' notice to such delinquent, may be sold privately to the best and highest bidder on the market for the same, and if any subscriber shall assign his stock before full payment he and all subsequent assignees shall be liable to said corporation jointly and severally, and such subscription shall be a promissory note, with the assignees thereof endorsers, payable to said corporation.
- Liability of delinquent. SEC. 10. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title, and all other things of value which may be left on deposit with said company for safe-keeping, and shall be entitled to charge such commissions or compensation as may be agreed upon, and that said bank is authorized and empowered to accept and exercise any trust of any and every other description which may by its consent be committed or transferred to it by any person or persons whomsoever, by any bodies politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian or assignee wherever such appointment is made or conferred by any person or persons or court in the state or of the United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals are in the same capacity.
- May receive deposits of valuables. SEC. 11. That the stockholders of said bank shall not be liable to it beyond the amount subscribed by each stockholder, and shall not be individually liable to depositors or other creditors of said bank.
- Charges. SEC. 12. Said bank is fully authorized and empowered to organize in connection with its general banking business a department for savings and to do a general 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 it to receive
- May act as executor, &c.
- Liability of stockholders.
- Powers of savings bank.

small deposits in said savings department in any sum or sums, as desired in any single case, and may give certificates or other evidences of deposit, and to pay such interest as may be agreed upon, not exceeding the rate allowed by law, and to regulate the time of payment and notice of demand, and the same officers elected by the board of directors for the general business may be also placed in control of the savings department. That such savings department shall in nowise be considered separate and distinct of said corporation, but in all respects a part and parcel thereof and regulated by the provisions of this act, and to the savings department the bank itself shall be liable for their final payment as to its general depositors and creditors.

Interest.

Savings department not separate from bank.

SEC. 13. The president and board of directors may establish branch offices and agencies at such times and places as they may deem proper, and the same shall be under the management, control and direction of this corporation, and they may discontinue the same at pleasure, and such branch bank, office or agency shall be under the same restrictions and vested with the same powers as are hereby provided for in this act, but the principal office of said corporation shall be located in the city of New Berne: *Provided*, that before the establishment of any such branch bank, office or agency, this corporation shall pay to the treasurer of the state of North Carolina the sum of twenty-five dollars, with which said sum said bank shall furnish the name of the locality where the same is to be located, and a receipt for said amount from the treasurer aforesaid shall be a sufficient power and authority to establish the same under this act.

Branches.

Proviso.

SEC. 14. The capital stock of this bank shall be taxed as other property in this state to the full amount paid in thereon less the value of its taxable property, and all non-taxable bonds and property exempt from taxation which shall be deducted from the amount paid in on the capital stock, said taxation including state, county and municipal.

Taxation of capital stock.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 294.

An act to amend the charter of [the] town of Thomasville.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and seven of the Private Laws of North Carolina of 1856 and 1857, entitled an act to incorporate the town of Thomasville, ratified the 8th day of January, 1857, be amended as follows, to-wit: "That the commissioners shall have

Private acts '56-'57, chapter 107, amended.

Powers of commissioners to open streets.

Condemnation of land for streets.

Damages, how assessed.

Award of damages.

Appeal.

power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets or any part thereof, or any sidewalk within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the lands and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who [shall] be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law, and the mayor or board of commissioners shall transfer the award and all the original papers to the next ensuing term of [the] superior court."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 295.

An act to incorporate the Sutherland Seminary in Ashe county.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Thos. Sutherland, T. H. Sutherland, J. H. Hardin, Jno. W. Wilson and W. G. Shell, trustees of the Sutherland [Seminary], who shall serve until the first Tuesday in March, eighteen hundred and ninety-one, on which date annually thereafter five trustees shall be elected by the stockholders to serve for twelve months thereafter or until there shall have been elected, a joint stock company in the county of Ashe, and their successors in office are hereby incorporated a body politic and corporate for educational purposes under the name and style of "The Sutherland Seminary"

Body politic.

Name.

in the county of Ashe, and as such may have all the powers of trustees of like institutions. The said trustees may sue and be sued, may plead and be impleaded.

SEC. 2. That all vacancies occurring in said board of trustees by death, resignation or removal from the county shall be filled by the board of trustees to serve the unexpired time, three of whom shall constitute a quorum for the transaction of business. Vacancies in trustees.

SEC. 3. That it shall be unlawful for any person or persons within two miles of said Sutherland Seminary to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors. Unlawful to sell liquor, &c., within two miles.

SEC. 4. That all persons violating the third section of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace in Ashe county shall forfeit and pay a sum not more than twenty-five dollars or be imprisoned not more than thirty days, or both at the discretion of the court. Penalty for violation.

SEC. 5. That the said corporation may have a common seal, and have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state or the United States. Seal. By-laws.

SEC. 6. This act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 296.

An act to incorporate Belmont Academy.

The General Assembly of North Carolina do enact :

SECTION 1: That C. F. Stowe, J. W. Sloan, J. Math. Armstrong, A. Stowe, John W. Garrison, J. P. Stowe, John D. Hall and F. P. Hall, and their associates and successors be, and they are hereby created a body politic and corporate, to be styled "The Board of Trustees of Belmont Academy," for the purpose of maintaining an educational institution at Belmont in the county of Gaston, 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 personal and real estate, and as such shall have all the powers of trustees of like institutions. Corporators. Name. Powers.

SEC. 2. 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, and may if they so elect have and use a common seal. By-laws. Seal.

Certificates of merit.

SEC. 3. That said corporation shall have power to grant certificates of merit and proficiency in any of the departments taught in said institution.

Property of stockholders not liable

SEC. 4. That the individual property of said trustees shall not be liable for the debts of said institution.

Gaming and selling spirits forbidden.

SEC. 5. 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 sell or otherwise dispose of any spirituous liquors within two miles of said academy, and any person so offending shall be deemed guilty of a misdemeanor.

Property not to exceed \$25,000.

SEC. 6. That the whole amount of real and personal estate belonging to said corporation shall not at one time exceed in value the sum of twenty-five thousand dollars.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 297.

An act to incorporate the North Carolina Electric Power Company.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That M. J. Fagg, H. C. Fagg, W. T. Reynolds, D. L. Reynolds, James W. Spears, R. B. Vance, Natt. Atkinson, C. B. Atkinson, David Blaine, their associates, successors or assigns, be and they are hereby created and constituted a body politic and corporate under the name and style of "The North Carolina Electric Power Company," with a capital stock of twenty thousand dollars, divided into two hundred shares of one hundred dollars each, with liberty to increase said capital stock at any time, or from time to time, to any amount not to exceed one million of dollars.

Name.

Capital stock.

Shares.

Powers.

SEC. 2. That as such corporation they may sue and be sued, plead and be impleaded, prosecute and defend actions and special proceedings, have a common seal, which they may break or alter at pleasure, make all such by-laws, rules and regulations for the government of the corporation as they may see fit, provided they are not in conflict with the United States or state laws, elect such officers as they may see fit, in such manner as they prefer, and prescribe their compensation, duties and term of service; and, in short, may do any and all things necessary or desirable for the profitable conduct of their business if the same is not prohibited by law.

By-laws.

Officers.

- SEC. 3. They may erect, maintain and operate, construct, equip and conduct one or more factories at one or more places for making electricity, which factory or factories shall be operated by water-power, steam or other power, and may apply the same to all manufacturing purposes of even character and kind, or may furnish such power to others for the said purposes of manufacturing or any other purpose for which power may be needed; and they may engage in the manufacture, by steam, water-power or any other power, of any article or material under the same rights and privileges accorded to any other manufacturing corporation in this state.
- SEC. 4. That said corporation may acquire, hold and convey real and personal property.
- SEC. 5. That they shall have the power to develop the resources of the said lands by building, mining or otherwise; to aid, encourage and promote immigration into the property or properties 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 construct mills, workshops, hotels, dwellings or other lawful buildings; to buy, manufacture and sell all kinds of goods, chattels and effects acquired 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 be necessary for the purpose of constructing their roads, canals, dams or other works to enter upon any lands 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 shall be as prescribed by law.
- SEC. 6. They shall have the 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 the 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 erect factories, &c.
- Manufacturers.
- Hold real and personal property.
- Mining, building, &c.
- May subscribe to other enterprises.
- Power to build rail and tram-roads, &c.
- Telegraphs, &c.
- Powers of railroad and telegraph companies.
- Condemnation of land.
- May make and sell light, heat, power, &c.
- Plants.

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 the said business.

Mortgage bonds.

SEC. 7. They shall have the 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 the company's property, to execute promissory notes or 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.

Stockholders not personally liable.

SEC. 8. 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.

Location Asheville.

SEC. 9. That the principal place of business of the said corporation shall be in the city of Asheville or such other point of Buncombe county as they shall or may select in said county.

Powers of Peoples Bank.

SEC. 10. That this corporation may exercise, use and enjoy all such rights and privileges as are accorded to the Peoples Bank of Asheville for banking purposes and subject to all the rules and regulations imposed upon said bank passed during this session of the Legislature.

For 30 years.

SEC. 11. This corporation shall exist and be in force and effect for thirty years from and after the ratification of this act.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 298.

An act to incorporate the North Carolina Live Stock Association.

The General Assembly of North Carolina do enact :

Name.

SECTION 1. That the North Carolina Live Stock Association as organized by a voluntary association on the fifth day of January, Anno Domini one thousand eight hundred and ninety-one, at Tarboro, North Carolina, be and the same is hereby incorporated into a body politic and corporate under the name and style of "The North Carolina Live Stock Association," and in that name may sue and be sued, have and exercise any and all the powers and rights incident to and necessary for its continuance and regulation, and may pass and enforce all necessary by-laws, rules and regulations by deed or otherwise, may take and hold real property not exceeding in value twenty-five thousand dollars, and may under its corporate seal and by the act of a majority of its board of directors enter into and make all such contracts as may be authorized by law.

Body politic.

Corporate powers.

May hold property.

Make contracts.

SEC. 2. That the said association shall annually, at such times and in such manner as shall be provided for in its constitution and by-laws, elect all such officers as may be provided for in said constitution and by-laws.

Annual meetings
Officers.

SEC. 3. That the constitution and by-laws heretofore adopted by said association shall be and continue in force and effect until the same are altered and amended, and the officers heretofore elected and now exercising their offices shall continue until their successors are duly elected.

Constitution and
by-laws.

SEC. 4. That the board of directors of said association shall have power to appoint such number of policemen as shall be necessary for the preservation of order and the enforcement of the rules and regulations of said association during the meeting of the same, with all the powers conferred upon like policemen by sections two thousand seven hundred and ninety-four and two thousand seven hundred and ninety-five of The Code of North Carolina.

Powers of
directors.

SEC. 5. That neither the property of the said association, nor anything animate or inanimate which may be on exhibition at a meeting of said association, shall be liable to seizure under execution, attachment or other process of law during any meeting of the same, nor until five days after the expiration thereof.

Property not
liable to execu-
tion during an-
nual meetings.

SEC. 6. That the object of said association is the improvement and development of thoroughbred stock, and for that purpose it is authorized to hold one or more periodical meetings at any place or places in the state that may be designated by its board of directors.

Objects of asso-
ciation.

SEC. 7. That the said association is hereby authorized and empowered to license and control the sale of spirituous liquors and tobacco upon the grounds of said association during any meeting of the same, subject to the general laws of the state.

To license and
control sale of
liquor on its
grounds.

SEC. 8. That the stockholders in said association shall not be individually liable for the debts and liabilities of the same.

Stockholders not
individually
liable.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 299.

An act to amend chapter one hundred and fifty-eight of the laws of eighteen hundred and eighty-nine, entitled an act to incorporate the Carolina Mining, Manufacturing and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That in addition to the counties in which the said "Carolina Mining, Manufacturing and Improvement Company" are granted the right to operate, the counties of McDowell, Rutherford

Right to operate
in other counties

May receive subscriptions from counties, townships, &c., upon popular vote.

Petition for election, how presented.

Duty of commissioners to submit question of subscription to voters.

Election, how held.

Ballots.

If subscription is voted, duty of county commissioners.

and Polk are hereby included, and that whenever a petition signed by ten of the qualified voters of either of the townships in either of the counties included in the charter of this company asking the county commissioners of either of the counties to submit to the qualified voters of the said townships or either of them a proposition to subscribe money or bonds to aid in the construction of any road or railroad that the said company may propose to construct that will be of benefit to said township, it shall be the duty of said county commissioners to order an election in said townships or either of them whose voters have so petitioned to determine whether the said townships or either of them shall subscribe money or bonds to aid in constructing the said road or railroad mentioned in the petition.

SEC. 2. That the terms of the proposition to be submitted to the qualified voters of the said townships or of either of them and the amount of money or bonds to be subscribed for by each or either of said townships shall be those mentioned in the petition or petitions signed by not less than ten of the qualified voters of each or either of the said townships and presented to the said county commissioners: *Provided*, that if more than one petition from each or either township be presented, the terms, conditions and amount of money or bonds to be embraced in said proposition or propositions shall be those contained in that petition from each township which shall be signed by the greatest number of qualified voters of said township if said petition be signed by not less than one-fifth of the qualified voters of the same.

SEC. 3. That upon receiving a petition or petitions fulfilling the above requirements, it shall be the duty of the commissioners of either county to frame a proposition or propositions in accordance with the terms of the proper petition or petitions, and for not less than thirty days to cause it or them with a notice of election to be advertised in one or more newspapers published in said county and to be posted in some public places in each township so petitioning and upon the court-house door of the said county, and to submit the question of subscribing money or bonds to aid in the construction of the said road or railroad mentioned in the petition or petitions in accordance with the terms of the said proposition to the qualified voters of each or either of the said townships at an election to be held under the laws of this state as to registration and voting and in the same manner as elections for members of the general assembly are held. The ballots shall have written or printed upon them the words "Subscription" and "No subscription." The said county commissioners shall meet at the court-house in their respective counties on the third day after such election and canvass the returns and declare the results.

SEC. 4. That if at said election a majority of all the qualified voters of the said townships or of either of them shall vote tickets

on which shall be written or printed "Subscription," then the chairman of the board of commissioners of the respective county for and in behalf of each of the townships in which a majority of the qualified voters shall have voted "Subscription," [shall] subscribe to the said road or railroad being constructed by the said Carolina Mining, Manufacturing and Improvement Company the amount voted by the qualified voters of that township, said subscription to be governed by the condition of the proposition submitted to the said voters.

SEC. 5. That the said townships in each and all the counties embraced in the charter of the said Carolina Mining, Manufacturing and Improvement Company are hereby incorporated for the purposes of this act, and the commissioners of the respective counties are hereby constituted and appointed the agents of said corporation for the said purposes, and if the said townships or either or them shall vote township bonds in aid of the construction of the said road or railroad, the said commissioners shall, as agents of said townships or either of them issue said bonds in accordance with the terms of the proposition or propositions adopted by a majority of the voters of the township or townships whose bonds are to be issued.

Townships
incorporated.

Bonds to be
issued.

SEC. 6. That the said commissioners as agents of the said townships or either of them, shall levy upon each township so subscribing [a] special tax for the payment of the interest, and in proper [time] the principal of any bonds voted by the township under this act and for the payment of any expenses incurred because of elections held under this act, said taxes to be levied at the same time that other taxes are levied.

Tax to be levied.

SEC. 7. That all taxes levied upon railroad property situate in said townships or either of them belonging to any railroad company, the construction of which has been aided by bonds voted by said townships, shall be paid by [to] the tax-collector or the county treasurer, who shall use the said taxes in payment of the interest and principal of any bonds voted by the townships in which said property is situated to the railroad company owning said property, and shall continue so to do until no part of the said principal and interest shall remain unpaid.

Tax on railroad
property to be
applied to bonds.

SEC. 8. That all taxes levied under this act shall be collected by the sheriff of the respective county or a legal tax-collector and paid to the county treasurer.

Taxes, how
collected.

SEC. 9. That this act shall take effect from and after the date of its ratification.

Ratified the 7th day of March, A. D. 1891.

: CHAPTER 300.

An act to amend chapter two hundred and nineteen of the private laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Act of 1889
amended.

Corporate limits
of Greensboro.

Aldermen to lay
off city into
wards.

Representation.

Proviso.

Election of
mayor and
aldermen.

Board to consist
of from twelve to
eighteen mem-
bers.

Qualification of
citizens in an-
nexed territory.

South Greensbo-
ro divided into
two wards.

SECTION 1. That chapter two hundred and nineteen of the private laws of eighteen hundred and eighty-nine, entitled "An act to amend the charter of the city of Greensboro," be amended as follows: That section two shall read as follows: "That the corporate limits shall form a perfect square, the center of which shall be the center of the public square, that is the point of intersection of the centers of Elm and Market streets; the sides of said square shall be each two miles in length parallel with the present corporate limits and extended so as to intersect and include four square miles of territory. The board of aldermen shall, at least ten days prior to the next municipal election to be held on the first Monday in May, eighteen hundred and ninety-one, lay off the entire city into suitable wards, and shall assign to each ward its proper representation; these wards may be changed in limits or representation by a majority vote of the board not oftener than once in two years: *Provided*, that at least twenty days' notice of said proposed change shall be given by publication in some newspaper published in said city and posting the same at the court-house door. Such arrangement or re-arrangement of wards or representation shall take effect at the next ensuing municipal election."

SEC. 2. Section three of said act shall read as follows: "On the first Monday in May of each and every year there shall be elected a mayor and a board of aldermen. The board of aldermen shall consist of not less than twelve nor more than eighteen members, as the board may provide, and shall be distributed among the different wards. The administration and government of the city shall be vested in such mayor and board of aldermen and such other officers as are provided for in said chapter two hundred and nineteen."

SEC. 3. Section four shall be amended by adding at the end thereof the words: "Whenever any territory shall be annexed to said corporation by this act, or in any way hereafter a residence in said annexed territory before such annexation shall for all the purposes of the charter of said corporation be held and deemed a residence within the corporation: *Provided*, that the time of residence before annexation, and from annexation to the date of election of officers, shall together constitute ninety days."

SEC. 4. That upon the ratification of this act, as hereinafter provided for, the territory annexed south of the present corporate limits shall, for the purpose of having representation in the board of aldermen until the election on the first Monday in May, next, be divided

into two wards. Such portion of such territory as lies east of south Elm street extended to the corporate limits as herein provided for, she [shall] be one ward, to be known as ward five, and shall be represented on the board of aldermen by the following named parties, to-wit: Jabez R. Mendenhall, Wm. P. Beall and Robert M. Douglass; and such portion of said territory as lies west of said street shall constitute ward number six, with the following named persons as aldermen, to-wit: Wm. Love, John A. Hodgkin and John Lewis, all of whom shall serve until the first Monday in May next, and until their successors shall be elected and qualified, with such powers, rights and privileges as belong to the other aldermen.

Names of aldermen from South Greensboro.

SEC. 5. That chapter 162 of the public laws of 1887, entitled "An act to prohibit the sale of spirituous, malt and vinous liquors in South Greensboro, Guilford county," shall not be affected by anything in this act or in the charter of said city of Greensboro, but shall remain in full force and effect until modified or repealed by the general assembly, nor shall this enlargement of the corporate [limits] operate to repeal any prohibition acts now in force in any part of said territory proposed to be annexed.

Prohibitory act of 1887 for South Greensboro not affected.

SEC. 6. The extension of the corporate limits as herein provided for shall not be operative until submitted to a vote of the qualified voters residing in the territory defined in section one of this act. If a majority of the votes cast shall be in favor of extension, then this act shall at once go into full force and effect; but if a majority of the votes so cast shall be against extension, then sections one (1), two (2) and four (4) of this act shall be null and void.

Extension of corporate limits to be submitted to vote.

SEC. 7. The board of aldermen shall, within ten days after the ratification of this act, appoint a day, not later than thirty days after said ratification, on which an election as provided for in the preceding section shall be held, at which election those in favor of extension shall vote a ballot with the word "Extension" written or printed thereon, and those opposed to extension shall vote a ballot with the words "No extension" written or printed thereon. At least twenty days before the day fixed for said election the board of aldermen shall cause books to be opened for the registration of the qualified voters residing in the territory annexed by this act and such qualified voters of the present corporation as may have previously failed to register.

Time of election,

Ballots.

Books of registration.

SEC. 8. That in the event of rejection of extension at the election provided for in section six and seven of this act, the mayor and board of aldermen shall again submit to a vote of the residents of the entire territory defined in section one of this act the question of extension as herein provided for whenever requested so to do by a majority of the qualified voters of the city of Greensboro; and if a majority of the votes cast at such subsequent election are in favor of such extension then this act and all its provisions shall be and remain

Second election may be held, where.

in full force and effect: *Provided, however,* that no such second election shall be held prior to the first day of March, eighteen hundred and ninety-two.

Parks.

SEC. 9. That the city may at any time acquire by gift, grant, devise or purchase, land for a park or parks within or without the corporate limits; and whenever such land shall have been so acquired it shall at once be and become a park of the corporation and shall be subject to all the provisions of this charter and ordinances and to the control of its officers.

Repealing clause

SEC. 10. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 301.

An act to incorporate the town of Paint Rock in Madison county.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the town of Paint Rock in Madison county be and the same is hereby incorporated by the name and style of "The Town of Paint Rock," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Name.

Corporate limits.

SEC. 2. That the corporate limits and boundaries of said town shall be as follows : Beginning at the depot at Paint Rock and running one-half mile north, south, east and west, comprising one square mile.

Officers.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-one : Mayor, W. R. Ray ; A. J. Lawson, Harry Rumbough and Edward Kinsel as commissioners.

Mayor and
commissioners.

Election, how
held.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-one, 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 within the state twelve months and thirty days within the corporate limits previous to the day of election shall be entitled to vote at said election.

Ordinances.

SEC. 5. That the said commissioners shall have power to pass all ordinances 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

Tax.

Fines.

exceed one-half of the state tax, and impose fines for the violation of town ordinances and collect the same. That the same when collected shall be paid into the town treasury and constitute a general fund for the defraying of the expenses of said town.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 302.

An act to incorporate the Murphy Banking Company.

The General Assembly of North Carolina do enact :

- SECTION 1. That J. W. Cooper, B. N. Duke, W. M. Morgan, W. N. Cooper 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 Murphy Banking Company," and shall so continue for the period of thirty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate 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 four, volume two of The Code, entitled "Banks."
- SEC. 2. That the capital stock of said bank shall be twenty-five thousand 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 to any sum not exceeding, finally, two hundred thousand dollars; and said corporation may, at the beginning of business or at any time thereafter, purchase the business, good will and assets of any private banker or bankers or banking institution, and issue the whole or any part of its capital stock in payment thereof.
- 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 twenty-five thousand dollars shall be subscribed in good faith, the said corporators, one-half of which actually paid in, who have opened said subscription book, may call a meeting of the subscribers in the town of Murphy 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

Corporators.

Name.

Corporate powers.

Banking business.

Capital stock.

Limitation.

Books of subscription.

Organization.

Meeting of stockholders.

By-laws,	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,
Officers.	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.
Powers of directors.	SEC. 4. The directors shall at their first meeting, and annually thereafter, elect one of their number president of the company, and he shall be <i>ex officio</i> chairman of the board of directors. Any vacancy in said 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, how filled.	
Powers 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, [or] at any other time or times; discount, buy, sell and exchange notes, drafts, bills 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 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 subscriptions 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 indebtedness of every kind (whether as principal or as surety, endorser or guarantor), of each such stockholder or subscriber to the bank, and after ten days' notice to the owner of said stock, as shown by the stock books of said corporation or to the holder thereof, the same may be sold by any officer of the corporation, under its direction, at public auction for cash, at the door of the office of the corporation or at the court-house door in Murphy, 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 assigns.
Interest.	
Deal in stocks, &c.	
Mortgages.	
Stockholders not personally liable.	
Indebtedness a lien on stock.	
Sale of stock.	

SEC. 6. The principal office and place of business of said corporation shall be [at] Murphy.

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 minor, married women and apprentice, and all other persons.

Deposits of minors, married women, &c.

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 such property free from all lien or encumbrance, and its title thereto shall be absolute and unconditional and be in all respects valid and binding against all persons.

Bank may purchase at sale of property on which it has lien.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 7th day of March, A. D. 1891.

CHAPTER 303.

An act to amend the charter of the Maxton Building and Loan Association.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the powers granted to the Maxton Building and Loan Association by its charter obtained from the clerk of the superior court of Robeson county, and in addition to the powers given under chapter seven of The Code, volume two, entitled "Building and Loan Associations," the Maxton Building and Loan Association shall have the following powers and privileges:

Additional powers.

SEC. 2. That the said association is hereby authorized to loan money to its members upon any kind of security, real, personal or mixed property, approved of by its board of directors.

To lend money.

SEC. 3. That the board of directors of said association may loan money belonging to the association, to any person, whether a member of the association or not, upon taking good and sufficient security therefor.

Directors may lend money to persons whether members or not.

SEC. 4. That said association is hereby invested with the power to borrow money for the purpose of loaning to its members or others, and may pledge, transfer, sell or assign any of the notes, bonds, mortgages and other securities held by said association for the purpose of obtaining the said loans.

May borrow money.

Branches.

SEC. 5. The said association is hereby invested with power to establish branch associations in any county, city or town in this state.

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 7th day of March, A. D. 1891.

CHAPTER 304.

An act to amend the charter of the town of Mount Airy, chapter sixty-two (62), private acts eighteen hundred and eighty-seven (1887).

The General Assembly of North Carolina do enact :

Penalties to belong to town.

That all after the word "fines" in line one, section nineteen (19), be stricken out and the following submitted [substituted]: "And penalties imposed by and collected under the judgment of the mayor of Mount Airy, sitting as a justice of the peace, or for violations of the town ordinances, shall belong to and inure to the exclusive benefit of the town of Mount Airy."

Salary of mayor.

That after the word "exceed," and before the word "hundred," in line three, section twenty (20), strike out the word "one" and insert the word "three."

Arbitrators concerning damages from laying off streets.

That all after the words "damaged thereby" in line seven (7) of section twenty-nine, be stricken out and the following be inserted in lieu thereof: "But in case the owner of the land and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him, and in case the two chosen 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 special or peculiar benefits accruing to the owner, if any; and the award of the arbitrators or a majority of them shall be conclusive of the right of the parties, and shall vest in the town the right to use the land for the purposes specified, and all damages agreed upon by the commissioners and the land-owner, or awarded by the arbitrators, shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court and have the appeal tried by a jury of twelve men in term time."

Umpire.

Award.

Appeal.

That after the words "license tax" in line three of section thirty-one (31) insert "not exceeding fifty dollars per annum." After the words "the corporation" in the last line of said section add the following: "Every telegraph, telephone, express, electric light or water-works company doing business within the corporate limits of said town."

That in addition to subjects liable to taxation for state purposes and all subjects made liable by the town charter or amendments thereto, the commissioners of the town of Mount Airy shall have power to levy and collect a specified or license tax upon the following subjects: Upon every omnibus used for the carriage of persons for hire, every hack, carriage or other vehicles, including express wagons used for the carriage of persons or baggage for hire; upon every dray used for the transportation of freight or other articles for hire, and a discrimination may be made between one and two-horse vehicles; upon all dogs kept in the town, and all dogs so taxed shall be subjects of larceny, that a discrimination within this limit may be made on the different species and sexes of dogs; a tax not exceeding twenty-five dollars on every billiard, pool or bagatelle-table, on every ten-pin or bowling-alley, and a tax not exceeding ten dollars on every butcher, and on every livery-stable doing business within the corporate limits of said town.

That after the words "of the same" in the last line of section forty-one (41) add the following sections numbered as follows:

SEC. 42. That all persons who are liable for a poll-tax to the said town, and shall wilfully fail to give themselves in, all persons who own property and who wilfully fail to list it within the time allowed by law, 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 town shall be fined not more than twenty-five dollars (\$25) 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.

SEC. 43. That the commissioners may provide for the establishment, organization, equipment, government and pay of such members of fire companies as they shall deem necessary and proper. That in case of 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 [of] any house or houses deemed necessary to stop the progress of the fire. They shall have power to establish fire limits within said town. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within said limits, 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.

License taxes.

Additional subjects of taxation.

Other license taxes.

Omnibus.

Vehicles.

Dogs.

Billiard-tables, &c.

Poll-tax.

Fire companies.

Duties of mayor, &c., at fire.

Contagious diseases.

SEC. 44. That the commissioners may take such measures as they deem effective to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may cause any person in the town suspected to be infected with such disease and whose stay may endanger its health to be moved from the town when the mayor may direct; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted with contagious or infectious diseases or of what 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. That the corporation may sue and recover before a proper tribunal from such person the expense of removal, support, nursing and medical attention, and burial expenses in case of death. That any person who shall attempt by force or threats of violence to prevent the carrying out the provisions of this section shall forfeit and pay to the town fifty dollars (\$50) and moreover be deemed guilty of a misdemeanor.

Sewerage.

SEC. 45. That the commissioners shall have power to construct a system of sewerage for the town 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 purpose of such outlet, it shall be done as herein provided for opening streets and other purposes.

Debt for railroad.

SEC. 46. That the commissioners shall have power to borrow money or create a public debt for any railroad or any other lawful purpose after they have passed an ordinance at two separate regular meetings, submitting the question of creating a debt to a vote of the people and after a majority of the qualified registered voters have voted in favor thereof. Thirty days' notice shall be given of such election in a newspaper published in Mount Airy, 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. That the commissioners shall have power to issue bonds for the money so borrowed or the debt so created, and if bonds shall be issued to represent the debt created by this section that the same shall be signed by the mayor, with the seal of the corporation affixed, and bonds so issued shall be binding upon the town.

Vote.

Details of election on railroad subscription.

Penalties, how recoverable.

SEC. 48. That all penalties imposed by law relating to the town, or by this act by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Mount Airy before the mayor or any tribunal having jurisdiction thereof: *Provided*, any person failing to pay the taxes or fines imposed in accordance

with authority of the charter and amendments of the town of Mount Airy shall be required to work upon the public streets to the release of said fine or taxes if he has no property which can be distrained. That the commissioners shall receive for their services such compensation as they may determine upon not to exceed two dollars per day each for the time employed.

Offenders may be required to work on streets.

SEC. 49. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 305.

An act to confirm and amend the incorporation and organization of the Panacea Springs and Hotel Company.

WHEREAS, On the second day of September Anno Domini, one thousand eight hundred and ninety, W. C. Reid, H. C. Herndon, W. A. Davis, N. A. Gregory, W. H. Hunt and C. M. Hawkins filed in the office of the clerk of the superior court of Granville county, North Carolina, according to law, and in due form, their articles of agreement and plan of incorporation under the name of "The Panacea Springs and Hotel Company," upon the terms and with the powers in said articles and plans set forth; and whereas, on the same day the said clerk issued, according to law, letters of incorporation duly declaring said W. C. Reid, H. C. Herndon, W. A. Davis, N. A. Gregory, W. H. Hunt and C. M. Hawkins, their associates, successors and assigns, a duly incorporated company, according to the terms set forth in said articles and plan as the Panacea Springs and Hotel Company; and whereas, the said parties here [have] duly organized said corporation under said articles, plan and letters: now therefore

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That said creation, incorporation and organization of said company under the name of the Panacea Springs and Hotel Company for the purposes and upon the terms and conditions, and with the rights, powers and privileges set forth in said articles of agreement, plan of incorporation and letters of incorporation, is hereby ratified, approved and confirmed.

Incorporation before clerk confirmed.

SEC. 2. That said company, its successors or assigns, shall have all the rights, powers and privileges and immunities set out in said articles of agreement, plan of incorporation and letters of incorporation.

Corporate powers.

May buy, mortgage and sell real estate, &c.

SEC. 3. That said company, its successors and assigns, are hereby authorized and empowered to buy, lease, mortgage and sell land, mineral springs, mineral springs property, including both real and personal estate, and buy, sell or otherwise dispose of mineral waters of all sorts or kinds, either by sale, pledge or by hypothecation, and to construct, carry on and maintain hotels and other business of a kindred nature used in connection with the privileges and grants contained in the aforesaid articles of incorporation and this charter.

May build railroad.

SEC. 4. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from a point at or near Panacea Springs in Warren county to a point on the Raleigh and Gaston Railroad between Littleton and Macon to a point on the Albemarle and Raleigh Railroad and to a point on the Wilmington and Weldon Railroad, to be selected by the president and directors of the company hereby incorporated, and the privilege of building and operating branch roads not exceeding twenty-five miles in length. That in constructing and operating said branch roads, the said company shall have all the rights and privileges granted with respect to the main line.

Branch railroad.

Capital stock.

SEC. 5. That the capital stock of said company shall be one hundred thousand dollars (\$100,000), 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 anything beyond the amount of their said subscriptions to the said capital stock. That the said corporators, or a majority of them, acting in person or by proxy, shall cause a book or books of subscriptions to be opened by a commissioner or commissioners to be appointed by them or a majority of them, acting in person or by proxy, at such times and places, and under such rules and regulations as they or a majority of them may prescribe. That the said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, [shall] call a meeting of the stockholders who shall have subscribed to the capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published in the county of Granville. That at such meeting the stockholders shall elect a board of directors consisting of as many persons as they may deem proper.

No individual responsibility.

Meetings of stockholders.

Organization.

Subscriptions.

SEC. 6. That subscriptions to the capital stock of said company may be made in money, land, labor or materials, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company and the subscribers.

SEC. 7. The meetings of stockholders shall be held annually at such times and places as may be determined by them, and at all regular meetings the president and directors shall render to the stockholders an account of the affairs of the company; special meetings of the stockholders may be called by the president, or by a majority of the directors or by notice mailed to each stockholder, or by publication in one or more newspapers published in this state thirty days before said meeting, and notice of annual meetings shall be likewise published.

Annual meeting.

Special meetings.

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

Powers of president and board of directors.
Treasurer.

Election of directors.

SEC. 9. That the said company is further authorized to commence work upon any part of its line, and upon the completion of any portion or section of its road to operate and maintain such portion or section, with all the rights, powers and privileges hereby granted to this company, and it shall have the privilege of using under such purchase, lease, agreement or running arrangement as it may from time to time make with any other company in this or in an adjoining state any line of roads as a connecting link between the different portions of its road.

May commence work at any point.

SEC. 10. That the president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Power to make contracts, &c.

SEC. 11. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money such advance of money on their respective shares from time to time as the wants of the company may demand until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof to pay the surplus over to the delinquent owner or his legal representative; and if the sale shall not produce the sum required to be advanced, with the incidental

Assessment on stock.

Delinquents, how proceeded against.

charges attending the sale, then the said company may recover the balance of the original subscriber, or his assignee, or the executor or administrator, or either of them, at the option of the said company, acting through its president and directors, by civil action in any court having jurisdiction thereof. Any purchases of stock under such sale by the president and directors shall be subject to the same rule and regulations as the original proprietor.

Telegraph lines.

SEC. 12. That the said company is hereby authorized at its option to construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and said company may connect said lines of telegraph or telephone with the lines of any other company in this and adjoining states, and lease, rent or sell this [its] right in any telephone or telegraph lines constructed by the company, as in the judgment of the president and directors may be advantageous to the company.

May borrow money.

SEC. 13. That authority is given to the said companies to borrow money to such extent and in such manner as may be authorized by its stockholders and to pay thereon the lawful rate of interest and to issue therefor such bonds, either coupon or registered, or other evidence of debt in such manner and of such form as may be determined by the president and directors, and to secure such bonds or loans, both as to principal and interest, by such mortgages or deeds of trust or otherwise on the whole property, income and franchises of the company, or either or any part thereof, and the said company is hereby authorized to sell its bonds when, where and at such rates and prices as its president and directors shall deem most advantageous to the company.

Issue bonds.

Mortgage.

May condemn land for railroad.

SEC. 14. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches of the width of one hundred feet on each side, measuring from the centre of said track, and as much additional land, not to exceed two acres in any one place, as may be necessary for the station houses, depots and all other purposes necessary for the construction and operation of said railway and its branches under the same rules and terms as are prescribed for the acquisition and condemnation of land by The Code of North Carolina.

County, township, &c., may subscribe to its railroad.

SEC. 15. That for the purpose of aiding in raising the capital stock of said company in addition of [to] private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or branches may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sums in bonds as a majority of their qualified electors may authorize the county commissioners of

such county or of the county in which are situated such townships, or the municipal authorities of such city or town, to subscribe, anything contained in the charters of such municipal corporations to the contrary notwithstanding. That the said subscription shall be made in bonds not bearing a greater interest than is allowed by law, payable forty years after the date thereof, to be received by said company at par, and to be of the denomination of one hundred dollars and five hundred dollars, interest to be paid semi-annually.

SEC. 16. That for the purpose of determining the amount of such subscriptions, it shall be the duty of the county commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of any city or town interested in the construction of said road, upon a written application of one-third of the resident freeholders, voters of said county, township, city or town, specifying the amount therein to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No subscription" to the capital stock of said company. And said county commissioners or the municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law; at which said election the ballots shall have written or printed thereon either the word "Subscription" or "No subscription," the said county commissioners or the said municipal authorities of said city or town having first fixed the amount proposed to be subscribed, according to the request of the petitioners submitted to them, notice of said election being published for thirty days immediately prior thereto in one or more newspapers published in the county in which said election is held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto; that the said 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.

SEC. 17. That all elections under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the general assembly, and the returns shall be made to and canvassed by the county commissioners, who shall ascertain and declare the result and make a record of the same. If the elections shall be held for a township, the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain 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

Election upon
subscription.

Duty of county
commissioners.

How elections
shall be held.

Returns.

- and aldermen or other 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 of said county, township, city or town, as the case may be, shall have voted for "Subscription" then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in the case of city or town elections, shall be authorized and required to
- Subscription.** subscribe to the capital stock of said company in behalf of said county or township or city or town, as the case may be, the sum which may
- Bond.** have been named in the said petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding seven per centum, bonds as aforesaid, with interest payable semi-annually; and all tax levied for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property and polls in such counties or township, cities or towns.
- Tax.** SEC. 18. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the municipal authorities of any city or town subscribing, shall in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said company, reserving [observing] the constitutional equation of taxation between property and poll, a sufficient tax to pay such interest, and after ten years from the date of such bonds a second additional tax sufficient to provide each year a sum equal to one-fiftieth ($\frac{1}{50}$) part of the principal of said bonds for a sinking fund, which amount shall
- Sinking fund.** annually be collected as other taxes and paid to the county treasurer, or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of the sinking fund, and by him invested in such bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officers 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 or approved by the board of county commissioners aforesaid, or the proper authorities of any city or town subscribing to the capital stock of said company.
- Township incorporated.** SEC. 19. That for the purposes of this act, all the townships along the line of the railroad, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

SEC. 20. That whenever any township or townships shall subscribe it or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon the property and franchises of the company in the county in which the township or townships is or are situated shall be applied to the payment of the interest on the said bonds pro rata to the amount of the said interest until the said bonds shall have been paid in full, when the said taxes shall be applied to county purposes, and the corporate taxes upon the property and franchises of said company, levied and collected in and for any city or town subscribing to the capital stock of said company shall be applied to the payment of the interest on the said bonds subscribed by said city or town.

Tax on railroad applied to interest of bonds.

SEC. 21. That in all meetings of stockholders of said company, such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns or the county commissioners of the respective counties.

How stock represented.

SEC. 22. That the construction of this road shall be begun within five years from the date of its ratification.

Construction to begin in five years.

SEC. 23. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 306.

An act to amend the charter of the Asheville Mission Hospital, and to define the powers and privileges of said company.

WHEREAS, The Asheville Mission Hospital, with its place of business in the city of Asheville, in this state, has heretofore been incorporated before the clerk of the superior court of the county of Buncombe, under the provisions of chapter sixteen of The Code and the laws amendatory thereof, and the organization of the same perfected by the election of officers and the adoption of by-laws; and, whereas, the officers and members of said corporation are desirous of obtaining an amendment to their said charter, so as to define more clearly their rights and powers, and to obtain greater privileges than are now allowed by their said charter and the general laws of the state: therefore

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the officers and members of the said the Asheville Mission Hospital be and they are hereby declared and consti-

Constituted a body politic, &c.

tuted a body politic and corporate under the name and style of "The Asheville Mission Hospital," and by that name and style shall have perpetual succession and a common seal, the right to contract and be contracted with, sue and be sued, plead and be impleaded in any and all of the courts of this state, and the power to pass and make such by-laws and regulations not inconsistent with the general laws of the state and of the United States as may be necessary to accomplish and fully carry out the objects and purposes of said corporation, and may have all such rights, powers, privileges and immunities for ninety-nine years as are incident to such corporations.

Powers.

Incorporation before clerk confirmed.

Deeds confirmed.

SEC. 2. That the incorporation of said corporation before the clerk of the superior court of Buncombe county and the organization thereof, election of officers, adoption of by-laws, and all deeds, mortgages, deeds of trust, and all other conveyances whatsoever heretofore made by or to said corporation, or any person for it, and all contracts made by or with said corporation, are hereby ratified and declared valid.

Powers to manage the business of the corporation.

By-laws.

SEC. 3. That said incorporators, and such persons as they may from time to time associate with them, shall have the sole charge and management of the business of said corporation under such by-laws and regulations as they may adopt, and in the event of the death or resignation of any of their number they shall have the right to appoint a successor or successors under such by-laws and regulations, and may from time to time associate with them other persons who, when properly associated, shall have and be invested with all of the rights, privileges and powers that are granted to the said incorporators by the provisions of this act.

Objects to maintain hospital.

May buy or lease property.

SEC. 4. That the object and purposes of said corporation shall be the purchase, erection and maintenance of one or more hospitals in or near the city of Asheville for unfortunate and destitute persons.

SEC. 5. That said corporation shall have the right and power to purchase, lease, take and receive by purchase, gift or devise in fee-simple all manner of lands, tenements, rents, annuities, and other hereditaments, and to sell, convey, lease and sublet the same, and shall have the right and be capable in law to take, receive and possess all money, books, goods and chattels which may be sold, given or bequeathed to or for the use of the said corporation, and sell and dispose of the same and all the property, both real and personal so obtained and held, and the proceeds thereof when sold or disposed of shall be held by said corporation in special trust for the objects and purposes for which said corporation was organized as set forth in the articles of agreement entered into for the formation of the same before the clerk of the superior court of the county of Buncombe and as declared in this act.

Former conveyance of property to corporation validated.

SEC. 6. That all property, both real and personal, which has heretofore been conveyed, given, devised or bequeathed to said corporation

under its former charter and organization shall be held by said corporation under the provisions of this act in special trust for the uses, objects and purposes for which said corporation was organized, as set forth in the said articles of agreement and as declared in this act.

SEC. 7. That the said corporation shall have the power to borrow money and secure the payment of the same by mortgage or deed in trust upon its said property, and to loan any money which it may hold for the use and purposes of said corporation for such length of time and upon such securities as may be allowed or authorized by the by-laws and regulations which have been or may hereafter be adopted by said corporation.

Power to borrow money, make mortgages, lend money, &c.

SEC. 8. That all sections or parts of The Code of North Carolina, and all laws amendatory thereof, and all provisions of the articles of agreement entered into before the clerk of the superior court of Buncombe county for the formation of said corporation, and the charter obtained from said clerk, which are in conflict with this act, are hereby declared inoperative as far as they may affect the privileges, rights and powers herein conferred, limited or prescribed.

Charter before clerk and Code made inoperative when in conflict with this act.

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

Ratified the 7th day of March, A. D. 1891.

CHAPTER 307.

An act to consolidate and revise the charter of the city of Winston.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Winston shall be and continue, as they have heretofore been, a body politic and corporate, and in the name of the City of Winston shall have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of the government of said city, its welfare and improvement, and under the name and style aforesaid is hereby invested with all the property and rights of every kind which now belong to the present corporation of the town of Winston, and also shall be liable for all debts, claims, obligations and duties which now exist against the corporation of the said town of Winston.

Body politic.

Corporate name.

General powers.

SEC. 2. That the corporation boundary lines of the City of Winston shall be the boundary lines of the town of Winston [as] are now located as follows, to-wit: Beginning at the north-east corner of the town of Salem and running thence north eighty degrees east eighty poles; thence north three hundred and forty-five poles to the

Boundary lines.

north-east corner of the present limits of the Winston corporation line; thence west along the old Winston corporation line one and a half miles to the old north-west corner; thence south three hundred and forty-five poles, more or less, to a point south eighty degrees west of the north-west corner of the old Salem corporation; thence north eighty degrees east falling on the boundary line between Salem and Winston to the place of beginning.

Terms of present officers.

SEC. 3. That the present mayor of Winston shall hold office until his successor is elected and qualified, and the present members of [the] board of commissioners shall be and constitute the board of aldermen of the city of Winston until the expiration of their term of office, and as such shall have the same power and authority now conferred upon them by law, and such additional authority as may be conferred upon the board of aldermen of the city of Winston by this act.

Bonds and indebtedness declared valid.

SEC. 4. That all municipal bonds already issued by authority of the town of Winston, as well as all other valid indebtedness, shall be binding upon the city of Winston, and shall be paid by the city according to the terms thereof; and all municipal bonds heretofore authorized by a vote of the people to be issued by the town of Winston and not issued, shall be, when issued in the name of the town of Winston, as is now authorized by law, and when issued shall become the valid indebtedness of the city of Winston, notwithstanding any irregularity in authorizing or issuing the same, and shall be paid as now provided by law and the contracts now in existence in relation thereto.

Divided into three wards.

SEC. 5. That said city 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: 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 to the south-west corner of the corporation; thence east with the corporation line to First street; thence with said First street to the beginning.

First ward.

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 south-erly 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. 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 north-west corner of said corporation line; thence in an easterly direction with the corporation line to the north-east corner of the corporation; thence in a southerly direction with the corporation line to the south-east corner of the corporation; thence westwardly with the corporation line to First street; thence along with said street to the beginning.

Third ward.

SEC. 6. There shall, on the third Tuesday in February, one thousand eight hundred and ninety-two, and on the third Tuesday in February biennially thereafter, be elected nine aldermen for said city, 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 aldermen shall be residents of the wards for which they are chosen and shall be elected by the qualified voters of such wards respectively.

Election in February, 1892.

Nine aldermen.

SEC. 7. The board of aldermen of the city of Winston shall select, at their regular meeting in December, eighteen hundred and ninety-one, 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 all persons selected by the chief of police of said city, 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.

Registrar and registration of voters.

SEC. 8. Said registrars shall be furnished by said board of aldermen with registration books, and it shall be the duty of said registrars to open their books at such places in the city of Winston as may be designated by said aldermen 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 the colored voters, and designating on the registration books, opposite the names of each person registering, the place of his residence in his ward; and if any applicant for registration shall not disclose the place of his residence in his ward his wilful failure 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 city 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

Duties of registrar.

Penalty for false oath by voter.

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 aldermen 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 made, beginning on Saturday next preceding each election to be held for said city, in accordance with the provisions of the general law.

When new registration ordered.

Registration books, when to be kept open.

SEC. 9. The registration books shall be kept open 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 then qualified 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.

Duties of registrar to examine voter on oath.

SEC. 10. Whenever any person shall offer to register in said city, 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 anyone so offending, upon conviction before the mayor or some justice of the peace of Forsyth county, he shall be fined not more than ten dollars. The board of aldermen of said city 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 city.

Punishment for interference with registrar or judge of election.

Challenges.

Any person not known to the registrar to be qualified to the [be a] voter, offering to vote at an election in said city, upon challenge, may be required to produce his certificate and prove his identity; and upon his failure to do so his vote shall not be received. The board of aldermen shall furnish the registrar with blank forms of such certificate.

Oath of persons registering.

SEC. 11. Any person offering to register in said city 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 number --- in Winston for ninety days on the third Tuesday of February next, and that I have not been convicted of any crime which under the laws of North Carolina disqualify me to vote : So held me God.”

SEC. 12. The board of aldermen of the city of Winston shall, at their meeting in December, one thousand eight hundred and ninety-one, 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.

Appointment of judges of election

SEC. 13. All electors who have been *bona fide* residents of North Carolina for twelve months and of the city 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 of said city 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 the same day. No person whose name has not been duly registered shall be allowed to vote, and anyone 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 aldermen of each ward shall be voted for on one ballot.

Qualifications of voter.

Polls to be kept open.

SEC. 14. 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.

Ballots to be preserved.

Poll-lists.

SEC. 15. If among the persons voted for in any ward two or more shall 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 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 of election make proclamation thereof at the door of the mayor's office. The registrar and judges of election shall furnish to each person elected as alderman in their wards a certificate of his election.

In case of tie judges of election and registrar to decide.

SEC. 16. 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.

Casting vote to be given by registrar.

SEC. 17. That on the Tuesday next succeeding the day of election the aldermen elected thereat shall qualify by taking the oath now provided by law, and shall succeed to and have all the rights, powers

Aldermen to qualify.

and duties now provided by law for such board, as well as those conferred on them by the provisions of this act.

Mayor to be elected by aldermen.

SEC. 18. The board of aldermen, upon their organization, shall elect some person not of their own number to be mayor of said city, to hold his office for two years and until his successor shall qualify.

Duty of mayor.

The mayor shall preside at the meetings of the board of aldermen, 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 aldermen, and upon such office becoming vacant for any cause the board of aldermen shall fill the same for the unexpired term.

Duty of chief of police at election.

SEC. 19. That all elections held by virtue of this act shall be held under the supervision of the chief of police of the city 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.

Oath of mayor.

SEC. 20. That the mayor before entering upon the duties of said office shall take the oath now prescribed by the law for that officer before the clerk of the superior court of Forsyth county.

Oath of aldermen

SEC. 21. That each alderman, 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 aldermen 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 now prescribed by law and herein conferred.

Biennial election of aldermen.

SEC. 22. That when said aldermen shall be elected as herein provided on the third Tuesday in February, one thousand nine [eight] hundred and ninety-two, and at each biennial election therefor [thereafter,] as herein provided, their term of office shall begin, and they shall organize on Tuesday next succeeding their election, when they shall proceed at once to elect a mayor, who shall qualify and hold said office until his successor is elected and qualified.

Election of mayor.

Election of tax-collector.

SEC. 23. At their regular meeting in May, one thousand eight hundred and ninety-one, and biennially thereafter, the aldermen of said city shall elect a tax-collector for the city, who shall hold his office for two years and until his successor is elected and qualified; but the aldermen shall have power to remove him from office for inefficiency or misconduct in office and elect his successor to fill his unexpired term. Said tax-collector shall give bond, and have the rights, powers and duties now prescribed by law for that officer.

Fees of mayor to be covered into treasury.

SEC. 24. That the mayor of said city 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 recovered into the treasury

of said city. The mayor shall receive as compensation for his service and salary as the aldermen may fix, payable out of the town treasury in such sums and at such periods as the aldermen may prescribe.

Salary of mayor to be fixed by board.

SEC. 25. The aldermen of said city shall have the power to grant to any street railway company or other persons the right to use the streets of said city to operate railway lines in the city under such terms as they may contract.

Aldermen may grant franchise to street railway.

SEC. 26. The aldermen of said city shall have the authority to pass such ordinances in relation to vagrants as they may deem necessary for the good government of the city, and any person who may be in the habit of sauntering about the city 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 costs of his arrest and conviction, he shall have authority to imprison such person in the county jail or city prison, and the aldermen of Winston may work such persons on the streets or other public works of said city, or they may hire said persons to private persons until the fine and costs are paid.

Powers of aldermen in regard to vagrancy.

Mayor constituted a special court to try vagrants.

SEC. 27. Any person imprisoned by the mayor for violation of [the] law or any ordinance of said city, or for the non-payment of any fine, penalty or costs, may be placed in the county jail of Forsyth county for safe-keeping under such terms as the mayor and aldermen and commissioners of said county may contract, and during such imprisonment such person may be worked upon the streets of said city, upon the county roads, or any other public improvement.

Persons convicted may be imprisoned and worked on streets.

SEC. 28. That the mayor of the [city of] Winston 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 and ordinances made by the aldermen, and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without

Mayor constituted a special court.

- 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. He may have a clerk, to be elected by the board of aldermen, who shall keep the minutes of the court and shall collect all fines and penalties imposed.
- Powers of justice of peace.** SEC. 29. 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 Forsyth. 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 or city prison for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.
- Proceedings to be those of justices of the peace.** SEC. 30. 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, who may execute the same anywhere in Forsyth county.
- Process of mayor to whom issued.** SEC. 31. 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 Forsyth 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 of the county of Forsyth.
- Docket.** SEC. 32. 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.
- Judgments.** SEC. 33. That the mayor shall preside at all the 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.
- Office of mayor.** SEC. 34. That the aldermen shall form a board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided. Within ten days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often, at least, as once 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 [the] meeting is called by the mayor,
- Seal.**
- Mayor to preside over board of aldermen.**
- Duties and powers of aldermen.**

and those not joining in [the] call when made by a majority of the board shall be notified.

SEC. 35. That the aldermen, when convened, shall have power to make and provide for the execution thereof of 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.

Powers to execute ordinances.

SEC. 36. That the aldermen, at their first meeting after their election, shall appoint a secretary and treasurer, who may be one and the same person, who shall respectively hold their offices during the official terms 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 the person or persons holding said office shall be sworn to the faithful discharge of his duty, and shall execute a bond, payable to the city of Winston, in such sum as the aldermen shall determine.

Election of secretary and treasurer.

Oath.

Bond.

SEC. 37. That the secretary and treasurer shall have a reasonable salary, to be fixed by the board of aldermen, 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 and compensation of secretary and treasurer.

SEC. 38. 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 door of the mayor's office at the end of the fiscal year or printed in some newspaper published in the city of Winston.

Duties of treasurer.

SEC. 39. 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 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.

Duty to collect all money due city.

To keep accounts

SEC. 40. 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 purposes in his accounts, and also the sources whence are derived the moneys received by him.

Orders on treasurer to be signed by mayor.

Duties of tax-collector.

SEC. 41. 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 and 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-taxes and taxes on personal property uncollectible by reason of insolvency. The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax-collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen and when approved by them shall be recorded in the minute book of said board and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax-collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible for re-election to said office.

Settlement with tax-collector.

Police force.
Chief.
Policemen.

SEC. 42. 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 such term as may be fixed by the board. 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 town, and to faithfully account for all moneys that may come into their hands from fines, penalties, etc. 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, 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 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 [any] person or persons shall not appear the mayor may issue a *scire facias* and enter judgment final against the defaulting party and his sureties. That the chief of police shall

Terms.
Bonds.

Duties of chief.

Oath.

Powers of policemen.

have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape.

SEC. 43. The chief and other policemen 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 compensations. 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 policemen

SEC. 44. 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 members 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 members, and the pay of such members so suspended shall cease from the time of suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal. And the mayor may suspend the chief or any member of the police force if found drunk while on duty.

Power of mayor to suspend chief or policemen.

Powers of board.

SEC. 45. The board of aldermen shall require the entire police force to wear badges and to be so 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.

Badges of policemen.
Uniform.

SEC. 46. That for any breach of his official bond by the secretary and treasurer, chief of police, tax-collector or any other officer who may be required to give an official bond, such officer and his sureties 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.

Liability of officer upon bond

SEC. 47. That the sheriff or jailer of the county of Forsyth 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 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, or such prisoner may be confined in the city prison.

Sheriff to receive prisoners at night without mittimus.

- Appointment of weighmaster. SEC. 48. That the said board of aldermen may, as soon after 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 their judgment requiring weighing or inspection, and the said officer so appointed shall give bond with approved security, payable to the city of Winston, in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law on 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 fee to be paid for such weighing and inspection, and by them 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. They shall have power also to appoint building inspectors and also fire inspectors, who shall make their reports to the board of aldermen.
- Duties.
- City engineer.
City attorney. SEC. 49. 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.
- Taxes. SEC. 50. That in order to raise a fund for the necessary expenses of the government of the city, the aldermen shall annually levy and collect the following taxes, viz.: On all real and personal property within the corporate limits, including money in hand, solvent credits, and upon all other subjects taxed by the general assembly, *ad valorem*, a tax not exceeding seventy-five cents on every hundred dollars value to meet all the ordinary and current liabilities of the city, which shall not be construed to include taxes for graded schools, or on principal or interest upon any bonded indebtedness. On all taxable polls, a tax not exceeding two and a quarter dollars on the poll of any resident in the city on the first day of June of each year, or who may have been so resident within sixty days next preceding that day as a *bona fide* citizen. Upon all dogs kept in the city and which may be so kept on the first day of June, a tax not exceeding one dollar on every male dog and spayed slut, and five dollars on every unspayed slut, and all dogs so taxed shall be subjects of larceny.
- On real and personal property seventy-five cents.
- Polls \$2.25.
- Dogs.
- License taxes. That the board of aldermen of the city of Winston, in addition to the powers of taxation already granted in this charter, shall be and are hereby empowered to levy and collect annually a privilege or license tax on all trades, professions, agencies, business operations,

exhibitions, manufactures, hotels, restaurants or eating-houses, or other business in said city.

SEC. 51. That all moneys levied or collected by the board of aldermen or corporate government of said city of Winston as privilege taxes, that is to say, as licenses of all description on all trades, occupations, professions, exhibitions and business, shall be paid to the treasurer of the Winston commissioners of graded schools for the use and benefit of the graded schools of said city.

License taxes to be applied to support of graded schools.

SEC. 52. That the Winston commissioners of graded schools shall be and are hereby authorized to receive and use the money herein provided for, and to apply the same in such way as they may deem best for the benefit of the graded schools, white and colored, of said city, whether for suitable buildings and furniture for said schools or for repairs of the same, for salaries of teachers or for other incidental expenses.

Application of graded school tax.

SEC. 53. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer or any other spirituous, vinous or malt liquors by a less measure or in less quantity than three gallons within the corporate limits of the city of Winston without first having paid a tax of not less than five hundred dollars per annum and obtained the license therefor: *Provided, however,* that the city aldermen may issue license for retailing lager beer and ale, and these alone, upon payment of an annual tax of one hundred and fifty dollars; and that the said aldermen shall have authority to revoke such license at any time upon the payment to the party holding it of that portion of the tax paid corresponding to the unexpired term of the license.

License tax for liquor dealers.

Tax for liquor \$500.

Tax for beer \$150.

SEC. 54. No person shall erect, put up, keep, use or maintain any billiard-table, ten-pin alley, or any gambling table or place by whatever name called or known, at which games of chance, hazard or skill be played within the corporate limits of Winston, without first having paid the tax and obtained license therefor of not less than five hundred dollars per annum, and in case of billiard saloons a tax of five hundred dollars for each billiard or pool [table].

License tax for billiard-table, bowling-alley, &c.

SEC. 55. That the aldermen of the city of Winston shall impose, levy and collect a corporation tax of not less than five hundred dollars tax per annum upon every person or firm obtaining a license for the sale of spirituous, vinous and malt liquors, and of one hundred and fifty dollars for malt liquors alone, and said aldermen shall grant no license to any person or firm for any one of the purposes herein enumerated until he shall have paid all the taxes imposed for said license, and prove good moral character by the oaths of not less than two citizens of said city. Said aldermen shall have power to grant or refuse a license to any person or firm for any one of the aforesaid purposes at their discretion.

Corporation tax of \$500 for liquor dealers.

Powers to issue.

County not to
issue license
unless approved
by aldermen.

Penalty for sale
without license.

Penalty for un-
licensed billiard
table, &c.

To whom penalty
payable.

Secretary to
advertise tax-
listing.

Oath of tax-
payer.

Tax-list.

SEC. 56. That no court, board of county commissioners, sheriff or other officer shall grant a license to any person or firm for any one of the purposes specified in sections fifty-three, fifty-four and fifty-five of this act to be used or carried on within the corporate limits of the city of Winston unless such person or firm shall first produce before such court, board of county commissioners, sheriff or other officers a license therefor granted by the aldermen of said city, duly signed by the mayor or tax-collector thereof, and that any person or firm who shall violate any of the provisions of sections fifty-three and fifty-four or fifty-five of this act shall forfeit and pay to the aldermen of said city the sum of fifty dollars for each offence, to be sued for and recovered by said aldermen, and such violations shall be held and deemed a misdemeanor, and anyone convicted thereof shall be fined fifty dollars or imprisoned thirty days at the discretion of the court, and each act of selling or retailing shall be deemed a separate offence and each day or part of a day in which any billiard-table, ten-pin alley or any gaming table or places where any games of chance, hazard or skill shall be kept up, maintained or played, by whatever name, shall be deemed a separate offence and a violation of this act. The fine imposed for violation of any ordinance against retailing without license, or other offences, shall accrue to the benefit of said city, notwithstanding the said offence shall also be triable before the superior court and punishable by said court, and the aldermen shall have power to adopt ordinances making the fines recovered for violation of any city ordinance payable to said city.

SEC. 57. That the secretary and treasurer on or before the third Monday in May of each and every year may make advertisement in some newspaper notifying all persons residing in the city of Winston 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 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 by me, all county bonds, and a full and accurate list of all personal property, and a full and accurate list of all 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 secretary and treasurer shall, within thirty days 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 the collection of state taxes. And the said secretary and treasurer shall copy in said book the assessments in [on] file in the register of deeds' office of all property within the city limits, which assessments may be revised, corrected or amended by the board of aldermen.

SEC. 58. That the secretary and treasurer shall within thirty days from the return of the tax-list make out to the best of his knowledge and belief, by comparing his book with the returns made to the register of deeds of Forsyth county 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 time 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; and shall, as near as may be made, make the tax-list correspond with the tax-list given in to the county by the citizens of Winston on all subjects embraced in both lists.

Tax-list to be compared with county list.

Double tax.

SEC. 59. That as soon as the secretary and treasurer shall have furnished the assessment roll as provided, and the same shall have been issued 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, 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 compensation as collector as the board may inscribe [prescribe]. After the first day of January in each year, there shall be added five per centum additional tax on all taxes remaining unpaid in the hands of the collector, which shall be collected and accounted for as other taxes. The city collector shall, by virtue of office, be invested with all the powers and authority of a policeman and constable.

Aldermen to levy tax.

SEC. 60. 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 [of Winston] or county of Forsyth if the property be sold be personalty, and of thirty days if the property be realty.

Delinquent taxes to be collected by distress

SEC. 61. 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, 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,

When tax unpaid, real property to be advertised. Lien of taxes.

Sale of land for taxes.

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 in Forsyth county by the collector after advertising thirty days in some newspaper published in the city or county, 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 said 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, and the tax-collector shall execute a deed therefor.

Duty of tax-collector to return account of sales.

SEC. 62. 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 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 city treasury subject to the demand of the owner.

Redemption of land sold for taxes.

SEC. 63. 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 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.

If not redeemed, land to be conveyed to purchaser.

SEC. 64. That if the 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 city, that the taxes were due, or of any other matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done.

Land of infants, &c., to be sold as provided in Code.

SEC. 65. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes, and when the same shall be owned by such in connection with other persons free of such disability, the sale shall be made as provided in The Code.

Additional license taxes.

SEC. 66. 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, viz.:

Peddlers.

(1). Upon all itinerant merchants or peddlers vending or offering to vend in the town a license tax not exceeding fifty dollars a year,

except such only as sell books, charts or maps, not excepting venders of medicine by whomsoever manufactured, who may be required to pay a license tax of five hundred dollars per annum. Not more than one person shall peddle under a single license.

(2). Upon every company of circus-riders or performers, by whatever name called, who shall exhibit within the city, 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, the tax to be paid before the exhibition, and if not to be doubled. Circus.

(3). Upon every person or company exhibiting in the city, except for religious, educational or charitable purposes, stage or theatrical plays, sleight-of-hand performance, rope-dancing, tumbling, wire-dancing, spring[spinning]-jennies or merry-go-rounds, 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 doubled: *Provided, however,* that this section shall not apply to licensed houses who take out annual license. Theatrical exhibitions, &c.

(4). Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled. Artificial curiosities, &c.

(5). Upon each show or exhibition of any other kind, and on each concert for reward, unless for religious or benevolent purposes, in the city, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition or the same shall be doubled. Other shows.

(6). Upon every auctioneer or crier of goods at public auction, a license tax not exceeding one hundred dollars a year: *Provided,* that this section shall not conflict with the provisions of section twenty-two hundred and eighty-four of The Code, and shall not be construed to include tobacco warehouse auctioneers. Auctioneers.

(7). Upon every stock and bank broker, sewing-machine company or agent for such company, dealer in or manufacturer's 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. Brokers, sewing machines.

(8). Upon every bill-poster, street huckster, photographer, merchandise or produce broker, ice-dealer, dealer in wood and coal or either, insurance agencies, and every skating-rink or shooting-gallery, water-works, express company and oil company, a license not exceeding ten dollars a year. Bill-posters, &c.
Insurance agencies, skating rinks, Express companies, &c.

(9). That every telegraph, telephone or electric light company, itinerant dealer in lightning-rods and stoves, shall pay a license not exceeding twenty-five dollars per annum. Telegraph companies, electric light, &c.

(10). Each rope-walker, itinerant optician, itinerant dealer in any specific, carriage, buggy or wagon, each dancing-school, every stal- Rope-walkers, &c.
Dancing-school.

Stallions and
jacks.

lion or jack standing in the city, persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therewith, or any itinerant person taking or enlarging a likeness of a human face on order or otherwise, each dealer in patent rights, itinerant traders, shall pay a license tax not exceeding ten dollars a year.

Distilleries,
Lotteries.

(11). Each distillery of fruits or grain, each distiller or compounder of spirituous liquors, each gift enterprise or lottery, every railroad company having a depot or office in the town, a license tax not exceeding fifty dollars a year.

Penalty for car-
rying on business
without license.

(12). Any person carrying on business in the town without having paid the license tax according to the ordinances of the town, shall be fined twenty dollars: *Provided*, that any person taking out license after the first of May shall pay a tax on such license [as] in the foregoing sections, proportioned according to the unexpired term of the year according to the discretion of the Mayor.

Under schedule
B, acts 1883.

(13). 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 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 Winston not before enumerated herein, not to exceed ten dollars a year.

Taxes, to whom
paid; how :
appropriated.

SEC. 67. That all moneys arising from taxes, donation 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 or by an auditing committee appointed for the purpose.

Regulation of
cellars.

SEC. 68. 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.

Power to prohibit
nuisance.

SEC. 69. The board of aldermen shall have the power, and it shall be their duty, to prohibit all trades, occupations or acts 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 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.

SEC. 70. That the aldermen shall have power to prevent dogs, horses, cattle and all other brutes from roaming at large in the city.

To prevent dogs and live stock from straying.

SEC. 71. 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, grain, meal, flour (if not packed in barrels), fodder, hay or oats in straw: appoint a keeper of the market, prescribe his duties and he shall have power to prevent forestalling and regrading.

Markets.

SEC. 72. That they may establish all public buildings necessary and proper for the city and prevent the erection or establishment of wooden or other buildings in any part of the city where they may increase the danger of fire. And all persons about erecting any building in said city shall, before erecting said house, obtain a written permit from the mayor and street committee for that purpose.

Public buildings.
Protection against fire.

SEC. 73. 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 have power to purchase, when they deem proper, land adjoining any 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, or any part thereof, whenever they shall deem it expedient, and to pass ordinances for the protection of the cemeteries; may appoint and pay a keeper and compel the keeping and returning a bill of mortality.

Cemetery regulations.

SEC. 74. That they may provide for the establishment, organization, 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 city the mayor, or in his absence a majority of the fire committee who may be present, may order the blowing up or pulling down or destroying any house or other structure 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, but the city shall be liable to pay a fair price for the same. 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.

Fire limits.

SEC. 75. That they shall have power to make ordinances regulating the erection and maintenance of over-head electric or other wires, to prevent obstruction to streets and to prevent accidents or injuries to the citizens, to prohibit or control the firing of firearms, fire-crackers, torpedoes and other explosive material, and to govern the sale

To regulate electric wires.

Various powers to regulate fast driving, railroad trains, &c.

Storage of fertilizers.

Sanitary policeman.

Contagious disease.

Expense of person removed, how paid.

Penalty for forcible resistance.

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 and street cars shall run within the city limits, to prohibit said railroads from stopping their engines or cars in said streets and to require said railroads to keep the 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 hogs may be kept and to prevent them from running at large in said city, and may exclude the keeping of hogs within the city; and to cause all alleys, lots, cellars, privies, stables, styes and other places of like character to be examined by a sanitary policeman, to be appointed for that purpose. It shall be their duty, on complaint, to cause by their order the sanitary policemen 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 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.

SEC. 76. That they may take such measures as they may 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 article 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.

SEC. 77. 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, burial expenses also in case of death.

SEC. 78. 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 conveyd thither,

the person so offending shall forfeit and pay to the city one hundred dollars, and moreover be deemed guilty of a misdemeanor.

SEC. 79. That hereafter the board of aldermen may create a public bonded 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 Winston or Forsyth county, at which election those in favor of 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, but this section shall in no manner be construed to interfere with or vitiate any existing indebtedness, bonded or otherwise, but all acts heretofore done in relation thereto are hereby ratified and confirmed.

SEC. 80. That for the purpose of maintaining and improving the prosperity [property] of the city, a corporate debt may be created for any public purpose under the following limitations, to-wit: the whole interest-bearing debt shall never exceed at any one time a sum to pay the interest on which, and to provide a sinking fund shall require a tax of more than sixty cents on the hundred dollars of the assessed property and of the amount represented by the polls of the city; and the bonds and other evidence of the interest-bearing debts of the corporation shall not be subscribed or paid into any work or sold for less than par or the amount expressed on their face.

SEC. 81. That the city of Winston is hereby authorized and empowered to create a debt for public improvements, grading, macadamizing and paving streets, water-works, sewerage, et cetera, and other public purposes, to an amount not exceeding the amount indicated in the foregoing section, and for that purpose may issue bonds in the name of the city of Winston, in such denomination and form and payable at such place and time, but running not less than thirty years nor more than sixty 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.

SEC. 82. 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 "Approved," and those opposing it shall vote "Not approved."

SEC. 83. That said bonds shall in no case be sold or otherwise disposed of for a less sum than their par value, and the money arising from the sale of said bonds shall be used for such public improve-

Public bonded debt, how created

Election.

Debt for improvements, how created.

Limitation.

Debt for public improvements.

Bonds.

Election to be held.

Bonds, how sold.

ments in the city of Winston as is indicated by the election aforesaid.

Coupons receivable for taxes.

SEC. 84. The coupons on said bonds shall be receivable in payment of city taxes.

Special tax.

SEC. 85. That for the purpose of paying off, taking up and cancelling the coupons and bonds issued by said city as the same shall become due, it shall be the duty of said board of aldermen, and they are hereby empowered, to levy and collect 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 this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless*, that the rate of taxation shall not at any time exceed the rate indicated in section seventy-eight of this charter, and a poll-tax not exceeding one dollar and eighty cents with which to pay special taxes as is provided for in this charter. And the bonded indebtedness heretofore rated [voted] by the qualified voters of Winston is hereby expressly ratified and confirmed and the bonds representing said indebtedness whether now issued or hereafter to be issued, are hereby declared to be valid indebtedness of said city, whether issued for promoting public improvements, railroads or other purposes.

Graded schools.

SEC. 86. The aldermen of the city shall provide for the establishment and support of a system of graded schools under the following conditions, to-wit: First, no interest-bearing debt of the corporation shall be created for this purpose; second, the school shall be open to all *bona fide* residents of the city of all races between the ages of six and twenty-one, but the white and colored schools shall be distinct and separate buildings and departments, and the schools shall have separate apartments for the higher classes of males and females; third, the fund raised by *ad valorem* taxation shall be used only for the payment of the salaries of teachers; fourth, persons living beyond the limits of the corporation may attend the school from their homes or as boarders on the payment of tuition fees, to be fixed by the school commissioners; fifth, the tax for school purposes shall not exceed twenty cents on the hundred dollars of assessed property and sixty cents on the poll, and the license and privilege taxes as hereinbefore provided, and also not less than twenty-five per centum of the fines and forfeitures shall be paid to the graded school fund.

Board of graded schools to be elected by aldermen.

SEC. 87. Said school shall be managed by a board of five citizens and tax-payers of the city, to be elected by the board of aldermen, and at the expiration of the terms of office of the various graded school commissioners their respective places shall be filled by the board of aldermen of said city, 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 aldermen for the unexpired term. The school commissioners

shall have full power, in addition to that already granted, in the distribution and apportionment of the graded school fund of said city. Said board of commissioners when elected shall be a body corporate and, politic with the power [and] privileges incident to bodies corporate, and under the name and style of Winston commissioners of graded schools, and the said commissioners shall elect one of their number chairman and one secretary: *Provided*, that two of said five commissioners shall always be members of the board of city aldermen.

SEC. 88. The city treasurer shall be treasurer of the school commissioners, and to him shall be paid all moneys, public and private, for the schools, and he shall pay out only on the order of the chairman of the school commissioners, countersigned by the secretary and specifying the object. He shall annually give a bond for his fidelity as said treasurer in such sum as the board of aldermen may fix; shall keep a separate statement of school money, and shall annually make a report to the school commissioners, with a duplicate to the aldermen, stating receipts and their sources and disbursements and their objects, and said account shall be passed on by the school commissioners and published in one of the city papers. Said commissioners shall have power to provide suitable buildings, furniture and apparatus for the same; to select teachers and to dismiss them for cause; to fix their salaries; to aid them in the establishment of grades and the enforcement of discipline; to abate nuisances to the schools; to admit pupils from without the corporation on the payment of tuition fees; to visit the schools regularly for inspection, and to do all other acts pertaining to their office for the good and success of said schools. Said commissioners shall serve without salary, but may be authorized to purchase necessary books of record and stationery and fuel, and to pay their secretary not more than thirty dollars per annum for his services as such. Term of office for school commissioners shall be as follows: those selected from the board of aldermen shall serve during their term for which they have been elected aldermen, and those elected by the aldermen not from their own number shall be elected, one each year for the term of three years, and those now in office shall continue so until the expiration of their respective terms and until their successors are elected.

SEC. 89. 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 for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, 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, it shall be done as herein provided for opening new streets and other public purposes, or provided for the opening and maintaining the same under the act of one thousand eight hundred and eighty-seven,

Duties and powers.

City treasurer to be treasurer.

Duties in connection with schools.

Sewerage.

chapter one hundred and seventy-eight, entitled an act to enable the towns of Salem and Winston to construct a system of sewerage, and in addition thereto shall have power and authority to compel citizens living along the line of said sewerage, or owning property along said line of sewerage or in the vicinity thereof, to connect their premises, drain or other pipes with said sewerage, so as to drain all the premises along the line of said sewerage, and to provide water supplies for the city, either by erecting water-works or by contracting with other persons or corporations; and make all such other public improvements as the health of the citizens and the safety of property may require.

Water-works.

SEC. 90. 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 of use of springs, branches or water-courses for the purpose of erecting and operating water-works, or conducting the water to the city.

No power to remove from mayor's court.

SEC. 91. 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 is provided in section nine hundred and seven of The Code, but in all cases parties shall have the right of appeal as herein provided.

Ordinances.

SEC. 92. That the said board of aldermen shall have power to pass ordinances for the good government and order of said city, and to that end they may pass an ordinance providing that in case any officer of said city has sufficient reason to believe and does believe that there exists any house of ill fame, or gambling houses where games of chance are being carried on, or where liquors are being illegally sold, that such officer may, with or without warrant, enter said premises and arrest any person or persons so engaged as keepers or occupants of said houses of ill fame, or gambling house, or houses where liquors are allowed to be illegally sold, and require such person or persons to appear before the mayor for violation of the ordinances against such houses of ill fame, gambling place or tipling houses.

Power to enter house supposed to be gaming house, &c.

Penalties recoverable in name of city.

SEC. 93. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the state and city of Winston, before the mayor and any other tribunal having jurisdiction thereof: *Provided*, any person failing to pay the taxes or fines imposed in accordance with the 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.

Violation of ordinance a misdemeanor.

SEC. 94. That any person or persons violating any ordinance of the city of Winston shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of this act.

Power to sell town property.

SEC. 95. That the mayor and a majority of the board of aldermen of the city of Winston shall have power at all times to sell at public

outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the town, and apply the proceeds as they think best. The mayor and aldermen are fully authorized to make title to any property sold under this act, The Code, section three thousand eight hundred and twenty-six.

SEC. 96. That whenever in the opinion of the aldermen it is advisable to obtain land or the right-of-way in the city for the purpose of opening new streets, or widening or straightening streets already established, or for making of culverts or water-ways for carrying water out of the streets, or for laying sewer pipes, or for any other necessary public purpose, and the aldermen and the owners of property affected by such proposed improvement cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owners thereof, or to the owners of property in the close vicinity of such proposed opening, widening or straightening of said street, or the building or otherwise establishing of such culvert or water-way, sewers or other public improvements, the mayor, upon order of the aldermen shall issue his writ, under the seal of his office, commanding the chief of police or other officer of the city to summon a jury of six freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said 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 officer 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 ten nor more than twenty days from the date of the writ. The officer in charge shall also serve notice of the time of the meeting of the jury upon all persons who are named in the writ as supposed to be affected by said proposed improvements, which notice shall be at least ten days before the day appointed for the meeting of the jury, and in case of any such persons, their tenant or agent cannot be found within the city, then a poster at the court-house door stating in as few words as possible the proposed improvement and the date appointed for meeting of the jury shall be sufficient notice. On the day appointed for meeting of the jury the officer, 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

Power to condemn land for streets, &c.

Procedure in condemning land

Duties of jurors.

Duties of jurors. 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 [the] proposed improvement. Immediately after the jury shall have taken the oath as above prescribed, they shall proceed, accompanied by the officer, 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 damages, if any, specifying the amount to which each and every one of the premises which they shall have viewed shall be entitled, and the jury shall at the same time take into consideration any special benefit, advantage or enhanced value which in their judgment may have received by reason of said proposed improvement, and shall state the amount of such special benefit, advantage or enhanced value of each and every one of the owners of said premises. The jury shall forthwith return to the mayor in writing a statement, to be signed by each of them, or of a majority of them in case they cannot agree, setting forth distinctly a full report of their proceedings and stating the amount of damage or advantage which they shall have assessed to each person: *Provided*, that in case the jury shall be evenly divided and therefore unable to agree on the whole or on part of said report, they shall state that fact, setting out such parts as a majority of them have agreed on, and also the names of the persons as [to] the damage or disadvantage of whom they are evenly divided; and thereupon the mayor shall order the officer 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 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 may[or] shall call a meeting of the board of aldermen and submit the report to them, and if the aldermen shall conclude that the damages assessed by the jury are excessive they may decline to pay the same and discontinue the proposed improvement. If the jury shall find that the proposed improvement will enhance the value of real estate adjacent thereto the amount of such valuation of benefit shall vest in the city and become [a] lien on the premises mentioned in report of the jury, and shall be due to the city on the completion of the proposed work and payable in three equal annual installments, and if not paid at maturity the lot so assessed, or so much thereof as may be necessary to pay said installments and 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 unpaid taxes: *Provided, nevertheless*, that if any per-

son 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 in that case either party may appeal, on the item with which they are dissatisfied, to the next term of the superior court of Forsyth 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, but shall in nowise adjudicate the necessity of the improvement, and the questions of damages or benefits shall be submitted to a jury under the direction of the judge, to be assessed by the jury under the ordinary rules of action for damages: *Provided, however*, that such appeal shall in nowise 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 same has been condemned by order of the board. That when any land, water or water-courses, or right-of-way, either within or without the corporate limits of the city of Winston, shall, in the opinion of the aldermen, be required for the purpose of erecting or establishing reservoirs, laying conduit, main or supply-pipes or sewer-pipes, or obtaining a supply of water for the use of said city or the citizens thereof, or for any other purposes connected with the successful operation of water-works or sewers in said city, and the owners of such property cannot agree with the aldermen as to the price therefor, the proceedings for condemnation shall be the same as is prescribed in foregoing section for condemnation of land for streets. And for the purpose of successfully operating water-works or sewer-pipes contemplated by this section, the aldermen of the city of Winston are fully authorized to extend the lines of water-works or sewer-pipes 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 section, and on its reverting to the owners, the city shall have the right to remove any property or improvement under its authority erected thereon: *Provided further*, that the owner or owners of land, right-of-way, water or water-courses required for the purposes mentioned, shall have at least twenty days' written notice, under the seal of the mayor's office, of the time and place of meeting and of the purposes of the jury. If a resident of the city of Winston, said notice shall be served by its officer, if in the city; if not, for the purposes of this act it will be sufficient if the notice be left at his known place of residence. If a non-resident, and his post-office address is known, a registered letter with postage prepaid addressed to him and deposited

Appeal.

Powers of appellate court.

Effect of appeal.

Condemnation of water-right.

Power to extend water-pipes, &c., beyond city limits.

in the post-office at Winston, 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 Winston of the time and place of the meeting of the jury and of the purposes thereof.

To regulate streets.

SEC. 97. 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, and may widen or reduce the width of streets now established in their discretion. They may establish parks for pleasure grounds for the citizens of the city and pass ordinances for the protection of shade trees.

Parks.

Sidewalks.

SEC. 98. That where there is no sidewalk and has never been any in existence in convenient walking order along any lot in said city, the owner may be required to pay such portion of the expenses of making a sidewalk along such lot as three disinterested assessors, freeholders of said city, to be appointed by the aldermen, may estimate that the property is enhanced in value by such improvement: *Provided*, that the owner shall have the privilege of building said sidewalk along his lot immediately and in the manner prescribed by the aldermen, instead of paying the amount with which he has been assessed; and if the owner of such lot shall neglect or refuse to put down said sidewalk when directed to do so by the aldermen, and shall refuse or neglect to pay the amount so assessed against him to the treasurer of the city, said sidewalk shall be made by the city and the amount assessed against the owner of such lot shall be a lien on the same, and if not paid on demand, so much of such lot shall be sold as may be sufficient to pay said assessment and the costs under the same rules and regulations, rights of redemption and savings as are prescribed in this charter for unpaid taxes. Before making such assessment, the assessors shall appoint a time and place of meeting, and shall give at least three days' notice thereof to all parties interested, stating the purposes of such meeting, and after being duly sworn by the mayor or other competent person, they shall proceed to make the assessment and report the same to the mayor in writing: *Provided, however*, that either party may appeal to the superior court of Forsyth county, where all questions of amount of the assessment and other issues and questions of fact shall be tried by a jury under the direction of the judge, but the aldermen, notwithstanding the appeal, may proceed with the work. That the owner of a lot 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 owners, 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

Assessment.

Repairing sidewalks.

the said lot for five days, the aldermen may cause the same to be repaired in such manner and with material as to them may seem proper, and the expenses shall be paid by the person in default, and said expenses shall be a lien upon said lot, and if not paid on demand such lot or so much thereof as is necessary shall be sold by [the] collector of taxes to pay said expenses and costs of sale under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for sale of land for unpaid taxes.

SEC. 99. 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.

Officer not to be contractor with city.

SEC. 100. That it shall be lawful for the policemen to serve all civil process that may be directed by [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.

Policemen to serve civil process.

SEC. 101. 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 and improvement of the same of the city whose authorities shall so hire such prisoners.

May contract for work of prisoners on streets.

SEC. 102. That the city of Winston may convey lands and all other property which is transferable by deed of bargain or sale or other proper deed, sealed with the common seal, signed by the mayor and two members of the board of aldermen and tested by a witness.

City may convey land.

SEC. 103. 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 Winston, 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, and may use all necessary means to compel work by reasonable correction and punishment.

Mayor may sentence prisoners to work on streets.

SEC. 104. That all laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 105. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1891.

CHAPTER 308.

An act to incorporate the Wilkesboro Banking and Trust Company.

The General Assembly of North Carolina do enact :

- Corporators. SECTION 1. That J. I. Furguson, W. H. H. Cowles, J. C. Hubbard, W. C. Winkler, J. S. Miller, J. A. Cooper, D. E. Smoak, Calvin J. Cowles, R. N. Hacket, J. C. Wellborn, V. W. Long, A. H. Eller of said state, their associates and successors, be and they are hereby constituted a body politic and corporate by the name and style of
- Name. "The Wilkesboro Banking and Trust Company" for the term of
- Corporate powers. fifty years, and by that name 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 make such by-laws and regulations as may be necessary for its management, and shall have all the powers, rights and privileges granted to any bank or banking institution created under the laws of this state.
- Banking powers. SEC. 2. That said company shall have the right to borrow money, receive deposits, make loans and discounts upon notes, bonds, chattels and real estate mortgages, with power of sale to buy and sell exchange, and lend its own or its depositors' funds to any person, partnership or corporation, and to do all things necessary towards mediating between borrower or lender, either with or without guarantee, and to receive such commissions therefor as may be agreed upon not in conflict with the usury laws of this state; to invest its own or the money of others in property, real or personal; to improve any real estate belonging to it by building or otherwise; to buy, sell, rent, lease or deal in any real or personal property; to act as surety or guarantee to any title, or for the payment of bonds, notes, mortgages or other evidences of debt of any person, partnership or corporation, municipal or private; and to insure the fidelity of all persons holding places of responsibility or trust, and of acting as sole sureties in such cases, as by law two or more may be required; to receive upon deposit as bailee any and all personal effects, choses in action and other things of value upon such terms as may be agreed upon, and to have a lien upon all such things of value for any moneys which may be advanced thereon, or charges made for their safe-keeping.
- Deal in real estate, &c. SEC. 3. That said company shall have the power to act as executor, administrator and guardian of any and all estates lawfully entrusted to its care, assignee and receiver for any estate in liquidation or litigation; shall be a legal depository for trust funds by other trustees, and persons in positions of trust.
- Powers of surety company. SEC. 4. That said company shall have the power and right to act as agent and broker for fire and life insurance, for sale and lease of real estate, and for the management of all estates, real and personal or
- Act as executor or fiduciary.
- Insurance broker, &c.

mixed, of partnership, corporations or persons, living or defunct; and nothing in this act shall be construed to relieve such guardian or other trustee from personal liability in case of loss.

SEC. 5. That the affairs of the corporation shall be governed and managed by a board of not less than five nor more than nine directors to be elected annually by the stockholders casting one vote for every share which said board of directors may, in accordance with the by-laws and regulations, delegate so much of their power as may be expedient to a president, vice-president, cashier, secretary and treasurer, general manager, agent and attorney and other employees; fix the salaries and compensations of all such officers, agents, attorneys and employees, and do any and all other acts necessary to carry into effect the purposes of this corporation.

Directors.

Officers.

SEC. 6. That the capital stock of said corporation shall not be less than twenty-five thousand dollars (\$25,000), divided into two hundred and fifty shares (250) of the par value of one hundred dollars (\$100) each, with the privilege of increasing the said capital stock, whenever the stockholders representing a majority shall so declare, to any amount not exceeding five hundred thousand dollars.

Capital stock.

Limitation of stock increased.

SEC. 7. That whenever fifteen thousand dollars shall be subscribed and fifty per centum thereof paid in, upon thirty days' notice to the subscribing stockholders they shall meet and organize by the election of their directors; and it shall be lawful for said directors to elect the officers as aforesaid and open the business of the said corporation.

Organization.

SEC. 8. That each stockholder shall be liable *pro rata* to depositors and creditors to the extent only of his stock at the time when the deposit was made or indebtedness incurred, and every assignee of stock shall be under the same liability to the corporation or its creditors that his assignor was at the time of the assignment.

Liability of stockholders.

SEC. 9. That the said corporation shall have a lien on its stock for debts due it by its stockholders before and in preference to other creditors of the same dignity, and in all cases where subscribers to stock have totally or partially failed to pay their subscriptions when due, the said company shall, in addition to its remedy by action at law, have the right, after making thirty days' advertisement in the newspaper published nearest the office of the company, sell such shares to the highest bidder for cash, and after paying the dues, assessments and expenses of the sale, the balance, if any, shall be paid over to the subscriber.

Lien of corporation on stock.

SEC. 10. That in the event any money or other property shall be deposited with said banking and trust company by a married woman or minor for investment, safe-keeping or otherwise, such money or other property shall be checked out, withdrawn or received by said married woman or minor, either with or without the consent of the

Deposits by married women and minors.

- husband, parent or guardian, and the same shall be deemed as lawful as it would be if she was a *feme sole*, or he or she was of full age.
- Location. SEC. 11. That the principal place of business of the Wilkesboro Banking and Trust Company shall be at Wilkesboro, North Carolina, but it shall have the power to establish branch offices and agencies at any other place in this state, with all powers, privileges, rights and immunities hereby granted to this company. This charter shall not be deemed forfeited for non-user: *Provided*, said company shall be organized within five years from the date of its enactment, and all laws and parts of laws in conflict with the provisions hereof are hereby repealed.
- Branches. SEC. 12. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 309.

An act to incorporate Phalanx Lodge, number thirty-four, Knights of Pythias, of Raleigh, North Carolina.

- Corporators. *The General Assembly of North Carolina do enact :*
- SECTION 1. That F. T. Ward, W. B. Grimes, Wm. Boylan, Eugene G. Harrell, John Ward, Jno. M. Sherwood, J. Y. MacRae, E. B. Engelhard, J. Floyd Brown, Chas. S. Lambeth, T. S. Stevenson, F. W. Sherwood, W. H. Bain, Chas. B. Hart, A. D. Jones, 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 "Phalanx Lodge, number thirty-four, Knights of Pythias," of Raleigh, N. C., 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.
- Name. 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.
- Powers. SEC. 3. 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.
- Powers to sell and convey real and personal property.

SEC. 4. That the corporators aforesaid, and all members and officers of the corporation, their successors and assigns, shall not be individually or personally liable or responsible for any debts, liabilities, obligations or contracts of the corporation. Corporators not personally liable.

SEC. 5. 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 a 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, which may not be inconsistent with the constitution and laws of this state or the United States, or the laws of the order of Knights of Pythias. By-laws, &c.
Officers and members.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 310.

An act to incorporate the Yadkin Mining, Smelting, Manufacturing and Land Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That F. H. Stith, H. H. Rheinnart and E. W. Cates, and their associates, successors and assigns, are hereby created a body corporate under the name and style of "The Yadkin Mining, Smelting, Manufacturing and Land Improvement Company," for the purpose of conducting in all its branches the business of mining, smelting, manufacturing, and developing and improving of lands and water-powers, and to that end the said company is hereby vested with all the rights, powers, privileges and franchises conferred by the general assembly of this state contained in acts incorporating the Swepson Mills, ratified the nineteenth day of February, Anno Domini one thousand eight hundred and eighty-one; the North State Mining Company, ratified the eleventh day of February, Anno Domini one thousand eight hundred and eighty-one; the Carolina Gold Mining Company, ratified the twenty-fifth day of February, one thousand eight hundred and eighty-one; the Conrad Hill Gold and Copper Company, of Davidson county, North Carolina, ratified the twenty-third day of February, one thousand eight hundred and eighty-one; Corporators.
Name.
Powers of mining and manufacturing company.
Powers granted which are granted in several companies named.

Ore Knob Copper Company, of Ashe county, North Carolina, ratified the twenty-third day of February, one thousand eight hundred and eighty-one; the Brown Mountain Mining and Manufacturing Company, ratified the thirty-first day of January, one thousand eight hundred and eighty-three; the Baltimore Gold and Silver Mining and Smelting Company, ratified the twenty-first day of February, one thousand eight hundred and eighty-three; the Yadkin Falls Manufacturing Company, ratified the second day of March, one thousand eight hundred and eighty-three; the South Atlantic Telephone Company, ratified the seventh day of March, one thousand eight hundred and eighty-seven; the South Atlantic Telegraph Company, ratified the seventh day of March, one thousand eight hundred and eighty-seven; the Carolina Telegraph Company, ratified the fifth day of March, one thousand eight hundred and [eighty] five, and the Winston Land Improvement Company, ratified the fourth day of March, one thousand eight hundred and eighty-seven; and may also

Electric plants.

construct and operate electric and compressed-air plants, with necessary conduits and pipe-lines.

Capital stock.

SEC. 2. The capital stock of said company shall be one million dollars, with power to increase the same from time to time, and the stock shall be divided into such number of shares and of such value as may be deemed expedient: *Provided, nevertheless*, that all stock issued shall be full paid and free from assessment, and no shareholder shall be personally or individually liable for any of the acts of the said company. The said company may choose its own officers, whose term of office shall be one year. The principal office of the company shall be at Thomasville, North Carolina, but branch offices may be established elsewhere.

Liability of stockholders.

Officers.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 311.

An act to incorporate the Carolina Savings Bank.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That O. P. Heath, P. H. Phelan, S. R. Collett, Walter Brem, A. R. Stokes, E. M. Andrews, W. F. Dowd, and their associates and successors, are hereby created a body politic and corporate, under the name and style of "The Carolina Savings Bank," and by such name may sue and be sued, plead and be impleaded in any of the courts of this state, and shall have a common seal and continued succession for the period of thirty years.

Name.

SEC. 2. This company is specially invested with the powers and privileges usually incident to savings banks, and may receive deposits in very small sums, the limit 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.

Powers of savings bank.

SEC. 3. The capital stock of said company shall not be less than five 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, and two dollars per share per month or otherwise thereafter as may be deemed expedient, till the par value of each share subscribed is paid.

Capital stock.

Limitation of increase.

SEC. 4. Stock in this corporation shall be non-forfeitable, but in the event of any stockholder being three months in arrears at any time for installments, the cashier shall cause to be personally served upon him a notice showing said stockholder's arrearages upon said stock, with costs for notice and with interest on the past due installment, and requiring him to pay his arrearages within thirty days from notice, or his said stock will be sold by the board of directors at auction at any regular monthly meeting of the board. From such sale all expenses, dues and interest accrued thereon will first be paid, and the balance, if any, to the holder of such stock; but in the event of a deficiency after said sale, the subscriber shall be still liable for such deficiency up to the par value of his stock, and no stockholder shall be liable for more than the par value of his stock. A letter sent to the address of the stockholder as shown on the books of the corporation shall be considered as a personal notice.

Lien upon stock for non-payment of assessments.

SEC. 5. The office and place of business of said banking company shall be in the city of Charlotte, state of North Carolina, and its 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.

Location, Charlotte.

SEC. 6. 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 the 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

By-laws.

Vacancies.

Directors.

to be called by them, one-half of which said board of directors shall hold office for one year and the other half for two years, or until their successors are duly elected, a majority of said board to constitute a quorum for the transaction of business.

Taxation.

SEC. 7. 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-residents as well as resident shareholders to the full amount paid in, less the value of any taxable property owned by the bank.

General banking powers.

SEC. 8. That said company shall have a 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 mortgages, pledges, deed or otherwise, or 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 anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate now allowed by law.

May buy or lend money upon bonds, stocks, &c.

SEC. 9. That said company may subscribe to, purchase, acquire, or lend money upon any stock, shares, notes, bonds, debentures 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.

May receive deposits.

SEC. 10. *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.

May act as agent, &c.

SEC. 11. 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 com-

mission as may be agreed on, in registering, selling and counter-signing, 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, et cetera, 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.

SEC. 12. 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 in 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, stock, 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.

May act as trustee.

SEC. 13. *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 evidence of indebtedness of any person, partnership or corporation, for any price and on any consideration agreed on.

May guarantee bonds, &c.

SEC. 14. That the stock held by anyone 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.

Stock, how transferable.

SEC. 15. This act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 312.

An act to incorporate the Mutual Insurance and Aid Society of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

Incorporators.	SECTION 1. That Stephen W. Noble, A. S. Winstead, William H. Howell, Edward F. Johnson, S. V. Bunting, O. Lawrence Dudley, Dr. Wright Hall, Albert B. Guyton, Robert C. Merritt, and their associates and successors, are hereby declared a body politic and corporate under the name and style of "The Mutual Insurance and Aid Society of Wilmington, North Carolina," and under that name and style may sue and be sued, plead and be impleaded in any and all courts of this State, contract and be contracted with, and 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 this state.
Name.	
General powers.	
Objects to promote benevolence, &c.	SEC. 2. That the object of the society is to promote benevolence and industry, and to give protection to its members in case of accident, sickness or death, in such sums and in such a manner as the by-laws may direct and as may be provided for in the beneficiary certificate.
Location, Wilmington, Branches.	SEC. 3. That the principal place of business shall be at Wilmington, North Carolina, its head office; with the right and privilege of establishing branch offices anywhere in the state of North Carolina.
Capital stock.	SEC. 4. That the amount of the capital stock is and shall be ten thousand dollars, divided into one thousand shares of the par value of ten dollars each: <i>Provided, however,</i> that the said society shall have the power to organize and elect its officers, and begin business when two hundred shares of stock shall have been subscribed for and ten per cent. of the same paid in.
Capital stock, how paid.	SEC. 5. That the capital stock shall be paid in under such rules and in pursuance of such regulations and subject to such penalties and forfeitures as the by-laws which the board of directors may adopt and [shall] provide.
Directors.	SEC. 6. That the said society shall, at their first meeting, elect a board of nine directors, who shall elect from their number a president and vice-president.
President and vice-president.	
Seal.	SEC. 7. That the said society and its subordinate branches shall each have a corporate seal for the making and delivering of legal acts and proceedings, which they may alter from time to time as they may direct.
Funds to pay death or other losses.	SEC. 8. That the board of directors shall provide funds for the payment of death or accident losses and for the payment of weekly sick or accident benefits as they may become due from the members in such sums as may be determined upon as being equitable and

just, according to age, and by similar assessments made upon the death of a member, failure to pay premiums or dues within thirty days after the same is [are] due shall cause a forfeiture of all the rights of a member unless reinstated by action of the board of directors.

SEC. 9. That the society and branches thereof shall provide for the election or appointment of such officers as may be deemed necessary to transact the business of the corporation, to fix the compensation for their services, who shall hold office until their successors are duly elected and qualified.

To elect officers.

SEC. 10. That all persons of good bodily health and good moral character who are acceptable and between the ages of seven and sixty years are eligible to membership, and they are insurable for an amount of not less than twenty-five nor more than one thousand dollars in case of death or accident, and to a weekly sick or accident benefit of not less than two dollars nor more than twelve dollars, under such rules and regulations as may be provided for by the society in their by-laws.

Members.

Benefits.

SEC. 11. That said funds shall be exempt from all executions, and under no circumstances be liable to seizure or appropriation by any legal or equitable process for any debt or debts of its living or deceased members.

Benefit exempt from execution.

SEC. 12. That the funds due deceased members shall be due and payable within thirty days after legal notice and proper proof of death, and shall be paid upon the surrender of the certificate or policy, and unless a claim be asserted within one year after the death of any member a right to recover shall be forfeited.

Amount due on death.

SEC. 13. That they shall also have power to loan out the funds of the society upon first mortgages, improved real estate or other approved security. They may also buy and own stock or bonds in any corporation or purchase real estate anywhere in the state of North Carolina, and may resell the same either for cash or on weekly or monthly installments as to them may seem best, and they may also do all such other acts as they may deem advisable for the best interest of the society and the purpose for which it was organized, not in conflict with the constitution of the state of North Carolina and the United States.

Power to loan, invest funds, &c.

SEC. 14. That the stockholders in said society shall not be in anywise individually responsible for any debts, obligations, contracts or engagements of said society to an amount exceeding the amount of the respective stock owned by them.

Stockholders not individually liable.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 313.

An act to incorporate the Southern Woman's Christian Temperance Union Assembly.

The General Assembly of North Carolina do enact :

- Corporators.** SECTION 1. That Mrs. Caroline C. Gorrell, Mrs Annie E. Pease, Miss Annie C. Aston, Mrs. Harriet R. Collins, Mrs. Mary C. Woody, Mrs. Martha L. Wells, Mrs. Sallie F. Chapin, Mrs. Jennie C. Sibley, Mrs. H. B. Kells, Miss Fannie E. Griffin, Mrs. Caroline C. Merrick, Mrs. Sarah T. Jones, Mrs. Nannie A. Murrell, Mrs. Annie A. W. Cadwallader and Mrs. Sarah C. Atcheson, their associates and successors, be and they are hereby made, constituted and declared a body corporate for the period of ninety-nine years under the name of "The Southern Woman's Christian Temperance Union Assembly," and by that name they shall have perpetual succession and a common seal, the right to sue and be sued, plead and be impleaded in any and all of the courts of the state, and the power to pass and make such by-laws and regulations not inconsistent with the general laws of the state and of the United States as may be necessary to accomplish and fully carry out the object and purposes of said corporation.
- Name.**
- Corporate powers.**
- Organization.** SEC. 2. That the persons named in the first section of this act shall have the power to organize the said corporation as hereinafter directed, and no notice of their meeting or publication of said corporation shall be given or required: *Provided*, the said named incorporators, or a majority of them, shall waive in writing such notice and fix a time and place for their meeting.
- Powers of corporation.** SEC. 3. That said incorporators and such persons as they may from time to time associate with them shall have the sole charge and management of the business of said corporation under such by-laws and regulations as they may adopt as hereinbefore provided, and in the event of the death or resignation of any of their number they shall have the right to appoint a successor, and they may from time to time associate with them other persons who, when properly associated, shall have and be invested with all the rights, privileges and powers that are granted to the said incorporators by the provisions of this act.
- Objects.** SEC. 4. That the object and purposes of said corporation shall be to aid, enlist, and unite all persons engaged in christian work, and the promotion of evangelistic, philanthropic and scientific pursuits; and in furtherance of said purposes and objects it shall have the right to carry on and extend its business in other states of the United States, and in foreign countries, subject to the conditions imposed by this act.

SEC. 5. That said corporation shall have the right to purchase, lease, take and receive by purchase, gift or devise, in fee-simple, all manner of lands, tenements, rents, annuities and other hereditaments, and to sell, convey, lease and sub-let the same, and have the right, and be capable in law to take, receive and possess all money, books, goods and chattels which may be sold, given or bequeathed to or for the use of the said corporation, and to dispose of the same; and the property, real and personal, so obtained and held shall be held in special trust for the objects and purposes set forth in the fourth section of this act, and no other.

Right to buy and sell real and personal estate.

SEC. 6. That the said corporation shall have the power to borrow money and secure the payment of the same by mortgage or deed in trust upon its said property, and may loan money upon such securities as may be allowed by the by-laws and regulations to be adopted as hereinbefore provided.

May borrow money, mortgage lands, &c.

SEC. 7. That the principal place of business of such corporation shall be at Skyland Springs, in the county of Buncombe, North Carolina, until changed by the by-laws, and there shall be an annual meeting of its incorporators and their associates provided for in this act at its place of business, unless otherwise provided by its said rules and regulations.

Location Skyland Springs, Buncombe.

SEC. 8. This act shall take effect from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 314.

An act to incorporate the United Mining and Manufacturing Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Samuel T. Morgan and Julian S. Carr, and their associates, successors and assigns, are hereby created a body politic and corporate under the name of "United Mining and Manufacturing Company," with a capital stock of five hundred thousand dollars, with liberty to increase the same from time to time to any sum not exceeding fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each, and to have the privileges and rights hereby specially granted, and such as may be necessary to the full exercise and enjoyment of the same.

Body politic.

Corporate name.

Capital stock.

SEC. 2. The said corporation is hereby authorized and empowered to conduct, transact and carry on and engage in the business of manufacturing commercial fertilizers of any and all kinds, and the buying and selling and manufacture of any and all kinds of mate-

Corporate powers.

rials used in the manufacture of commercial fertilizers, the manufacture and sale of sulphuric acid and all its by-products usually made in the manufacture of sulphuric acid and phosphates and fertilizers, and may engage in mining for phosphates, pyrites and by-products and minerals of every kind whatsoever, and in the production, manufacture, manipulation by whatever process, and sale of commercial fertilizers by whatsoever name known to the trade; and may engage in any business, whether of mining or manufacturing or otherwise, having for its object the preparation and sale of commercial fertilizers and sulphuric acid and its by-products. The said corporation may also engage in the manufacture and sale of cottonseed oil, cotton goods of all kinds, cotton bagging and all other products derived from the cotton plant by whatsoever name known to the trade. The said corporation may also engage in the manufacture and sale of farming tools and implements of husbandry of every kind, and in buying and selling merchandise and manufactured goods of whatever kind they deem fit in connection with their business.

Corporate powers.

SEC. 3. The said corporation shall have all the rights, powers, privileges and franchises given to corporations by general law, and in addition thereto may purchase, lease and hold real estate and its appurtenances, and personal property, in this or any other state, deemed necessary and procured by it for the purposes of its business, and may establish its principal office or place of business in the town of Durham, with branches thereof in North Carolina or any other state or states. The said corporation may use its capital stock or any part thereof in the purchase of property, real or personal, as the stockholders may direct, and may borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects or otherwise; and it may make such bonds or other evidences of its indebtedness convertible into the capital stock of said corporation upon such terms as to said corporation may seem best and as may be agreed on.

Principal office.
Branch offices.
Corporate powers

May build branch
railroads, &c.

SEC. 4. That the said corporation, in order to facilitate the operations of its business and to secure transportation for its products to and from its principal place of business or any branch or branches thereof in the state of North Carolina, may construct branch tramways or railways from such place or places of business, to connect and intersect with the nearest line of railroad, and operate the same with steam or any other motive power, or may contract with such railroad company to operate the same upon such terms as may be agreed on. For the purposes of survey and rights-of-way, said corporation shall have the same powers and be subject to the same restrictions as are contained in chapter forty-nine of The Code in the location of its line.

Condemnation of
land.

SEC. 5. That the stockholders of said corporation shall have power to make all rules and regulations necessary for the government of the said corporation and the transaction of its business; they shall have power to elect, in such manner as a majority of the stockholders may prescribe, such officers as they deem necessary, prescribe their duties, compensation and terms of service, and in general said stockholders may adopt 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 promote their interests.

Rules, &c.

Officers.

By-laws.

SEC. 6. That said corporation may adopt a common seal, which may be altered at pleasure.

Common seal.

SEC. 7. That said corporation shall be authorized to organize and begin business as soon as fifty thousand dollars at par value of its capital stock shall be subscribed for.

Organization.

SEC. 8. The stockholders of said corporation shall not be individually nor personally bound for the obligations, contracts, debts or liabilities or torts of said corporation.

Non-liability of stockholders for corporate debts.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 315.

An act to change [the] name of the Hiawassee Land and Improvement Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of the Hiawassee Land and Improvement Company, a corporation created by act of the general assembly, ratified March the eleventh, one thousand eight hundred and eighty-nine, be and the same is hereby changed to "The Watauga Valley Land and Improvement Company," and so changed wherever the name Hiawassee occurs.

Chapter 171, Private Laws, 1889, amended.

Name changed to Watauga Valley Land and Improvement Company. Incorporators changed.

SEC. 2. That the names of Joe Hardwick, Jno. H. Parker, Joe H. Hardwick of Cleveland; James N. Cooper, Jno. A. Hart, M. H. Cliff of Chattanooga; Jno. H. Moore, Edgar Jones, A. N. Harris and N. W. Berry of Nashville, Tennessee, be stricken out, retaining only the name of Henry C. Colton of Cherokee county, North Carolina, and inserting in lieu of those stricken out John T. Wilder, Frank A. Stratton, J. T. Jobe of Johnston City, and H. S. Chamberlain of Chattanooga, Tennessee; L. T. Banner of Mitchell county, North Carolina; J. B. Phillips, W. B. Council, senior, and W. B. Council,

- junior, of Watauga county; S. L. Patterson, E. Jones, S. F. Harper, Hugh Gwyn, N. H. Gwyn, G. W. F. Harper, of Caldwell county, North Carolina, so that said section shall read, "That Henry C. Colton, of Cherokee county, North Carolina; John T. Wilder, Frank A. Stratton, J. T. Jobe of Johnston City, and H. S. Chamberlain of Chattanooga, Tennessee; J. T. Banner of Mitchell county, J. B. Phillips, W. B. Council, senior, and W. B. Council, junior, of Watauga, North Carolina; E. Jones, S. L. Patterson, S. F. Harper, Hugh Gwyn, G. W. F. Harper, of Caldwell county, North Carolina, and such others as they may associate with them, their successors or assigns, be and the same are hereby created a body politic and corporate under the name and style of The Watauga Valley and Improvement Company."
- Body politic.
- Corporate name.
- Section 7 amended.
- Principal office.
- Branch office.
- SEC. 3. Strike out in section seven "county of Cherokee, State of North Carolina," and insert "county of Caldwell, North Carolina, or at Johnson City, Tennessee, as a majority of the stock may direct, and if the principal office is placed at Johnson City, there shall be a branch office in Caldwell county," so that the first sentence shall read in the original bill as follows: "Sec. 7. That the chief office of said company shall be in the county of Caldwell, North Carolina, or at Johnson City, Tennessee, as a majority of the stock may direct, and if the principal office is placed at Johnson City there shall be a branch office in Caldwell county, but it may have branch offices or agencies in any towns or cities where the directors shall so order."
- SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

 CHAPTER 316.

An act to amend the charter of the town of Rocky Mount.

The General Assembly of North Carolina do enact:

Chapter 153, Private Laws 1887, and chapter 147, Private Laws 1889, amended.

SECTION 1. That chapter one hundred and fifty-three (153) of the private laws of North Carolina, one thousand eight hundred and eighty-seven, and chapter one hundred and forty-seven (147) of private laws of one thousand eight hundred and eighty-nine, be and the same are hereby amended in so far as is necessary to incorporate and include therein the following and no farther, and that, subject to the following amendments, the same shall remain in full force and effect.

Election of mayor.

SEC. 2. That the board of commissioners may elect one of their number as mayor *pro tempore*, who shall act as mayor and be clothed with all the authorities and powers vested in the mayor, whenever

there is a vacancy in the office of mayor, and whenever the mayor is absent or sick or otherwise unable to discharge the duties of the office.

Vacancy.;

SEC. 3. That the mayor shall have all the power and jurisdiction granted to justices of the peace; he may issue process without complaint when he is satisfied that there has been a violation of any town in [or] state law. That whenever a defendant, or witness, or other persons 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 upon the public works of the town, or on the public works or public roads of the county of Nash or Edgecombe. That the mayor may issue his precepts, processes and warrants to the chief of police of the town and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the police officers of the city or other officer authorized to serve process anywhere in the counties of Nash or Edgecombe.

Jurisdiction of mayor.

Imprisonment of offenders.

Liable to work on streets, &c.

Mayor's precepts.

SEC. 4. That the commissioners, when concerned, 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: *Provided*, the same be allowed by the provisions of this act and be consistent with the law of the land.

Ordinances, &c.

Proviso.

SEC. 5. That among the powers hereby conferred on the board of commissioners, they may borrow money only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation after thirty days' public notice, at which time those who consent to the same shall vote "Approved," and those who do not consent to the same shall vote "Not approved;" they shall provide water and lights, provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate the policemen, suppress and remove nuisances, regulate [and] preserve the health of the town from contagious or infectious diseases, provide ways and means for the connection [collection] and preservation of vital statistics, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the town, regulate the licenses for sale of spirituous liquors by all persons required to be licensed by the board, and during [a] period of great public excitement may prohibit sales of spirituous liquors by all such persons for such time as the board may deem necessary, may pass ordinances infusing [imposing] penalties for violations thereof not to exceed a fine of fifty dollars or imprisonment for thirty days; and the policemen of the town of Rocky

Powers of commissioners.

Powers of policemen.

- Mount when appointed or elected shall have the power to execute any process, criminal or civil, in the counties of Nash or Edgecombe which may be directed to them by the said mayor or other lawful authority. They may also construct or contract for the construction of a system of drainage for the town 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 town, then, in such case, the board of commissioners shall have the power to so extend it, and both within and without the corporate limits to condemn land for the purpose 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 (49), section six (6) of the private laws of one thousand eight hundred and sixty-two (1862) and one thousand eight hundred and sixty-three (1863), or in the manner prescribed in chapter forty-nine (49), volume one (1) of The Code.
- Drainage.**
- Condemnation of land.**
- Policemen.**
- Duties and powers.**
- May summon posse.**
- Right of entry.**
- Taxation.**
- Ad valorem tax.**
- Poll-tax.**
- SEC. 6. The policemen of the town shall be elected annually, but may be removed by the commissioners at any time. It shall be their duty and they shall have power to suppress all breaches of the peace and all disturbances of the quiet and good order of the town, and to arrest all offenders against [the] town or state laws; and in so doing they shall have the same powers which sheriffs and constables have to prevent as far as possible all injury to the town property and buildings and the streets and sidewalks, and to report to the mayor any repairs needed, and to perform such other duties as may be required of them by the board of commissioners, or by the chief of police, or the mayor; they shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policeman is hereby directed to report the names of such persons to the mayor, who is directed to proceed against them as the law directs; they shall have the power to enter the enclosure and house of any person without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any persons so offending, and, if necessary, to summon a posse to aid them, and all persons so summoned shall have like authority.
- SEC. 7. 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:
- (1). On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the general assembly *ad valorem*, except incomes, a tax not exceeding sixty-six and two-thirds (66 $\frac{2}{3}$) cents on every hundred dollars value.
 - (2). On all taxable polls a tax not exceeding three dollars a poll who may be residents of the town on the first day of June of each

year, or may have been so resident within sixty days next preceding that day.

- (3). A purchase tax on merchants as levied by the state. 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 a 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 three dollars: *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 town when confined, a tax not exceeding five dollars a head. Swine and goats.
- (7). Upon every express company and upon every telegraph or telephone company doing business in the town, a tax not exceeding thirty dollars. Express companies, &c.
- (8). Upon all itinerant merchants or peddlers offering to vend in the town, 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 medicines by whomsoever manufactured. Not more than one person shall peddle under a single license. Peddlers.
- (9). Upon every billiard-table, bowling-alley, or any [business] 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 thirty dollars. Upon every hotel, restaurant or eating-house, a license tax not exceeding twenty dollars. Billiard-tables, &c.
- (10). Upon every license by the commissioners to retail spirituous, vinous or malt liquors, a tax not exceeding one hundred dollars. Retail liquor license.
- (11). Upon every company of circus-riders or performers by whatever name called, who shall exhibit within the town 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.
- (12). 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 dollars for every twelve hours allowed for Theatres, &c.

exhibiting, the tax to be paid before exhibiting or the same shall be double.

Artificial curiosities, &c.

(13). Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be double.

Shows, &c.

(14). Upon each show or exhibition of any other kind, and on each concert for reward in the town 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.

Goats and hogs running at large.

(15). Upon every goat or hog running at large in the town there may be levied a tax not exceeding six 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 aldermen may designate, after three days' notice at the post-office.

Horses, &c., going at large.

(16). Upon every horse or mule or bull going at large, a tax not exceeding ten dollars.

Dogs.

(17). Upon every dog which may be brought into the town after the first day 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 town.

Proviso.

Livery-stables, &c.

(18). Upon every keeper of a livery-stable, sale-stable or stockyard a license tax not exceeding twenty dollars a year. Upon each photographer, merry-go-round, or shooting gallery, or huckster, or other person, selling on the streets or sidewalks, a tax not exceeding twenty dollars a year.

Occupations, &c.

(19). Upon every occupation, profession or business not herein specially named, a license tax not exceeding ten dollars a year.

Collection of taxes by distress, &c.

(20). 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, all sales to be made 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 twenty days if the property be realty.

Sale of personal property outside of town limits.

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 belonging to a delinquent tax-payer of the town in order to enforce the payment of taxes due the town by said delinquent.

Sale of personal property for taxes.

(21). 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 December, the tax-collector shall either proceed to collect the same by a levy and sale of personal property belonging to the

- owner of said lot, or 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 post-office door in the town by the collector. The collector shall, before selling the same, make a full advertisement of the said real estate at the post-office door and at three or more public places in said town 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, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the town or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the town, and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. 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.
- (22). 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 commissioners, and if there shall be a surplus after paying said taxes the same shall be paid into the town treasury, subject to the demands of the owner.
- (23). That the owner of any land sold under the provisions of said charter and amendments, 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. on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes.
- (24). 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 of [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.
- (25). 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

Sale of real estate

Notice to owner.

Land, how sold.

Purchase by town.

Collector to make return, &c.

Surplus.

Redemption of land sold for taxes.

Conveyance to purchaser.

Prima facie evidence.

Sale of land of infants, &c.

be made according to section ninety-two of chapter ninety-nine of the revised Code.

Condemnation of
land for streets.

SEC. 8. That when any land or right-of-way shall be required by said town of Rocky Mount for the purpose of opening new streets, or for widening streets or sidewalks, or for other objects allowed by its charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, 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 of the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of

Appeal.

said land or right-of-way: *Provided, nevertheless*, 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 and in that case either party may have an appeal to the next superior court of the county to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation, with the proceedings thereon, and the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening such street or erecting such improvement: *And provided further*, that in case of the discontinuance of the use of the land and its reverter to the owner, the town shall have the right to remove any improvement under its authority erected.

Proviso.

Proviso.

Taxes, &c., pay-
able to treasurer.
Appropriations.

SEC. 9. 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.

Streets.

SEC. 10. That all [the] commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and grade and ascertain the location of those already provided, and lay out and open others, and may reduce and [or] increase the width of all of them and regulate the character of the repairs. They may also establish and regulate the public grounds and protect the shade trees of the city.

Owner of land
failing to repair
sidewalk after
notice guilty of
misdemeanor.

SEC. 11. That if any owner or lessee of lands in the town, 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 repair, 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.

SEC. 12. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve in such manner as the commissioners may direct such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or, if he be a non-resident of the county, to his agent, or if such non-resident have no agent in the county, or if personal notice cannot be served upon the owner or agent, then after the publication of a notice by the chief of police for thirty days in some newspaper published in town, 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. Owner to repair, &c., sidewalks.
On failure after notice, town may repair.
Expenses, how paid.

SEC. 13. That the commissioners may require and compel the abatement of all nuisances within the town, or within one-half mile of the town limits, at the expense of the person causing the same, or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the town or within one-half mile of the town limits, and may regulate the same if allowed to be established, any slaughter-house or place, or the exercise within the town or within one-half mile of the town limits of any dangerous, offensive or unhealthy trade, business or employment. Abatement of nuisances.

SEC. 14. That the commissioners shall have power to prevent dogs, horses, cattle and all other brutes from running at large in the town, and may prohibit swine from being kept in town. Live stock running at large.

SEC. 15. That they may prohibit and prevent, by penalties, the riding or driving of horses or other animals at a speed greater than six miles per hour or in a reckless manner, within the town, and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous material, in the streets, public grounds or elsewhere within the town. Fast riding, &c.

SEC. 16. That the commissioners 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; may Market.

- Weighmaster. erect scales to weigh the same, appoint a weigh-master and fix his fees and direct by whom they shall be paid; appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.
- Keeper.
- Public buildings. SEC. 17. 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 by fire; and they may lay off fire districts within which wooden buildings shall not be erected.
- Fire districts.
- Grave yards, &c. SEC. 18. That they may provide grave-yards in or near the town and regulate the same; may appoint and pay a keeper and compel the keeping and returning bills of mortality; and they may prohibit interments within the town.
- Fire companies. SEC. 19. That they may provide for the establishment, organization, equipment and government of fire companies, and in all cases of fire a majority of the commissioners may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down and the removal of any other property, for which they shall not be responsible to anyone in damages; and in case the presence of a majority of the commissioners cannot be had, the mayor, together with two commissioners of the town, to be selected by him, shall perform the duties prescribed in this section.
- Destruction of buildings to stop fires. SEC. 20. That they may take such measures as they deem effectual to prevent the entrance into the town, or the spreading therein, of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infested with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease and whose stay may endanger its health to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, 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.
- Contagious diseases, hospitals, &c. SEC. 21. That in case any person shall be removed to the hospital the corporation may recover, before the mayor or any justice of the peace, of such person the expense of his removal, support, nursing and medical attendance, and burial expenses also in case of death.
- Expenses of removal to hospital. SEC. 22. That if any person shall attempt by force or by threat of violence to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town one hundred dollars, and moreover be deemed guilty of a misdemeanor.
- Penalty for attempt to prevent removal, &c.

SEC. 23. That it shall not be lawful for the commissioners of Nash or Edgecombe county[ies] to grant any license to sell spirituous, vinous or malt liquors within the limits of the town or within one mile thereof without permission first obtained from the board of commissioners 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 an[d] 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 selling without license, and for every offence of selling shall moreover forfeit and pay to the town the sum of twenty dollars.

Commissioners of Nash not to grant liquor license within one mile without consent of town commissioners.

SEC. 24. That the town of Rocky Mount may convey lands and all other property transferable by deed, by deed of bargain and sale or other proper deed, sealed with the common seal, signed by the mayor and two commissioners and attested by a witness.

Conveyance of lands.

SEC. 25. That all fines and penalties imposed by and collected under the judgment of the mayor sitting as a justice of the peace shall belong to and inure to the exclusive benefit of the town of Rocky Mount.

Fines, &c., to belong to town.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 317.

An act to incorporate Wilkesboro Land and Development Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. T. Ferguson, D. E. Snook, J. C. Hubbard, F. S. Miller, J. A. Cooper, C. J. Cowles, W. C. Winkler, R. N. Hackett, A. H. Eller and H. R. Starbuck, and their associates and successors and assigns, are hereby constituted and declared to be a body politic and corporate under the name and style of "Wilkesboro Land and Development Company" and shall have for fifty years succession, and by that name and style may sue and be sued, plead and be impleaded in any and all counties [courts] of this state, adopt and use a common seal, and may alter and reserve the same at will, and to have the privilege, franchise, rights and powers hereby specially granted and also those conferred upon corporations by the laws of North Carolina.

Body politic.

Corporate name.

Corporate powers

- Capital stock. SEC. 2. That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall be for such total sum as the stockholders in general meeting may determine: *Provided*, the capital stock shall not exceed two million dollars (\$2,000,000); that if it shall at first be determined by the stockholders to issue less than two million dollars of such stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of a majority stock vote, to be given at any general or special meeting called for the purpose of considering any proposed increase of such capital stock.
- Limitations.
- Organization. SEC. 3. That whenever the sum of twenty thousand dollars shall have been subscribed to the capital stock and five per centum paid in, it shall be the duty of said corporators to call a general meeting of the stockholders and at such meeting to elect a board of directors, one of whom shall be elected president by said directors, whose term of office shall be one year, and shall hold their office until others are chosen and qualified; and also said directors, at their first meeting after their installation, shall elect a secretary and treasurer and require bonds of them, and the president may be required to give bond also.
- Directors and President.
- Other officers.
- By-laws. 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[holders] may prescribe, such officers as they deem necessary, prescribe their duties, compensation, term of service, and require bonds for their performance of duties and trusts; 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 United States, as they may consider best calculated to serve their interest.
- Bonds.
- Subscriptions to capital stock, how made. SEC. 5. That the corporators in the first section named, or a majority of them, are hereby empowered to solicit subscriptions to the capital stock of said corporation and to enter said subscriptions on the books of the corporation, and to re-open books of said subscription to said capital stock from time to time until the same be wholly taken.
- Subscriptions to capital stock, how payable. SEC. 6. That the capital stock may be created by subscription on the part of the individuals, firms or corporations of any kind, and may be made payable in money, lands, material for construction, machinery, ores or other such equivalents as a majority of the corporators may direct or determine, or as may be determined by a majority of the directors who shall succeed them. The said corporators or directors shall fix the value of any lands, machinery, bonds and other equivalent offered in payment for the stock, and shall make such assessments upon the subscribers to the capital stock of
- Value of land, &c., subscribed, how fixed.

the corporation and collect the same as to them may seem best, not in excess [excess] of the amount of stock subscribed for; ten days' notice to be given by mail of any assessments of stock.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the corporation, either by motion to the court of the county where the delinquent may reside, upon giving him ten days' notice, or by civil action; or the entire stock may be sold by order of the directors for cash at the principal office of the corporation, after advertisement of such sale for twenty days in some newspaper published in the place nearest the principal office in North Carolina, 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.

Stock liable for balance unpaid.

How collected.

SEC. 8. That if any subscriber shall assign his stock before the full payment, he and his assigns, and all subsequent assigns 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 corporation, as well in respect to the remedy for recovering as in the distribution of assets of any deceased subscriber.

Stock of delinquent liable in hands of assigns.

SEC. 9. The president and board of directors may establish offices and agencies at all times and places as they may think proper in this state, the United States, or in foreign countries, but the principal offices shall be located at some point within the limit of the state of North Carolina.

Establishment of offices and agencies.

SEC. 10. 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.

Stockholders not personally liable.

SEC. 11. 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.

Liability to taxation.

SEC. 12. If after such demand or notice, as by the by-laws of the company is prescribed, any call made upon any share or shares, if not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whereon such payment is not made, and the same shall thereupon become the property of the corporation, and may be disposed of as by the by-laws or otherwise the directors may ordain.

Powers of directors to declare forfeiture of delinquent share.

SEC. 13. A copy of any by-law of the corporation, under its seal and purporting to be signed by any officer of the company shall be

Copy of by-laws prima facie evidence.

received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina. No share or stock [of the company] shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls hereon, nor shall the directors allow a transfer of stock whereon any call has been made which has not been paid in.

Stock, how voted SEC. 14. That [at] all general or special meetings of the stockholders the vote shall be by stock vote, and each stockholder shall be entitled to as many votes as he owns shares, and may vote the stock of others by proxy deposited with the secretary, and every stockholder who has pledged his stock nevertheless may vote such stock as a stockholder.

Quorum of directors. SEC. 15. That no less than three shall be a quorum of the board of directors, and at all meetings of the stockholders no less than a majority of the whole stock shall be a quorum for the transaction of any business.

Power to hold lands, &c. SEC. 16. That said corporation shall have power to take by purchase, lease or other operation of law, any lands, tenements or hereditaments 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, and as freely as citizens of this state can or may do. They shall have power to develop the resources of said lands by town building, advertising for immigrants in this and other states and in foreign countries, the organization of colonies, improving, building, manufacturing, 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 the said property; to subscribe to the capital stock of any and all enterprises which may be projected in this state; to buy,

Power to sell lands, build towns, &c. manufacture and sell all kinds of goods, chattels and effects required by the company; to construct mills, workshops, hotels, or other business premises and maintain them; to sink mines for the purposes 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, telephone and electric light and car lines, water-works, canals, gas and water-pipe lines, aqueducts, reservoirs, streets, alleys, sewerage, gas-

To encourage immigration. works and any other works that may be deemed necessary or convenient for the corporation, and whenever it may become necessary for the purposes herein named, may enter upon and condemn lands of others and have damages assessed as practiced by law. That all sections or parts of sections of chapter forty-nine, volume one of The Code of North Carolina, in conflict with the provisions of this act are

Manufacturing. Mining.

Railroads from property of company.

Various powers. Power to condemn land.

hereby declared inoperative so far as they affect the privileges, rights and powers hereby conferred.

SEC. 17. That said corporation shall have power to take mortgages or other liens upon real estate for its security or indemnity, and it shall be lawful to invest in any and every mortgage or deed of trust conveying estate or personal property to secure purchase-money or money lent by, or a debt due the said corporation, a power of sale of the said corporation whereby said corporation upon default of payment of such loan or debt, may sell the property mortgaged to secure the payment thereof after giving notice of the time and place of sale specified in such mortgage or deed of trust. And the said corporation shall have power to make insurance upon goods, wares or merchandise, or personal property, or dwelling-houses, warehouses or houses or other buildings, against risk arising from fires, or upon the life or lives of 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 of real estate, and to make, execute and perfect such, and so make contracts, agreements, policies or other instruments as may be required therefor, and to receive compensation for such insurances. That said corporation shall have power to pay interest on deposits as the directors may agree upon, and whenever any deposit shall be made by or in the name of any person being a minor or a female, or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor and shall be paid to such depositors and their receipt shall be a valid release to the corporation. That said corporation may act as agent of any person or persons or corporations wishing to lend money in this state or sell lands in this state, and to convey such lands or land by deed in the name of the principals acknowledged by the corporation as such agent when so authorized by power of attorney, and to charge and receive compensation therefor; that the corporation is hereby authorized to accept and execute any trusts which may be transferred to it by any person, bodies corporate, public or any court; and to accept the appointment of executor or administrator, receiver, trustee, assignee, guardian, and whenever such trust funds are deposited with the corporation the capital stock paid in shall be taken as lawful security for the faithful performance of his duties as such agent, executor, administrator, trustee, receiver, assignee or guardian and shall be absolutely liable for any default; that the corporation may deal in all mineral products, crude and manufactured. That it shall have power to erect and maintain factories and mills which the said corporation shall deem suitable to erect and maintain, and do all such other things as are incidental or contiguous to the attainment of any or all of the above; they shall have power to erect and main-

To take mortgages.

Foreclosure of mortgage.

Power to make insurance.

Interest on deposits.

Married women's deposits.

May act as executor, &c.

Manufacturing and mining powers.

tain iron and steel furnaces; to back water upon the lands of others for the purpose of constructing their roads, canals, water-works, water or gas-pipe lines, telegraph, telephone, electric light or car lines, dams, or other works; to enter upon any land to which the corporation may not have title or the right of possession, and is unable to agree with the owners thereof for the compensation therefor. The mode of procedure to secure the condemnation of such lands shall be as prescribed by law. They shall have power to purchase, lease, or otherwise acquire any real or personal property and take title thereto in the name of the company; to sell, grant, 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 upon real and personal property security, and discount bonds, notes and bills of exchange, and to receive in advance the interest that may be agreed upon, not to exceed, however, the rate of eight per centum; to guarantee the payment of notes, bonds, bills of exchange and other evidences of debt, and receive compensation therefor; to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments, and on agricultural products and merchandise; 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 and execute mortgages and deeds of trust upon the purchases and property of the company; to secure the payment of said bonds, and to use its money and property in any manner whatsoever that is lawful; and shall have power and right-of-way to build, equip and operate street railways, electric or other kind, from the depot near Wilkesboro, North Carolina, to said town and through the same; and shall have power to conduct a safe deposit and storage business, and receive compensation for the same.

Electric lights,
car lines, gas, &c.

Lend money, &c.

Safe deposit and
storage.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 18 91.

CHAPTER 318.

An act to incorporate the Baptist Church in Waughtown

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That W. L. Sink, W. L. Cook, C. A. Clodfelter and W. W. Phillips, 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 the Waughtown Baptist Church in the County of Forsyth," 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 other rights and powers usually pertaining to corporations created for similar purposes.

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 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.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 319.

An act to amend chapter eighty-five of the private laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

SEC. 1. That section fourteen of chapter eighty-five of the private laws of eighteen [hundred and] eighty-five be amended by striking out in the ninth line of said section the word "fifty" and inserting in lieu thereof the words "one hundred."

Amendment to charter of Greensboro. (Word "fifty" not in ninth line.)

SEC. 2. That section fourteen of said chapter be amended by striking out in line five the word "April" and inserting in lieu thereof the word "May."

Tax to be levied in May instead of April.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 320.

An act to incorporate Zion Wesley A. M. E. Church, Cabarrus county.

The General Assembly of North Carolina do enact:

Corporators.	SECTION 1. That Anderson Louder, May Jackson, William Parker, Joseph McLean and Calvin Cook, of the colored race, and their successors, shall be and are hereby declared a body politic and corporate
Name.	in deed and in law by the name and style of "The Trustees of Zion Wesley African Methodist Episcopal Church" in number eight (8)
Corporate powers	township, Cabarrus county; and said corporation shall have perpetual succession, and shall have power to purchase and hold real and personal property, and to acquire the same by gift or otherwise, sue and be sued, and may elect such officers as they shall deem necessary.
Officers.	
Vacancies, how filled.	SEC. 2. That in case of death, refusal to act, removal from the community, or from any cause whatever, a vacancy shall occur in the said board of trustees, the remaining members shall have power to fill the same, provided their number shall not be greater than five.
Unlawful to sell or give away liquors, &c., in certain boundaries.	SEC. 3. That it shall be unlawful for any person or persons to give away, sell or otherwise dispose of wine, spirituous or malt liquors at said church or within the bounds beginning on the south side of the Mount Pleasant and Albemarle public road near Mr. M. R. Barrier's corner; thence with said M. R. Barrier's line in a northerly direction to W. R. Kindley's line; thence in a westerly direction with said W. R. Kindley's line and John Shinpock's line to Matthew Cook's corner; thence in a southerly direction with said Matthew Cook's line to the south side of said public [road]; thence in an easterly direction with the south side of said road to the beginning, and any person or persons so offending shall be guilty of a misdemeanor; that it shall be a misdemeanor for any person or persons to exhibit himself drunk at said church during divine worship; that it shall be a misdemeanor for any person or persons to use loud and profane or indecent language, or for any person or persons to engage in a quarrel in any angry manner in the hearing of those assembled in said church for divine worship, or for any purpose held in the interest of said church; that it shall be a misdemeanor for any person or persons to fire off a gun or pistol or other explosive device in the limits of this corporation during divine worship or any public gathering held in the interest of said church; and any person or persons violating any of the provisions of this section shall be prosecuted before any justice of the peace in Cabarrus county, and fined not more than fifty dollars or be imprisoned not more than thirty days or both at the discretion of the court.
Misdemeanor.	
Use of profane language.	
Firing, guns, &c.	
	SEC. 4. This act shall take effect from and after its ratification.
	Ratified the 9th day of March, A. D. 1891.

CHAPTER 321.

An act to incorporate Shiloh Institute.

The General Assembly of North Carolina do enact :

- SECTION 1. That Isaac Alston and Mansfield F. Thornton of Warren county, and M. F. Hawkins of Franklin county, and B. Harper of Halifax county, Henry Hester of Granville county, and O. Bullock of Vance county, their associates and successors, are hereby constituted and declared a body politic and corporate for educational purposes under the name and style of "Shiloh Institute," an institution of learning situated at Warrenton in the county of Warren and state of North Carolina, 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 buildings, grounds and all appurtenances belonging thereto situated in the said town of Warrenton, and which is now vested in the said parties above named as trustees by virtue of a deed from W. S. Davis and wife to the trustees of Shiloh Baptist Missionary Association of North Carolina of date of February, one thousand eight hundred and eighty-four, and registered in the registrar's office of Warren county in book forty-nine, page eight hundred and thirty-seven, 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, as well as of elementary learning, for the colored race in said town of Warrenton, and to make such by-laws and regulations and rules for the government of said institution as they and their successors may deem best.
- SECTION 2. That said institute above incorporated shall be managed by said board of trustees or their successors with full power to rent, lease, mortgage or sell any real or personal property for the purpose of maintaining said institution, discharging indebtedness or reinvesting the proceeds for a like purpose: *Provided*, that said board of trustees may from time to time be increased or diminished varying in number from five to thirteen.
- SECTION 3. That the officers of said institute shall be a president, secretary and treasurer, whose duties shall be such as devolve upon such officers in similar bodies, or such as shall hereafter be defined by said trustees, and that they shall be elected from their own number by the said trustees.
- SECTION 4. That the liabilities of said institute shall effect the property of the institution only, and not the private credit and property of the trustees as individuals.
- SECTION 5. That said trustees and their successors are and shall be authorized to appoint and elect such officers and teachers as they may deem best to serve the interest of said institution.

Corporators.

Name.

Location, Warrenton.

Corporate powers

May hold buildings, &c.

To acquire lands, &c.

Power to manage institute, &c.

Officers of institute.

Liabilities to effect property of institute only.

Trustees may appoint officers, teachers, &c.

- Executive committee. SEC. 6. That said trustees and their successors shall have power to appoint an executive committee to consist of the president, treasurer, secretary and two other members of the board of trustees, making five persons, a majority of whom shall constitute a quorum and shall have full power to transact any business for the said institution.
- Corporate seal. SEC. 7. That said Shiloh Institute shall have a common corporate seal which they may make and alter at pleasure.
- SEC. 8. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 322.

An act to incorporate the Kings Mountain Mining and Improvement Company.

The General Assembly of North Carolina do enact :

- Corporators. SECTION 1. That J. S. Carr, M. D. Rice, J. L. Smith, John W. Johnston, A. B. Andrews, J. A. Pinchback, J. W. Garrett, R. H. Garrett, Freno Dilling, W. A. Mauney, J. L. Mauney, W. A. Ware, W. Bayce Falls, together with all other persons and incorporations as may become stockholders in the company hereby incorporated, are hereby constituted a body politic and incorporate under the name and style of "The Kings Mountain Mining and Improvement Company," with
- Name. a capital stock of eight hundred thousand dollars, divided into
- Capital stock. shares of one hundred dollars each, with the liberty and authority from time to time to increase said capital stock to any amount not
- Limitation of increase. exceeding five million dollars: *Provided*, that any increase in the capital stock of the company shall be agreed upon by not less than
- Seal. two-thirds of the entire stock in any general or special meeting of the stockholders; that as said corporation they shall have 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.
- Corporate powers SEC. 2. May buy, sell and convey real and personal property and issue in payment therefor in part or in whole any part of the capital
- May own 100,000 acres. stock of the company: *Provided*, that said company may not hold at any one time more than one hundred thousand acres of land.
- Town sites. The said company may divide up any part of their land into town lots suitable for business or resident sites, sell or lease the same, erect houses thereon, sell the same on the installment plan, taking mortgages
- Powers concerning mineral rights. for deferred payments, or loaning money on the same; they may purchase the mineral rights in other lands than those owned in fee

by the company or stock of other corporations, and may do any and every other act necessary to be done for the successful carrying on of their business.

SEC. 3. The capital stock of the company shall be personal property and transferable in the books of the company in the method provided by any by-law in that behalf. Capital stock,
how transferable

SEC. 4. Each shareholder, until the amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditors before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be subject to the provisions of the next section, the amount recoverable with cost against such shareholder; any shareholder may plead by way of defence in whole or in part any set-off which he could set up against the company. Shareholders not
individually
liable after his
stock is paid for
in full.

SEC. 5. The shareholders of the company as such shall not be held responsible for any act, default or liability of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the unpaid amount of their respective shares in the capital stock thereof. Stockholders not
liable for act of
company.

SEC. 6. The company is hereby authorized to issue bonds under the seal of the company, signed by the president or other presiding officer and countersigned by its secretary or treasurer, and such bonds may be made payable at such times and in such manner and at such places in the United States or Great Britain, and bearing such rates of interest as the directors may think proper; and the directors shall have power to issue, sell or pledge all or any of such bonds at the best price and upon the best terms and conditions which at the time they are able to obtain for the purpose of raising money for the price of any bonds, or the erection of any works, or for other purposes of the company. The company may secure the said bonds by mortgage deed upon the whole of their real or personal property acquired and to be acquired, and [in] the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in the deed, all the powers and remedies granted by this act in respect of the said bonds and all other powers and remedies not inconsistent with this act. Bonds.

Mortgages.

SEC. 7. The persons named in the first section of this act are hereby constituted provisional directors of the company, of whom three shall be a quorum, and shall hold office as such until the first election of directors under this act, and shall have power forthwith to open stockholders [books] and procure subscriptions of stock in the said company. Contractors con-
stituted directors

SEC. 8. When and as soon as shares to the amount of two hundred thousand dollars in the capital stock of the company shall have been Organization.

subscribed, 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 Kings Mountain, North Carolina, in person or by proxy within one year from the passage of this act, and a majority of the corporators shall constitute a quorum for the transaction of business.

Qualification of directors. SEC. 9. No person shall be a director of the company unless he is the holder of at least twenty shares in the stock of the company.

Election of directors. SEC. 10. The shareholders and [in] general meeting assembled may choose not more than nine nor less than three persons to be directors of the company, of whom three shall be a quorum.

Place of meeting. SEC. 11. That thereafter the annual general meeting of the shareholders of the company for election of directors and other general purposes shall be held at such place and on such day and upon such notices as may be provided for by the by-laws of the company.

Shares, how valid SEC. 12. That [at] all general meetings of the company every shareholder shall be entitled to as many votes as he owns shares in the company and may vote in person or by proxy. Election of directors shall be by ballot; vacancies occurring in the board of directors may be filled by the board from among the qualified shareholders of the company. The directors shall from time to time elect from among themselves a president and vice-president of the company and such other officers as may be necessary.

Special meetings, how called. SEC. 13. That shareholders representing one-fourth of the stock of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in writing, giving two days' notice stating the object of such meeting.

Powers of directors. By-laws. SEC. 14. That the directors of the company shall have full power to make all by-laws not contrary to law or to this act for the regulation of the affairs of the company, for the establishment of a head office and branch officers [offices], for making calls upon stock subscribed: they shall have full power to manage the affairs of the company, make or cause to be made for the company and [any] description of contract which the company by law may enter into.

No transfer of share until fully paid. SEC. 15. That no shares shall be transferable until all previous calls thereon have been fully paid in.

Transfer of stock on which call remains unpaid. SEC. 16. That the directors may refuse to allow the entry into any such book of transfer of stock whereon any call has been made which has not been paid in.

Effect of transfer. SEC. 17. That no transfer of stock, unless made by sale under execution, shall be valid for any other purpose whatever, save only as exhibiting the rights of the parties thereto toward each other, and as rendering the transfer reliable *ad interim*, jointly and severally, with the transfer, or to the company and their creditors, until the entry thereof has been duly made in such book or books.

SEC. 18. That the company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share, and the receipt of the shareholder in whose name the same stands in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of company in regard to shares.

SEC. 19. That no person holding stock in the company as an executor, administrator, tutor; curator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor ward or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name, and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

Executor or fiduciary not personally liable as holder of shares.

SEC. 20. That every person who pledges his stock may nevertheless represent the same at all meetings of the company and may vote said stock as if [it] had not been pledged.

Pledge and redemption of stock.

SEC. 21. The [that] the directors of the company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed at such times and places and in such payments or installments as the by-laws of the company require or allow, and interest shall accrue and fall due at the legal rate for the time being upon the amount of any unpaid call from the day appointed for [the] payment of such call.

Directors may call for payment of subscription.

SEC. 22. That the company may enforce the payment of all calls and interest thereon by action in any court of competent jurisdiction in the same manner as any other debt.

Enforcement of payment.

SEC. 23. That if after such demand or notice as the by-laws of the company may prescribe or allow any call made upon any share or shares is not paid within such time as prescribed in such call, then the directors may in their discretion advertise said shareholder's stock, giving thirty days' notice by advertising in one or more newspapers published in the county in which the chief office of the company is located [in] North Carolina, and sell the same and apply the proceeds thereof or so much as is necessary to pay said unpaid portion of said stock, and the residue, if any, shall be turned over to said shareholder, his administrator or assigns.

Stock of delinquent may be advertised and sold.

SEC. 24. The directors of the company shall not declare or pay any dividend when the company is insolvent.

SEC. 25. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and check made, drawn or endorsed in behalf of the

Contract of lawful agent of company in scope of his power binding without seal.

company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or check, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the parties so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor.

Copy of by-law to be evidence.

SEC. 26. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina.

SEC. 27. This charter shall take effect and be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 323.

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

The General Assembly of North Carolina do enact :

Name of Farmers Bank of Goldsboro changed to The Bank of Wayne.

SECTION 1. That section one of chapter two hundred and sixty-nine of the private laws of one thousand eight hundred and eighty-nine be amended by striking out the words "the Farmers Bank of Goldsboro, North Carolina," and inserting in lieu thereof the words "the Bank of Wayne."

Five years to organize.

SEC. 2. That the corporators named in said chapter two hundred and sixty-nine may organize under the provisions of said act at any time within five years from the ratification of this act.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 324.

An act supplemental to an act passed at this session of the general assembly, entitled an act to amend chapter two hundred of the private laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section three of an act passed at this session of the general assembly entitled "An act to amend chapter two hundred, private laws of one thousand eight hundred and eighty-nine," be and is hereby amended by striking out the word "ten" and inserting in lieu thereof the word "fifty."

Act concerning Eastern Carolina Land, Improvement and Banking Company.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 325.

An act for the relief of the Fayetteville Independent Light Infantry Company.

WHEREAS, The Fayetteville Independent Light Infantry, of Fayetteville, North Carolina, was organized August twenty-third, one thousand seven hundred and ninety-three, and will soon reach the age of one hundred years; and whereas, said company has never failed to respond to the call of duty and has participated in every war in which this country has been engaged since the date of said company's organization, participated in the battle of Bethel when the first North Carolina blood was shed and was among those who fired the last shot at Appomattox; and whereas, the said company has been distinctly recognized and specially honored by act of this general assembly of North Carolina; and whereas, this company has and does yet express its willingness at all times to uphold the honor of North Carolina and obey the orders of its chief executor: now therefore, in consideration of the distinguished services of this time-honored company,

Preamble.

Organization and services of the Fayetteville I. L. I. Co.

The General Assembly of North Carolina do enact:

SECTION 1. That said military organization shall have a separate and distinguished [distinct] military existence, and known as the Fayetteville Independent Light Infantry, and as such are a corporate existence, and have and use a common seal, and for the purpose of holding property for its armory purposes are hereby created a

To have separate existence.

Name.

Body politic.

Real estate.

May issue bonds to build armory.

To receive an amount equal to other companies of State Guard.

body corporate and politic under said name, and may have and hold personal and real property not to exceed in value the sum of thirty thousand dollars, and for the purpose of saving [raising] money to build such armory may issue bonds not to exceed fifteen thousand dollars, of the denomination of one hundred dollars each, to run not longer than fifteen years, bearing not more than eight per centum interest per annum.

SEC. 2. That the said Fayetteville Independent Light Infantry Company shall be entitled to "an amount equal to that paid to the other companies in this [the] state guard by the state, out of any funds in the treasury not otherwise appropriated": *Provided*, the said company shall at all times obey the orders issued concerning it by his excellency the governor and commander-in-chief.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

 CHAPTER 326.

An act to incorporate the Lumber River Industrial and Live Stock Association in Robeson county.

The General Assembly of North Carolina do enact :

Corporators.

Body politic.

Name.

SECTION 1. That A. T. McCollum, William McQueen, M. A. Buie, Jesse R. McLean, R. T. Covington, B. W. Townsend and John A. McKay, and others who may be associated with them, and their successors in office, are hereby constituted a body politic and corporate under the name of "The Lumber River Industrial and Live Stock Association," and under such corporate name may sue and be sued, plead and be impleaded in any court of law and equity, may have a common seal, may purchase and hold real and personal estate, may mortgage and convey the same, and shall have perpetual succession, and do all other acts under the laws of corporations in force in the state of North Carolina.

Directors.

Vacancies.

SEC. 2. That said association, at its first regular meeting after the passage of this act, shall elect a board of directors consisting of five members, who shall be stockholders of said association, and that the election of the directors shall be determined by a stock vote. All vacancies occurring in said board of directors by death, resignation, removal or otherwise shall be filled at the next regular meeting of the stockholders after such vacancies occur.

President and vice-president to be elected by stockholders.

SEC. 3. That said association shall, by a stock vote, elect a president, vice-president, secretary and treasurer and such other officers as may be necessary for the interest of the association.

SEC. 4. That said association shall have power to make such laws By-laws. and regulations as may be necessary for the government of the association not inconsistent with the laws of North Carolina.

SEC. 5. That the place of business of said association shall be at Location. Red Springs in the county of Robeson and state of North Carolina.

SEC. 6. That said association is founded for the purpose of en- Objects. couraging and fostering all industrial enterprises including manufacturing, agriculture, horticulture, and the raising and improve- Fairs. ment of live stock by holding fairs annually, or oftener, as the interests of said association may require, and by awarding premiums for the exhibition of articles and for other purposes for which said association is created.

SEC. 7. That said association may purchase and hold real estate to an amount not exceeding twenty-five thousand dollars, and personal May buy and hold real and personal estate. property to an amount not exceeding five thousand dollars. That said association may purchase real estate and sell the same and convey such real estate to purchasers in fee-simple. That all purchases and sales of real estate shall be determined by a stock vote, and all conveyances shall be signed by the president and secretary of said association.

SEC. 8. That the par value of shares in the stock of said associa- Shares. tion shall be ten dollars per share. That the private property of stockholders shall not be liable for the debts of the association. Stockholders not personally liable.

SEC. 9. That all laws and parts of laws inconsistent with this act Repealing clause. are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 327.

An act to charter the town of Leicester in the county of Buncombe, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Leicester in the county of Buncombe, Name. be and the same is hereby chartered under the name and style of the town of Leicester, and that J. B. Wilson shall be mayor of said town and that D. F. Summey, R. D. F. Robeson, R. T. Poor, Lon Wells and M. E. Hayes, and their successors in office, shall be commission- Commissioners. ers of said town, and 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 and aldermen of the town

- Powers.** [of] Leicester; and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal and acquire real and personal estate to the amount of ten thousand dollars. That the
- Term of office.** said J. B. Wilson and the commissioners aforesaid shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit, one-half mile in every direction from the brick store known as the Hampton and Brown house.
- Officers.** SEC. 3. That the officers of said town shall consist of a mayor and five commissioners to be elected by the qualified voters of said town annually on the first Monday in May.
- Election.** SEC. 4. Said election of said mayor and commissioners shall be held at the brick store of Hampton and Brown in said town and no person shall be entitled to vote at said election or at any election in said town for municipal purposes unless he shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.
- Appointment of registrar.** SEC. 5. It shall be the duty of the commissioners of said town, on the second Monday in March in each year, to appoint a registrar and two judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town; the registrar so appointed shall immediately make publication at the door of the brick house and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to register the qualified voters of said town in such a manner that said book shall show an accurate list of the names of the qualified voters residing in said town; 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 registration book; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.
- Judges of election.**
- Duties of registrar.** SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Buncombe county.
- Oath of election officers.**
- Duties of election officers concerning registration, &c.** SEC. 7. It shall be the duty of [the] registrar and judges of election to attend at the polling place in said town with the registration book on Monday preceding the election from the hour of nine o'clock

A. M. to the hour of five o'clock P. M., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that specified. Any person challenged or objected to [who] 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.

Challenges.

SEC. 8. The said judge of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of 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 shall be counted out by them. They shall keep poll-books and write in them the names of every person voting at said election, and at the close thereof shall certify said poll-lists and deposit them with the clerk and treasurer of said town, and said poll-books shall in any trial for illegal or fraudulent voting be received as evidence; if for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy who shall be sworn by him before acting.

Duties on day of election.

SEC. 9. The voters shall vote by ballot, having the name of the mayor and commissioners on one ballot, either in writing or printing, 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.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be [a] qualified voter therein.

Eligibility to office.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify in writing the mayor and commissioners elect of their election.

Duty of clerk to notify officers elect.

SEC. 12. That the mayor and commissioners elect shall, within three days after being notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for

Oath of mayor and commissioners.

public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Penalty for refusing to qualify.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of ten dollars, one-half to the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum shall be recovered in any ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

Quorum.

SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Duties of mayor.

SEC. 15. That the mayor when present shall preside at all the meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have all power and authority conferred by this charter on the mayor of said town.

Vacancies, how filled.

SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for.

Election of clerk and treasurer.

SEC. 17. That said commissioners shall at the first meeting after their election select one of their own number or some other discreet person as town clerk and treasurer, who shall hold office for one year or until a successor shall be elected and qualified. He shall act as secretary to the board of commissioners and treasurer of said town, and before entering upon the discharge of the duties of the office shall give good and sufficient bond with sureties to be approved by the board of commissioners of said town in the sum of such bond as [the] commissioners may require, payable to the state of North Carolina and conditioned upon his faithful accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of said clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he fails 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 Leicester against the said official and his sureties.

Bond.

Monthly statements.

SEC. 18. The said commissioners shall, at the first meeting after their election, select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall before entering upon the discharge of the duties of his office enter into bond in such sum as the said commissioners may require, with good and sufficient sureties to be approved by the board of commissioners, payable to the state of North Carolina and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

Town constable.
Duties and term.

Bond.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets and the preservation of the health of the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of the said town may require.

By-laws and ordinances.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Nuisances.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days.

Violation of ordinances a misdemeanor.

SEC. 22. In all cases where an offender has been convicted before the mayor of said town for the violation of any ordinances thereof and a fine has been imposed on such offender [for] the said violation the mayor of said town, at the time of entering judgment against such offender thereof, 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, by the constable of Leicester, [be] put the [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.

Offenders may be sentenced to work on streets.

SEC. 23. The mayor of said town shall have power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town.

Power of mayor to try warrants.

Duties and powers of constable.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor; shall have authority to preserve the peace of said town, and within the corporate limits thereof shall have the authority in criminal matters and be entitled to the same fees as a sheriff has in the county; and in the collection of the taxes of the said town levied by the authorities thereof shall have the same power and authority as are given to sheriff[s] by law, except as hereinafter provided for by this charter.

Officer cannot make contract with corporation.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, clerk or constable, or any other official officer of said town to demand or receive, either directly or indirectly, any consideration for work or labor done or material 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.

Powers to lay out streets.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets or any part thereof within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purpose of this section or 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 shall not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order directed to the town constable, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity nor affinity with the mayor or commissioners of said town or the person or persons over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed, or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting and the purpose of their meeting for five days before the day when the said jurors will meet to open and lay out any new street or alter, change or discontinue any street already laid out. Said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change,

Damages.

Condemnation of land.

Procedure.

narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvements to said land or lands, caused by the opening, laying out and changing, making narrow or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them. And the said jurors shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of the said town shall make compensation to such owner or owners of said land for the amount of damages so assessing [assessed]. On the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of said commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered or changed, made narrower or wider shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

SEC. 27. That the said commissioners shall have power to construct Sidewalks. and repair sidewalks on any of the streets of said town.

SEC. 28. That the commissioners of said town may establish a Market. 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.

SEC. 29. That they may erect at some suitable place within said Public scales. corporation public scales for the purpose of weighing fodder, hay, oats or rye in straw, and live stock on foot offered for sale in said town, and for the purpose of weighing the same may appoint a Weigher; fees. 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.

SEC. 30. That the commissioners of said town may take such meas- Contagious dis- eases. ures as they may deem requisite, or pass such ordinances or regulations as they may think necessary to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

SEC. 31. The board of commissioners of said town shall have power Taxes. 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 cents Thirty cents on \$100. on the hundred dollars valuation on all real and personal property and sixty cents on each taxable poll, and the valuation of all prop-

erty within said town as taxed by said town commissioners shall be the same as that at which it is assessed for taxation for state and county purposes.

Taxes, when payable. Duty of constable.

SEC. 32. That all taxes levied by said town commissioners shall be due and payable on the of each year to the constable of said town, and after that time may be collected by him distraining any personal property of the tax-payer to be found in said town.

Advertisement for listing taxes.

SEC. 33. On the first Monday in July of each and every year, the clerk and treasurer of said town shall by advertisement at the courthouse door and from [four] other public places in said town notify all persons in said town liable to taxation to come forward and make returns of their tax-list to him within thirty days of 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 on oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter. Said list so returned shall state the age of the tax-payer and all property real or personal liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list-taker of Leicester township to be assessed for taxation for state and county purposes.

Tax-payer to make returns.

Taxes, how listed; in case of infants, &c.

SEC. 34. 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-three 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, if they have such.

Taxes to be listed by executors, &c.

SEC. 35. All property liable to taxation for town purposes in said town, and held by executors, administrators or trustees, shall be returned by them in that capacity; and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them; and the constable of said town is hereby authorized, at any time after the taxes may be due the town on said property, as aforesaid, to distrain any personal property of said guardian, executor, administrator or trustee to be found in said town.

Tax-list to be made out by clerk.

SEC. 36. 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 all 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 third Monday in October of 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 returns 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 November of each year. Such tax-list or copy thereof, certified by the clerk, when placed in the hands of the town constable shall have the force and effect of an execution.

Double-tax, when to be imposed..

SEC. 37. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in November of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold, after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

Lien of taxes.

SEC. 38. Whenever the taxes due of [to] said town shall be unpaid the constable of said town shall immediately proceed to collect them as follows: First. If the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under [the same] rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents. Second. If the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the constable returned by [to] the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor twenty-five cents for each levy. Third. The constable shall notify the delinquent of such levy and the day and places of sale by service of a notice stating these particulars on him personally if he be a resident of said town; if the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed 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 the court-house door and four other public places in said town at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sale of land for taxes in said town. Fourth. The sale shall be made at the court-house in said town and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent reside out of said town and his address be known to the constable the constable

Collection of unpaid taxes by distraint.

Levy.

Notice to tax-payer.

shall within one month after the sale mail to him notice of the sale and the date thereof, of the name and address of the purchaser of the same, bill and of the amount of the taxes and cost to be paid by such delinquent as a condition on [of] its redemption.

Sale of land;
method.

SEC. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time and shall be struck off to him who will pay the amount of the taxes 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 cost for a less quantity.

Time to redeem.

SEC. 40. The delinquent may retain possession of the property for twelve months after the sale, and within that time may 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 thereof [therefor]. If he shall refuse or cannot be found in said town the delinquent may pay the same to the town clerk and treasurer; he shall give 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.

Twenty-five per
cent. added.

Receipt to purchaser at tax
sale.

SEC. 41. 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 land and the amount of taxes due.

On failure to
redeem, deed to
be executed.

SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem as provided in section forty-one hereof for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-one 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 assignee 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 Buncombe county within six months from the time of the executing and delivering 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 the sale for taxes.

Fee of constable.

Redemption of
property bid in
by mayor.

SEC. 43. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months.

SEC. 44. The commissioners of said town shall have power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations, and all other business carried on in said town: that is to say, on every merchant, lawyer, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other picture; on all officers or agents of incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer and not in the name of the person, firm or corporation for whom he is acting or doing business; on all editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon-makers, jewelers, liquor dealers, confection grocers, bar-tenders, harness-makers, saddlers, blacksmiths, billiard or bagatelle-table, public or private boarding inns, 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 and every distillery, on every hotel, boarding-house, restaurant or eating saloon, on all draught carts, wagon, carriage, 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 anything for which they charge or receive any gratuity, fee or pay or reward whatsoever within the limits of said town; and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Privilege taxes.

Merchants, lawyers, doctors, &c.

Drummer.

Privilege tax on numerous occupations.

SEC. 45. The board of commissioners of said town shall have full and complete control of the sale or vending of spirituous or malt liquors, wines or cider within the limits of said corporation, and may permit the same to be sold by persons of good moral character resident therein; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the license tax therefor, which shall not be less than one thousand dollars annually, and when the same shall be due and payable, and shall have full power and authority to revoke and amend any license by them granted at any time without refunding any part of the license tax.

License tax on liquor dealers.

Not less than \$1,000.

SEC. 46. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Ordinances to be posted.

SEC. 47. That all laws heretofore passed for the better government

Repealing clause.

and regulation of the town of Leicester be and the same is [are] hereby repealed.

Sale of spirituous, vinous and malt liquors prohibited.

SEC. 48. That nothing in this act shall legalize the manufacture or sale of any spirituous, vinous or malt liquors, but the same is prohibited.

SEC. 49. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 328.

An act to incorporate the Atlantic Express Company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That C. T. Watson, Thomas Daniels and Daniel Bell, and their present and future associates, successors and assigns, be and they are hereby declared a body politic and corporate by the name and style of "The Atlantic Express Company," with its principal place of business at New Berne, North Carolina, and by that name may sue and be sued, plead and be impleaded in any courts in the state, and shall have a continual succession for the term of thirty years, with all the rights, powers and privileges of corporations under the general laws of the state or any laws which may hereafter be enacted.

Name.

General corporate powers.

Capital stock.

SEC. 2. That the capital stock of this corporation shall not be less than five hundred dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as such corporation [corporators] may elect, to a sum not exceeding five hundred thousand dollars.

Limitation of increase.

Books of subscription.

SEC. 3. That the corporations[ors] named in the first section or any two of them, are empowered to open books of subscription to the capital stock of said corporation at such time, in such places and for such periods as they shall determine, and the stockholders at any general meeting called after the organization 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. Whenever five hundred dollars shall be subscribed and paid into the capital stock of said corporation, the above named corporators or any two of them may call a meeting of the subscribers of said stock at such time and place and upon such notice as they may deem sufficient to organize said corporation, and such stockholders shall elect such directors as they may think proper, who shall hold office

Directors.

for one year or until their successors are elected; they may elect from

their own number or any stockholder a president, who shall serve President.
during their continuance in office.

SEC. 5. The president and board of directors of said corporation Seal.
may adopt and use a common seal and alter the same at pleasure;
may make and appoint all necessary officers, agents, servants and Officers.
employees and fix their compensation, and demand and require
bonds from such officers, agents and employees as they may deem Bonds.
necessary and sufficient, and approve the same; shall exercise and
have all such powers and authority as may be necessary for govern- By-laws.
ing the affairs of said corporation, and to make and pass such by-
laws for the management and control of the same as they may deem Express business.
proper and requisite, not inconsistent with the provisions of this
charter; may regulate the terms, rates and charges for all freights and
packages to be received by them within the scope of the business
for which said corporation is organized, and pass all rules and regu-
lations requisite to the conduct of its general business; they shall
regulate the times when dividends of the profits and amount thereof
shall be made and declared, and fill all vacancies occurring in their Vacancies.
own body and among the officers, agents and employees of said
corporation; and a majority of such board shall constitute a quorum
for the transaction of all business. They may call meetings of the Meetings of
stockholders at such times and upon such notice as they may deem stockholders.
proper, and at all such meetings the stockholders may be represented
by written proxy, and each share shall be entitled to one vote.

SEC. 6. That such corporation may purchase, lease or otherwise May hold prop-
erty.
hold property, real, personal and mixed, as may be by them needful
and requisite in the general business, and hold and dispose of the Agencies.
same in fee; and may maintain and construct offices and agencies in
such towns and places in this state and any other state as may be
allowed by the laws thereof as it may from time to time elect; which
offices and agencies shall be governed by the terms and regulations
prescribed by the board of directors under this charter.

SEC. 7. Said corporation may provide by purchase, construction, Powers to trans-
port freight.
lease or contract any carriages, vehicles or conveyances, cars or
other means of conveyance for the carriage, transportation and
delivery of all such goods, wares, merchandise or other articles
which it may elect to transport, forward and deliver in its general
course of business, and make all necessary contracts and arrange-
ments for procuring the same in the state of North Carolina or any
other state or territory in the United States, as may be allowed by
the laws thereof.

SEC. 8. That said corporation may receive for carriage and delivery Contracts with
corporations.
any such goods, chattels, wares, merchandise, or anything of value
whatsoever, and may regulate the carriage and the charges therefor
as may be determined upon as its regular rates, and the same
may be proportioned to the value of the articles so received; and it

may exclude from carriage any goods and all articles and as it may see fit, as well as to destination and as to goods and articles above and below a certain value.

Contracts with shippers.

SEC. 9. That said corporation may stipulate with the shipper or owner of all articles to be carried by it that it will only transport the same to the terminus of its own line, or to a point nearest their destination in the direct route controlled by said corporation, and the delivery at such points shall be deemed a delivery to the consignee without further notice.

Power to act as agent for sale.

SEC. 10. That said corporation may act as agent for the sale of all such goods, etc., as may be delivered to it for that purpose, and shall only be liable to the owner or shipper thereof as a factor for such sales, and for the payment of the purchase-money therefor received; and in addition to the regular charges for carriage may charge such commissions for sales as may be agreed upon; and may also act as a collecting agent for all bills, bonds, drafts, exchange, or any other evidence of indebtedness, and may charge such compensation as may be agreed upon, and its liability for all such collections and remittances of the same shall only attach as to any other collector or agent in like capacity.

Liability as factor

Liability for acts of agents, &c.

SEC. 11. That it shall only be liable for such officers, agents and employees, and the acts done by them, as are within the scope of the powers conferred upon them by same corporation; that it may limit its liability for carriage and delivery, and notice of such limitation in a receipt, bill of lading or other like acknowledgment to the shipper for goods and articles delivered to it, shall be sufficient to relieve said corporation from all liability, except for negligence; that it shall not be liable for any loss or damage which may not be the direct result of its own negligence or wrong-doing; and in any action for such loss or damage the party bringing such action shall allege and prove the negligence complained of; that it shall not be liable for loss or damage greater than is expressed in the receipt or bill of lading given upon receiving such goods, and so forth, and in no case [shall] it be liable for any other or greater sum than the actual market value thereof; that said corporation shall not be liable in any event for loss or damage unless claim therefor shall be made by the party injured within thirty days after such loss or damage.

Limitation of liability by receipt.

Inspection of articles shipped.

SEC. 12. That said corporation shall have the power to open and inspect all articles or packages where the contents thereof are unknown before receiving the same, or upon the refusal of such shipper to permit or allow such inspection it may refuse to receive the same, or in case it shall receive such article upon refusal of inspection or sufficient proof of contents or the value thereof, the same shall be carried at the risk of shipper or owner, without any liability upon the part of said corporation for loss or damage.

SEC. 12. That in case said corporation shall be unable to secure and furnish proper and sufficient carriage or transportation for goods and articles delivered to it, it may promptly notify the consignor or owner of such inability, and such notice shall relieve said corporation from all liability whatever.

When unable to transport, to notify consignor.

SEC. 13. That said corporation shall have a lien for all freight and charges upon all goods and other articles delivered to it for carriage, which lien shall have priority over any claims or liens against said goods, etc., or against the shipper, owner or consignee, and if such goods, etc., are not accepted by the consignee thereof, or if said consignee after reasonable diligence cannot be found, the freight and charges remaining unpaid, then said corporation may sell the same, after ten days' notice published in some newspaper nearest the point of delivery and after having mailed a notice of such sale to the consignee, at public auction for cash at such point as may be designated in such notice, and after deducting the freight charges and expense of the same may deposit the surplus thereof to the credit of such consignee or of the consignor, if so directed by said consignor: *Provided*, that all perishable goods, etc., may be in such manner disposed of without delay and without notice, when such delay would result in the loss of such goods.

Lien for freight.

May sell for unpaid charges.

SEC. 14. That the stockholders shall not be individually liable for the debts or liabilities of any kind incurred by said corporation.

Stockholders not personally liable.

SEC. 15. That in the course of its general business it may carry all goods and other articles, the freight and charges therefor to be paid for by the consignee, the title to said goods, etc., remaining in the consignor until the purchase price and freight and charges shall be paid by the consignee, and may refuse to deliver the said goods until the same shall be fully paid; and upon such failure of the payment on the part of the consignee, upon mailing notice of such refusal to the said consignor, such goods, etc., may be disposed of as provided in article fourteen [thirteen].

Title of goods shipped may remain in consignor, when.

SEC. 16. That the property of this corporation shall be listed as is prescribed by chapter two hundred and eighteen, section forty-three of the laws of one thousand eight hundred and eighty-nine, and the tax paid on the same shall be the only tax for which said corporation shall be liable, whether imposed by city, county or state.

Listing for taxation.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 329.

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

The General Assembly of North Carolina do enact :

Additional powers given to Wilmington Street Railway Company. Electric powers, &c.

SECTION 1. That in addition to the right to use electricity as a motive power, as provided by chapter twenty-one of the laws of one thousand eight hundred and eighty-seven, the Wilmington Street Railway Company is hereby empowered to sell electric current for the production of arc incandescent light, and also power and heat for such commercial or other purposes as may be found profitable or desirable, and for such sale and distribution the said company is permitted to erect and run poles and wires or underground conduits and conductors through and under the streets of the city of Wilmington and vicinity under such rules and regulations as the board of aldermen of said city may prescribe.

Wires, poles, &c.

May increase capital stock.

SEC. 2. That the said company shall have the power to increase its capital stock to a sum not exceeding four hundred thousand dollars, and shall have power to borrow money and issue bonds or other securities, and secure the same by mortgage or deed of trust upon the combined railway and electric lighting and power, proper[ty] and franchises, or upon any or all of said interests as to said company may seem best.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 330.

An act amendatory and supplementary to an act passed at the session of the general assembly, entitled an act to amend the charter of the Guilford Battle-ground Company.

The General Assembly of North Carolina do enact :

Police powers on grounds of Guilford Battle Ground.

SECTION 1. That section one of an act passed at this session of the general assembly, entitled "An act to amend the charter of the Guilford Battle-ground Company," and ratified on the twenty-eighth day of February, one thousand eight hundred and ninety-one, be amended by striking out all after the words "hereby declared to be under" and insert in lieu thereof the words "the police powers conferred by the charter of said company so far as to keep good order."

SEC. 2. That section two of said act shall not be construed to confer on the Guilford Battle-ground Company any greater powers to the right-of-way of the Cape Fear and Yadkin Valley Railroad Company than section one of this act does to the old Salisbury and New Garden road.

Limitation as to
right-of-way of
Cape Fear and
Yadkin Valley
R. R. Co.

SEC. 3. This act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 331.

An act to incorporate the Shelby Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That W. P. Love, J. L. Webb, J. W. Gidney, M. N. Hanrick, G. W. Wray, V. McBrayer, J. D. Lineberger, W. H. Blanton, R. L. Ryburn, D. M. Maker, B. Blanton, W. L. Dammon, J. T. Gardner, S. J. Green, R. B. Miller, and their associates, are hereby declared a body politic and corporate under the name and style of "The Shelby Improvement Company," and under that name and style may sue and be sued, plead and be impleaded in any and all the courts of the state, contract and be contracted with, and use a common seal which they may alter at their pleasure.

Corporators.

Name.

General powers.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing said stock to an amount not to exceed two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That whenever the sum of ten thousand dollars shall be subscribed to the capital stock and five per centum paid in, it shall be the duty of said corporators or any five of them to call a general meeting of the stockholders, and at such meeting to elect five or more directors, not exceeding nine, one of whom shall be elected president by said directors, whose term of office shall be one year, and they shall hold their offices until others are chosen.

Organization.

Directors.

President.

SEC. 4. It shall be the duty of the president and directors to elect a treasurer, who shall remain in office such a length of time as the by-laws may determine.

Treasurer.

SEC. 5. It shall be the duty of the directors and treasurer to make a report at least once a year to the stockholders on the state of the company.

Report to stock-
holders.

SEC. 6. The principal place of business of said corporation shall be in Shelby, North Carolina.

Location.

the company's property; to deal in all mineral products, crude and manufactured. They shall have power to erect and maintain cotton factories, woolen mills, saw-mills, grist and flouring mills and all other mills and factories which the said corporation shall deem it suitable to erect and maintain, and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects; they shall have power to erect and maintain iron and steel furnaces.

SEC. 9. This corporation shall exist and be in force and effect for a period of ninety-nine years from the day of the ratification of this act.

To be in force
99 years.

SEC. 10. That all sections or parts of sections of chapter forty-nine of The Code of North Carolina in conflict with the provisions of this act are hereby declared inoperative, so far as they affect the privileges, rights and powers hereby conferred.

Repealing clause.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 332.

An act to incorporate the Southern Manganese Company.

The General Assembly of North Carolina do enact :

SECTION 1. That J. S. Carr, J. A. Smith, J. A. Pinchback and W. D. Rice, and their associates, successors and assigns, be and are hereby created a body politic and corporate under the name and style of "The Southern Manganese Company," with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, with liberty and authority to a majority of the stockholders to increase said capital stock at any time or from time to time to any amount not exceeding in the aggregate two millions of dollars.

Corporators.

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, sell, lease, exchange, hold, sell and convey real and personal property, manganese and iron ores, gold and silver, and erect furnaces for the manufacture of any of the products of their ores; may hold or own at any one time not more than twenty-five thousand acres of land in fee; may sell land or minerals, taking in part or all of payment for same in the stock of other corporations; they shall have power and authority to place and negotiate loans of money

Powers of
corporation.

upon real and personal property, buy and sell; they may buy lands or other property, and issue the whole or any part of the capital stock in payment therefor; they may borrow money and execute notes and bonds and other evidences of debt, and secure the same by mortgage of their property, effects and franchises or otherwise.

May execute 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 or any other state, and may do any and every other act necessary to be done in the legitimate prosecution of their business.

By-laws, &c.

SEC. 4. That said corporation may make such by-laws, rules and regulations as the stockholders may desire; may elect such officers as they see fit, and prescribe their duties, compensation and terms of service, and for their services as trustees and agents in any case may demand and receive such pay as may have been agreed upon.

No publication required if corporators are notified.

SEC. 5. That no notice or publication whatever shall be required, provided all the corporators named herein waive in writing such notice and fix a time and place of meeting.

Stockholders not individually liable.

SEC. 6. That the corporators and stockholders of said company, and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations, or engagements, or torts of said corporation, and no stockholder shall be liable to pay for more stock than he subscribes for.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 333.

An act to incorporate the Rocky Mount West-End Land and Improvement Company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That V. W. Sand, R. H. Ricks, John R. Underwood, John R. Sorsby, Dr. M. R. Braswell, Dr. George L. Wimberly, Jr., T. P. Braswell, J. W. Hines, and their associates, are hereby declared a body politic and corporate under the name and style of "The Rocky Mount West-End 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.

Name.

General powers.

SEC. 2. That the capital stock of said company shall be sixty thousand dollars, with the privilege of increasing said stock to an amount not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

SEC. 3. The principal officers of said company shall be a president, vice-president, secretary and treasurer, and a board of directors of nine in number, of whom the president shall be one *ex officio*. The offices of secretary and treasurer may be held by one and the same person, in which event the official position shall be known as secretary and treasurer. Officers.

SEC. 4. The corporation shall be governed by the president and directors who (together with the other officers above named) shall be elected annually by the stockholders' meeting. At such meeting each stockholder can be represented in person or by proxy, and shall be entitled to cast one vote per each share of stock held by him, and the by-laws of the company shall be adopted or can be amended by a two-thirds vote of the capital stock of the company which is taken. Government; organization. Meetings.

SEC. 5. The annual meetings of the company shall be held at its office in Rocky Mount, North Carolina, on the first Tuesday in September of each year, at which time the officers shall be elected, but the day of such annual meetings can be changed by a vote of the stockholders. The first meeting of the stockholders under this charter to organize and elect officers shall be held on the seventh day of April, one thousand eight hundred and ninety-one. And said officers shall hold their offices for one year, or until their successors shall be chosen. Meetings of the stockholders for special or general purposes, other than the election of officers, can be held upon the call of the president and board of directors or by a majority of them. Location of corporation; annual meetings. First meeting.

SEC. 6. The stockholders of the company shall not be individually liable for its debts. Stockholders not individually liable.

SEC. 7. The stockholders can prescribe by their by-laws for the mode of filling any vacancy which may occur among the directors or officers of the company by death or otherwise. Vacancies.

SEC. 8. A regular or general meeting of the stockholders may by resolution authorize money to be borrowed by the corporation for the purpose of aiding and conducting its business, and shall prescribe how much and how the same shall be borrowed and how secured. Borrowing money.

SEC. 9. That said corporation shall have power to take by purchase, lease, or other operation of law, any lands, tenements and hereditaments in the state of North Carolina to such an amount as to them shall seem proper, and to hold and 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 promote immigration into the property of the company; to deal with, manufacture and render salable the timber found on said prop- May buy and hold real estate. General powers of Improvement Company.

- erty; 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 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 other roads of any and all kinds, and to that end may build bridges, dams and culverts across streams or depressions;
- Full powers. to establish and maintain telegraph lines, canals, reservoirs, aqueducts, streets, gas-works and any other works that may be deemed necessary or convenient for 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 railroads 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 said lands shall be as prescribed by law. They shall have power to purchase, lease or otherwise acquire any real or personal property and take title thereto in the name of the company; to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with all or any parts of the property of the company through their proper officers; to lend money; to make, accept and execute promissory notes and other negotiable instruments; to raise money in such manner as the company may see fit; to issue mortgage bonds upon any and all the company's property. They shall have power to erect and maintain cotton factories, woolen mills, saw-mills, flouring and grist-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 above objects; they shall have power to erect and maintain iron and steel furnaces.
- Powers of railroad and telegraph companies
- Manufacturing.
- To be in force 30 years.
- Repealing clause.
- SEC. 10. This corporation shall exist and be in force and effect for a period of thirty years.
- SEC. 11. That all laws and clauses of laws 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. 12. This act shall be in force from and after its ratification.
- Ratified the 9th day of March, A. D. 1891.

CHAPTER 334.

An act to incorporate the Bank of Pee Dee at Rockingham, North Carolina.

The General Assembly of North Carolina do enact :

- SECTION 1. That Thomas C. Leak, Henry C. Wall, William I. Everett, Henry G. Ledbetter, Robert L. Steele, William T. Covington, H. C. Dockery and Walter L. Steele, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of "The Bank of Pee Dee," and as such may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of the state, and have all the rights, powers and privileges granted to banks and corporations by the general law as contained in chapter sixteen, volume one, and chapter four, volume two of the Code.
- SEC. 2. That the office and place of business of said bank shall be at Rockingham in the county of Richmond, and the capital stock thereof shall not exceed fifty thousand dollars, to be divided into shares of twenty-five dollars each. And the corporators hereinbefore named shall have authority, if in their opinion it shall become necessary in order to secure the capital stock, to open books of subscription in the town of Rockingham at such time and place as they may appoint by advertisement in some newspaper published in said town, and keep the same open at their discretion.
- SEC. 3. That when the sum of twenty-five thousand dollars shall have been subscribed and one-half thereof shall be paid to the corporators hereinbefore named, or their agent, either in cash or in drafts on solvent banks in which the drawer has the needed funds to his credit, they shall call a meeting of the subscribers to the stock, giving ten days' notice thereof by advertisement or by personal notification on each one, and at such meeting the subscribers shall choose a board of directors of the bank to consist of not less than five nor more than seven persons, and said directors shall thereupon take charge of all the funds subscribed and other property held and enter upon their duties as such, and so continue for one year and until their successors shall be elected and inducted. The directors shall choose one of their number to be president, in case the stockholders shall not have indicated their wishes in that respect.
- SEC. 4. That the president and directors of said bank may have and use a common seal alterable and renewable at their pleasure; may make and adopt such by-laws for their government as they shall deem proper not inconsistent with law; may appoint all necessary officers and agents, fix their compensation and take security for the faithful performance of their duties; may provide the manner and time of paying balances on stock subscribed, and the transfer of
- Corporators.
Name.
General corporate powers.
Location.
Capital stock.
Books of subscription.
Organization.
Meeting of subscribers.
Directors.
President.
Power of directors.
Officers.
General banking powers.

stock; may do a general banking business on such terms as may be agreed on by them and parties doing business with them as to discount and interest, not to exceed the legal rate prescribed by the laws of the state; and in general have all the privileges conferred on banks and corporations by the general laws of the state.

Lien on stock for unpaid balance.

SEC. 5. That 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 of any stockholder for all debts due it by such stockholder before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed by the revenue laws of the state.

Complete banking powers.

SEC. 6. That said bank may in its business 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 receive on deposit, either general or special, 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 as may be agreed upon; may issue certificates therefor and provide how they may be transferred and assigned, and all certificates of deposit, signed by the president and cashier, shall be as binding as if under the seal of the corporation; 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; for the use and loan of money may charge so high a rate of interest as may be allowed by law per annum, and may take and receive said interest as discount at the time of making the loan, and take such individual securities or real and personal property as security for all loans, and upon such terms as may be agreed upon:

To receive deposits, &c.

Deal in stocks, bonds, &c.

Proviso.

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.

Purchase of real estate.

SEC. 7. 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 deed of trust 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 and convey and reinvest the proceeds thereof at pleasure: *Provided*, that nothing contained in this act shall operate or be construed to relieve the corporation from the restrictions and provisions of section six hundred and sixty-six and section six hundred and ninety of The Code.

Foreclosure of mortgage.

SEC. 8. That to aid planters, manufacturers and others the said bank 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 by taking a lien or liens in writing on the crop or crops to be raised, as provided in section one thousand seven hundred and ninety-nine of The Code, 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: *Provided*, the same is duly recorded under existing registration laws of the state.

May advance to planters, &c., on crop lien.

SEC. 9. That when married women or minors deposit money or other property in said bank they may withdraw the same on their individual order or check alone, and all payments to such minors and *femes covert* of any sum or sums so due them shall be valid in law to fully discharge said corporation from all liability to any person.

Deposits of married women and minors.

SEC. 10. 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 subscription 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 twenty days' notice, or by ordinary civil action, or the entire stock of such delinquent may be sold by order of the board of directors for cash at the banking house in Rockingham, 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 cost of such sale, the delinquent shall be liable for any balance in a civil action.

Collection of unpaid balance on stock.

SEC. 11. That said bank is authorized and empowered 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 such savings department, 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.

Savings bank department.

SEC. 12. That the board of directors are authorized to pay dividends of accrued profits at their discretion; may re-open the books of subscription if all the capital stock has not been taken; may call extraordinary meetings of the stockholders; shall call the annual meetings as may be provided by the by-laws, after proper notice. And any number of stockholders representing one-fifth or more of the capital stock subscribed may call a special meeting, if the directors refuse or fail to do so, on giving thirty days' notice thereof in some newspaper published in Rockingham. At all meetings of stockholders each shareholder shall have as many votes as he has shares.

Dividends.

Vote of shareholders.

Proxies are hereby authorized, and the rules relating to them shall be as provided in the by-laws.

SEC. 13. That this act shall take effect from and after its ratification, and shall continue for thirty years.

Ratified the 9th day of March, A. D. 1891.

CHAPTER 335.

An act supplemental to an act ratified on the twentieth day of February, Anno Domini one thousand eight hundred and ninety-one, entitled an act to amend chapter sixty-four of the acts of the general assembly of North Carolina, ratified on the twenty-eighth day of February, Anno Domini one thousand eight hundred and eighty-three, entitled an act to incorporate the Southern Mining, Smelting and Manufacturing Company.

The General Assembly of North Carolina do enact :

Chapter 64, Private Laws 1883, amended.
Additional corporate powers; Southern Mining, Smelting and Manufacturing Company.

SECTION 1. That after the word "motors" in section one of said act shall be added the words "and the said company is hereby vested with the like powers, privileges and franchises granted and contained in chapter eighty-two, private laws of one thousand eight hundred and eighty-seven, incorporating the Winston Land and Improvement Company."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 336.

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 :

Charter of Brunswick Bridge and Ferry Company amended by requiring company to raise causeway across Eagle's Island.

SECTION 1. That chapter ninety-seven, private laws of one thousand eight hundred and seventy-three and seventy-four, be amended by adding thereto the following: Strike out section sixteen and in lieu thereof insert as section sixteen the following: "That the said company within twelve months from the ratification of this act shall raise the causeway across Eagle's Island so that the same shall be above high-water mark."

SEC. 2. Any violation of any of the provisions of this chapter shall be a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars nor imprisoned not more than thirty days. Violation of this act made a misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 337.

An act to reduce the number of directors of the Acme Manufacturing Company.

The General Assembly of North Carolina do enact :

SECTION 1. That section four of chapter one hundred and twenty-four of the private acts of thousand eight hundred and eighty-three be amended by striking out "eight" in the fourth line of said section and insert "six," and the same wherever it occurs in said section. Number of directors reduced from eight to six.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 338.

An act to amend the charter of the Granite City Land and Improvement Company.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter of the Granite City Land and Improvement Company, said company having been incorporated before the clerk of the superior court of Surry county on the twenty-sixth day of November, eighteen hundred and ninety, under the general corporation law, as provided in chapter sixteen of The Code of North Carolina and subsequent amendments thereto, be and the same is hereby amended as follows: Charter before clerk of Surry amended.

SEC. 2. That the said company may hold in fee-simple lands, both improved and unimproved, not exceeding in value the sum of three hundred thousand dollars, it being expressly understood that said value is to be fixed by the price paid for said lands by the company; any enhancement in value by improvements made by the said company or otherwise not to be considered in fixing said value: *Provided,* May hold \$300,000 worth real estate.

- that at no time the number of acres shall exceed twenty-five thousand, nor exceeding three hundred (300) acres for a longer period than thirty years.
- Not over 25,000 acres.
To have perpetual succession.
May operate railroad, connecting its property with other railroads.
- SEC. 3. That under the name of the Granite City Land and Improvement Company the said company shall have perpetual succession.
- SEC. 4. That the said company may construct and operate one or more lines of railroad connecting their property or connecting at one end with any road that is now in operation or that may hereafter be built in Surry or Stokes counties: *Provided*, that no line shall exceed thirty (30) miles in length, and whenever any land shall be required for said purposes it may be acquired and condemned in the manner now provided by the general laws of this state prescribed for railroad companies, and for the purpose of surveying, constructing and operating said line or lines the said company shall have all the powers and privileges exercised and enjoyed by railroad companies in this state.
- Telegraph line.
- SEC. 5. That the said company may construct and operate a telegraph line in connection with each line of railroad so built, and connect with any telegraph line along any line of road with which the said company's line or lines may connect, and the said company are hereby invested with the rights, privileges and powers usually conferred upon telegraph companies in this state, especially those provided in The Code of North Carolina, volume one, chapter forty-nine, section 2007, and the following sections thereof.
- Tram-roads and turnpikes.
- SEC. 6. That the said company shall have the right to build tram, turnpike or any other kind of roads connecting the property of the company with any road of any and all kinds, and to that end may build dams, culverts and bridges across streams, under the rules and regulations required by law.
- Incorporation before clerk, &c., declared valid.
- SEC. 7. That the incorporation of the said company before the clerk of the superior court of Surry county on the twenty-sixth of November, one thousand eight hundred and ninety, the organization of the company, and all acts done by the said company in pursuance of and in conformity with the articles of incorporation, are hereby ratified and declared valid.
- Increase of capital stock.
- SEC. 8. That the said company may increase its capital stock from time to time, or whenever it is deemed advisable, to an amount not exceeding two million five hundred thousand dollars (\$2,500,000).
- By-laws, &c.
- SEC. 9. That the said company may make any and all by-laws, rules and regulations for its government as it may deem proper: *Provided*, the same be done in accordance with section ten of the articles of incorporation, and: *Provided*, they be not inconsistent with the constitution and laws of this state and the United States, and the said company are hereby invested with all the rights, powers and privileges enjoyed and exercised by all land and improvement companies in this state,

SEC. 10. That the term of the charter of the said company shall be for the period of ninety-nine years from the twenty-sixth day of November, one thousand eight hundred and ninety, and that this provision shall apply likewise to all the amendments to the said charter included in this act.

SEC. 11. That the said company shall have power to establish, construct and maintain a system of water-works and an electric light and power plant in the town of Mount Airy and anywhere within a radius of five (5) miles thereof, and also to build, construct, equip, maintain, conduct and operate lines of street railway in the town of Mount Airy or to or within any point within a radius of five (5) miles of the said town, and the said company is hereby invested with any and all rights, privileges, powers, immunities and franchises conferred upon the Winston and Salem Street Railway Company, private laws of one thousand eight hundred and eighty-nine, chapter one hundred and seventy-five, and the Henderson Electric Light, Water-works and Power Company, private laws of one thousand eight hundred and eighty-nine, chapter two hundred and eight, in as full a manner as if the said acts were incorporated in these amendments: *Provided*, in all cases that where the names of the places are referred to, Mount Airy shall be substituted for Henderson or Winston and Salem; where the name of the company is referred to, the "Granite City Land and Improvement Company" shall be substituted for "Henderson Electric Light and Water-works and Power Company;" and also for "Winston and Salem Street Railway Company," and wherever any other inapplicable phraseology appears, the necessary changes shall be made to make the acts apply to the "Granite City Land and Improvement Company" and the town of Mount Airy and vicinity in the same manner in which the said acts apply to the companies and places named therein: *And provided*, that the said acts shall not be applicable as to matters specifically provided for or stated to the contrary in these amendments or in the articles of incorporation: *And provided further*, that the mode of acquiring and condemning lands for the purposes of carrying out the objects of this section shall be the same as that prescribed in chapter forty-nine, first volume of the North Carolina Code.

SEC. 12. That the said company is hereby authorized to do a banking business in the town of Mount Airy, North Carolina, and for that purpose the powers, privileges, immunities, etc., generally exercised and enjoyed by the banks of this state are hereby conferred upon the said company, and especially those conferred upon the "Fidelity Bank" of Durham, North Carolina. See private laws North Carolina, eighteen hundred and eighty-seven, chapter seventy, and amendment in private laws eighteen hundred and eighty-nine, chapter thirteen.

Stockholders not individually liable.

SEC. 13. The stockholders of this company shall not be individually liable for the debts of the company, except as to the banking privileges herein granted, but as to these the stockholders shall be liable to the full amounts of the stock subscribed.

Further amendment may be made before clerk of Surry county.

SEC. 14. That the said company having been originally incorporated before the clerk of the superior court of Surry county, the enactment of these amendments by the general assembly in no way infringes the right to have subsequent amendments made before the said clerk, and he is hereby authorized to allow such amendments to be made hereafter, as the law allowed prior to the enactment of this bill: *Provided*, the same be done as the general law directs.

Work on certain enterprises to begin in two years.

SEC. 15. If work should not be commenced on some one of the lines of the street railway, or on the water-works system, or on the electric-light plant within two years from the ratification of this act, that franchise on which default is made shall terminate.

No franchise exclusive.

SEC. 16. None of the franchises hereby conferred are in any sense to be construed to be exclusive.

Effect of signatures of president or vice-president.

SEC. 17. That the signature of the vice-president to any contract, conveyance or other instrument shall be as binding upon the said company as the signature of the president; and in the absence of the president the signature of the vice-president to all intents and purposes shall be considered the signature of the president, and all such signatures of the said vice-president to any and all contracts, conveyances and other instruments of the company heretofore executed are hereby declared valid.

Repealing clause.

SEC. 18. That all laws and clauses of laws in conflict with this act 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. 1891.

CHAPTER 339.

An act to amend the charter of the town of Plymouth.

The General Assembly of North Carolina do enact:

Amendment to Plymouth charter.

SECTION 1. That chapter seventy-nine, private acts of the laws of eighteen [hundred and] eighty-nine, being the charter of the town of Plymouth, be amended by adding at the end of section twelve thereof the following:

Power to regulate erection of wooden buildings.

SEC. 2. The said board of councilmen is empowered to pass ordinances to forbid and prevent the erection of wooden buildings in

any part of said town whenever in their judgment it shall be necessary for the safety of said town and to enforce the same.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 340.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section sixteen of chapter one hundred and thirty-nine of the private laws of one thousand eight hundred and eighty-nine be and the same is hereby repealed, and in lieu thereof the following be adopted as section sixteen of said chapter: "That upon the petition of one-fourth of the voters residing within the corporate limits of said town, the commissioners shall order an election to be held on the first Monday in June in any year, at which time the question of 'License' or 'No license' shall be submitted to the qualified voters of said town, and if a majority of said votes cast shall be in favor of license, then the commissioners of Jackson county shall be required, upon application made in due form and under prevailing restrictions by the general laws of the state, to issue license as in other cases of incorporated towns where such rights and powers exist or may be conferred by law.

Liquor selling
in town of Sylva.

Election on
"license" or "no
license."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 341.

An act to repeal the charter of Osgood.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-four, laws of one thousand eight hundred and eighty-nine, is hereby repealed.

Charter of Osgood
repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 342.

An act to incorporate the Swannanoa Land and Improvement Company.

The General Assembly of North Carolina do enact :

Corporators.	SECTION 1. That C. D. Blanton, T. H. Cobb, J. B. Bostic, E. H. Wright, J. T. Bostic, D. D. Suttle, J. E. Ray, R. M. Furman and J. G. Merrimon, 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 Swannanoa Land 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 may alter the same at pleasure; and shall have and enjoy all rights, powers, privileges, immunities, liberties and franchises pertaining to corporations.
Corporate name.	
General powers.	
To buy and hold property.	SEC. 2. That said corporation shall have the power to purchase, lease or otherwise acquire any real or personal property to such an extent as to them may seem proper, not to exceed five thousand acres at any one time, and take title thereto in the name of the company, and to convey the same through their proper officers as their by-laws may direct and provide for or as freely as citizens of this state can or may do: <i>Provided</i> , they shall not at any one time hold more than five thousand acres of real estate.
Not over 5,000 acres.	
Powers of development company.	SEC. 3. That 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 corporations which may be projected in this state; to construct mills, workshops, hotels, dwelling 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 and telephone lines, canals, reservoirs, aqueducts and streets, gas-works, water-works, electric-light power works, sewers and any other works that may be deemed necessary and convenient for the corporation; and to further each of their ends this corporation has 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; and whenever it may become necessary for the purpose of
Manufacturing.	
To build mills, hotels, &c.	
Mining.	
Railroad and turnpike building.	
Telegraph lines to make any improvement.	

constructing their roads, canals, dams, sewerage, water-works 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 shall be as prescribed by law in said chapter forty-nine of The Code.

Condemnation of lands.

SEC. 4. That they shall have the power to manufacture, produce, lease and sell, light, heat, water and power made from or by the use of gas, electricity, coal, oil, steam, water, or any other product or material, or the combination of any product or material, for any or all of said purposes; and said company shall have the power to erect, maintain and operate all such plants and appliances as may be necessary to manufacture and distribute for sale or use such light, heat, water and power from the sources above mentioned, 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 further, to make any reasonable charge for furnishing said light, heat, water and power, either to public or private individuals, as they may deem necessary for the successful operation of said business.

Power to make and sell light, heat, power, &c.

SEC. 5. That they shall have the 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.

To sell its lands, &c.

Mortgage bonds.

SEC. 6. 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 said corporation.

Stockholders not individually liable.

SEC. 7. That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing said stock to an amount not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 8. That whenever the sum of ten thousand dollars shall have been subscribed to the capital stock of the company and ten per cent. of such subscription shall have been 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 the directors, whose term of office shall be one year, and they shall hold their offices until their successors are qualified.

When corporators may organize.

Directors.

President.

SEC. 9. 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.

Location, Asheville.	SEC. 10. That the principal place of business of the said corporation shall be in the city of Asheville, North Carolina.
By-laws, &c.	SEC. 11. That said corporation shall make such rules and regulations or by-laws as may seem to them proper for the government of the corporation, and require such bonds from its officers as they may determine upon for the faithful performance of their duties, payable to the corporation.
Bonds of officers.	
Term, thirty years.	SEC. 12. That this corporation shall exist and be in force and effect for thirty years from and after the ratification of this act. Ratified the 9th day of March, A. D. 1891.

CHAPTER 343.

An act to incorporate the Yonahlossee Road Company, and to authorize the construction of a turnpike road between Linville, North Carolina, and Blowing Rock, North Carolina.

The General Assembly of North Carolina do enact :

Purpose to build road from Linville to Blowing Rock.	SECTION 1. That for the purpose of constructing and operating a turnpike road from a point about four miles northeast of Linville, at or near the Rocky Knob Gap, along the southeastern face of the Grandfather Mountain, and along the crest of the Blue Ridge, to a point of intersection with the Watauga and Caldwell turnpike west of Blowing Rock, Hugh MacRae, S. T. Kelsey, J. R. Ervin, T. B. Lenoir, Jones Coffey, W. M. Morris, S. M. Clark, 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 coporate by the name and style of "The Yonahlossee Road Company" for the term of ninety-nine years, with all the powers and privileges granted to corporations as set forth in chapter sixteen of The Code, and by that name may sue and sued, plead and be impleaded, answer and be answered unto in any court in this state; may make by-laws, appoint all necessary officers and agents and prescribe their duties; and may purchase, accept, hold and convey any property, real and personal, necessary for the purpose hereinbefore and hereinafter mentioned; may make contracts, have and use a common seal, and do all other acts incident to and connected with said corporation and necessary for the control and transaction of its business: <i>Provided</i> , that nothing shall be done in conflict with the laws of this state.
Corporators.	
Corporate name.	
General corporate powers.	
May maintain turnpike road.	SEC. 2. That the said company be and is hereby authorized to construct, maintain and operate a turnpike road extending from a point at or near the Rocky Knob Gap along the south-eastern face of the

Grandfather Mountain and along the crest of the Blue Ridge to a point of intersection with the Watauga and Caldwell turnpike west of Blowing Rock.

SEC. 3. That the principal office of the company shall be at Linville, North Carolina, at which place it shall hold its annual meetings. Office, Linville.

SEC. 4. That the capital stock of said company shall be five thousand dollars, in shares of fifty dollars each, with the privilege of increasing the capital stock to such an amount as may be deemed necessary to carry out the intentions and purposes of this act, not to exceed ten thousand dollars, and the shares shall be transferable in such manner as the company may direct: *Provided*, that when the sum of four thousand dollars shall have been subscribed to [the] 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 said stockholders, of which two weeks' notice shall be given in some newspaper published in either county through which the road passes, at which time and place said stockholders may proceed with the organization of said company by the election of a president, vice-president and three directors, who shall hold their office until the first annual meeting or until their successors are elected and qualified, which board shall be the first board of directors, and may in their by-laws prescribe the time and manner of holding their subsequent annual meetings and elections, 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. Capital stock.
Organization.
President, vice-president and three directors.
Meetings.

SEC. 5. That when said road is completed between the points hereinbefore specified the company shall have power to erect a gate on any part of said road and collect such tolls as they may fix for passage over said road, not to exceed the following: For hogs, cattle, sheep or goats, five cents each; loose horses, mules and asses, ten cents each; single horsemen, fifteen cents; vehicles pulled by one animal, twenty cents; by two animals, thirty cents; and for each additional animal, ten cents: *Provided*, that the said company and their associates, successors and assigns shall keep said road in good condition. Toll-gates.
Charges.

SEC. 6. That for the purpose of raising the capital stock of said company and to acquire the means of completing said road as contemplated by this charter, it shall be lawful to open books of subscription at such times and places and under the direction of such persons as the said corporators may direct; and the said company shall have power, as soon as said road is completed, to sell, lease or mortgage its property, road and franchise on such terms and conditions and for such purposes and uses and for such time as the said company may deem desirable. Books of subscription.

Condemnation of land.

How damage to be assessed.

Appeal.

Misdemeanor to use road without paying toll.

To obstruct road a misdemeanor.

SEC. 7. Whenever any lands may be required for a right-of-way, not to exceed forty feet in width, and an agreement cannot be made with the owner or owners of such land, the company or such owner may, in writing, apply to the clerk of the superior court of the county in which said land lies to cause the damages of such owners, 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 said company may elect and assess the damages, if any, to the owners of the land, taking into consideration any benefits or advantages to accrue to such owner from the making of such road, and shall 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 the said company in ten days after notice of such return; but if either party is dissatisfied and shall, within ten days after such award, notify the clerk 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 to give an appeal bond or undertaking, with two sufficient sureties, in such term 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 fact shall, if either party so request, be submitted to a jury. So soon, however, as an award is returned by such referee as aforesaid, whether there is an appeal or not, the company may enter in 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.

SEC. 8. That any person who shall use any part of said road 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 in either of the counties of Mitchell, Caldwell or Watauga shall pay a fine of not less than two dollars nor more than five dollars, 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 the school fund of the county in which collected.

SEC. 9. That any person who shall in any manner injure or obstruct the road of said company, or any bridge, gate or other property con-

nected 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.

SEC. 10. That the stockholders shall not be individually liable for the debts of the corporation. Stockholders not liable.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 344.

An act to incorporate the town of Garysburg in Northampton county.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the territory hereinafter described are hereby incorporated under the name and style of "The Town of Garysburg." Garysburg incorporated.

SEC. 2. That the boundaries of said town shall form a circle with its center where the Petersburg Railroad unites with the Seaboard and Roanoke Railroad, with a radius of one-half mile in length. Corporate boundaries.

SEC. 3. That W. T. Joyner shall be mayor; J. L. Suito, W. D. Ellis, W. T. Kee, Robert Reese, commissioners; and B. H. Suito marshal, until their successors are elected and qualified. Officers.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 345.

An act to change the name of the French Broad Bank.

The General Assembly of North Carolina do enact :

SECTION 1. That the name of the "French Broad Bank," of Asheville, North Carolina, shall be changed to "The French Broad Bank and Trust Company." Name changed to French Broad Bank and Trust Company.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 346.

An act supplemental to an act ratified at the present session of the general assembly, entitled an act to incorporate West Asheville.

The General Assembly of North Carolina do enact :

Corporate limits altered so as to exclude certain lands.

SECTION 1. That the act ratified at the present session of the general assembly, entitled "An act to incorporate West Asheville," be amended as follows: "The boundary lines of said West Asheville shall not extend so as to include or take in the lands of Miss A. C. Green or W. D. Haughteling, who have lands in the vicinity or near the boundary lines of said West Asheville, and that the said lands of the parties herein named shall not be included in or be a part of said boundary lines or any part thereof."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 347.

An act to incorporate Fidelity Lodge, number eighty-three, Independent Order Odd Fellows, in Camden county.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That Joseph W. Pool, N. G.; Wm. E. McCoy, V. G.; W. Riley Dozier, secretary; Jno. Jacobs, treasurer; Chas. Norris, R. S. to N. G.; Willoughby Lynch, L. S. to N. G.; Jos. A. Spencer, S. War.; Chas. Spence, Con.; Miles Sawyer, R. S. to V. G.; Noah McPherson, L. S. to V. G.; Noah Sawyer, R. S. S.; Henry Whitehurst, L. S. S.; Jos. F. Gorden, I. G., and Chas. P. Johnson, O. G., the present officers of Fidelity Lodge, number eighty-three, Independent Order of Odd Fellows, and their successors in office, be and they are declared to be a community, corporation and a body politic, and by the name and style and title aforesaid, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and retain to them and their successors property, real and personal, also devises or bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they think proper.

Name.

May hold property.

May sue and be sued, &c.

SEC. 2. *And be it enacted*, that the said corporation and their successors, by the name and style and title aforesaid, shall be forever thereafter capable in law to sue and be sued, plead and be

impleaded, answer and be answered unto, defend and be defended in all or any courts of justice and before all or any judge, officer or person whatsoever, in all and singular actions, matters or demands whatsoever.

SEC. 3. *And be it further enacted*, that it shall and may be lawful Seal. for the said corporation to have a common seal for their use and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall, in general, have and exercise all such rights, privileges and immunities as by law are General powers. incident or necessary to corporations and what may be necessary to the corporation herein constituted.

SEC. 4. *And be it enacted*, that nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, scrip, devise or other evidence of debt, to be issued as currency. Not to issue currency.

SEC. 5. That this act shall take effect from the date of its passage. Ratified the 9th day of March, A. D. 1891.

CHAPTER 348.

An act to incorporate Saluda Seminary.

The General Assembly of North Carolina do enact :

SECTION 1. That M. E. Kirby, A. F. Beard, F. P. Woodbury, R. E. Hitchcock and H. W. Hubbard, and their associates and successors, are hereby incorporated a body politic and corporate for educational purposes under the name and style of "The Saluda Seminary" in the county of Polk and state of North Carolina, and as such shall have all the rights and powers of like institutions, and may sue and be sued, plead and be impleaded. Corporators. Corporate name.

SEC. 2. That all vacancies occurring in said board of trustees from whatever cause shall be filled by appointment of the remaining members. Vacancies in board, how filled.

SEC. 3. That the said corporation may purchase and hold such real and personal property as they may deem necessary for the purposes above named, and may convey the same at pleasure. May hold real and personal property.

SEC. 4. That the said Saluda Seminary is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable. May grant certificates of proficiency.

SEC. 5. That it shall be unlawful for any person to manufacture, sell or give away any spirituous, vinous or malt liquors within one mile of the said Saluda Seminary. Unlawful to make or sell or give away liquors in one mile.

Violation a
misdemeanor.

SEC. 6. That any person violating the provisions of this last preceding section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment not more than thirty days.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 349.

An act to incorporate the town of Hope Mills, number one, Cumberland county.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the corporate limits of Hope Mills, number one, shall be as follows: With the company's store as a central point, to embrace a distance of three-quarters of a mile in each direction from the same, which distance may be measured and attested by actual survey, and the corporate limits be thus actually and accurately ascertained and established.

Three commis-
sioners,
Mayor.

SEC. 2. That there shall be elected three commissioners for said town and a mayor, who shall have all the rights, powers, privileges and authority, and shall perform the same duties as are now required by the law of North Carolina as defined in chapter sixty-two, entitled "Towns and Cities," in the second volume of The Code: *Provided*, that nothing herein contained shall be so construed as to repeal or disturb any law prohibiting the sale of liquor in said Hope Mills or near any church in the same.

Powers given in
Code, chapter 62.

Prohibitory law
not affected.

Election.

SEC. 3. That the said election as provided in section two of this act shall be held on the first Monday in May of each and every year under such rules and regulations as the mayor and board of commissioners of said town, not inconsistent with the constitution of North Carolina and the laws regulating elections; and they are authorized to make such rules and regulations for the government of said town and the orderly government thereof, and to this end may levy and collect taxes sufficient to pay the expenses thereof, preserving the constitutional limit and equation between property and poll, and to do all such other lawful acts as may be necessary to carry out the provisions of this act.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 350.

An act to amend the charter of the town of Edenton.

The General Assembly of North Carolina do enact :

SECTION 1. That the councilmen of the town of Edenton be and they are hereby empowered to sell or lease to the county of Chowan such part of the commons belonging to said town as they may deem advisable, lying and being situated on the west side of Main or Broad streets for the purposes of a site for the county poor-house and for no other purpose or use.

Town authorities may convey part of town common to county for poor-house.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 351.

An act to incorporate the Greensboro Land and Development Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Julius A. Gray, J. W. Fry, J. A. Odell, J. W. Scott, S. S. Brown, Neill Ellington, J. F. Jordan and R. R. King, 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 Greensboro Land and Development Company," and under that name and style may sue and be sued, plead and be impleaded in any court in the state; contract and be contracted with; adopt and use a common seal which they may alter at their pleasure; and shall enjoy all the rights, privileges, powers, immunities, liberties and franchises pertaining to corporations for a period of thirty years next hereafter, with its principal place of business at Greensboro, North Carolina.

Corporators.

Name.

General corporate powers.

SEC. 2. That the capital stock of the company shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each, with the right to increase the same from time to time to an amount not to exceed one million dollars.

Capital stock.

SEC. 3. That the officers of the company shall consist of a board of directors, not less than seven nor more than fifteen, from whom shall be elected by the board a president and a vice-president. The board of directors may also elect a treasurer and a secretary, and such other officers with such duties and powers as they may

Directors.

President and vice-president. Other officers.

think to be to the best interest of the company, all to serve for such a time as may be provided in the by-laws.

By-laws, &c.

SEC. 4. That the board of directors may make such rules and regulations or by-laws for the government of the company as may to them seem proper, with power to change the same from time to time as shall be provided in the by-laws, including the right to require bond or bonds of such officers and in such amounts as they may think proper, payable to the company, for the faithful performance of their duties.

Officers' bonds.

Powers of improvement and development company.

SEC. 5. That the company shall have full power to buy, lease, hold, exchange, own, sell and convey real and personal property of any name or nature, and to improve, develop and turn to account any land or other property acquired or owned by it, or in which it is interested, and for that purpose to carry on all or any of the business of buying and selling timber, doing the business of mining or building companies, or aiding or inducing immigration; to subscribe for stock in or to or enter into copartnership or arrangements for sharing profits with any persons or company or corporations; to build or construct hotels, houses, mills, workshops, factories, furnaces or other business enterprises, and to equip, operate and maintain the same; to establish, build and equip with rolling and other stock and to operate rail, tram, turnpike or other roads, and to that end may build bridges, dams and culverts across streams not navigable; to establish and maintain telephone lines; and to accomplish these purposes and objects it shall have the power to condemn land as provided in The Code of North Carolina under the provisions of sections nineteen hundred and forty-three to nineteen hundred and fifty-four, both inclusive. That any other company or corporation shall have the right and power to subscribe to and for the capital stock of this company. That this company may make or give to its stockholders such dividends of property or money as the board of directors may think to the best interest of the company; to be paid, awarded or distributed under such rules and regulations and in such manner as may be fixed by the directors.

Mining company

May build hotels, mills, shops, &c.

Rail and tram-roads.

Telephone line.

Subscriptions to capital stock.

May build railroad around Greensboro.

Extend to Guilford Battle-ground.

May borrow money, make mortgages, &c.

SEC. 6. That this company shall have the power to build, equip and operate a line or lines of railroads around the city of Greensboro or such portions thereof as the directors shall determine upon, using such power as may be deemed to be to the best interest of the company, and may extend the same to the Guilford Battle-ground, with the power to charge, collect and receive freights and tolls, and such other powers and privileges as railroads have.

SEC. 7. That this company shall have the power to borrow money and secure the same by mortgage or deed of trust, and may also issue bonds in such sum or sums and denominations as it shall see fit and secure same by mortgage or deed of trust upon the property and franchises of the company; and aid in building factories of any

kind, dwellings or other enterprises; may lend money and take security therefor by mortgages or deed of trust in furtherance of the objects and purposes herein provided for.

SEC. 8. That the company shall have the power to issue one or more classes of stock and pay for any property it may buy with such stock in whole or in part. Shares of stock.

SEC. 9. That the first meeting of the incorporators herein named shall be held at such time and place as a majority of them shall fix upon, the notice of which meeting shall be given to all persons who may have theretofore taken stock in this company; that at such meeting the board of directors herein provided for shall be elected by the stockholders for such time as they shall then determine upon. Meeting of corporators.

SEC. 10. That the corporators and stockholders of this company, their associates, successors and assigns, shall not be individually or personally liable for the debts, contracts, obligations, engagements or torts of the company. Stockholders not individually liable.

SEC. 11. That any person who shall deface, injure, destroy, remove or obstruct any part of any railway, or any of the cars, trains, coaches or carriages of this company, or any of the fixtures, property or machinery pertaining thereto, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned within the discretion of the court. Injury to railway cars or property a misdemeanor.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 352.

An act to incorporate Ruffin Lodge, number six, Knights of Pythias.

The General Assembly of North Carolina do enact:

SECTION 1. That E. G. Porter, W. H. Collins and N. O. Berry, trustees, and their associates and successors in office, are hereby created and constituted a body corporate under the name and style of "Ruffin Lodge, number six, Knights of Pythias," and by such name may sue and be sued, and contract and be contracted with. Corporators.
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, lease, 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. By-laws and general powers of corporations.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 353.

An act to amend an act entitled "an act to amend the charter of the city of Charlotte," chapter forty of the private laws of eighteen hundred and eighty-one.

The General Assembly of North Carolina do enact :

Act amending
charter of Char-
lotte in acts 1881.

SECTION 1. That an act of the general assembly, entitled "An act to amend the charter of the city of Charlotte," being chapter forty of the private laws of North Carolina of the year eighteen hundred and eighty-one, be amended, as follows, to-wit: Strike out section thirty-eight of the said act and insert the following in lieu thereof:

Power of alder-
men over side-
walks, streets,
&c.

SEC. 2. (1). That the board of aldermen shall have power to grade, macadamize and pave the sidewalks of said city; to lay out and open new streets, or extend or widen those already open, and to make such improvements thereon as the public convenience may require.

Streets, how
opened or exten-
ded.

(2). That when, in the opinion of the board of aldermen, any land or right-of-way shall be required for the purpose of opening new streets, or of extending or widening those already open, or for other objects allowed by this charter, the city may purchase the same from the owner or owners thereof and pay such compensation therefor as may be agreed upon; or at the option of the city the same may be taken at a valuation to be made by four freeholders, residents of the city, to be appointed in the following manner, to-wit, two to be selected by the property owner and two by the mayor. In the event that these four cannot agree, they shall select one additional freeholder. The award of the commission of freeholders shall be final when reduced to writing and filed with the city clerk.

Valuation.

Award.

Duty of mayor.

(3). If any one of said commissioners should reside [on] or own land on any street proposed to be widened, extended or otherwise improved as provided by this act, the mayor may appoint another freeholder of said city not so situated or interested, who shall qualify and act in his stead in the particular case in which such interest or disqualification exists; and upon a written challenge made by any land-owner whose property is to be taken, to any commissioner, or upon his own motion, the mayor may appoint some other freeholder of said city in his place, if, in his opinion, the commissioner is interested in the proceedings or is not a proper person to act in the matter; and in no case shall a commissioner act who has an interest in the property to be taken or condemned. Whenever a substitute is appointed he shall qualify and act as herein provided.

Challenge to
commissioner.

Vacancies to be
filled by mayor.

(4). That the mayor may fill all vacancies caused by failure to qualify, resignation or otherwise, and the appointee shall qualify and act as herein required: *Provided*, if any appointee shall refuse to qualify or serve, unless excused or relieved by the mayor, he shall

be subject to a penalty of fifty dollars, to be recovered as other penalties before a mayor or a justice of the peace.

(5). When it is proposed to condemn any land or property for the purposes herein specified, it shall be done by an order or resolution of the board of aldermen at a regular or special meeting of the board, stating generally or as near as may be, the nature of the improvement for which the land is required, and directing the said commissioners of valuation and assessment to proceed to assess the damages to the property to be taken on a day to be named in the order or resolution, or at such time as the commissioners may appoint. Notice of the time of meeting of the said commissioners shall be issued by the mayor or the commissioners and served by the chief of police of said city by reading the same to the land-owner to be notified, or by leaving a copy of the notice with him or at his residence.

Condemnation
by order of board.

Requisites of
order.

(6). The said commissioners shall, at the appointed time, meet upon the lands to be condemned and view the same and assess the damage to be paid to the owner or party entitled thereto. In making such valuation and assessment, the commissioners shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right-of-way being surrendered, and also any benefit or advantage such owner may receive from the opening, extending or widening of the street or any other improvements thereof, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be, and they shall report the result in writing to the board of aldermen. The board may refuse to take the property upon the assessment of damages made by the commissioners, in which case the report may be set aside and the title to the land shall remain in the owner until further proceedings are had to condemn the same in accordance with the provisions of this act.

Duty of commis-
sioners.

What to consider

Rights of board.

(7). That in order to ascertain what improvements should be made to the streets and sidewalks, and how much land or property will be required to be taken for this purpose, the board of aldermen may cause such surveys as they may deem necessary to be made upon the lands to be taken or condemned.

Surveys may be
made.

(8). That if the amount assessed upon any lot is not paid by the owner thereof within sixty (60) days after the assessment is made and notice thereof is served upon him, or demand made for the payment of the amount as assessed, the same may be recovered and the said lien enforced by a civil action to be brought in the superior court of Mecklenburg county for a sale of the property which is subject to the lien, and for such other relief as may be appropriate to the case. If any person whose land or rights are affected by the proceedings under this section, or the aldermen of said city, are dissatisfied with the award of the commissioners, then in that case either party may

Lien of assess-
ment upon lot.

Sale of property
under decree of
court.

appeal to the next term of the superior court: *Provided, however,* that such appeal shall not hinder or delay the aldermen in opening or widening such street or erecting such improvement.

Notice to non-resident, how given.

SEC. 3. That where any notice is required to be given by the charter of said city or any amendments thereof, and the person to be notified is a non resident of Mecklenburg county, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be, and if the said person is a non-resident of the state the notice may be served by publication thereof once a week for four weeks in a newspaper published in the city of Charlotte, and the affidavit of the publisher, proprietor or foreman of said newspaper that said notice was so published, shall be sufficient *prima facie* proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said newspaper.

Value of benefit to owner to be assessed.

SEC. 4. The value of any benefit or advantage to any lot or land arising from the opening, extending, widening or improving any street and accruing to said lot or land in common with other lots or land similarly situated may be assessed by the said commissioners against the lots so benefited and shall be a lien thereon, and the payment thereof may be enforced as provided in this act. The amount of said assessment shall be stated separately in the report of the commissioners, and such common benefit derived by any lot or land shall not be considered in assessing damages to be paid to any landowner or in ascertaining the excess of any benefit over loss or damages under this act.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 354.

An act to incorporate the Presbyterian Church of Milton, North Carolina.

The General Assembly of North Carolina do enact :

Corporators.

SECTION 1. That W. L. Stamps, John Wilson, J. W. Lewis, D. M. Hines and R. L. Walker, elders, and N. M. Richmond, H. W. Hines, Lewis Walker and G. J. Hunt, deacons of the Presbyterian Church of Milton, North Carolina, their successors and associates in said offices of elders and deacons of said church, are hereby incorporated and declared a body politic under the name and style of "The Presbyterian Church of Milton North Carolina," with the right to sue and be sued, plead and be impleaded.

Name.

SEC. 2. That the said incorporators, their successors and associates Powers.
as aforesaid, are in their corporate name hereby vested with the right
and title to the lot of land whereon the Presbyterian church is loca-
ted and the land whereon the home for the minister of said church
is situated in the town of Milton, North Carolina, to be held in trust
by them for the use and benefit of said church.

SEC. 3. That the said incorporators, their successors and associates May hold proper-
as aforesaid, are hereby vested with the right to hold, in their corpo- ty for church.
rate name for the benefit of said church, all property, both real and
personal, that may be donated, or devised, or bequeathed to said
church, or purchased by them for the use and benefit of said church, To sell property
and to sell and dispose of the same, together with the property herein and purchase
vested in them, at pleasure, and to purchase other property in its other.
place for the use and benefit of said church.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1891.

CHAPTER 355.

An act to amend the charter of Beaver Hill Cemetery.

The General Assembly of North Carolina do enact:

SECTION 1. That William D. Pruden, Wm. I. Leary, Jr., C. E. Corporators.
Robinson, Julian Wood, John S. Roagirson, R. I. Mitchell, J. R. B.
Hathaway, C. S. Varne, R. N. Stines, L. S. Brinkley, Thomas H. Hay,
W. D. and John E. Bonner, and such other persons as may associate
themselves with them for the purpose hereinafter mentioned, and
their successors, be and they are hereby made a body politic and
corporate under the name and style of "The Beaver Hill Cemetery Name,
Association," and by that name may sue and be sued, plead and be corporate powers
impleaded in all the courts of this state, contract and be contracted
with, and may have a common seal.

SEC. 2. That said corporation may purchase and hold as much land May hold land
as may be deemed necessary for the purpose of establishing a ceme- for cemetery.
tery near the town of Edenton, in the county of Chowan, and may
sell or dispose of said land in suitable burial lots, to be used exclu-
sively as a place for the burial of the dead (white) of said town, and
of such other white people as the trustees of said association may
permit to be buried therein.

SEC. 3. That the real estate of the said corporation and the burial Cemetery ex-
lots and plots conveyed by said corporation to individuals prepara- empt from
tory, shall be exempt from assessment and taxation, and shall not be taxation.

Not liable to be sold for debt. liable to be sold on execution, nor to be applied to the payment of debts by voluntary assessment under the operation of any insolvent law.

Injury to tomb, &c., made a misdemeanor. SEC. 4. That any person who shall wilfully destroy, mutilate, deface, injure, remove any tomb, urn, monument, ground stone or other structure placed in said cemetery, or any fence, railing or other work for the ornamentation of said cemetery, or of any burial lot therein, or who shall wilfully destroy, cut, break or injure any tree, shrub, plant or vine within the limits of said cemetery, or shall trespass thereon with dogs, or in any manner hunt thereon, either by day or night, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, either or both, at the discretion of the court, and such offender shall also be liable for the trespass in any action to be brought by said corporation against him in any court of competent jurisdiction.

Trespass, hunting, &c., indictable.

Land dedicated to cemetery. SEC. 5. That land purchased by said corporation, when said corporation is permitted to purchase, shall remain forever dedicated to the purpose of a cemetery. Any lot or lots thereon which the said corporation shall convey to individual proprietors shall be so conveyed as to the right to limit the number of interments to be made therein and to restrict interments in any such lots to such person or persons, or class of persons, as may be designated in the conveyance, and not inconsistent with section two of this act under which such lot or lots may be originally taken or held.

Councilmen may regulate by ordinance burying in city limits. SEC. 6. That the councilmen of the town of Edenton may pass ordinances forbidding the burial of any person inside the limits of Edenton after the passage of this act: *Provided*, that nothing in this act shall exclude from interment in any cemetery, within the limits of said town, any deceased person who has either father, mother, brother, sister or child buried therein: *Provided further*, that in order that there shall be a termination of burials within the corporate limits of said town, the first proviso of this section shall not be applicable to members of new families that may grow up, though the parent or parents of the same may be entitled to its provisions.

Proviso.

SEC. 7. That this act shall take effect from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 356.

An act to amend the charter of the town of Tarboro.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-seven, chapter one hundred and ninety-five, private laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out the word "quarterly" in the tenth line thereof, so as to make the last clause of said section read "and collect the same in advance. License taxes of retailers in Tarboro to be paid in advance.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 357.

An act to incorporate the Trustees of Turkey Creek Camp-ground in the county of Buncombe.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Boling, Toney Reeves, Redden James, Adolphus Reynolds, Pleas. Israel, Ves. Alexander, and every preacher in charge of Leicester circuit, 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 Turkey Creek Camp-ground" in the county of Buncombe, 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 thirty years 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: *Provided*, the limits of said incorporation shall not embrace more than fifty acres of land, more or less. Corporators. Name. Corporate powers

SEC. 2. That in case of death, or refusal to act, or removal, or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than five nor more than fifteen. Vacancies, how filled.

SEC. 3. That said trustees may also elect an intendant of police, who shall hold his office for one year or until his successor is appointed. Intendant of police.

SEC. 4. That it shall be a misdemeanor for anyone to exhibit himself drunk in the limits of this incorporation while the Camp-ground is being occupied for worship as stated in section nine. Any one To exhibit oneself drunk a misdemeanor.

violating this section shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Loud and profane language, &c., indictable.

SEC. 5. That it shall be a misdemeanor for anyone to use loud and profane language, or loud and indecent language, or quarrel in a loud and angry manner in the hearing of those assembled in the limits of this incorporation for worship, whether divine service is going on or not at the time, and for every such offence, on conviction, the offender shall be fined not more than fifty dollars or imprisoned not more than thirty days. That it shall be a misdemeanor for anyone to fire off a gun or pistol in the limits of the incorporation while occupied for worship; or to sell or buy any intoxicating liquors in the limits of the incorporation while occupied for worship; or wilfully to throw any rock, stick, clod, chunk or other missile of any kind against, in or upon any tent in the limits of the incorporation while the ground is being occupied for worship; or to make any loud noise under the arbor where divine worship is usually held whether divine service is going on or not; or to upset any wagon, vehicle or tent, or destroy, injure or pull down the same in the limits of this incorporation; or to destroy any harness, saddle or bridle, or wilfully injure the same; or to throw any rock, chunk or other missile on the arbor where divine service is usually held; or to wilfully injure or render impure any spring in the limits of the incorporation, or to bring any lewd women, knowing them to be such, in the limits of the incorporation; or to utter loud and unusual noises in the night-time in the limits of this incorporation whereby those who are occupying the ground for worship are disturbed, or any part of them: *Provided*, that these offences described in this section be committed while the camp-ground is occupied for worship. And for every offence the offender shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days.

Use of fire arms.
Selling liquor, &c., indictable.

Various disorderly acts made indictable.

Appointment of special police.

SEC. 6. That the trustees of Turkey Creek Camp-ground and their successors shall have full and ample power to appoint special police and to prescribe rules and regulations for their government and remuneration not inconsistent with the constitution and laws of the state.

Ordinances.

SEC. 7. That the trustees of Turkey Creek Camp-ground and their successors in office may enact all ordinances necessary for the good government and protection of the camp-ground and people there assembled while occupied for worship, and for the protection of their property which they may have with them, and enforce the same: *Provided*, said ordinances are not inconsistent with the constitution and laws of the state. That the special police shall have power to keep the peace and to execute all process to them directed by any justice of the peace in the limits of this incorporation or Buncombe county while occupied for divine worship.

SEC. 8. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down any tent on the said Turkey Creek Camp-ground, or to destroy, injure, deface or pull down the arbor or any out-house, shed or other appurtenances to a tent whether the said camp-ground is then being occupied for worship or not, and anyone violating this act shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Injury of tent
indictable.

SEC. 9. That the camp-ground shall be considered as occupied for worship from the arrival of the first wagon to the departure of the last at any encampment.

When to be con-
sidered occupied.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 358.

An act to incorporate the Diamond Steamboat and Wrecking Company.

The General Assembly of North Carolina do enact :

SECTION 1. That Edgar D. Williams, James McDougal, James Sprunt and William H. Sprunt, their associates and successors, be and they hereby are created and declared a body politic and corporate by the name and style of "The Diamond Steamboat and Wrecking Company," and as such shall have sixty years succession, and shall have, possess and enjoy all the rights, powers and privileges conferred upon corporations by sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-six of The Code.

Corporators.

Name.

Corporate powers

SEC. 2. The said corporation shall have power and authority to buy, sell, own, manage and operate tugs, ships, vessels, lighters, pile-drivers and other water-craft and boats propelled not only by steam, but also by any other motive power or means whatsoever, for the purpose of towage, freighting, lightering, driving, piling, hoisting, pumping, raising sunken property, salving and assisting vessels, ships, boats and property in danger or distress, wrecking, and such other general purposes as the said tugs, vessels, lighters, ships, pile-drivers and other water-craft and boats may be adapted to and suitable for.

Power to buy
and sell steam-
boats, vessels, &c.

SEC. 3. The capital stock of the said corporation shall be twenty-five thousand dollars, divided into shares of the par value of one hundred dollars each; but the said capital stock may be increased from time to time, and at any time or times, with the assent of a majority in value of the stockholders to an amount not exceeding in the aggregate the sum of one hundred and fifty thousand dollars,

Capital stock.

Limitation of
increase.

divided into shares of a like par value. And subscriptions to the said capital stock may be made in real or personal property at a valuation to be agreed upon by the said corporation.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 359.

An act to amend the charter of the Nags Head Hotel Company granted by the clerk of the superior court of the county of Dare in accordance with chapter sixteen, volume one of The Code of North Carolina.

The General Assembly of North Carolina do enact:

Stockholders not personally liable.

SECTION 1. That the stockholders in said company shall not be individually liable for debts of the company, and that its corporate property only shall be liable for debts and obligations contracted by the company.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 360.

An act for the benefit of the Fayetteville Independent Light Infantry Company.

Preamble reciting services of Fayetteville I. L. I. Company.

WHEREAS, the Fayetteville Independent Light Infantry Company has preserved intact its organization for nearly a century, and borne arms in actual service in defence of the state in the war of eighteen [hundred and] twelve and in the war between the states, and as a part of the state troops has signified its readiness to respond to any call in behalf of the state: now, therefore, in consideration of its distinguished services,

The General Assembly of North Carolina do enact:

May buy and hold, free from tax, an armory.

SECTION 1. That the Fayetteville Independent Light Infantry Company may purchase and hold, free from state, county and municipal taxation, such real estate and personal property not to exceed ten

thousand dollars as may be suitable or convenient for an armory, and may sell or exchange at pleasure: *Provided*, that only personal property to the amount of three hundred dollars be exempted from taxation: *Provided*, that this act shall not apply to the counties of Cabarrus, Stanly, Rowan, Catawba, New Hanover, Halifax, Cumberland, Bertie, Beaufort, Jones, Montgomery, Lenoir, Robeson, Carteret, Tyrrel, Craven and Vance.

Not over \$10,000.

Certain counties exempted.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 361.

An act to amend the charter of Southport.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy-eight, section two, private laws of one thousand eight hundred and eighty-nine, be amended by striking out in the ninth line of said section the words "west ten poles" and inserting in lieu thereof the words "east ten poles"; and in the tenth line strike out the words "thirty-three degrees east" and insert in lieu thereof the words "south thirty-three degrees east"; and in the thirteenth line strike out the words "one hundred and twenty degrees" and insert "twelve degrees."

Line of corporate boundary amended.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 362.

An act for the better protection of the lives and property of the citizens of the city of New Berne.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of councilmen of the city of New Berne are hereby specially authorized and empowered to appoint an inspector of boilers and an examiner of engineers and firemen, whose duty it shall be to inspect all boilers that are in use in the city limits, and to give to the owners thereof a certificate of condition of the said boilers; and the said examiner shall have power to condemn any

Inspector of boilers to be appointed.

Boilers to be examined.

boiler that may be unfit for use. That such examination shall be annually, or oftener, in the discretion of the said board of councilmen; and the board of councilmen of said city shall be allowed to pay for the inspection of boilers and examination of engineers and firemen such sums as they may deem proper, or to make the owner of such boiler and persons examined for engineers and firemen pay said fees.

Engineers and firemen to have certificate of proficiency.

SEC. 2. All persons acting as engineers or firemen in the city limits shall, before entering upon any such duties in the city of New Berne, first obtain a certificate of competency and fitness from the examiner of engineers and firemen.

Penalty for use of boiler not examined.

SEC. 3. That if any person shall use any boiler in the city of New Berne before first obtaining the certificate provided for in section one hereof, or shall continue to use any boiler that has been condemned by the examiner of boilers, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both in the discretion of the court. The continued use of any such boiler for each and every twenty-four hours in violation of section one of this act shall be deemed a separate offence.

Penalty for acting as engineer or fireman without certificate.

SEC. 4. That if any person shall act as engineer or fireman in the city of New Berne without first having and obtained a certificate of competency and fitness as provided for in section two hereof, or any person employing any person as engineer or fireman who has not the proper certificate as provided for in said section two, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both in the discretion of the court. Each twenty-four hours that any engineer or fireman or person shall have any such fireman or engineer in his employ without the certificate provided for in section two hereof shall be deemed and considered a separate offence.

Definition.

SEC. 5. That the word "person" in this act shall mean corporation as well as individual or individuals.

SEC. 6. That all laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1891.

CHAPTER 363.

An act to incorporate Lodge number one hundred and thirty-nine of the Benevolent and Protective Order of Elks.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Lamb, Z. M. L. Jeffreys, E. G. Porter, B. H. Griffin and Richard McLeonald, trustees, and their associates and successors in office, are hereby created and constituted a body corporate under the name and style of "Goldsboro Lodge, Number One Hundred and Thirty-Nine, of the Benevolent and Protective Order of Elks." and by such name may sue and be sued, plead and be impleaded in all the courts of this state and of the United States, [and] contract and be contracted with.

SEC. 2. That said corporation may have a common seal which may alter at pleasure; may pass all such by-laws not inconsistent with the laws of North Carolina and of the United States as may be necessary for their government; may purchase, loan, hold and convey all such real estate and personal property as may be necessary for carrying out the objects and purposes of said corporation.

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

Ratified the 3d day of March, A. D. 1891.

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE.

Raleigh, June 13, 1891.

I, OCTAVIUS COKE, 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

OCTAVIUS COKE,

Secretary of State.

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