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Drivate LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1897,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1897.

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION OF 1897.



PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION OF 1897.

CHAPTER 1.

An act to incorporate Cabarrus savings bank.

The General Assembly of North Carolina do enact:

SECTION 1. That D. F. Cannon, J. W. Cannon, James C. Gib-Corporators. son and Martin Boger, their present and future assistants, successors and assignees, are hereby constituted and declared to be a body politic and corporate by the name and style of Cabar-Body politic. rus Savings Bank, with its principal place of business at Con- Corporate name. cord, North Carolina, and by that name may sue and be sued, Location. plead and be impleaded in any court of this State, and shall ers. have a continual succes-ion for the period of thirty (30) years, Duration. with the capacity to take, hold and carry real and personal property, with all the powers, rights, privileges and immunities granted to any Bank or Banking institution by any general law of the State, together with the rights, privileges and powers 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.

SEC. 2. This corporation is especially invested with the power Savings bank and authority to carry on, conduct and operate a savings bank- business authoring business in all its branches, and may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by the way of dividend out of the net earnings, or at fixed rates, according as it may be agreed between the company and its depositors; and the board of

General banking business authorized.

directors are hereby fully authorized to make all needful bylaws and regulations for conducting and carrying into effect the different features of this branch of this corporation, and shall also have a right to conduct a general banking business upon or incident to State banks.

Capital stock.

SEC. 3. The capital stock of this company shall not be less than fifty thousand (50,000.00) dollars, but may be increased from time to time, one hundred thousand (100,000.00) dollars, to be divided into shares of (\$50.00) each: Provided, that the stockholders shall have the right to organize and commence business whenever twenty thousand dollars shall have been paid in as the board of directors shall direct.

Organization.

Stockholders not personally lia-

No shareholder shall be individually liable for the debts of this corporation after they shall have paid in the par value of the shares subscribed for by them.

Officers.

SEC. 4. The officers of this corporation shall consist of a President. Vice President, cashier and teller, and a board of nine directors, said directors are to be elected annually by the stockholders at their annual meeting to be held on the third Thursday of January in each year; the directors so elected shall choose the aforesaid officers and shall require the cashier and teller each to give a bond with approved security for the faithful performance of their respective duties.

Directors, powers of.

SEC. 5. It shall be the duty of the board of directors, and they are hereby empowered to make rules and 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, the amount of their respective bonds and to fill vacancies on the board of directors.

Directors, election of.

The first board of directors shall be chosen by a majority of the stockholders at the first meeting to be called by the incorporators, which said board of directors shall hold office for one year, and until their successors are duly elected, and a majority of said board shall constitute a quorum for the transaction of business.

Said board of directors may adopt and use a common seal Directors, powers and duties of. and alter the same at pleasure, appoint all necessary officers and agents and prescribe their duties, and may, when they shall deem it for the interest of the bank, discharge any or all of them and appoint others to fill their place; and said directors shall cause to be published during the first week in January and July in each year a statement of the financial condition of the bank, unless required by the general laws of the State to publish a statement at other times.

SEC. 6. The said corporation shall have the right to do a gen- Corporate poweral banking business, to receive deposits, make loans and discounts, to obtain and procure loans for any person, company, corporation or copartnership: to invest its own money or the money of others; to lend or invest money in or upon the security of mortgages, pledges, deeds of trust or otherwise, or any land, 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 paper, or any crops, or produce whatever; or any stock, bullion, merchandise or other personal property, or the same to sell or otherwise dispose of, and to charge any rate of interest on all such claims not exceeding the rate allowed by

SEC. 7. That said corporation may receive on deposits all May receive desums of money which may be offered it for the purpose of being nors and marinvested, in such sums and at such times and such terms as the ried women. board of directors may agree upon; and if money be deposited by minor or feme covert, either as an investment or otherwise, such money may be withdrawn by minor or feme covert without the consent of the parent or guardian of such minor or the husband of the feme covert, and his or her check or receipt therefor shall be as binding upon such minor or feme covert as though he or she were of full age or unmarried.

SEC. 8. That said company shall have the right to act as Corporate powagents, factor, or trustee for any State, county, town, municipal corporation, company or individual on such terms as to the agency and commissions as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any State, county, town, municipal corporation, company or person, bonds, certificates of stock of any description, or property, real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business, and may charge such prevailing commissions or rate of compensation as may be agreed on and for any of the matters and things authorized by this section.

SEC. 9. That said corporation shall have power to receive Corporate powmoneys in trust, and shall have power to accept and execute ers. any trust that may be committed to it by the court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and hold any personal or real estate in 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 the 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 in this State, and pay therefor such interest as may be agreed on, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silverplate, and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon said deposit until paid, and generally to do and carry on the business of a safety and deposit company.

Stock, how transferred.

SEC. 10. That the stock of this corporation held by any one shall be transferred only on the books of the company, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors of the corporation, if he be 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 stockholders.

SEC. 11. That this act shall take effect from and after its ratification.

In the General Assembly, read three times, and ratified this the 20th day of January, 1897.

CHAPTER 2.

An act for the relief of John L. Stuart, a one-legged Confederate soldier, of Montgomery county.

The General Assembly of North Carolina do enact:

To exhibit magic lantern and peddle without license.

SECTION 1. That John L. Stuart, a one legged ex-Confederate soldier, of Montgomery county, be and the same is hereby permitted to exhibit magic lantern and peddle in dry goods, clothing and notions in the State without paying a license tax.

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

In the General Assembly read three times and ratified this 29th day of January, 1897.

CHAPTER 3.

An act to relieve Dr. Geo. W. Walker, of Pender county, from the tax on practicing physicians.

WHEREAS, Dr. George W. Walker, of Pender county, was a Preamble. brave Confederate soldier and received a wound in his right arm, by which he lost a large part of the bone of the upper arm, rendering that arm practically useless and disabling him from performing manual labor, and his medical patrons being poor people, it is extremely difficult for him to make a support; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Dr. George W. Walker, of Pender county, Exempt from tax is hereby exempted and relieved from the payment of the tax as physician. of ten dollars per year imposed upon practicing physicians by the laws of North Carolina.

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

In the General Assembly read three times and ratified this the 2nd day of February, 1897.

CHAPTER 4.

An act to extend the time for collecting the taxes for the city of Asheville in the county of Buncombe.

The General Assembly of North Carolina do enact:

SECTION 1. That Section forty-five, private laws of one thou- Time for collectsand eight hundred and ninety-five, entitled "Anact to amend, ing taxes extend ed from March revise, and consolidate the charter of the city of Asheville" be, to May. and the same is hereby amended, by striking out the word "March" in said section and insert the word "May" in lieu thereof, and as so amended, the same shall apply to the uncollected taxes now in the hands of the tax collector of said City of Asheville for collection.

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

In the General Assembly read three times and ratified this 3rd day of February, 1897.

CHAPTER 5.

An act incorporating the town of Wilbanks, Wilson county, N. C.

The General Assembly of North Carolina do enact:

Town incorporated.
Corporate name.

SECTION 1. That the town of Wilbanks, in the county of Wilson, be and the same is hereby incorporated under the name and style of "Wilbanks," and as such, shall be subject to and governed by, all the provisions of Chapter sixty-two of *The Code* of North Carolina, not inconsistent with this act.

Corporate limits.

SEC. 2. The corporate limits of said town shall extend one-fourth of a mile each way from the intersection of the Public Roads running through said town.

Town officers.

SEC. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Constable, and, until their successors are elected and qualified, said officers shall be John H. Robbins, Mayor; W. D. P. Sharp, W. B. Forbes, and W. H. Robbins, commissioners, and Walter Williams, constable. Said officers shall have all the rights, powers and duties conferred on like officers by *The Code*, Chapter sixty-two.

First officers.

SEC, 4. This act shall be in force from and after its ratifica-

In the General Assembly, read three times, and ratified this the 2nd day of Feb'y, 1897.

CHAPTER 6.

An act relating to the charter of the Roanoke Navigation and Water Power Company.

The General Assembly of North Carolina do enact:

Amended.

Principal office to be in Weldon, N. C.

SECTION 1. That Section five of Chapter 57, Private Laws of 1885, be and the same is hereby amended by striking out all after the word Company in line one of said Section down to the word "and" in line four of said Section, and inserting in lieu thereof the words "shall be at Weldon, North Carolina."

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

In the General Assembly read three times and ratified, this 5th day of February, 1897.

CHAPTER 7.

An act to amend and extend the time of organization of the Drummers' Deposit Bank and to change its name.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-nine (79) of the private laws Name changed of one thousand eight hundred and ninety-five, entitled an act to Wilkes County to amend and extend the time of organizing the Wilkes County Bank and to change its name, and ratified the second day of March one thousand eight hundred and ninety-five, be amended by striking out the words, "Drummers' Deposit Bank," in section one, chapter seventy-nine, in line seven after the word "words" and before the word "by" in line eight of said section, and inserting in lieu thereof the words "Wilkes County Bank,"

SEC. 2. That the time of organizing the said Bank is hereby Time for organiextended for two years, and upon its organization within said zation extended time it shall have all rights and privileges granted in chapter one hundred and thirty-eight of the private laws of 1893, and granted in chapter seventy-nine of the private laws of 1895, except as herein changed.

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

In the General Assembly read three times and ratified, this 3rd day of February, 1897.

CHAPTER 8.

An act to amend chapter 54, private laws of 1895, entitled an act to incorporate the "Carolina Mutual Fire Insurance Company" of Charlotte.

The General Assembly of North Carolina do enact:

That the act to incorporate the Carolina Mutual Fire Insurance Company of Charlotte, chapter 54, private laws of 1895, which was ratified on the 21st day of February, 1895, be and is hereby amended as follows:

1st. That the name of the Company shall be and is hereby Namechanged. changed to the "Piedmont Fire Insurance Company" of Charlotte, N. C.

Section 1 of charter amended.

2d. That in the first sentence of Section 1 of said act the words "or policy holders" shall be stricken entirely out.

That in the same sentence the word "Piedmont" shall be substituted for the words "Carolina Mutual." That in the second sentence of said Section 1, the words "Capital stock of Fifty thousand dollars divided into five hundred shares of one hundred dollars each" shall be amended to read "Capital stock of One hundred thousand dollars, divided into ten thousand shares of ten dollars each."

Section 4 amended. 3d. That in first the sentence of Section 2, of said act, the words "the respective" and "of its members and others" be stricken entirely out.

Section 3 amend-

4th. That in the first sentence of Section 3 of said act, the words, "and of the policy holders" and "one-third of whom shall after the first year be policy holders who are not policy holders of said Corporation" be stricken entirely out, and in the same Section 3 the entire third and fourth sentences beginning with the words "That at the" and ending with the words "policy holders one-third" be stricken out.

Section 4 amend-

5th. That the entire first sentence of Section 4 of said act, beginning with the words "That the board" and ending with the words "The policy holder" be stricken out.

Section 5 repealed.

6th. That the entire Section 5 of said act, beginning with the words "That in case" and ending with the words "then in force" be stricken out.

The said charter hereby amended, will therefore read as follows:

An act to incorporate The Piedmont Fire Insurance Company of Charlotte, N. C.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That M. P. Pegram, P. M. Brown, D. W. Oates, E. B. Springs, J. W. Miller, S. Witkowsky, Heriot Clarkson, A. C. Summerville, E. M. Andrews, R. H. Jordan, W. S. Alexander, C. Furber Jones, C. M. Carson, and all other persons who may become stockholders thereof, be and they are hereby constituted a body politic and corporate, under the name and style of the "Piedmont Fire Insurance Company" for a period of thirty years, and under that name shall have all the powers, privileges and franchises incident to such corporations under the laws of North Carolina. That said corporation shall have a capital stock of One Hundred thousand dollars, divided into Ten thousand shares of Ten dollars each, with the privilege of

Body politic.

Name.

Duration.

Corporate pow-

Capital stock.

increasing it to any amount not exceeding One Million dollars, as a majority of directors may from time to time determine. Said stock to be paid in such way and manner as the board of directors may determine.

SEC. 2. That said corporation shall have the right to insure Corporate powbuildings, furniture, stocks of goods, and other property against ers of insurance loss by fire, lightning and water, to any amount not exceeding the cash value of the property insured, but not exceeding Ten thousand dollars on any one building and contents; but no policy of Insurance shall be issued until twenty thousand (\$20,000) of stock is subscribed, and five thousand dollars (\$5,000) in cash paid in. And said corporation may sue and be sued in any Court, and may have and use a common seal, and shall be entitled to own real and personal property to any amount that may be thought needful for the purposes of the corporation, and may buy and sell the same.

company.

SEC. 3. That there shall be annual meetings of the stock- Annua. Meeting. holders of said corporation for the election of a board of direc-Number of directors, of at least nine members. That at the stockholders' meet- tors. ing, each stockholder shall be allowed one vote for each share of stock he owns, and a majority of the stock shall constitute a quorum for the transaction of business, with the right of voting by proxy.

That the board of directors so elected may choose such officers, Directors to and for such length of time as they may by a majority of votes choose officers. determine; shall have power to make such bylaws, rules and regulations as may be thought necessary not contrary to the laws of the State; and may establish their home and branch Home and offices at such places as they may think best; and that five branch offices may be establishdirectors shall constitute a quorum for the transaction of busi-ed. ness.

SEC. 4. That the reserve and assets of the company shall be Directors to auinvested in safe securities, and in such securities as the directors thorize invest-ments. may direct; and the board of directors shall have full authority and discretion of doing all things necessary for the purpose of conducting a successful fire insurance business.

SEC. 5. No stockholder or policy holder shall be individually Stockholders or liable for the debts of the corporation.

policy holders not individually liable.

SEC. 6. That all laws and parts of laws operating against this act, be and are hereby repealed,

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

Amendment in force 30 days

This act of amendment shall go into effect thirty days from after ratification, the date of its ratification, and from that date all contracts of whatever character assumed by Carolina Mutual Fire Insurance Company shall be binding on and enforcable against the Piedmont Fire Insurance Company.

In the General Assembly read three times, and ratified this 6th day of Febry., 1897.

CHAPTER 9.

An act to place the name of James W. Hembree of Cherokee county on the pension roll of the State.

The General Assembly of North Carolina do enact:

Name placed on pension roll if injured sufficiently to entitle him to pension.

SECTION 1. That the name of James W. Hembree, of Cherokee County, be placed upon the pension roll of the State; if upon examination by the proper authorities his injuries received in the late war between the States, are deemed by said authorities to be sufficient to entitle him to draw a pension.

SEC. 2. That all laws and clauses of laws in conflict with this act, are hereby repealed, so far only as this act is concerned.

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

In the General Assembly read three times and ratified this 5th day of February, 1897.

CHAPTER 10.

An act to incorporate the bank of Greenville.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That R. L. Davis, R. A. Tyson, J. L. Little, J. A. Andrews, W. S. Rawls, S. T. Hooker, O. Hooker, R. W. King, R. J. Cobb, W. B. Wilson, J. W. Morgan, 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 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,

Body politic. Name. Duration.

Corporate powers.

lease and exchange and convey real and personal estate, and to conduct, transact and to carry on in its full scope and import a general banking business, with all powers, rights, privileges and immunities hereby specially granted, and in addition, those contained in Chapter (4) Four, Vol. (2) Two of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

SEC. 2. That the capital stock of said bank shall be twenty- Capital stock. 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 from time to time to one hundred thousand dollars.

SEC. 3. That the office and place of business of said banking Location. company shall be in the Town of Greenville, Pitt County, and State of North Carolina, and its officers shall consist of a pres- Officers. ident, vice-president, cashier and teller, and a board of notless than five nor more than eleven directors, who are to be elected annually by the stockholders; the directors so elected to choose Directors to the officers aforesaid, and shall require the president, the cashier, and the teller, each, to give bond, with approved security Officers to give for the faithful performance of their respective duties.

and they are hereby fully empowered, to make rules, regulations and by-laws for the government of said corporation and

tors 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.

choose officers.

SEC. 4. That it shall be the duty of the board of directors, Directors to make by-laws.

for the conduct of its business; also to fix the salaries of its To fix salaries officers and to fill vacancies on the board of directors. Said eies,

board of directors shall be chosen by a majority of the corpora- Directors how chosen.

SEC. 5. That the capital stock of this bank shall be taxed as Stock to be 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

SEC. 6. That the said company shall have the right to do a general banking business, to receive deposits, to make loans Company to do 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 pur-

capital stock.

chase 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 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. That said corporation may receive on deposit all sums

May reserve deposits for investment.

Married women, minors and apprentices. 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 valid and sufficient release to said corporation against said minors, married women

May act as agent factor for municipal and other corporations and individuals.

or apprentices and all persons whatever.

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.

SEC. 10. That said corporation shall have power to receive May accept and 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 May act as trusempowered to act as trustee and assignee, and to receive on tee or assignee. 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 May receive to receive for safe-keeping on deposit all money, bonds, stocks, deposits for safe keeping. diamonds and silverplate 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.

execute trusts.

SEC. 11. That said company is hereby given the right to insure May guarantee or guarantee the payment of any dividends, bonds, notes, debts of other corporations or undertakings, mortgages or other securities or evidences of of individuals. indebtedness of any person, partnership or corporation for any price and on any consideration agreed on.

SEC. 12. That branches of this bank may be established at Branches may such times and places as the president and board of directors be established. may designate, and any such branch shall be known as "The 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 stock for one of them, in amounts not greater than twenty-five thou-branches not to exceed \$25,000. sand 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 Fee of \$50 to be established until the fee of fifty dollars shall have been paid to branch. the State treasurer.

SEC. 13. That this company is specially invested with the May do savings powers and privileges usually incident to savings banks, may bank business. receive deposits in very small sums, the limit to be fixed by the board of directors, and may pay interest thereon by way of Maypay interest dividends out of the net earnings, or by fixed rates, according on deposits. as may be agreed between the company and its depositors; and

Directors to make by-laws. 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 buy property sold under liens held by it.

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.

Directors to fix time of 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.

Shall also provide for special meetings.

> SEC. 16. That the stockholders of this corporation shall not be individually liable for any of the debts, contracts or liabilities of the corporation.

Stockholders not individually liable.

> SEC. 17. That the stock held by anyone shall be transferred only on the book 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 stockholders.

Stock how transferred.

Lieu on bank.

SEC. 18. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this 6th day of February, 1897.

An act to amend chapter two hundred and sixty-three, private laws of eighteen hundred and ninety-one.

CHAPTER 11.

The General Assembly of North Carolina do enact:

Sections 7 and 8 repealed.

Section 1. That, Sections seven and eight, of Chapter two hundred and sixty-three, Private Laws of eighteen hundred and ninety-one, be and the same are hereby repealed.

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

In the General Assembly read three times and ratified, this 6th day of February, 1897.

CHAPTER 12.

An act to amend the charter of the Southern Stock-Mutual Insurance Company of Greensboro, N. C.

SECTION 1. That after the word "directors" in 2d line of Number of direc-Section 2 of Chapter eleven, Private Laws of Eighteen Hun-tors to be fixed by by-laws. dred and Ninety-five, the following words be stricken out "to consist of not more than twenty in number, and not less than seven, as may be regulated by the by-laws of the company," and the following words be substituted "whose number shall be regulated by the by-laws of the company."

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

In the General Assembly read three times, and ratified this the 9th day of February, 1897.

CHAPTER 13.

An act to remove obstructions in Big Dutch Buffalo creek in Cabarrus county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to cut any timbers in or Unlawful to otherwise obstruct Big Dutch Buffalo Creek in Cabarrus obstruct creek.

SEC. 2. Any one violating section one of this act shall be Misdemeanor. guilty of a misdemeanor, and subject to a fine and imprison-

SEC. 3. That any person owning any lands adjacent to or on Owners of land both sides of said Creek, from the head of the back waters of the adjacent to creek to remove Heilig Mill dam to the Rowan county, line shall within eight obstructions. months from the passage of this act remove all timber, logs and obstructions of any kind in said Creek on the lands of such owners; That landowners on each side of said Creek shall be owner. deemed and taken to own the lands to the middle of said Creek, for the purposes of this act; and each shall remove said obstruction to the middle of said Creek.

SEC. 4. That any person who fails or refuses to comply with Failure to comand obey the foregoing section shall be guilty of a misdemeanor ply with section 3 misdemeanor. and fined or imprisoned at the discretion of the Court.

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

In the General Assembly read three times, and ratified this 9th day of February, 1897.

CHAPTER 14.

An act to incorporate the town of Hamlet in Richmond county North Carolina.

The General Assembly of North Carolina do enact:

Town incorporated.

Name.

SECTION 1. That the town of Hamlet, in the County of Richmond, be, and the same is hereby incorporated under the name and style of "The town of Hamlet," and said town shall be subject to the provisions of Chapter 62 of *The Code*, not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of the said town shall be and include all the territory embraced within a circle, the center of which is the Seaboard Air-line Passenger Depot in said town, and the radius of which is three-fourths of a mile.

SEC. 3. That the officers of the said town shall consist of a

Mayor, five Commissioners, a Constable, a Clerk and Treasurer,

Town officers.

meers.

How elected.

Officers until first election.

Town Elections.

Qualification of voters.

Commissioners to appoint registrar and judges. Registration.

and as many policemen as may be necessary for preserving the peace and good order of said town. That the Mayor and five Commissioners shall be elected by the qualified voters of said town as hereinafter provided. That the other officers shall be elected by the Commissioners. That until the first election under this act L. C. Spear shall be Mayor, and A. S. Cowan, R. B. Terry, C. C. Smith, O. F. Goodwin, and F. Shoatridge shall be Commissioners, who shall hold their respective offices until their successors shall be elected and qualified, and that the said Commissioners shall elect the Clerk and Treasurer, Constable, and policemen herein provided for whose terms shall expire with the term of the said Commissioners.

SEC. 4. That there shall be held on the first Monday in May,

SEC. 4. That there shall be held on the first Monday in May, A. D. 1897, and every year thereafter an election in said town for Mayor and five Commissioners thereof; said election shall be advertised four weeks prior thereto, by notices posted at four public places in said town; that all duly qualified electors of the County of Richmond who shall have resided ninety days in said town next preceding the day of election shall be qualified voters of the said town, provided they shall be registered as herein prescribed; that the Commissioners each year shall appoint a registrar and other judges of election who shall hold the election each year; the registrar shall register in a book to be provided for that purpose by the Commissioners, all qualified electors who shall take the oath prescribed for electors in said County, and also an oath that they have been residents of the said town for ninety days preceding the election; that the

registration book shall be kept open for the registration of vot-Registration ers on the four Saturdays preceding the Saturday before the election in each year between the hours of 9 o'clock A. M. and 4 o'clock P. M., at which time and no other all electors shall be registered who shall present themselves and comply with the provisions of this act; that on the second Saturday preceding Challenge day. the election any voter of said town may challenge any person registered, and the Constable shall serve a notice on the person Constable to challenged to appear before the registrar and judges of election challenged. on the succeeding Saturday, when and where the challenge Challenges, when shall be heard and decided; that no challenges shall be heard to be heard. at any other time; that the registrar and judges of election shall attend at the polling place with the registration book on the day of the election; that the polls shall be opened Opening and at 7 o'clock A. M. and shall be closed at sunset; that the vote shall be by ballot. One ballot to contain the person voted Vote to be by for for Mayor and the names of the five persons who shall be voted for for Commissioners, which ballots may be on paper of Ballots with or any color and may be with or without device. That before entering on the discharge of any of their duties the registrar and judges of election shall take the oath prescribed in section 7, chapter 159 of the laws of 1895, before some justice of the peace for said County: that at the close of the said election the said registrar shall count the votes for Mayor and Commissioners, and Votes to be the person receiving the highest number of votes for the office counted. of Mayor, shall be duly declared elected thereto; and the five persons receiving the highest number of votes for the office of Commissioners shall be duly declared elected thereto; and the said registrars and judges shall post at some public place in said Count of votes to town the names of the persons voted for and the number of votes Town clerk to received by each; and town Clerk and Treasurer shall forth notify officers of with notify the persons so declared elected of the fact of their election; and that the registration and poll books of the said Registration and town shall be deposited with the Clerk of the Superior Court of said County immediately after the said election, to be safely Superior Court of kept by him until needed for the purpose of the next election.

SEC. 5. That no person shall be eligible to any office in said Eligibility. town unless he be a duly qualified voter therein. That the term Term of office. of office of Mayor and Commissioners shall begin on the Tuesday following the election in each year, and before entering on the discharge of the duties of the said office they shall each take the oath prescribed by law for public officers before some justice of the peace for said county.

closing of polls.

ballot.

without device.

be posted. their election.

poll books depos-ited with Clerk of county.

Duties of Mayor.

Mayor pro tem.

SEC. 6. That the Mayor shall preside at all meetings of the Commissioners, and shall have power to call special meetings of the Commissioners, when he shall deem the same proper. That the Commissioners shall elect one of their number Mayor pro tem., who shall fill the office of Mayor during the absence or disability of the Mayor. That the Mayor shall see that the ordinances of the town are enforced, and shall have the criminal jurisdiction of a justice of the peace within the limits of the said town.

Further powers of Commissioners.

and condemu land.

Procedure for condemuation.

Commissioners to levy taxes.

Property to be listed.

Failure to list, penalty.

Town Clerk to make out and complete tax list.

Tax liens.

SEC. 7. That in addition to the powers conferred upon the Commissioners by said Chapter 62 of The Code, they shall have May open streets the power to open, change, enlarge or discontinue streets in said town, and may condemn land for this purpose upon making just compensation to the owner thereof. That in case the said Commissioners shall decide to condemn any land for this purpose they shall appoint three disinterested freeholders in said town, who shall view the land proposed to be condemned, and after giving the owner thereof notice of five days to appear before them and contest the matter, if he so elect, they shall, if they deem the land necessary for said purpose, assess the damages at whatever sum they think just, which sum shall be paid by the said town, and the owner or owners of the said Right of appeal, land shall have the right to appeal to the Superior Court of said county from the assessment of the said appraisers, notice of appeal to be given within ten days.

> SEC. 8. That the Commissioners shall have the power to levy taxes upon the real and personal property and polls in said town, the property tax not to exceed ten cents on the one hundred dollars valuation, and the poll tax not to exceed thirty cents on each taxable poll, and the valuation of all property to be the same as that at which it is assessed for State and county purposes. That the taxes shall be listed with the Clerk and Treasurer of said town during the first twenty days in June in each year, and all persons failing to list his taxables shall be liable to a double tax: Provided, the Clerk and Treasurer may take a list of the taxes for each person failing to list from the returns for taxation for State and county purposes for the current year, which shall be as binding upon the taxpayer as if his taxables had been duly listed. All property and polls in said town on the first day of June in each year shall be listed; the Town Clerk and Treasurer shall make out and complete the tax-list and place a copy thereof in the hands of the Constable on the first Monday in September in each year, which shall have all the force and effect of an execution. That said tax-list shall be a lien on all real property in said town, and all personal prop

erty shall be liable to be seized and sold on ten days' notice for Sales of taxes. taxes; and real estate may be sold for taxes by the Constable in the same manner as sales are made under execution.

SEC. 9. That the Commissioners shall have the power to pass Commissioners ordinances, to be enforced by suitable penalties for the preser-nances. vation of the peace and regulation of the good order of said town: they shall also have the power to levy and cause to be collected such reasonable privilege taxes as they may deem Privilege taxes. proper on the professions, callings, occupations, teacher and businesses carried on in said town.

to pass ordi-

SEC. 10. That the Clerk and Treasurer, and the Constable Town Clerk and shall each give a bond in the sum of Five hundred dollars with Constable to give sufficient surety, payable to the State of North Carolina, con-bond for \$500. ditional for the faithful performance of the duties of their respective offices, and for the proper accounting for and paying over to those entitled to the same of all sums of money which may come into their hands, by reason or under color of their Policemen to respective offices; that all policemen shall give bond if required give bond if by the Commissioners, in the sum to be fixed by them, condi-commissioners. tional for the faithful performance of their duties; that the Clerk and Treasterm of office of the Clerk and Treasurer shall be the same as urer. that of the Commissioners electing him: Provided, that the policement of Commissioners may remove any person holding this office for pleasure of cause: the Constable and Policemen shall hold office during the commissioners. pleasure of the Commissioners.

Constable and hold office at the

SEC. 11. That chapter 234 of the laws of 1881, entitled "An act Prohibition laws to prohibit the sale of spirituous liquors in certain localities" repealed as to and all other laws and clauses of laws which prohibit the sale of spirituous, vinous or malt liquors within the territory embraced in the corporate limits of the town of Hamlet, as set forth in this act, be and the same are hereby repealed so far only as the said chapter 234 of the laws of 1881, and said laws and clauses of laws apply to the territory embraced within the corporate limits of the said town of Hamlet.

SEC. 12. That the Commissioners of said town shall have the complete regulation and control of the sale of spirituous, vinous to regulate sale and malt liquors in said town, and of the licensing thereof, with full power and discretion to grant or refuse license; that the license tax shall not exceed three hundred dollars a year; that License not to license shall be granted only to persons of good moral character, exceed \$300. who are residents or freeholders in said town; and that the said Commissioners shall have full power and authority to Commissioners revoke any license at any time without refunding any part of empowered to the license tax.

Commissioners of liquors.

Ordinances to be posted.

SEC. 13. That all ordinances passed by the said Commissioners shall not take effect until the same have been posted for five days at four public places in said town.

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

In the General Assembly read three times and ratified this 9th day of ——, 1897.

CHAPTER 15.

An act to incorporate the town of Robbinsville in Graham county.

The General Assembly of North Carolina do enact:

Town incorporated.

Name.

SECTION 1. That the town of Robbinsville, in the county of Graham, be and the same is hereby incorporated by the name and style of "Robbinsville," and it shall be subject to all the provisions of law now existing in reference to incorporated towns, except as to the limits in which taxes may be assessed, hereafter set out.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at Chewah river at the mouth of Long Creek, running up said river with its meanders to the mouth of Sweetwater Creek; then up Tulula Creek to the Ford east of Town; then Southward with the top of a ridge Southeast of said Town, as it meanders to the Southeast corner of the Junaluska Farm; then South to the Moose branch; then down said branch with its meanders to Long Creek; then down Long Creek as it meanders, to the beginning.

Town officers.

Officers until first election.

SEC. 3. That the officers of said Town shall consist of a Mayor, three (3) Aldermen, a Marshal and a Treasurer; and the following named persons shall fill said offices until the first Monday in May, 1897, to-wit: Mayor, R. V. McElroy; Aldermen, N. G. Philips, N. M. E. Slaughter and G. B. Walker; Marshal, W. C. Philips; Treasurer, W. F. Manning.

Officers to be elected.

SEC. 4. That there shall be an election held for the offices mentioned in this act on the first Monday in May, 1897, and each succeeding year thereafter, under the same rules and regulations as County and State elections are held, and all residents of said incorporation, who are qualified to vote for county officers, shall be entitled to vote in said election.

Qualification of voters.

Vacancies, how filled. offices f

SEC. 5. Should a vacancy occur in any of the above-named offices from any cause, the Mayor, Aldermen and Treasurer, or a majority of them, shall fill such vacancy.

SEC. 6. That the Aldermen of said corporation shall have Aldermen may power to pass all By-laws, rules and regulations for the good rules and regulagovernment of said Town, not inconsistent with the laws of the tions. United States and in conformity with the laws of North Carolina; except that they shall have no power to levy a tax on, or Butshail not to authorize the sale of spirituous or malt liquors within the corliquors. porate limits of said Town. They may, in their discretion, levy May levy taxes. a tax on all taxable property and polls in said corporate limits for the improvement of the streets of said town, and other purposes, not to exceed one half (+) of the State tax in any one Limitation. year: Provided, that the power to assess taxes shall not extend Proviso. to any property outside the original Town Plat; and to impose To impose fines fines and penalties for the violation of the town ordinances, not to exceed Fifty Dollars (\$50.00) fine or imprisonment for thirty Incase of disdays. In the absence or inability of the Mayor to execute the ability of Mayor duties of his office, one of the Aldermen shall perform the said to act. duties.

and penalties.

an Alderman

lected by Mar-

vate Laws 1893, repealed.

SEC. 7. That the taxes levied and the fines imposed shall be Taxes to be colcollected by the Marshal, in the same manner as other taxes shalare collected, and paid over to the Treasurer, and paid out by the order of the Mayor and a majority of the Aldermen.

SEC. 8. That the Marshal and the Treasurer shall each be Marshal and required to give a Bond, payable to the State of North Caro-Treasurer to give bond for \$200. lina, in the sum of two hundred dollars (\$200.00), to be approved by the Mayor and Aldermen.

SEC. 9. That Chapter 126, Private Laws of 1893, and all laws Chapter 126, Priconflicting with this act, are hereby repealed.

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

Read three times in the General Assembly and ratified this the 9th day of February, 1897.

CHAPTER 16.

An act to amend the charter of the Wadesboro Cotton Mills Company.

The General Assembly of North Carolina do enact:

SECTION 1. That the Wadesboro Cotton Mills Company, Incorporation by which was duly incorporated before the clerk of the Superior Clerk ratified. Court of Anson county, August 22d, 1890, in pursuance of and in compliance with Chapter sixteen (16), Volume One of The Code of North Carolina, which chapter is entitled Corporations, shall have, possess and enjoy, and may use, exercise and

Additional corporate powers.

Board of Direc-Quorum.

Duration.

Rights given by this act to be additional to those formerly enjoyed.

If in conflict this act to prevail.

Authorized to issue bonds.

Limitation.

Term of bonds.

employ, in addition to all the powers, privileges, purposes and rights which said corporation acquired, became vested with and succeeded to by virtue of its Incorporation as aforesaid and its articles of association, the following powers, privileges, rights and purposes, that is to say: That the corporation shall be governed by a Board of Directors consisting of not more than fifteen nor less than Seven Stockholders, who shall be elected annually, as provided in the original articles of agreement, duly filed with the clerk of the Superior Court of Anson county. That at all meetings of the Board of Directors of said corporation, a majority of the Directors shall constitute a quorum for the transaction of business.

SEC. 2. That the Wadesboro Cotton Mills Company shall have, possess and enjoy its corporate powers, rights and privileges, as well as such as it acquired by its original articles of association and charter, as those given and granted and bestowed upon it by these amendments, for thirty years.

SEC. 3. The powers, rights and privileges given to and granted the Wadesboro Cotton Mills Company by this act are to be construed as an addition to and enlargement of the powers, rights and privileges acquired by and vested in said Wadesboro Cotton Mills Company by its original incorporation and articles of association. If there is any conflict between these powers, rights and privileges, then such as are granted by this act are to prevail.

SEC. 4. The Wadesboro Cotton Mills Company shall have power and are hereby authorized to issue its bonds of the denomination of Five Hundred Dollars and One Thousand Dollars, with interest coupons payable half-yearly at the rate of six per cent. per annum thereto attached. The total amount of bonds not to exceed forty thousand Dollars (\$40,000.00). thousand Dollars of said bonds to be payable at the end of seven years, with the right and privilege to said corporation to anticipate and pay the same after the expiration of five years; ten thousand dollars of said bonds to be payable at the end of ten years (10), with the right and privilege to said corporation to anticipate and pay the same after the expiration of seven years; twenty thousand dollars of said bonds to be payable at the end of fifteen (15) years, with the right and privilege to the said corporation to anticipate and pay the same after the expiration of ten years.

Said Bonds shall be executed in such manner, and by such tors to prescribe officials as the Board of Directors may prescribe and order.

To secure and provide for the payment of the principal and interest of said bonds, and each and every one of them,

cuting bonds.

the Wadesboro Cotton Mills Company is hereby authorized and empowered to execute in such manner as the Board of May execute Directors may prescribe, a mortgage, with power of sale, to mortgage. some person to be named by the said Board as Trustee thereunder, by which mortgage, with power of sale, they may convey to said Trustee all the estate, property, rights, franchises and privileges of said corporation, except stock notes due from stockholders, in trust for the payment of the interest annually accruing on said bonds, and at length for the payment of the principal of said bonds, as they may mature. The proceeds of sale of said bonds shall be applied in payment of a like amount of indebtedness of said company.

SEC. 5. Said mortgage, with power of sale, may be recorded Mortgage to be and registered at Wadesboro, North Carolina.

Wadesboro.

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

In the General Assembly read three times. Ratified this the 9th day of February, 1897.

CHAPTER 17.

An act to incorporate the Commercial Bank of Marion, N. C., of McDowell county.

The General Assembly of North Carolina do enact:

SECTION 1. That B. B. Price, W. A. Conley, W. McD. Burgin, Corporators. Joe. C. Brown, Geo. I. White, E. J. Justice, J. L. Morgan, M. F. Morphew, Mrs. R.H. Moore, together with such other persons as shall be associated with them, their successors and assigns, be Body politic. and they are hereby created a body politic, and corporate, for the purpose hereinafter mentioned, under the corporate name Corporate name. of "The Commercial Bank" of Marion, N. C., and by that name they may sue and be sued, plead and be impleaded, appear, prosecute, and defend in any court of law and equity whatso- Corporate ever, and in all suits and actions; contract and be contracted powers. 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.

SEC. 2. That the capital stock of the company shall be Ten Capital Stock. Thousand Dollars, divided into 100 shares of the par value of

\$100 00 each, with the privilege of increasing the capital stock from time to time, not to exceed the sum of Thirty-five thousand Dollars.

Corporate powers.

SEC. 3. That the said corporation shall have power to receive and pay out the lawful currency of the county, 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 as 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 any bank chartered under the laws of North Carolina.

May invest in bonds, stocks and other securities. May take real or personal property as security.

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.

May hold real and personal property.

SEC. 5. That the principal place of business of the said corporation shall be the city of Marion, North Carolina, but the corporation shall have the power to establish such branch offices as it may deem necessary.

Location.

Sec. 6. That as soon as \$10,000.00 of the capital stock is subscribed and paid in, said corporation shall enter upon and perform the privileges and duties mentioned in and contemplated by this chapter.

To begin business when \$10,000 is subscribed and paid in.

First officers.

Meeting to perfect organization.

Directors and other officers to be elected.

SEC. 7. That until the first day of January, 1898, B. B. Price shall be and act as President, Geo. I. White, Cashier, and W. A. Conley, W. McD. Burgin, Joe. C. Brown, E. J. Justice, J. L. Morgan, M. F. Morphew, B. B. Price, and Geo. I. White, directors, and on the 1st day of January, 1898, the incorporators and subscribers to the capital stock of said corporation shall meet in the city of Marion, North Carolina, and perfect the organization of the company, and elect a board of not less than Five, nor more than Nine directors, and from said board shall elect a President and Cashier, 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, Officers to give or amounts to be fixed by them, conditioned upon the faithful discharge of their duties as officers. Upon breach of said bonds, this corporation may sue the principal and sureties, or either of them, and recover the damages sustained.

SEC. 8. That said corporation shall make such rules and reg-By-laws. ulations, or by-laws as may seem to them proper for the gov ernment of the corporation, and as are within the power contemplated and granted by this act, and not in conflict with the Constitution and laws of the United States, and State of North Carolina.

SEC. 9. That this corporation shall exist and be in force and effect from and after the ratification of this act.

In the General Assembly read three times and ratified this 10th day of February, 1897.

CHAPTER 18.

An act to incorporate the Carolina Cooperage Company.

The General Assembly of North Carolina do enact:

SECTION 1. That R. M. Nimocks, E. M. Wells, H. E. Wells, Corporators. and such other persons as they may associate with themselves who may subscribe to the conditions of this Charter, their successors and assigns, be and the same are hereby created a body Body politic. politic and corporate, under the name and style of "The Caro-Corporate name, lina Cooperage Company" with a capital stock of Thirty Thoussand (\$30,000 00) Dollars, with the liberty and authority to a majority of the stockholders to increase the said capital stock at any time, or from time to time, to an amount not exceeding in the aggregate, One hundred thousand (\$100,000.00) Dollars, to be divided into shares of Fifty (\$50.00), or One hundred (\$100.00) Dollars each.

SEC. 2. That the said Corporators upon the written call, or Corporators' request of any one of the same upon notice ten days by letter meeting. or otherwise shall meet the other Corporators and elect out of To elect directheir number five (5) Directors, and the said Directors, or a tors. majority thereof shall elect a President, a Vice-President and Directors to elect General Manager and Secretary, and Treasurer, and the Vice-President and General Manager may be one and the same person, and the person elected as Secretary and Treasurer shall discharge the duties of both the said offices, and the said Board of Direct-

Agents and employees.

Directors to fix duties, terms of office, and salaries of officers and employees.

Corporate

Location.

By-laws to be established by directors.

May open books of subscription.

ors may also elect such other persons as officers and appoint such agents and employees as the said Directors or a majority of them shall deem necessary in the interest of the business of the Corporators; the said Directors shall prescribe the duties and fix the compensation and terms of office of each and all of the officers, agents or employees elected or appointed as aforesaid.

SEC. 3. That as said Corporation they shall have a common seal which they may break or alter at pleasure, and they may in their corporate name, contract and be contracted with, sue and be sued, prosecute and defend all actions and special proceedings in all the Courts in which they may be interested; they may buy, lease, exchange, hold, improve, sell and convey real and personal property at their will and pleasure; they may subscribe to the capital stock of any other Corporation or enterprise which may be projected in this State; they may buy, manufacture and sell goods, wares, and merchandise, or any other personal property of any and all kinds; they may build, equip and maintain workshops, factories, furnaces, forges, and such other enterprises as they may deem conducive to the interest of the Corporation; they may operate a tram or turnpike road or roads connecting their buildings, factories and premises with any Railroad or road of any kind, or to any point that they may think necessary in the prosecution of their business, and to this end they may build bridges or culverts across streams or depressions for the purpose of securing and transporting timber, goods or other things necessary for the Corporation: they may do a general cooperage and manufacturing business, buy or manufacture staves, buy timber or timber land, and do a general cooperage and barrel-making and veneer business; they may own and use such necessary machinery for the purpose of sawing lumber and wood by steam or other motive power or otherwise, as they may deem necessary. The principal place of business of the said "The Carolina Cooperage Company" shall be Wilmington, North Carolina, with the power and privilege of removal to any other place or the establishment of branches or agencies at such other place or places as they may deem expedient and necessary.

SEC. 4. The said Corporation, through their Directors, or a committee appointed by the same, may have a code of by-laws, rules and regulations for the government of said Corporation, and may by resolution or otherwise take such steps from time to time as may be necessary to enforce them, that the stockholders and corporators of said company may open books of subscription and solicit subscribers to their capital stock; they

may create indebtedness, to be evidenced by the note of the Mayborrow Corporation, signed by the President, attested by the secretary Notes, how and treasurer, with the seal of the Corporation attached; they signed and may issue bonds, to be secured by mortgage on personal or real May issue bonds estate, as they may deem proper, at such a rate of interest (not gage. exceeding the legal rate), to run for such a term of years as the majority of the Board of Directors shall deem proper, and they may borrow money in the name of said Corporation and secure it in the same manner, and they shall have all the power and authority which is now given to corporations under Chapter 16, Volume 1, of The Code of North Carolina: Provided, that the duration of said Corporation shall not be more than thirty Duration. vears.

attested.

SEC. 5. That the stockholders and corporators of said com- Stockholders not pany and their associates, successors, and assigns shall not be individually individually or personally liable for the debts, contracts, obligations, engagements or liabilities of said corporation and no stockholder shall be liable to pay for more stock than he subscribed for.

SEC. 6. That the first meeting of the said Company for the Meeting for purpose of organization shall be held as hereinbefore provided. organization. not later than six (6) months after the ratification of this Act, and annually thereafter, or otherwise, as may be provided for Annual meetby the by-laws which the Corporation may adopt, and the said Corporation in their by laws may require special meetings at special meetany time upon the written call of the president, or any two of ings. the Directors.

SEC. 7. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times and ratified this 10th day of February, 1897.

CHAPTER 19.

An act to incorporate "The Yanceyville Graded (colored) School."

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Burwell, W. L. Malone, G. A. Currie, Corporators. L. Bigelow, A. Bigelow, R. R. Graves, Clem. Williamson, John L. Hill, F. R. Terry and R. C. Covington and their associates

Body politic.

and successors, be and the same are hereby created a body pol-Corporate name, itic and corporate under the name and style of "Yanceyville Colored Graded School "in the township of Yanceyville, County of Caswell and State of North Carolina, for the education of colored people, and as such they shall have all corporate powers, rights and immunities of trustees of similar academies in North Carolina.

Corporate powers.

> The said Trustees and their successors may sue and be sued, and acquire and hold such real and personal property as may be necessary and suitable to maintain said academy.

Vacancies, how filled.

SEC. 2. That all vacancies occurring in said Board of Trustees, from whatever causes, shall be filled by appointment of the remaining members thereof.

By-laws.

SEC. 3. That said Board of Trustees shall have the power to make all such By laws and prescribe such rules and regulations as may be deemed necessary for the government of said academy, and shall have power to confer all such Degrees as are usually conferred in academies of like character.

To confer degrees.

from taxation.

SEC. 4. That the grounds and other property belonging to Property exempt said academy for the benefit of said academy shall be, and the same is hereby, exempted from all taxation so long as they are used for the purpose of the academy.

Trustees not individually liable.

SEC. 5. That the Trustees shall not be individually liable for the debts of the said academy.

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

In the General Assembly read three times. Ratified this 10th day of February, 1897.

CHAPTER 20.

An act to amend the charter of the Statesville Development Company.

The General Assembly of North Carolina do enact:

Deeds to be signed by two officers.

SECTION 1. That the charter of the Statesville Development Company, Private Laws of 1891, Chapter 176, be amended as follows:

That the Deeds and Conveyances of real estate by the said company may be made by the signatures of the President or Vice-President and one other officer of said company; and all conveyances heretofore made by two officers of said company are hereby validated.

SEC. 2. That all of the chartered rights, powers and privileges Other corporate of the said company as set forth at large in its charter, Private powers con-Laws of 1891, Chapter 176, Sections 1 to 14 inclusive, and not inconsistent with this amendment, are hereby extended, affirmed and re-enacted.

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

In the General Assembly read three times. Ratified this the 10th day of February, 1897.

CHAPTER 21.

An act to remove the disabilities of Doctor J. M. Williams.

WHEREAS, Doctor J. Matt. Williams of Davie county, State Preamble. of North Carolina, is a fit and worthy subject to be received into the North Carolina Soldiers' Home; and

Whereas, he was born in said county of Davie about the year 1831 or 1832, and lived in the same continuously until just before the war, in 1862, he removed to the State of Texas to practice medicine, having gotten a Diploma; and

WHEREAS, he went into the Army of the Confederacy with a Texas Regiment and served as Surgeon throughout the whole war: and

WHEREAS, at the close of the war, in 1865, he returned to his native State of North Carolina, and has been living therein continuously for the last 31 years, devoting the whole of his life to the practice of medicine; and

WHEREAS, he is now without means or the ability to take care of himself, being old and infirm; and

WHEREAS, by reason of his service in the war of the Confederacy, with a Texas Regiment, and is hence not eligible to the rights and privileges of said Soldiers' Home; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the disabilities of Doctor J. Matt Williams, To be received of Davie county and State aforesaid, be removed, and that he into Soldiers' be received into the Soldiers' Home, and have all the rights, benefits and attentions provided for by said Institution, as an inmate of the same.

In the General Assembly read three times. Ratified this the 10th day of February, 1897

CHAPTER 22.

An act to incorporate "The People's Benevolent and Relief Association of North Carolina."

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That E. J. Young, Dr. M. T. Pope, J. M. Goode, Joseph Orr, Dr. J. T. Williams, Mrs. Lucy Friday, A.W. Calvin, John S. Leary, Rev. P. P. Alston, Bishop P. H. Lomax, Rev. A. Shepherd, Rev. C. L. Davis of the city of Charlotte, North Carolina, Rev. Robert Shepherd of Granville county, Rev. A. C. Davis of Warren county, S. S. Henderson of Guilford county, T. S. Evton of Vance county, North Carolina, W. H. Bailey, A. L. Powell, J. B. Johnson, C. L. Winfrey and James H. Blackwell of the State of Virginia and their successors, associates and assigns be, and they are hereby incorporated and created a body Corporate name. politic and corporate under the name and style of "The People's Benevolent and Relief Association of North Carolina," and by such name shall have all the powers granted to corporations by section six hundred and sixty-three (663), six hundred and sixty-four (664) and six hundred and sixty-five (665) of chapter sixteen (16) of The Code, entitled Corporations.

Body politic.

Chief office.

Corporate

powers.

To establish branches.

North Carolina, with its chief Lodge at the city of Charlotte, North Carolina, a "People's Benevolent and Relief Association" to the extent of providing and maintaining a fund for the relief of widows, orphans or beneficiaries of deceased members of said association, or of such other persons as may insure therein. The said association is hereby authorized and empowered to issue such Policies, certificate of membership or other writing showing and setting forth such membership and the benefit to be derived therefrom, and to receive such premiums and in such amounts and at such time, either weekly, monthly or otherwise, as to them shall seem best to effectuate the purpose of said association.

SEC. 2. That the object being to establish in the State of

And the said association is hereby further authorized to establish such branch Lodge or Lodges in this State, as to them shall seem proper; and to establish Lodges in any other State of the United States, subject to the Law or Laws of the State in which they so do business.

To hold real and personal property.

SEC. 3. That the said association shall have the right to take and hold by purchase, gift or otherwise, real and personal property, not exceeding in value the sum of one hundred thou-

sand dollars (\$100,000.00), or so much thereof as may be neces- Limitation. sary to carry out the objects of the association, and dispose of and convey the same at pleasure.

SEC. 4. That the private and individual property of the members of the association shall be exempt from the corporate debts corporation of the association. And said association shall be exempt from any privilege, State, County, City or Town taxes.

SEC. 5. That two-tenths (2-10) of one per cent. of any and all Two-tenths of all money or monies obtained as premiums by the association, shall premiums to be be donated to the Colored Oxford Orphan Asylum.

SEC. 6. That this act shall be in force from and after its ratification, and shall remain in force Fifty years.

Ratified the 10th day of February, A. D. 1897.

Property of members exempt from debts. Corporation exempt from taxation

given to Colored Orphan Asylum.

CHAPTER 23.

An act to incorporate the Bank of Kinston, at Kinston, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That E. F. Cox, W. C. Fields, J. O. Jackson, O. H. Corporators. Allen, B. W. Canady, W. J. Brothers, D. V. Dixon, A. G. Coward W. B. Isler, T. W. Newborn, L. Harvey, J. W. Grainger, S. H. Abbott, D. Oettinger and others, 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 Bank of Corporate name. Kinston," situated at Kinston, North Carolina; and shall so continue for the period of thirty years, with capacity to take Duration. hold and convey real and personal estate; to sue and be sued, Corporate and with all the powers, rights, and privileges granted to any powers. bank, or banking institution or belonging to corporation of a like character, set forth or referred to in the first, second and third sections, or any other section contained in chapter sixteen, volume one of The Code, entitled "Corporations," or Chapter Four, Volume Two of The Code, entitled "Banks."

SEC. 2. The capital stock of the said bank shall be Forty thou-Capital stock. sand dollars, and may be issued in shares of One hundred dollars each, and such parts of a share as may be necessary, and the said corporators or directors may elect. The stockholders of said corporation shall have power by a vote of a majority of

Location.
Officers.

Bonds of officers.

Meetings of stockholders.

Books of subscription.

Corporators to call meeting for organization.

By-laws.

Stockholders to elect directors.

Directors to elect officers and elecks.

Prescribe their duties and take bonds.

Corporate powers.

the stock, each share having one vote, to increase its capital stock from time to time to a sum not exceeding one hundred thousand dollars. The office and place of business of the said bank corporation shall be Kinston, North Carolina, and its officers shall consist of a President, Vice-President, Cashier, and a Board of not less than five nor more than nine Directors. exclusive of the President and Vice-President, who shall be ex officio members of said board. The said Directors may, if they see proper, elect a Teller, who, together with the Cashier and President, shall be required to give bonds, with approved security, for the faithful performance of their respective duties. The stockholders shall meet annually and at such other times as the Directors may designate, and shall elect the President. Vice-President and Directors, and fix the terms of their offices, and the compensation of the President. In case of a failure by the stockholders to elect a President or Vice President, or in case of a vacancy, the Directors by a majority vote may appoint said officers.

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 a period of time as they shall determine. The subscriptions to the capital stock of said bank heretofore made in contemplation of the passage of this act shall be valid and binding in law and collected by suit or otherwise in the manner provided by law and herein prescribed.

SEC. 4. Whenever Fifteen thousand dollars are paid in, the said corporations or a majority of them, may call a meeting of the stockholders in the town of Kinston, and the stockholders shall proceed to adopt by-laws and regulations for the government of said bank, not inconsistent with the laws of the State, and may elect such number of Directors as may be necessary, to serve for one year, and until their successors shall be chosen, or for such term as they may prescribe.

SEC. 5 The Directors 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; the Directors shall prescribe their duties and shall take from them bonds with security for the faithful discharge of their duties, and shall 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 public laws of the State on banks and corporations of a like character, especially those set forth in Chapter four, Volume Two of The Code; may lend money upon such rates of interest as may be agreed upon; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and Maytake real personal property; may buy, build or lease a banking house, property as and sell or exchange the same at pleasure; may negotiate loans security. on mortgages, real or personal estates, or both, and they shall direct when dividends or profit shall be made and declared: Provided, said bank shall not charge or discount at a greater Proviso. rate of interest than is allowed by law, to-wit: Six per cent.

manufactured.

SEC. 7. That to aid planters, manufacturers and others the May make said banking company shall and may have power to advance advances on crop liens or liens or liens or liens or or loan to any planter, farmer, manufacturer or other person articles to be any sum or sums of money, and to secure the payment of the same take a lien in writing on the crop or crops to be raised, whether planted or unplanted, or upon any article then existing or thereafter to be made, purchased, manufactured or otherwise acquired; and any lien so taken shall be good and effective in law: Provided, the same is duly recorded under the existing laws of registration anterior to all other liens and mortgages for securing such loans and advances.

SEC. 8. That if any subscriber shall fail to pay for his or her Delinquent substock hereafter or heretofore subscribed, or any part thereof, as the same may be required of him or her, the same or any part thereof remaining unpaid, may be recorded in the name of the corporation 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 the said corporation, after three months notice of such sale in writing to the said delinquent, and after two weeks advertisement, published in some newspaper in said town, 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 cost of sale, the balance may be secured by civil action, as hereinbefore provided.

SEC. 9. The said corporation shall have the power to own, May do waremaintain or lease warehouses and carry on the business of house business. warehousemen and forwarders, in case the said corporation by stock vote shall so determine: to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances in money or merchandise or produce, and to carry on and transact all kinds of business usually transacted

May make advances on articles stored.

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 labors and expenses incident thereto.

Such advances a preferred lien.

All advances made by said corporation or 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 before said corporation can be required to be delivered said property.

May take deposits from married women, minors or apprentices.

SEC. 10. That when married women, minors or apprentices deposit money, or anything of value, in said bank or branches of said bank, either generally or specifically, to their own And pay same to credit, they or any of them 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 same shall be a valid release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

them.

May act as agent. factor or trustee.

SEC. 11. 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 county, township, town, municipality, corporation, company or individual, any bond, certificate of stock, note or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificate of stock, notes, etc., and generally for managing such business; and for doing any of the matters and things authorized by this charter, the said corporation may charge such premium, commission or rate of compensation as may be agreed upon.

Stockholders liability.

SEC. 12. All stockholders shall be individually liable and responsible for any debts, obligations, contracts, engagements of said bank, to the amount equal to the stock held by them, and no more, but nothing herein shall exempt from liability on account of fraud, as provided by chapter sixteen, section six hundred and eighty-six of The Code.

Location.

Dranches.

SEC. 13. That the said bank shall be located at Kinston, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches, or agencies, may be removed at any time, and shall be subject to such rules and regulations as may

be prescribed by the President and Directors of the bank: Tax for Provided, the sum of twenty-five dollars, for each branch branches. established, shall be paid to the State Treasurer.

SEC. 14. That each stockholder shall be entitled in all meet- Stockholders to ings of stockholders to cast one vote for each share of stock of each share. the par value of one hundred dollars owned by him or her.

SEC. 15. That the stock held by any one shall be transferred Transfer of only on the books of the said corporation, either in person or stock. by power of attorney. No stockholder shall transfer his or her stock if he is indebted to the corporation as principal or security, unless such indebtedness is paid off and discharged, except a majority of the Directors consent to the said transfer in writing; and for all such indebtedness the said corporation shall have a Bank lien on lien superior to all other liens upon the stock of said stock- stock. holder.

SEC. 16. That said corporation shall have power to receive Mayaccept and money in trust, and to accept and execute any trust that may execute trusts. 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 or agreed upon by its Board of Directors. And said corporations is hereby fully authorized and empowered $_{
m May}$ act as trusto act as trustee or assignee, and to receive any deposit of funds tee or assignee. in litigation in the various courts of this State, and pay there-deposits for safe for such interest as may be agreed upon, not exceeding the law-keeping. ful rate. In case its stockholders shall so elect, it shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and collect reasonable compensation for same, which charge shall be a lien on such deposit until paid; and generally do and carry on the business of a safe deposit and trust company.

SEC. 17. The tax upon the capital stock and shares of this bank Tax upon capital shall be paid by the said bank as other property in this State, stock. to the full value of said stock.

SEC. 18. The powers and privileges granted herein shall be to be organized deemed forfeited, unless said corporation is organized within within one year. one year from the ratification of this act.

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

Ratified the 10th day of February, A. D. 1897.

CHAPTER 24.

An act to incorporate the burial association known as the "Brother Fellowship and Daughters of Zion Burying Society and Company."

SECTION 1. That S. White, George Basnight, Hillious Down-

The General Assembly of North Carolina do enact:

Corporators.

ing, Moses Ransom, J. H. Requesters, Henry Stocker, E. Nixon, Horace Chesson, C. D. McNair, R. D. Watson, Allen McCless, J. L. Bullock, W. H. Skinner, G. W. McRary, John Dillon, T. W. Tharp, W. R. Steadly, Mack Lain, D. H. Duglis, A. D. Spellar, C. B. Bell, J. H. Bell, Washington Flood, A. D. McNair, A. Lewis, J. H. Coburn, and their associates, successors and assigns, be and are hereby made a body corporate, under the name of "The Brother Fellowship and Daughters of Zion Burying Society and Company" for the purpose of taking care

Body corporate.

Corporate name and powers.

assigns, be and are hereby made a body corporate, under the name of "The Brother Fellowship and Daughters of Zion Burying Society and Company" for the purpose of taking care of their sick members and burying their dead members; to acquire and to hold property for the good of their order.

SEC. 2. That the capital stock of said corporation shall be

Capital stock.

fixed by the association from time to time, not to exceed ten thousand dollars. The said stock shall be subscribed for and paid in, and certificates thereof issued and transferred in such manner and upon such terms and conditions, as shall be prescribed by their by-laws. That such corporation shall have power to make all by-laws which any other charitable, religious or burial association, incorporated under the laws of this State possesses, and which are appropriate to such associations, and to carry out the object of said incorporation, the same not being inconsistent with the laws of the State, or of the United States.

By-laws.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a President, Vice-President, Treasurer, Secretary, Corresponding Secretary, Chaplain, a Sick Committee, Board of Trustees and such other officers as said corporation may create by its by-laws.

Books of subscription, SEC. 4. That the book for subscription of stock shall be open, and that each member who joins the incorporation shall take one share of five dollars before becoming a member, and pay an initiation fee of one dollar, and any member may take more shares if he desires, not exceeding fifty shares.

Called meeting.

SEC. 5. There shall be a call meeting of the stockholders, at which meeting the officers of the incorporation shall be elected, and shall hold their offices for one year, or until their successors shall have been elected.

SEC. 6. The time of holding the meetings, after the first, shall Time of meetbe prescribed by the by-laws, and the officers shall be elected ings. in such manner and terms as the by-laws may declare.

SEC. 7. That said corporation shall have the power to pur-Corporate chase and hold such real and personal property as may be powers. necessary for its purposes, and may sell the same and such part thereof as may from time to time be required by the corporation.

SEC. 8. It shall not be lawful to sell or transfer said stock to Stock not transany person except in accordance with the provisions of the ferable. by-laws of said corporation.

SEC. 9. That said corporation shall have the power to admit New members. new members from time to time, and to sell additional shares of stock to them upon such terms and condition as the by-laws may declare.

SEC. 10. That the said corporation shall have a common seal, Location. and its general office shall be Plymouth, Washington county, North Carolina.

SEC. 11. That said corporation shall exist for the term of Duration. ninety-nine years.

SEC. 12. That this act shall be in force from the day of its ratification.

Ratified the 13th day of February, A. D. 1897.

CHAPTER 25.

An act to incorporate The Burial Society No. 1, of Edenton.

The General Assembly of North Carolina do enact:

SECTION 1. That Stephen Abrams, D. J. Foy, Augustus Stal-Corporators. lins, Louis Rawson, Henry Walker, George Blount, William Alexander, Peter Harris, Jerry Beasley, Henry Martin, Louis Tillery, D. F. Paxton, John E. Capehart, Taylor Horton, and such other persons as may associate together with them, and become members of said society, and their successors, are hereby incorporated under the name and style of "The Benev-Corporate name. olent Burial Society Number One, of Edenton," and by such name and style shall have perpetual succession and the right to establish and charter subordinate branches under the terms of this charter.

Object and bus-

SEC. 2. The object and business of the society shall be to promote the cultivation of its members socially, morally and intellectually, and to extend material aid and benefit to those who may become dependent members of the society, and to aid the sick, and the poor, and bury the destitute and indigent dead.

Corporate powers.

By-laws.

SEC. 3. That the society, and the subordinate branches thereof, may sue and be sued, plead and be impleaded, and each may have a corporate seal of its own, for making and delivering of all legal acts, and proceedings, and make all necessary by-laws for its government, not inconsistent with the laws of the State of North Carolina, or the United States government, which they may change or alter, from time to time, as they may deem desirable or best.

May hold land and other property.

SEC. 4. That the society may acquire title to, and hold land and other property, free from taxation, for the purposes of establishing and maintaining home or homes for the infirm, indigent and invalid persons, and for burying the dead.

May receive donations.

SEC. 5. That the society may receive donations from any source by gift, deed, grant or devise, for the promotion of the purposes and objects of the society.

Misnomer not to affect gifts or legal proceedings.

SEC. 6. That a misnomer of the corporation in any gift, deed, grant, or devise, or in any other instrument or contract, or in any suit against them, shall not invalidate the same, if the corporation shall be sufficiently desceribed therein to ascertain the meaning and intention of the parties.

Society may add any lawful means.

SEC. 7. That the society may employ any lawful means, or to its revenue by proper devise, to add to its revenue, it being understood that it will not and shall not resort to any lottery to effect such purpose.

Officers.

SEC. 8. That the principal officers shall be a President, Vice-President, Marshal, Deputy Marshal, Secretary, Treasurer, Chaplain, and Inside Sentries, and ten Directors, who shall be elected by the members, or a majority of them, who, at the time of the said election, shall be in good standing in said society, on the first Saturday in June, A. D. 1897, and annually thereafter on the day named, unless the date shall be changed to some other day by a majority of the members of the society, at any annual meeting thereof, and said officers and directors shall hold their office from the time of the annual election until thir successors shall be chosen and qualified.

First officers.

SEC. 9. That until the said election shall be held for the officers and directors under this charter Stephen Abrams shall be President; D. J. Foy, Vice-President; Augustus Stallins, Marshal; Taylor Horton, Deputy Marshal; Louis Rawson, Secretary; Henry Walker, Treasurer; George Blount, Chaplain; William Alexander and Peter Harris, Inside Sentries.

SEC. 10. That its chief office shall be located at Edenton, in Location. Chowan county and State of North Carolina, with power to create and establish subordinate branches anywhere in the State of North Carolina.

SEC. 11. That the President of said Society shall have the Meetings of power to call the meeting of the directors whenever he may directors. deem proper.

SEC. 12. That the directors, officers and members of the Members not society shall not be individually liable for any indebtedness, or individually liable. liability of said corporation, or of any of the subordinate branches.

SEC. 13. That said Stephen Abrams, a member of and Presi-First meeting. dent of the Society, under this charter, is hereby duly authorized to call the first meeting of the Directors.

SEC. 14. The said Society, and such subordinate branches Election of thereof as it may establish and charter, shall provide for the officers. election of such officers in connection therewith as it may deem best for the transaction of business of the corporation, and such subordinate branches in promoting its objects, and these officers shall hold their office until their successors are chosen and qualified.

SEC. 15. The said society shall have power to collect, hold Corporate and disburse the funds named in its objects, for promoting powers. charity, relieving the sick and poor and burying the destitute and indigent dead, under such regulations as it may deem necessary to adopt, and said funds and its property, both real and personal, shall be exempt from execution and liable under no circumstances for the debts of any of its living or dead members.

SEC. 16. The Directors of the society shall have full power to Directors to fill fill any vacancy which may occur among themselves, or other vacancies. officers of the corporation.

SEC. 17. This act shall be in full force and effect from and after the date of its ratification.

Ratified the 15th day of February, A. D. 1897.

CHAPTER 26.

An act to incorporate the order of "Faith, Hope and Charity."

Whereas, certain persons, citizens of Craven county, North Carolina, have associated themselves together to promote benevolence, charity, morality and industry, in said county and State.

SECTION 1. That James W. Biddle, E. E. Quidley, H. H.

The General Assembly of North Carolina do enact:

Corporators.

Tooler, Z. Paris, Thomas Clark, Sr., John Dukes, Annie M. Quidley, Ruthie Quidley, and Martha A. Boyd. of Craven county, North Carolina, their associates and successors, be and they are Corporate name, hereby made a corporation by the name of "Faith, Hope and Charity," and by said name and title shall exist for a period of fifty years, and be capable in their said corporate name to sue and be sued, to have a corporate seal, which they may alter at pleasure; to elect, in such manner as they shall determine to be proper, all necessary officers, and to define their duties and obligations, and to make a constitution and by-laws, rules and regulations, consistent with the constitution and laws of this State and of the United States, for the due and orderly conducting of their affairs, and the management of their property. And the said corporation by its said corporate name shall have power to purchase, lease, hold, grant and receive property, real, personal and mixed, with all the powers and privileges, and subject to all the duties and liabilities in such case made and provided by law. And the said corporation shall have any and all other powers, rights and privileges conferred upon similar corporations

Duration. Corporate powers.

Objects of corpo-

SEC. 2. The objects of the corporation shall be to unite, for mutual benefit, all acceptable white persons of every profession, business and occupation, to give all possible moral and material aid in its power to its members and those depending on its members; to promote benevolence and charity, by establishing a benefit fund from which, on the satisfactory evidence of a death of a member of the corporation, who has complied with its lawful requirements, a sum of money shall be paid to the family of the said deceased member, or as the member shall direct, said sum of money to be such an amount as may be derived from or produced by the levy of an assessment of not exceeding One Dollar per capita upon each member in good standing with said order: and further to provide for a fund to

by the law of this State, either by Chapter sixteen, Volume one

of The Code, entitled corporations, or otherwise.

be used for the decent burial of deceased members; to provide for a sick benefit fund and to ameliorate the condition of humanity in every possible manner.

SEC. 3. The private property of members of the corporation Members of shall not be liable for any of the debts, liabilities, contracts or order not individually liable. engagements of the corporation, but exempt therefrom.

SEC. 4. The corporation by its by-laws shall provide for the Meetings. time and place of its meetings, and time and place of the election of its officers, and its officers shall hold office until their successors are duly elected and qualified and installed into office.

SEC. 5. The said corporation shall have power to collect, Further corpocreate, hold and disburse its funds for the purposes of the corporation as herein set forth, under such rules and regulations as it may deem necessary to adopt; and such funds and any other property of the corporation, shall be exempt from execu- Funds and proption, and shall under no circumstances be liable to seizure or erty of order not liable for debts appropriation by any legal or equitable process for any debt of its members. or debts of its living or deceased members; and said funds and property and the said corporation shall be exempt from any Corporation taxation, State, County, Municipal or any license taxes what-exempted from ever; and said funds and property and the said corporation shall be exempt from the laws, rules and regulations governing And from insur-Insurance Companies in this State, as are similar corporations ance laws. now by law.

all taxation.

law confirmed.

SEC. 6. That nothing in this act shall be construed in any Incorporation manner to affect, alter or repeal the charter heretofore granted under general to the corporation aforesaid, "Faith, Hope and Charity," under and by virtue of the laws for the formation of corporations before the Clerk of the Superior Court, which said charter is duly recorded in the office of the Clerk of the Superior Court of Craven county, but the said charter with all the rights, powers and privileges therein set forth and granted, is hereby expressly re-enacted, ratified and confirmed, except in so far as this act may be in conflict therewith, and amend and change the same, and all the rights, powers and privileges acquired and held under said charter are hereby ratified and confirmed.

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

Ratified the 16th day of February, A. D. 1897.

CHAPTER 27.

An act to incorporate the Levi Bank of Rutherfordton, N. C.

Corporators.

SECTION 1. That M. Levi, J. F. Flack and Joseph P. Lewis. their associates and successors, are hereby constituted and declared a body politic and corporate, by the name and style of "The Levi Bank," and shall continue for the term of thirty Corporate name. 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.

Capital stock.

SEC. 2. That the capital of said corporation shall not be less than ten thousand dollars, and 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.

Corporators to open 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.

Meeting for organization.

Sec. 4. That whensoever ten thousand shall be subscribed and eight 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, which shall not be less than ten days; and such stockholders shall elect such Directors as they may think proper, who shall hold office for one year, and until their successors shall be chosen, and said Directors shall elect a President to serve during their continuance in office.

Directors.

President.

Sec. 5. 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 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.

President and directors to exercise corporate powers.

SEC. 6. That the said corporation may receive and pay out Further corpothe lawful currency of the country, and deal in exchange, gold rate powers. and silver coin, uncurrent papers 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; 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.

SEC. 7. That whenever any deposits shall be made in said Deposits by marbank by, or in the name of any person being a minor without ried women and minors. guardians, 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.

SEC. 8. That said corporation may construct fire and burglar- May receive proof vaults, safes and safe deposit boxes, and receive and keep deposits for safe keeping. 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.

SEC. 9. That said corporation shall have power and authority May accept and to accept and execute trusts of all kinds which may be com- execute trusts. mitted to its care with its consent.

SEC. 10. That if any subscriber shall fail to pay for his stock Delinquent subor any part thereof, as the same is required of him, the entire scribers. 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 Rutherfordton, 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.

Subscriber and and all subsequent owners liable on stock sold before fully paid.

SEC. 11. That if any subscriber shall assign his stock before its full payment, he and his assigns, 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.

President and directors to gov-ern corporation.

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 stock-holders, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the corporation in accordance with Law; 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 stock-holders holding one-tenth of the stock may call a special meeting, on giving thirty days' notice in some newspaper published in the town of Rutherfordton, or in the city of Raleigh.

Meetings of stockholders.

> At all meetings stockholders may be represented by proxy each share being entitled to one vote.

May do savings bank business.

SEC. 13. That said Bank is hereby authorized to organize in connection with its general 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 guardians or married women, and pay the same upon their checks or receipts, which shall be valid.

On termination of corporation how assets distributed.

SEC. 14. That in case of the dissolution of said corporation or at the expiration of 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 stock-holders shall not be liable to the corporation beyond the amount subscribed Stockholders not by each stock-holder, and shall not be personally liable to the depositors or other creditors of the corporation, except that the

personally liable.

President and Directors of the corporation, being stock-holders, shall be liable for fraud, as prescribed in section six hundred and eighty-six (686), chapter sixteen (16), of The Code of North Carolina.

SEC. 15. This act shall take effect from and after its ratification.

Ratified the 16th day of February, 1897.

CHAPTER 28.

An act to incorporate Coleman Manufacturing Company.

The General Assembly of North Carolina do enact:

SECTION 1. That Bishop J. W. Hood, Fayetteville, N. C., Corporators. Rev. E. J. Gregg, Wilmington, N. C., Isaac H. Smith, New Berne, N. C., L. P. Berry, Statesville, N. C., Dr. D. J. Sanders, Charlotte, N. C., Rev. S. C. Thompson, Camden, S. C., Rev. C. M. McNeil, Eagle Springs, N. C., John C. Dancy, Salisbury, N. C., Dr. L. A. Scruggs, Raleigh, N. C., Rev. C. F. Meserve, Raleigh, N. C., M. J. Corl, Concord, N. C., Rev. F. G. Ragland, Wilmington, N. C., R. B. Fitzgerald, Durham, N. C., Robert McRae, Concord, N. C., Mrs. P. A. King, Raleigh, N. C., E. A. Johnson, Raleigh, N. C., Rev. J. S. Settle, Concord, N. C., Rev. N. J. Bakke, Concord, N. C., W. C. Coleman, Concord, N. C., John R. Hawkins, Kittrell, N. C., their associates and successors, be and they are hereby created and constituted a body corporate with perpetual succession under the name and style of "Coleman Manufacturing Company," with a capital stock of Corporate name. fifty thousand dollars, divided into five hundred shares of one Capital stock. 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 two hundred thousand dollars, and said corporation shall have power to sue and Corporate be sued, plead and be impleaded, prosecute and defend actions powers. and special proceedings in any court, and may have a common seal, which may be changed at pleasure.

SEC. 2. That the incorporators, above named, or a majority Corporators to of them may meet, organize said Company, and commence businest and organize. iness whenever there shall be subscribed the sum of fifty thousand dollars, of which sum there shall have been paid in at least three thousand dollars.

Location.

SEC. 3. That the principal place of business of said corporation shall be in No. 11 Township, near Concord, Cabarrus County, North Carolina, with the privilege of establishing such other branch offices as the Directors may designate.

By-laws.

SEC. 4. The stockholders of said Company may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said Company. They may prescribe the number of Directors, and the number and character of the officers of said Company, the manner of their election and the amount of their compensation, the terms of their respective 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.

Corporate powers.

SEC. 5. 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 and lay off and open streets.

Further corporate powers.

SEC. 6. That said corporation is further authorized and empowered 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 to 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 prohibted by the laws of the State, 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 the

May borrow money.

rate allowed by law, and shall have the right to issue bonds or other evidences of indebtedness and secure the same by mort- May make mortgage or deed of trust on any or all of its property, real or personal.

SEC. 7. No stockholder shall be individually liable or respon- Stockholders not individually sible for any debt or engagement, contract or obligation, omis- liable. sion 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.

SEC. 8. Said corporation may receive subscriptions to its cap- How subscripital stock in cash or in real or personal property, bonds, certifi- tions to capital cates of stock or other choses in action at such rates and upon such terms as the Directors of said corporation may deem best.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 16th day of February, A. D. 1897.

CHAPTER 29.

An act to incorporate the town of Boyett in the county of Wilson.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Boyett in the county of Wilson, Town be and the same is hereby incorporated under the name and Incorporated. style of Boyett.

SEC. 2. That the corporate limits of said town shall be one- Corporate limits. quarter of a mile each way from the crossing of the County road and Wilson and Fayetteville railroad and bounded as follows: Beginning at a pine on south side of Wilson and Fayetteville railroad and running nearly north eight hundred and eighty yards to a pine, thence nearly east eight hundred and eighty vards to a pine, thence nearly west eight hundred and eighty vards to the beginning.

SEC. 3. That the officers of the town shall be, a mayor, three Town officers. commissioners, and a constable, to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof.

SEC. 4. That until the next election according to law, and officers until first until their successors shall be elected or appointed, the officers election. of said town shall be; for mayor, Alexander Boyett; and for commissioners, Henry Kirby, William H. Kirby, and John Watson; and for constable, W. V. Howley.

Election.

SEC. 5. That there shall be an election held in said town on the first Monday in May, 1897, and every successive year thereafter, for the purpose of electing persons to hold said offices under the same rules as now are in force for the election of members of the General Assembly, and said officers shall have all the rights, powers and duties, and shall be subject to all the liabilities, which are mentioned in chapter sixty-two of *The Code*, Volume two.

By-laws and ordinances.

Taxes.

SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of this State or the United States, and to levy and collect a tax on all subjects of State taxation not to exceed one-half of the said State tax, and to impose fines for the violation of town ordinances, and to collect the same. Also to levy and collect all such license and privilege taxes as are mentioned in chapter sixty-two, volume two of *The Code*.

License and privilege taxes.

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

Ratified the 16th day of February, A. D. 1897.

CHAPTER 30.

An act to renew chapter one hundred and seventy-three of the private laws of one thousand eight hundred and ninety three, incorporating the bank of Louisburg, and to extend the time for the corporation chartered thereby to organize.

The General Assembly of North Carolina do enact:

Corporation allowed further time for organization.

SECTION 1. That chapter one hundred and seventy-three of the Private Laws of one thousand eight hundred and ninetythree, be and the same is hereby renewed, and the corporation thereby chartered is allowed three years from and after March first, one thousand eight hundred and ninety-seven, to organize.

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

Ratified the 16th day of February, A. D. 1897.

CHAPTER 31.

An act to incorporate the Wingate school in Union county.

The General Assembly of North Carolina do enact:

SECTION 1. That F. M. Sutton, G. W. Simpson, B. F. Parker, Corporators. J. B. Mangum, R. H. James, R. F. Beasley, Jonathan Gordan, J. J. Godfrey, J. L. Bennett, Thos. E. Williams, O. M. Sanders, D. A. Covington, J. C. Sikes, J. A. Bivens, and J. W. Bivens, and their successors, be and are hereby declared to be a body politic, and corporate, for the purpose of conducting under the auspices of the Union White Baptist Association, a school of high grade in the village of Wingate, in Union County, for the education of boys and girls, to be known as the Wingate School, Corporate name. 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. Corporate plead and be impleaded, in all the courts of this State; shall powers. take, receive and possess all moneys, goods, chattels and To receive gifts bonds which may be given them, and shall apply the same according to according to the wish of the donors to the purpose herein wish of donors. declared; and they shall have power, by purchase or otherwise to take, demand, hold, and possess rents, lands, tenements, and To hold real hereditaments in special trust and confidence, and apply the estate in trust. same, together with the benefits arising therefrom, for the purpose of supporting the school to be known and styled as "The Wingate School."

- SEC. 2. That the full term of office of trustees shall be six Terms of trusyears; provided that the first five, mentioned in Section 1, of tees. this act, shall hold office until the annual meeting of the said association in Eighteen hundred and ninety-eight (1898), second five, until said meeting in Nineteen hundred (1900), and third five until said meeting in Nineteen hundred and two (1902), and their successors for six years from the date of their election; subject however to removal on the part of said association for improper conduct, inefficiency or neglect of duty.

SEC. 3. That all trustees shall be members in good standing Qualification of of churches belonging to the Union Baptist Association and be trustees. elected by said association in regular session, except in case of To be elected by death, disqualification or removal from office, on the part of a Association. member whose place shall be supplied by the Board of trustees How vacancies until the next annual meeting of said association.

SEC. 4. That if any one of the trustees shall fail to attend a Seat of trustee meeting of the said trustees continuously for a term of two failing to attend years, the association, at a regular meeting, may declare his seat years may be vacated. vacant and proceed to fill the vacancy.

Reports of trus-

SEC. 5. That said trustees shall give a full and accurate report of the status and financial condition of the said school at each annual session of the said association.

Executive Com-

SEC. 6. That said trustees shall have power to appoint a local executive committee to perform such duties as may be designated by said trustees.

President, teachers and other officers. Qualification for teachers. SEC. 7. That 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, or neglect of duty, provided that all teachers shall be members of some regularly constituted Baptist church. They shall also have power to make all rules and regulations, not inconsistent with the laws of this State, for the government of said school.

Meetings of trustees.

SEC. 8. That said trustees shall hold an annual meeting at the close of each spring term, and such other meetings from time to time as necessity may require, and five trustees present shall constitute a quorum at all meetings for the transaction of business after five days notice of time, place and object of meeting shall have been given verbally or mailed to all members of said board of trustees.

Quorum.

SEC. 9. That the lands and property belonging to said trustees for the benefit of said school shall be and the same are hereby exempted from all kinds of public taxation.

Property of school exempt from taxation.

SEC. 10. That said trustees are hereby empowered to receive donations and to hold property, both real and personal, for educational purposes; but said trustees shall have no power to purchase property and contract debts, or pledge their credit or the credit of said association without the authority and consent of a two-thirds vote of said association in its annual meeting; with the consent, however, of said association so obtained the said trustees may purchase real estate, sell, convey or lease any of their property, pledge their faith or credit, borrow money for the necessary expenses of the said school, or for the purpose of making improvements in their property, or advancing the cause of education within said association, to execute notes for sums borrowed and to secure the same by mortgage or deed of trust.

Trustees not to purchase property or contract debt without consent of Association.

With such consent may dispose

of property and contract debt.

Trustees not individually liable.

Prohibition.

SEC. 11. That the trustees of said school shall not be individually liable for the debts of said school.

SEC. 12. That it shall be unlawful for any person to manufacture, sell, give or dispose of spirituous, vinous, malt, or

other intoxicating liquors at or within three miles of the said "The Wingate School," and any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

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

Ratified the 18th day of February, A. D. 1897.

CHAPTER 32.

An act to change the corporate limits of the town of Thomasville, Davidson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Thomas- Town boundary ville, Davidson county, shall be within the following lines and bounds, hereinafter described. Beginning at stone on the north side of the railroad fifty chains in direction south sixty-two degrees west from the public crossing, in that town, known as the crossing of the Salem and Randolph streets across the railroad, and running north twenty-seven and one-half degrees west twenty-two chains and fifty links to a stone, thence south eighty-five degrees west fifty-six chains and fifty links to a stone on the side of Salem road, thence south thirty-seven degrees west forty-two chains and twenty five links to a stone, thence south five degrees, east nineteen chains to a stone on north side of railroad, thence south twenty-seven degrees, forty-two chains, and fifty links, to a stone on J. A. Leach's and Smelting Work's line; thence north seventy-one degrees east seventyfive chains and fifty links to a stone on the old Hoover road: thence north forty-nine chains to the beginning.

SEC. 2. That any policeman of the town of Thomasville or Process of mayor any constable or other lawful officer of Davidson county shall effective throughout have power to execute the warrants, precepts and other writs county. of the Mayor of the town of Thomasville anywhere in the county of Davidson.

SEC. 3. All laws and clauses of law in regard to the corporate Conflicting laws limits of said town in conflict with this act are hereby repealed. as to corporate limits repealed. SEC. 4. That this act shall be in force from and after its rati-

fication.

Ratified the 18th day of February, A. D. 1897.

CHAPTER 33.

An act for the relief of Asa O'Neil and William Cunningham.

The General Assembly of North Carolina do enact:

Licensed to peddle linen and spectacles in any county.

SECTION 1. That Asa O'Neil and William Cunningham, of Wayne county, disabled Confederate soldiers, be granted a license to peddle linen and spectacles in any county in the State.

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

Ratified the 18th day of February A. D. 1897.

CHAPTER 34.

An act to incorporate Blooming Star Lodge No. 53, Ancient Free and Accepted Masons in the town of Oxford, N. C.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Tayville L. Taylor, Joseph B. Kittrell, William H. Crews, Jr., Samuel L. Slaughter, Camron Green, John Scarborough, Joseph A. Fuller, Lewis Hunt, Willis Moss. George C. Shaw, Archie Morton, Ottoway Lee, Lundy P. Wortham, William Alston and others, officers and members of Corporate name. the Blooming Star No. 53, Ancient Free and Accepted Masons located in the town of Oxford, county of Granville, and State of North Carolina, be and they are hereby incorporated into a body politic and corporate under the name and title of Blooming Star Lodge No. 53, Ancient Free and Accepted Masons.

Corporate powers.

SEC. 2. That with the above name they and their associates and successors shall have perpetual succession and a common corporate seal, sue and be sued, plead and be impleaded before any court of record or justice of the peace in this State; contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporation.

By-laws.

SEC. 3. That said corporation shall have power to pass all necessary by-laws and regulation for its own government which may not be inconsistent with the Constitution and bylaws of this State or the United States.

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

Ratified the 18th day of February, A. D. 1897.

CHAPTER 35.

An act to allow C. H. M. Sikes to peddle without license.

The General Assembly of North Carolina do enact:

SECTION 1. That C. H. M. Sikes be, and the same is hereby May peddle without license. permitted to peddle without paying a license tax.

SEC. 2. That he shall not sell any intoxicating liquors. this act shall only apply to Tyrrell county.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1897.

Not to sell intox-That icating liquors. Applies only to Tyrrell county.

CHAPTER 36.

An act to incorporate Bertie County Confederate Memorial Association.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of erecting a Confederate Purpose of cormonument in the town of Windsor, Bertie county, and for col- poration. lecting records, mementoes and memorials of the Confederate soldiers of Bertie county, the following named persons and such others as are now and may become their associates, towit: James B. Hoggood, Edward R. Outlaw, A. W. Snell, Corporators. R. W. Askew, J. C. Freeman, and Mrs. Frances D. Winston. Miss Pearl Hardy and Miss Etta Maynor, are hereby constituted and declared a body politic and corporate by the name and Corporate name. style of Bertie County Memorial Association.

SEC. 2. That said corporation shall be located in Windsor, Location. Bertie county, North Carolina, and the corporate powers of How corporate the same shall be vested in and examined by a board of lady powers exercised. managers, to consist of not less than five persons, and the said Board shall have power at each annual meeting to elect a officers. president and secretary out of their own number, and also a treasurer, and at all meetings five members of the same shall constitute a quorum. And until the association is regularly Quorum. organized under this act and election regularly held, Mrs. First board. Frances D. Winston, Mrs. R. W. Askew, Mrs. R. D. Cross, Mrs. James E. Mitchell and Mrs. J. R. Tillery, shall constitute said board, and they shall meet in Windsor at any time before the first Thursday in August, eighteen hundred and ninety-seven

Notice of meeting. (1897), and elect a president, secretary and treasurer out of their own number. Notice of the time and place of said meeting shall be published in some newspaper in Bertie county, and at said meeting it shall require all of said ladies named to constitute a quorum.

Corporate

SEC. 3. That said corporation shall have all the rights, powers and privileges incident to or belonging to corporations, as set forth in section one and two of chapter sixteen of *The Code* of North Carolina, except as herein provided.

Membership fee,

SEC. 4. That the membership fee of said association shall be one dollar, and any person paying the same shall, upon application, become a member thereof.

Meetings of association.

SEC. 5. That there shall be a regular annual meeting of said association on the first Thursday in August, one thousand eight hundred and ninety-seven (1897), and at each meeting, and annually thereafter, on each first Thursday in August, a president, secretary and treasurer and board of lady managers shall be elected, and at such annual meeting five persons shall constitute a quorum.

Quorum. By-laws.

SEC. 6. That said board of lady managers shall have power to make such by-laws, rules and regulations not inconsistent with this act, for the government of the association, as they deem proper.

May receive subscriptions and donations.

SEC. 7. That said association shall have power to receive subscriptions and donations of money, books, lands and other property, all of which shall be faithfully applied to the purpose of this act.

May own land and erect buildings. SEC. 8. That said association shall have power to own all lands not exceeding ten acres, and to erect thereon buildings necessary to protect, preserve and care for all mementoes and memorials it may acquire.

SEC. 9. This act shall be in force from and after its ratification. Ratified the 18th day of February, A. D. 1897.

CHAPTER 37.

An act to incorporate the Tar River Bank of Rocky Mount, North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. W. Sherrod, B. H. Bunn, T. P. Braswell, T. J. Hackney, J. M. Sherrod and M. R. Braswell, their associates, successors and assigns, are hereby constituted, and

declared to be a body politic and corporate by the name and Corporate name. style of Tar River Bank, with its principal place of business at Rocky Mount, North Carolina, but the stockholders may estab- Location. lish branches at such places as they may designate, and such Branches. branches may be removed at any time and shall be under the control and management of the president and directors, and be subject to all the rules and regulations as prescribed by them and by the stockholders of said bank.

Provided: That fifty dollars shall be paid to the State treas- Proviso. urer for all such branches before the same are established, and his receipt for said sum shall be sufficient authority to estab- Corporate lish such branch under this act, and by that name they may powers. sue and be sued, plead and be impleaded, and shall have con-

tinual succession for thirty years with capacity to take, hold and convey personal and real estate, and shall have all the rights, privileges, immunities and powers granted to banks and corporations by the general bank and corporation laws of this State, contained in chapter sixteen (16), volume one (1), and chapter four (4) of volume two (2) of The Code of North Carolina, and shall have all such powers, rights, privileges and immunities as may hereafter be granted to banks in this State by any subsequent legislation of this State. SEC. 2. That the capital stock of said corporation shall not Capital stock.

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 corporators may desire, to a sum not

exceeding two hundred and fifty thousand dollars.

SEC. 3. That said incorporators in the first section of this act Books of subnamed, or any three of them, are hereby empowered at any scription. time within two years from the ratification of this act to open books for subscription to the capital stock of said bank, at such time or times and at such places and for such periods as they may determine, and the stockholders, at any general meeting held after the organization of said bank, may at their discretion from time to time reopen the books of subscription to said capital stock until the same, as herein limited, be wholly taken.

SEC. 4. That whenever twenty-five thousand dollars, or more, When bank to shall have been subscribed to the capital stock of said bank and the sum of ten thousand "10,000" dollars be paid, the before named corporators, or any three of them, shall call a meeting of the subscribers to said stock at such time and place, and upon such notice, as they may deem proper; and such subscribers shall elect by ballot or otherwise, from among their members, such directors (not less than five nor more than nine) as they may

organize.

Directors.

Other officers. Vacancies. deem best, who shall hold office for one year and until their uccessors are elected; said directors shall elect a president and-vice-president, by ballot or otherwise, the same being stock-holders, 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. The president and vice-president shall be ex officio members of the board of directors.

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, appoint all necessary officers and agents, fix their compensation, prescribe their duties and take security for the faithful discharge of the same; prescribe the manner of paying for stock and the transfer thereof, may do a general banking business, on such terms and rate of discount as may be agreed on, take such interest and discount in advance, but no greater rate of interest shall be taken than is allowed by law.

Further corporate powers.

SEC. 6. That said corporation may receive and pay out the lawful currency of the country, discount promissory notes, bills of exchange, domestic and foreign, deal in exchange, gold, silver and other coins, bullion, uncurrent paper, public and other securities, including the bonds and other securities of the United States, this State and other States in the union; also county bonds, township bonds, town bonds or other municipal bonds, or other evidences of debts of any corporation chartered by this or any other State in the union; may loan money to any person or corporation and take such security, either personal, individual or real or mortgage on real estate or personal property, on crop liens, on crops planted or to be planted, to secure the same as may be agreed upon; may purchase and hold such real and personal property as may be necessary for conducting its business, or may rent and lease the same as it may deem best, and also may purchase and hold such real and personal property as may be conveyed to secure debts and liabilities to said corporation, or in which said corporation may be interested, or which may be sold under execution, mortgage or other lien, 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 receive deposits of money and other property from corporations, minors without guardians, feme coverts, guardians, executors, administrators, traders or other persons upon such terms and times and manner of payment and collection as may be agreed upon; and when any deposit shall be made by any minor or feme coverts the said corporation may at its discretion pay such minor or feme coverts such sum as may

May take crop liens.

Deposits by minors or married women.

be due to him or her, and the receipt or acquittance of such minor or feme coverts shall be to all intents and purposes valid in law and fully discharge said corporation from all liability on account thereof; may negotiate loans or mortgages on real or May negotiate personal property, or on personal security or without any mission. security, save the borrower's note, at a rate of interest not exceeding the legal rate, and may charge and receive from the lenders or borrowers, or either of them, a commission therefor, to be agreed upon by said corporation and the party paying the same; may execute or cause to be executed official and private May execute offior individual bonds for such officers, individuals, persons, partbonds. nerships, associations and corporations as may be required to give bonds, and charge and receive for same such compensation as may be agreed upon by said corporation and the party or parties paying the same; may act as agent, factor or trustee for May act as agent, any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed on in registering, disposing of on account of any State, county, township, town, municipality, corporation, company or individual, any bond, certificate of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificate of stocks, notes, etc., of the matters and things authorized by their charter, the said corporation may charge such premium, commission or rate of compensation as may be agreed upon.

And said corporation shall have power to receive money in trust, and accept and execute any trust that may be committed to it by any court, corporation, company, partnership, 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 or agreed upon by its board of directors. Said May act as corporation is hereby fully authorized and empowered to act as executor, administrator, guardian, trustee or assignee under dian, trustee or the same rules and regulations required by law for individual persons, and to receive any deposit of 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, in case its stockholders shall so elect. It shall have power and authority May receive to receive for safe-keeping on deposit all money, bonds, stocks, deposits keeping. diamonds, silverplate and other valuables, and collect such charges for the same as may be agreed upon, which charge Charges a lien on shall be a lien on such deposits until paid, and generally to do deposits. and carry on the business of a safe-deposit and trust company:

factor or trustee.

May accept and execute trusts.

administrator. executor, guar-

deposits for safe

Proviso.

Provided, that nothing in this act contained shall have the effect to relieve persons acting in a fiduciary capacity, or their bondsmen, from liability by reason of any deposit made in this bank.

By-laws.

SEC. 7. That the stockholders at their first meeting, and before electing directors, shall proceed to adopt such by-laws and regulations for the government of said bank, not "inconsistent with the laws of the State," as they may deem proper.

Authority of president and director.

SEC. 8. That the president and director 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 the stockholders, they may call meetings of the stockholders, when they 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 of such meeting in a newspaper published in Rocky Mount, North Carolina. At all meetings each share of stock shall be entitled to one vote: *Provided*, all assessments on said stock have been paid, otherwise said stock shall not be entitled to vote, and any stockholder or stockholders not present, may be represented by proxy, the proxy being a stockholder.

Proviso.

Stock certificates. SEC. 9. The certificate of stock when issued shall show upon the face of each certificate the number of shares contained therein, the par value of each share, and what part has been paid in, and shall also show, from time to time, the further payment made thereon, until the full sum shall have been paid; and the said corporation shall have a lien upon the sum or sums paid in as a security for the balance due thereon, when called for, and can only be assigned with notice to the assignee of said lien and subject thereto.

Lien of corporation.

Delinquent subscribers. 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 bank by a civil action; the entire stock of such delinquent may be sold by the order of the directors, under such rules and regulations as they shall prescribe, after advertisement of such sale for twenty days in some newspaper published in Rocky Mount, North Carolina, and if at such sale the price paid shall not be sufficient to pay and discharge the amount unpaid and cost of sale, the residue may be recovered by a civil action against the subscriber; if the proceeds of said sale shall be more than sufficient to pay the balance due on said stock and cost of said sale, the surplus after paying the said balance due on said stock and cost as aforesaid, shall be paid to said stockholder or his assigns.

SEC. 11. That the stock held by any one shall be transferred How stock transonly on the books of said corporation, either in person or by ferred. power of attorney.

No stockholder shall transfer his stock if he is indebted to the Stockholder not corporation, as principal or security, unless such indebtedness indebted to coris paid off and discharged, except a majority of the directors poration. consent to the said transfer; and for all such indebtedness the said corporation shall have a lien, superior to all other liens, Lien of corporation. upon the stock of said stockholder.

SEC. 12. That no stockholder shall be in anywise liable or Stockholders not responsible for any debts, obligations, contracts or engagements individually liable. of said bank, but nothing herein shall exempt from liability on account of fraud, as provided by chapter sixteen, section six hundred and eighty-six of The Code.

SEC. 13. That the tax upon the capital stock and shares of Tax. this bank shall be paid by the said bank, as other property in this State, to the full amount paid in thereon.

SEC. 14. That the president and directors shall cause to be Statements 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 law to make and publish such statement at other times.

SEC. 15. That said corporation shall have all such powers and Circulating rights to issue circulating notes as currency as any act of the legislature of North Carolina hereafter ratified shall confer upon similar banks in the State, and upon the same terms and conditions applicable to other banks.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified the 18th day of February, A. D. 1897.

CHAPTER 38.

An act to amend an act incorporating the town of Mocksville, in Davie county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever in the opinion of the commissioners of the town it is advisable to obtain land, or the right of may condemn land for streets, way in the town for the purpose of opening new streets or culverts and widening or straightening streets already established, or for waterways. making culverts or waterways for carrying water out of the

Procedure for condemnation.

Jurors to be

streets, or for laying sewer pipes, or for any other necessary public purpose, and the commissioners and the owners of property affected by such proposed improvements 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 waterway, sewers or other public improvements, the mayor, upon order of the commissioners, shall issue his writ commanding the chief of police or other officer of the town to summons a jury of five freeholders of said town, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements; and in said writ the proposed improvements shall be fully described and the persons mentioned who are supposed to be affected thereby. In obedience to said writ the officer shall summons the jury of five freeholders as aforesaid, and appoint a day for them to assemble at the mayor's office; the day so appointed shall not be less ten or more than twenty days from the date of the writ. cer 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 tenants or agents cannot be found within the town, then a poster at the court house door, stating in as few words as possible the proposed improvement and the date appointed for the 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, when 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 in his judgment may be damaged by the proposed improvement, and that he will also assess any special benefit or advantage or enhanced value which may be caused to the property of any person named in the writ, or to any other property in the immediate vicinity of 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, Jury to view and the land of any other person in the immediate vicinity of land. 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 been 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 Jury to return to the mayor in writing a statement to be signed by each of statement in writing. 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 Proviso. jury shall be 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 unable to agree, and thereupon the mayor shall order the officer to summons at once a new jury of five 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 Jury may be to day to accomplish the object of this section. As soon as extended. practicable after receiving the report of the jury, the mayor shall call a meeting of the board of commissioners, and submit Report to be subthe report to them, and if the commissioners shall conclude mitted to commissioners. 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 benefits shall vest in the town, Enhanced value and become a lien on the premises mentioned in report of the vested in town and a lien on the jury, and shall be due to the town on the completion of the pro- property. posed 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 Howlien same rules, regulations and restrictions, rights of redemption, enforced. and savings as are prescribed by law for the sale of real estate for unpaid taxes: Provided, nevertheless, that if any person Proviso.

Powers and proceedings of appellate court.

Proviso.

Persons imprisoned by mayor placed in county jail.

May be worked on streets or roads.

Commissioners to nuisances,

To declare what are nuisances and abate same.

Proviso.

How town elections held.

who is reported in the jury's report to be affected by the proposed improvement be dissatisfied with the amount of damages or enhanced value with which he has been assessed, or if the commissioners 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 Davie county by giving the adverse party 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 no wise adjudicate the necessity of the improvement, and the questions of damages or benefit 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 no wise hinder or delay the commissioners 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, and the fees of each of said jurors shall not exceed one dollar per day.

SEC. 2. Any person imprisoned by the mayor for violation of any ordinance of said town, or for non-payment of any fine, penalty or costs, may be placed in the county jail of Davie county, for safe keeping, under such terms as the mayor and the commissioners of the town, and the commissioners of said county may contract, and during such imprisonment, such person may be worked upon the streets of said town, upon the county roads, or any other public improvement.

SEC. 3. The board of commissioners shall have power, and it shall be their duty to prohibit all trades, occupations or acts, which are a nuisance; with full power and authority to declare by ordinances what constitutes a nuisance, and to cause all ponds, sunken lots, and other places in which water stands and stagnates to be drained and filled up, and to cause all privies and places for the storage of fertilizers to be cleaned out or removed, and to recover from the owner or occupier the expenses of cleaning or removing the same, 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.

SEC. 4. The elections of the mayor and commissioners of said town shall be held and conducted as provided in Sections 3788,

3789, 3790, 3791, 3792 and 3794 of The Code of North Carolina, which are hereby enacted and made a part of the charter of said town.

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

Ratified the 18th day of February, A. D. 1897.

CHAPTER 39.

An act to incorporate, charter and establish "The United Workers' Mutual Aid Association."

WHEREAS, certain citizens of the States of North Carolina Preamble. and Virginia have associated themselves together with the intention of forming a corporation to promote charity, benevolence and morality; therefore

The General Assembly of North Carolina do enact:

SECTION 1. That H. P. Weeden, president; Scott Wood, Corporators. vice-president; A. W. Harris, secretary; W. F. Clarke, treasurer, and H. L. Harris, superintendent; and J. E. Reid, H. P. Weeden, J. H. Fisher, Scott Wood, H. L. Harris, W. F. Clarke, A. W. Harris, J. H. Hayes and A. W. Harris, Jr., and their successors in office, be and are hereby created a body politic, to be known by the name, style and title of "The United Work- Corporate name. ers' Mutual Aid Association of Virginia," and by such title and name shall have perpetual succession and the right to establish corporate and charter other lodges; be capable of suing and being sued powers. and of purchasing, leasing, holding and granting and receiving in its corporate name, property, real, personal and mixed, and of making such rules and regulations as the corporation may enact, not in conflict with the laws of this State and those of the United States.

SEC. 2. The purpose for which this association is established, purpose of coris to provide, in such manner as may be decided upon by its poration. board of directors, for taking care of the sick and assisting its members, in such manner as its board may think proper, when in need or distress, and of encouraging among them principles of saving their earnings and fostering the habits of economy.

SEC. 3. And to this end shall have power and authority to establish councils and secure members by and in such man-rate powers.

ner as they may think expedient; to collect a weekly or monthly fee from its members, in such manner as they may think proper, and for this purpose, it may, upon such terms as they deem proper, issue certificates of membership for aid in sickness or distress, and relief in death, upon the payment of the sum or sums set out in manner and form in its by-laws.

Endowment fund.

SEC. 4. The endowment fund of the association shall be of such amount as will enable its officers to carry out the purpose for which this association was established, which may consist also in property, real, personal and mixed.

Real estate.

SEC. 5. The real estate which may be held by this association, in this State, shall not exceed in value the sum of five thousand dollars (\$5,000.00).

Home office in Petersburg, Va. SEC. 6. The home office of said association shall be in Petersburg, Virginia, with a branch office in this State, at such place as its board of directors may select.

Business of association.

SEC. 7. The chief business of the said association shall be to assist its members in need or distress, and to that end shall have power to collect, in such manner and by such means as may be directed by its board of directors, a fund for such assistance of its members in any manner deemed expedient by the said board of managers.

First officers.

SEC. 8. The names and residences of the officers who for the first year shall manage the affairs of the said association are as follows: President, H. P. Weeden, Charlottesville, Va.; vice-president, Scott Wood, Peterburg, Va.; secretary, A. W. Harris, Dinwiddie county, Va.; treasurer, W. F. Clarke, Petersburg, Va.; superintendent, H. L. Harris; directors, J. E. Reid, H. P. Weeden, A. W. Harris, Jr., Scott Wood, H. L. Harris, W. F. Clarke, A.W. Harris, Sr., J. H. Hays and J. H. Fisher, North Carolina.

Association to have privileges of fraternal organization.

SEC. 9. This organization shall have all the rights, powers and privileges granted to fraternal organizations, or such organizations as the Masonic, Odd Fellows associations, Royal Arcanum, Knights of Pythias, Knights of Honor and similar associations throughout this State under its laws.

Term of corporation.

SEC. 10. That this act shall be in force from and after its ratification, and remain in force thirty years.

Ratified the 18th day of February, A. D. 1897.

CHAPTER 40.

An act to establish a benevolent association in the town of Tarboro, North Carolina, under the name and style of "Daughters of the Grand Aid."

WHEREAS, the General Assembly of North Carolina did, on Preamble. the third day of March, 1893, enact and ratify a bill to incorporate a benevolent association under the name and style of "True Friends"; and, whereas, it is desired to form an annex to said association under the name and style above given, now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That Dinah Blount, presiding daughter; Annie Corporators. Ross, vice-presiding daughter; Hannah Lloyd, past-presiding daughter; Morning Howard, treasurer; Ida Bilbry, recording secretary; Mac Lloyd, financial secretary; Mary Suggs, chaplain; and Andrew Blount, superintendent; and their successors, who are to be the wives and daughters of the members of the said association of "True Friends," are hereby created a body politic to be known by the name, style and title of "Daughters Corporate name. of the Grand Aid," and by such name and title shall have perpetual succession, and the power to make and enact all proper Corporate and necessary by-laws, be capable of suing and being sued, of powers. purchasing, leasing, holding, granting and receiving in its corporate name, property of all kinds, and of making such rules and regulations as may be desired, not in conflict with the laws of this State and those of the United States.

SEC. 2. The object of this corporation shall be to unite, fra-Object of ternally, all colored women of sound bodily health and good corporation. moral character, who are socially acceptable; to give all moral and material aid in its power to its members and those dependent upon them; to educate its members socially, morally and intellectually, to establish a fund for sick and distressed members, for which such sums as the constitution and by-laws of the corporation permit may be drawn for their aid.

SEC. 3. That this lodge of "Daughters of the Grand Aid" Corporate seal. shall have a seal for the making and delivering of all legal acts and proceedings, which they may alter from time to time as they desire.

SEC. 4. That said lodge may provide for the holding of its Meetings. meetings as the majority of its voting members may select.

Members not liable for corporation debts.
Officers.

SEC. 5. That the private property of the members of this corporation shall be exempt from liability for corporate debts.

SEC. 6. That said lodge shall provide for the election of such officers as is deemed best for the transaction of the business of this corporation, and to further its object, and these officers shall hold office until their successors are elected and qualified.

To collect funds for promotion of charity. SEC. 7. The said corporation shall have power to collect, hold, and disburse the funds named in this act for the promotion of charity and the relief of the sick and distressed, under such regulations as this corporation may deem necessary, and said funds shall be exempt from execution, and be liable under no circumstances for the debt of any of its living or deceased members.

SEC. 8. That this act shall be in force and effect from and after its ratification.

Ratified the 19th day of February, A. D. 1897.

CHAPTER 41.

An "act to sell the property of the Franklin academy," and for other purposes.

Preamble.

WHEREAS, The General Assembly of North Carolina, at its session of 1831, chapter 35, authorized the Secretary of State to issue a grant for ten acres of land in the town of Franklin, Macon county, to Thomas Love, Sr., George Penland, Jesse R. Siler, John Hall and James Whitaker and their successors in office, in trust and for the use and behoof of the Franklin Academy;

AND, WHEREAS, the Secretary of State, in pursuance of said act, did, on the 3d day of December, 1832, issue said grant, which is recorded in the register's office for Macon county, in Book "A," page 135.

AND, WHEREAS, the trustees hereinbefore mentioned have long since died:

AND, WHEREAS, the said Franklin academy has long since ceased to exist;

AND WHEREAS, there is no free school building in District No. 1 for the white race in said town of Franklin and county of Macon; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That J. G. Siler be and is hereby appointed a trustee in lieu of the trustees hereinbefore mentioned, and he

J. G. Siler appointed trustee.

is hereby authorized, empowered and directed to sell, after Trustee to adverfirst advertising the same for thirty days at the court house door and three other public places in said county, to the highest bidder for cash, at the court house door in Franklin, on the first Monday in such month of the year 1897, as he may deem best, the following portion of the land described in said State grant, to-wit: Bounded on the east by Iotla street; on the Description of north by the Presbyterian manse property; on the west by the lands of I. J. Ash and wife; on the south by the lands of George A. Jones, S. H. Lyle and W. R. Johnston, and the lands of J. Johnston, F. S. Johnston, the Masonic lodge, St. Agnes church and J. F. Ray; and the said J. G. Siler, trustee as aforesaid, shall, upon the payment to him of the sum so bid, make, execute and deliver to the purchaser or purchasers a deed in fee for the lands so sold, and such deed shall pass title to the Trustee purchaser or purchasers. And the said J. G. Siler, after first to make title. retaining five dollars for his services in making such sale, shall Compensation turn over the balance of the money so received by him to the school committeemen for District No. 1, for the white race of said county, and the said committeemen shall use such money How proceeds of in the purchase of a suitable site in said district for the erecting sale used. of a free school building, and shall apply the remainder of said money, if any, towards the erecting of a suitable building on said site for the use of said school district, and for no other purpose.

tise and sell.

land to be sold.

SEC. 2. That chapter 12 of private laws of North Carolina, Repeal. acts of 1881, be and the same is hereby repealed.

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

Ratified the 19th day of February, A. D. 1897.

CHAPTER 42.

An act to amend section twelve, chapter 93, private laws of 1893.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve, chapter ninety-three of the Hire of convicts private laws of 1893, be amended by striking out all of said sec- to be paid in cash, stock tion, after the words per annum in line seven of said section, and or bonds. substituting therefor the following: And the cost of said convicts shall be paid by the railroad company in cash or in the

Proviso: Stock or bonds to be taken at market value. stock or bonds of said company: Provided, however, that the directors of the penitentiary shall have the right to pass upon the value of such stock or bonds and accept the same at their market value as indicated by the actual sale of said stocks or bonds at or near the time of closing said contracts, and the delivery of said stocks or bonds shall be made as indicated in foregoing sections concerning other payments.

SEC. 2. That section four of said chapter be amended by striking out after the word dollars in line six of said section the words "or such other sum in addition thereto as may be prescribed by the said commissioners" and adding after the word "company" in line nine of said section the words "and two per cent of said subscription shall have been paid in."

SEC. 3. 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 19th day of February, A. D. 1897.

CHAPTER 43.

An act to incorporate the "People's Mutual Benevolent Association."

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That George A. Hussey, F. N. Hussey and T. H. Mears, Jr., and their associates, successors and assigns, be and they are hereby created a body corporate and politic, to be known as the "People's Mutual Benevclent Association," and as such shall have perpetual succession and be capable of suing and being sued, pleading and being impleaded in any of the courts of the State, and shall have and use a common seal.

Corporate name.

Corporate powers.

Purposes of corporation.

SEC. 2. The purposes for which the company is formed are to mutually insure the lives of men and women upon such terms and under such conditions as may be fixed by the by-laws of said corporation.

By-laws.

SEC. 3. That said corporation may make by-laws fixing the number of its board of directors and other officers, and defining the powers and duties of such directors and officers; also making rules and regulations governing the corporation for the conduct of its business, not conflicting with the laws of this State.

SEC. 4. This company shall have the power to create and Local divisions. organize county divisions in any one or more counties in this or any other State in the United States, and such local divisions shall be governed by and in accordance with such rules and regulations as may be prescribed by this company.

SEC. 5. That the principal offices of this company shall be Principal office. located in the city of Raleigh and the State of North Carolina.

It may, however, have branch offices in such other cities and Branch offices. towns of this or any other State as it may see proper.

SEC. 6. The capital stock of this company shall be not less Capital stock. than forty thousand dollars (\$40,000.00), nor more than one hundred thousand dollars (\$100,000.00), to be divided into shares of the par value of one hundred dollars (\$100.00).

· SEC. 7. The said company shall have the power to acquire Real estate. and hold real estate in the State of North Carolina.

SEC. 8. That this association shall be exempt from the laws Exempt from and regulations governing insurance companies in this State.

laws and regulations governing

SEC. 9. This act shall be in force from and after its ratifica- insurance companies. tion.

Ratified the 20th day of February, A. D. 1897.

CHAPTER 44.

An act to incorporate the Pickford sanitarium for the treatment of consumptive negroes.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons, to-wit: Mrs. Corporators, C. J. Pickford, of Lynn, Mass.; Edward O. Otis, M. D., and H. C. Faulkner, M. D., of Boston, Mass.; R. H. Lewis, M. D.; James McKee, M. D.; L. A. Scruggs, M. D.; C. F. Meserve, A. W. Shaffer, Jos. G. Brown, E. A. Johnson, Jos. B. Cheshire, D. D.; A. W. Pegues, and Rev. R. H. W. Leak, of Raleigh, N. C.; J. S. Carr, of Durham, N. C.; Berry O'Kelly, of Method, N. C.; and John T. Patrick, of Southern Pines, N. C., with their associates and successors, constituting a board of trustees, are hereby incorporated under the name and style of the Pickford Sanita-Corporate name. rium, for the purpose of founding and maintaining an institution for the treatment of consumptive negroes, at or near South-Location. ern Pines, in the county of Moore, and State of North Carolina.

Corporate powers.

By-laws.

Trustees to elect their successors and other officers.

Number of trustees.

Quorum.

elect additional trustees.

Members of corporation not accounted as stockholders. No dividends shall be declared Members not personally liable. Means of corporation to be used for no purpose but the furtherance of its objects. Property held and used solely

Trustees not to encumber property nor use endowment fund for current expenses.

for purposes of

corporation exempt from

tax.

Officers.

SEC. 2. The general powers of said corporation shall be those belonging to bodies corporate under the general laws of the State of North Carolina; to sue and be sued by the corporate name; to have and use a common seal, which it may alter at pleasure; to acquire property, real and personal, by purchase, gift, exchange or bequest, and to hold and convey the same; to receive and hold trust or endowment funds, and any other property, real and personal, useful for the maintenance of the institution and devoted thereto; to establish by-laws, and to make all rules and regulations deemed needful, and not inconsistent with the constitution and laws of the State; to elect their successors; to appoint subordinate officers and agents in addition to a president, secretary and treasurer, and fix their compensation if any be required, and generally, to do whatever is needful to carry out the true purpose and intent of this act of incorporation.

SEC. 3. The board of trustees of said corporation shall consist of not less than seven, nor more than thirty-six persons, any five of whom shall constitute a quorum for the transaction of business, and the above named incorporators are authorized to Incorporators to elect other members, increasing the number to thirty-six, the new members to have all the rights, powers and duties of the original incorporators.

> Sec. 4. Inasmuch as pecuniary gain is no part of the object for which this charter is granted, the members of this corporation shall not be accounted stockholders in the legal sense of the term; no dividends or profits shall ever be divided among them, and there shall be no individual or personal liability for corporate debts, but the entire corporate property shall be liable; nor shall the means, income or corporate property of whatever kind, be used for any business, speculation or other purpose than that for which the corporation was created, and all property held and used solely for the benevolent purposes set forth in this charter shall be exempt from all State, county and municipal taxation.

> SEC. 5. The board of trustees shall have no power to incumber by mortgage or otherwise the buildings and grounds, apparatus or furniture of the sanitarium proper for any purpose whatever, or to use the principal of any endowment funds for current expenses.

> SEC. 6. The board of trustees shall choose a president, a secretary and a treasurer at their first meeting, but the secretary and treasurer may be one and the same person, and the signature of the president and of the secretary or treasurer shall bind

the corporation, and all the trustees shall continue in office until their successors shall have been elected and qualified. unless prevented by unavoidable causes.

SEC. 7. The board of trustees shall have full control of the Powers of institution which they shall establish; to declare and fill all trustees. vacancies in their own body; to appoint the officers, officials, attendants and employees of the institution, assign their duties, fix their compensation and remove them from office and employment; to establish regulations and to supervise and direct their administration, to which end they may, if they see fit, create an executive board, consisting of not less than five nor more than nine members, for the transaction of the business of the sanitarium, subject to such restrictions and limitations as the board of trustees may impose, and a majority of any such executive board shall constitute a quorum for the transaction of all business imposed upon it.

SEC. 8. The board of trustees and any executive board created Records by them, shall keep a full and complete record of all meetings to be kept. held, and of all business done by them, in a book, which shall be always open to the inspection of every member, and every member present shall be entitled to one vote in person upon all matters relating to the business of the institution, and proxies may be allowed under regulations established in the by-laws.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1897.

CHAPTER 45.

An act to amend chapter 364, of laws 1893, and chapter 400, laws of 1895, in relation to roads.

The General Assembly of North Carolina do enact:

SECTION 1. That Chas. H. Calvert, R. F. Wyatt and B. F. Commissioners Eller, of Wilkes county, N. C., be and the same are hereby appointed to amend survey of appointed commissioners who are hereby authorized and em- former commispowered to lay off and amend the survey made by the commissioners appointed by chapter (364), laws of 1893 upon the lands of W. B. Nichols, Sr., in the road leading from Miller's Creek in Wilkes county to Creston Postoffice in Ashe county, that after they have laid off and amended said survey upon the

Report to commissioners of Wilkes county.

land of W. B. Nichols, they shall make their report to the commissioners of Wilkes county, as required by chapter 364, laws of 1893.

Time for completing road extended.

SEC. 2. That the time for completing the road leading from Miller's Creek, Wilkes county, to Creston Postoffice, Ashe county, be and the same is hereby extended for two years from the ratification of this act.

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

Ratified the 20th day of February, A. D. 1897.

CHAPTER 46.

An act to incorporate the town of Tillery in Halifax county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Tillery, in the county of Halifax, be and the same is hereby incorporated by the name and style of Tillery, and it shall be subject to all the provisions contained in chapter 62 of *The Code* of North Carolina, not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be at a distance of one mile in every direction from the center of the railroad where it is crossed by the road or street leading through Raven Nest plantation by the house called the Mansion.

Town officers.

SEC. 3. That the officers of said town shall consist of a mayor and four commissioners, and such other officers as may be necessary, as provided by said chapter of *The Code*.

Officers until election. SEC. 4. That until the election hereafter provided for the mayor of said town shall be George E. Souger. The Commissioners shall be John A. Norfleet, John Peter Logan, Robert E. Williams and Harrison W. Blake.

Town election.

SEC. 5. There shall be held on the first Monday in May, 1898, and every two years thereafter, an election for mayor and commissioners for said town at some convenient place therein, under the regulations prescribed by law, at which all duly qualified voters of the State of North Carolina shall be permitted to vote, who have resided within said corporate limits for ninety days next preceding said election.

Qualification of voters.

SEC. 6. That the mayor and commissioners of said town shall Powers of have all the powers enumerated in said chapter of *The Code*, commissioners. and be subject to all of its provisions.

SEC. 7. That all laws in conflict with the foregoing are hereby repealed.

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

Ratified this 20th day of February, A. D. 1897.

CHAPTER: 47.

An act to incorporate the town of Bridgersville, in Wilson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the village of Bridgersville, in the county of Town Wilson, be and the same is hereby incorporated, under the incorporated. name of "Bridgersville," and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this act.

SEC. 2. That the corporate limits of said village shall be as Town limits. follows: One-fourth of mile square, with the store of John F. Bridgers, in Wilson county, Gardners township, the geographical center.

SEC. 3. That the officers of said corporation shall be a mayor, Town officers. three commissioners and a town constable; and the following named persons shall fill said offices until the first Monday in Officers untill May eighteen hundred and ninety-seven, viz: Mayor, John F. election. Bridger; Commissioners, J. H. Lee, B. C. Luper, Joseph Lewis; Constable, G. R. Luper.

SEC. 4. That there shall be an election held in said town on the Town elections. first Moday in May, eighteen hundred and ninety-seven, and every successive year thereafter, for the purpose of electing persons to hold said offices, and under the same rules and regulations as are now in force for the election of members of the General Assembly, and all persons residing within said corporation who shall have lived in said corporation sixty days, and in this State Qualification of one year, and not otherwise disfranchised, shall be entitled to voters. vote at said election; and said officers shall have all the rights, Powers and powers and duties and shall be subject to all the liabilities which officers. are mentioned in chapter sixty-two, volume two of The Code.

Powers of commissioners.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of this State, or the United States, and to levy and collect a tax on all subjects of State taxation not to exceed one-half of said State tax, and to impose fines for the violation of town ordinances, and to collect the same. Also to levy and collect such license and privilege taxes as are mentioned in chapter sixty-two, volume two of *The Code*.

License and privilege taxes.

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

Ratified the 20th day of February, A. D. 1897.

CHAPTER 48.

An act to incorporate the town of Hardin Cotton Mills in the county of Gaston.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Hardin Cotton Mills, in the county of Gaston, be and the same is hereby incorporated by the name and style of "The Town of Hardin Cotton Mills," and it shall have the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent with this act.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: One-half of a mile north and south and one-half of a mile east and west from the centre of the Hardin cotton factory in said town.

Town officers.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners and a constable to be elected in accordance with the general laws regulating elections in cities and towns.

Officers until election.

SEC. 4. That until their successors shall be elected and qualified, the following persons shall be the officers of said town, to-wit: Mayor, Robert H. Dellinger; Commissioners, M. D. Friday, O. D. Carpenter and Miles Withers; Constable, B. J. Garrison.

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

Ratified the 20th day of February, A. D. 1897.

CHAPTER 49.

An act to amend the charter of the town of Spring Hope in Nash county.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Spring Commissioners Hope in Nash county shall have power, in their discretion, when may lay out streets and regnecessary to lay out new streets and to regulate the width of ulate width. all streets, so that each street shall be of uniform width its entire length, and for this purpose may condemn any land in May condemn the corporate limits of said town, and to pay for the same; land. Provided, That any money necessary for said purpose shall Proviso:
No special tax to come out of the general funds of said town, and no special tax be levied nor shall be laid or debt contracted therefor.

SEC. 2. That when any lands or right of way shall be required Proceedure for by said town of Spring Hope for the purpose of opening new lands. streets, or for widening streets or sidewalks, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by 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 each owner may receive from the opening of such street or other improvements, and shall state the value and amount of each, and the excess of loss or damage over and above the advantage shall form the measure of valuation of said land or right of way: Provided, neverthe- Proviso: Right less, that if any person over whose land the said street may of appeal. 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 hereafter; 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 Land to vest in for the purposes of the same, as soon as the valuation may be town upon payment of damages. 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, Proviso: Appeal not to delay the however, that such appeal shall not hinder or delay the com-opening of missioners opening such streets or erecting such improvements: streets.

debt incurred.

Proviso: Upon reversion of land town may remove improvements.

and Provided, further, that in the case of the discontinuance of the use of the land, and it reverts to the owner, the town shall have the right to remove any improvement under its authority erected.

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

Ratifled the 20th day of February, A. D. 1897.

CHAPTER 50.

An act to incorporate the town of Star, in Montgomery county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Star, in the county of Montgomery, be and the same is hereby incorporated by the name and style of the town of Star, 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 the said town shall be as follows: A radius of one mile, counting one half mile each way, from the Aberdeen and West End Depot, situated in said town of Star, in county and State above named.

Town officers.

SEC. 3. That the officers of said incorporation shall consist of mayor, three commissioners, marshal, secretary and treasurer, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety seven, or until their successors are elected, viz.: Mayor, H. C. Ingram; Commissioners, G. N. Scarboro, H. R. McLeod and

Officers until election.

W. T. Harper; Secretary, B. S. Spencer; Treasurer, J. E. King; Marshal, James McLeod.

Town elections.

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-seven, and each succeeding year thereafter, under the same restriction that county and State elections are held. All qualified voters within said corporation, who have resided in the State twelve months, and ninety days within the corporate limits previous to the day of election, shall be entitled to vote at said election.

Qualification of voters.

Powers of Commissioners.

SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations, for the good government of the town, not inconsistent with the laws of the State and United States, and impose fines and penalties, and collect the same.

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

Ratified the 20th day of February, A. D. 1897.

CHAPTER 51.

An act supplemental to an act of the General Assembly entitled "An act to incorporate the Levi bank."

The General Assembly of North Carolina do enact:

SECTION 1. That whereas in drawing the bill hereinafter Preamble. mentioned, the draughtsman omitted the enacting clause of the same.

SEC. 2. That the act ratified on the 16th day of February, Actamended by prefixing layer, entitled "an act to incorporate the Levi bank," have enacting clause. prefixed to section one of said act the following words, "The General Assembly of North Carolina do enact," and that said words be to all intents a part of said act.

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

Ratified the 20th day of February, A.D. 1897.

CHAPTER 52.

An act to amend chapter 311 of the private laws of 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That an act of the General Assembly of North New corporators Carolina, entitled "an act to incorporate the Carolina Savings named and name Bank," ratified on the ninth day of March, one thousand eight changed. hundred and ninety-one, being chapter three hundred and eleven of the private laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out of section one of said act the names of "P. H. Phelan, S. R. Collectt, Walter Breno, A. R. Stokes, E. M. Andrews and W. F. Dowd" and inserting in lieu thereof the names of A.W. Heath, W. C. Heath, W. S. Lee, R. A. Morrow, J. R. English, J. H. Lee, D. A. Covington and H. B. Adams," and by further striking out the words "The Carolina Savings Bank" and inserting in lieu thereof the words "Carolina Exchange Bank."

SEC. 2. That the said act is further amended by striking out Location of the second line of section five of the said act the words "city of changed Charlotte" and inserting in lieu thereof the words "town of Monroe."

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 53.

An act to incorporate the town of Roanoke Rapids in Halifax county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Roanoke Rapids, in the county of Halifax, be, and the same is hereby incorporated under and by the name of "Roanake Rapids," and in its corporate name shall have power to purchase, hold and convey real and personal property for the benefit of the town, to sue and be sued, to plead and be impleaded, and shall be vested with all other powers, rights and privileges necessary or belonging or usually appertaining to municipal corporations.

Corporate limits.

SEC. 2. the corporate limit of said town shall include all the lands on both sides of Roanoke avenue sixteen hundred feet on each side thereof and between the Southers or upper boundary of the canal property of the Roanoke Navigation and Water Power Company and Fifth street.

Town officers.

Sec. 3. The officers of said town shall consist of a mayor and five commissioners and a constable, and such police officers as the commissioners may appoint; and said commissioners may appoint a secretary and treasurer and prescribe their duties and term of office, not to extend beyond the term of the commissioners appointing; if the said commissioners deem it advisable at any time to make such appointments, both of which officers may be combined in one and the same person.

Town elections.

SEC. 4. There shall, on the first Monday in May, one thousand and eight hundred and ninety-eight, and on the first Monday in May every two years thereafter, be elected the mayor, the five commissioners and the constable of said town, by the qualified voters thereof; but no person shall be entitled to vote at such elections unless, in addition to his qualification as a voter in State and county electors, he has resided within the corporate limits of said town thirty days immediately preceding said election. The officers so elected shall qualify and be inducted into office on the first Monday in June following their election, and shall continue in office for the term of two years, and until their successors have been duly elected and qualified.

Qualification of voters.

When officers to qualify.

Term of office.

Officers until first election.

SEC. 5. That until an election can be held as provided for in the preceding section, and the officers elected thereat have been qualified, the following named persons shall fill said offices: T. L. Emry, mayor; and F. H. Tracey, J. M. McMurry, J. B. Fitzgerald, Wells D. Tillery and A. Lynch, commissioners, and said commissioners may appoint a constable, whose term of office shall be the same as, and expire with, that of said commissioners.

SEC. 6. The commissioners may build or establish a lockup or guard-house in which to confine and imprison persons charged may establish with and convicted of criminal offences and of violations of town ordinances, and for feeding such prisoners the town constable shall be allowed such compensation as is allowed the constable. keeper of the common jail of the county.

Commissioners guardhouse.

SEC. 7. The mayor of said town is hereby constituted an inferior court, with all the jurisdiction and powers in criminal offences which are or may hereafter be given to justices of the servator of the peace; and he shall conserve and keep the peace. He shall also peace. have jurisdiction to hear and determine all violations of the ordinances and regulations of the town. The mayor shall have jurisdiction as a conservator of the peace and for the trial of all criminal offences and violations of town ordinances arising and committed within the corporate limits of said town, and one committed within the corporate limits of said town, and one Extent of jurismile beyond said corporate limits; and the constable and police diction of Mayor officers of said town shall have power and authority to make and powers of arrests and execute all process issued by said mayor within one mile of the corporate limits to the same extent and in like man-

Mayor constituted an inferior court and con-

Jurisdiction.

police.

ner as within said limits. SEC. 8. That all fines imposed by the mayor, whether for violation of the criminal laws of the state or of ordinances of the town, shall, when collected, go to the town treasury for the benefit of the town.

Mayor to be paid to town treasury.

SEC. 9. When any person shall be adjudged by the mayor to be imprisoned, it shall be competent for him to sentence such person to imprisonment in the county jail or the guard-house of the town, and to adjudge that such person work, during the term of his imprisonment, on the public streets or other public worked on works of the town; and in all cases when he may impose fines, and the person against whom the fine is imposed refuses, or is unable to pay the same and the costs, it shall be lawful for the mayor to order and require such person to work on the public streets. streets or other public works of the town, until, at such rates of wages as are or shall be fixed by the commissioners, such person shall have worked out the full amount of such fine and costs.

Mayor may imprison malefactors in county jail or town guardhouse. Prisoners may be streets.

Criminals failing to pay fines may be worked on

tion.

SEC. 10. All taxes levied by the commissioners on real and When town personal property and on the polls shall be due and collectable taxes due. at any time after the 15th day of September in each year; but such levy shall not exceed twenty cents on every hundred dol- Limit of taxalars worth of property and sixty cents on each poll.

General laws not in conflict with charter to apply to town.

SEC. 11. That the provisions of the general laws of this state in regard to cities and towns as are not in conflict with the provisions of this charter are made part thereof and supplementary to it.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 54.

An act to amend chapter 279, private acts of 1893.

The General Assembly of North Carolina do enact:

Corporate name changed.

SECTION 1. That chapter 279, of the private acts of the General Assembly of 1893, be and is hereby amended by striking out in the fourth line of the first section thereof the words "The Commercial and Savings Bank" and inserting in lieu thereof the words "The Farmers' Loan and Trust Company."

Company to have an office in Raleigh. SEC. 2. That an office of said company shall be in the city of Raleigh.

When charter to be accepted.

SEC. 3. That the words "of the date of its ratification," in line six of section first of said act, be stricken out and the words "from the first day of January, 1897," be inserted in their stead.

Title of act altered. SEC. 4. That the title of said act be and is hereby amended so as to conform to the provisions of this act.

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

Ratified the 23d day of February, A. D. 1897.

CHAPTER 55.

An act to amend chapter twenty-four of the private laws of 1895.

The General Assembly of North Carolina do enact:

Time for establishing Murfreesboro High School extended.

SECTION 1. That the corporators of the "Murfreesboro High School" shall have two years from the ratification of this act to begin work in establishing said Murfreesboro High School under its charter ratified on the thirteenth day of February, 1895, and entitled an act to incorporate Murfreesboro High School, Hertford county.

SEC. 2. This act shall take effect from its ratification. Ratified the 25th day of February, A. D. 1897.

/ 3 /- / CHAPTER 56.

An act to prescribe the liabilities of railroads in certain cases. 129-398

The General Assembly of North Carolina do enact: 128-634

SECTION 1. That any security is a security of the securi SECTION 1. That any servant or employee of any railroad Railroad comcompany operating in this State who shall suffer injury to his person, or the personal representative of any such servant, or injury or death employee who shall have suffered death, in the course of his negligence of services or employment with said company by the negligence, other employee or defect in carelessness or incompetency of any other servant, employee machinery. carelessness or incompetency of any other servant, employee or agent of the company, or by any defect in the machinery, ways or appliances of the company shall be entitled to main-

SEC. 2. That any contract or agreement expressed or implied, Cont made by any employee of said company to waive the benefit of waive section one void. the aforesaid section, shall be null and void.

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

Ratified the 23d day of February, A. D. 1897.

panies liable in damages for

CHAPTER 57.

An act to amend section 2, chapter 189, private laws of 1889, incorporating Clyde in Haywood county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter 189, private laws of Town boundary 1889, entitled "an act to incorporate the town of Clyde in Hay- changed. wood county," be and is hereby amended so as to make the corporate limits of said town of Clyde run with the east bank of Shook's camp ground branch, from Pigeon river to the south boundary of the present corporation limit, and the south boundary of said town shall be as at present, from the said first mentioned line, east to the Conner's Mill creek; thence down said creek with its west bank to Pigeon river, crossing the river to the north bank; thence down the north bank to a point opposite the beginning; thence to the beginning.

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

Ratified the 24th day of February, A. D. 1897.

CHAPTER 58.

An act to incorporate the town of Oak Ridge, Guilford county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the inhabitants of Oak Ridge, in the county of Guilford, are hereby constituted a body politic and corporate, under the name and style of the town of Oak Ridge, and under such name and style said town of Oak Ridge is hereby invested with all powers, rights and privileges conferred upon municipal corporations by chapter 62 of volume 2 of The Code of North Carolina, and all laws amendatory of the same.

First officers.

SEC. 2. That until the election of mayor and commissioners, to be held on the first Monday in May, 1897, J. A. Holt shall be mayor, W. E. Benbow, R. S. Williams and Chas. Case shall be commissioners of the said town of Oak Ridge.

Corporate limits.

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SEC. 3. That the corporate limits of said town shall be two thousand yards square, Holt Hall, Oak Ridge Institute, being the center thereof.

Prohibition.

SEC. 4. That there shall at no time be any license granted for the sale of spirituous or malt liquors within said corporation.

Roads in town to be cared for by county.

Sec. 5. That said corporation shall be exempt from the care and responsibility of the public roads within its limits, and that these shall devolve upon the county as heretofore.

SEC. 6. This act shall be in force from the day of its ratification.

Ratified the 24th day of February, A. D. 1897.

CHAPTER 59.

An act to allow John Frank Hellen to peddle without license.

The General Assembly of North Carolina do enact:

To peddle without license in any county.

SECTION 1. That John Frank Hellen, a one-legged Confederate soldier, and a citizen of Pitt county, be and is hereby allowed and permitted to peddle in any of the counties of North Proviso: Not to Carolina without paying any license tax whatever: Provided, however, that he shall sell no vinous, malt or intoxicating liquors.

sell liquors.

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 23d day of February, A. D. 1897.

CHAPTER 60.

An act to incorporate the James Baker Lumber Company.

The General Assembly of North Carolina do enact:

SECTION 1. That James Baker, F. H. Clark and William Corporators. Edinton, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate, under the name and style of the James Baker Lumber Company, and Corporate name. by that name shall sue and be sued, plead and be impleaded in Corporate powall the courts of this State, and adopt and use a corporate seal, ers. and may alter the same at their pleasure, and by and under that name shall contract and be contracted with.

SEC. 2. The corporation shall have full power to buy, sell, Further corpoown, hold and deal in real estate, standing trees and lumber, rate powers. and to buy, sell, own, hold, deal in and manufacture lumber, lumberman's material, lumberman's supplies, furniture, uténsils, implements and other articles made or manufactured from wood or a combination of wood and metal, and to operate saw mills, planing mills, stone mills, shingle mills, dry-kilns and other mills, machinery and apparatus necessary or convenient for the conduct of their business. To float logs down any river May float logs or stream capable of floating logs, to which said corporation down any may desire to extend its operations, unmolested by riparian owners or others with due process of law, build and equip with rolling and other stock and operate all such railroads, tramways, May build rail turnpikes and other roads, and to open all such canals as may and other roads and other roads. be necessary or useful to the conduct of their business, and further the said corporation has hereby conferred upon it all the rights, powers and privileges that chapter 16 of The Code of North Carolina confers upon corporate bodies, and all the pro- Code applicable visions of said chapter now in force in North Carolina are hereby extended to the James Baker Lumber Company.

streams.

and open canals.

to corporation.

hala and take

logs offered.

SEC. 3. Said corporation shall have power to erect splash May erect splash dams in the Nontahala river or any of its tributaries, and after dams in Nontathey have spent the sum of ten thousand dollars in building toll or boomage. dams and removing obstructions in said river and its tributaries they shall have right to take such toll or boomage as may be Tolls a lien on fixed by the officers of said corporation not exceeding two dol- logs. lars per one thousand feet, and said corporation shall have a lien on all logs until said toll or boomage is paid: Provided, Proviso: Corposaid corporation shall take any and all logs when delivered on ration to float all the bank of said river at any point at or below their upper dam and float same to their lower boom at the risk of said corProviso: Corporation not required to take logs in lots less than 500,000 feet. No exclusive privilege granted.

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00 feet.

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Corpoporation: Provided, further, the said corporation shall not be
required to float logs or other timbers in quantities of less than
five hundred thousand feet. Nothing in this act shall be construed to grant exclusive privileges nor to prevent any person
or persons from floating logs down said Nontahala river at their
own risk in any quantities, subject, however, to the above provisions as to the payment of said \$2.00 per one thousand feet
for toll or boomage.

Capital stock.

SEC. 4. The capital stock of said corporation shall be \$25,000.00 dollars, divided into shares of ten dollars each, with the privilege of increasing said capital stock as the corporation may desire to an amount not exceeding one hundred thousand dollars. The said corporation shall choose its principal place or places of business and shall have a corporate existence for thirty-nine years.

Corporation to choose its principle place of business. Term of corporation,

SEC. 5. This act shall be in force from its ratification. Ratified the 24th day of February, A. D. 1897.

CHAPTER 61.

An act to incorporate "The Colored Grand Lodge No. 1. of North Carolina," of the order of Knights of Pythias of N. A. S. A. E. A. and A.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That C. C. Roach, G. C.; John W. Bethel, G.V. C.; J. F. K. Simpson, G. P.; W. H. Norwood, G. M. W.; F. C. Sadgwas, G. K. R. and S.; J. K. Cutter, G. M. E.; A. L. Watiers, G. L.; E. J. Cameron, G. M. A.; W. H. Burton, G. I. G.; J. L. Walker, G. O. G.; and Dr. W. J. Jones, G. M. R., and their associates and successors in office are hereby created and constituted a body politic and corporate under the name and style of the colored "Grand Lodge No. 1 (K. of P.), of North Carolina," and by such name may have succession, and a common seal, and may alter the same at pleasure, may sue and be sued, plead and be impleaded in any of the courts or before any justice of the peace of this State; contract and be contracted with; purchase, lease, hold or receive in its corporate name any property, real, personal or mixed, and have all such rights and privileges as are incident to such corporation.

Corporate name. Corporate powers.

Purpose of corporation.

SEC. 2. That the purpose of this corporation is to mutually aid and provide for its members during sickness, and upon sat-

isfactory proof of their death pay a sum to the widow or legal representatives of the deceased, bury its dead and perform such charitable and benevolent acts as are consistent with the purpose of this corporation.

SEC. 3. That said corporation may pass all such by-laws, rules By-laws. and regulations, not inconsistent with the laws of North Carolina or of the United States, as may be necessary for its govern- Further corpoment; may levy and collect dues, fines and assessments from the rate powers. members of this or subordinate lodges, and may purchase, loan, hold and convey all such real estate as may be necessary for carrying out the object and purposes for which the said colored Grand Lodge was incorporated.

SEC. 4. That subordinate lodges may be established in the Subordinate various portions of the State under the jurisdiction, and sub- lodges. ject to the government, of this corporation, and said corporation and its subordinate branches may 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.

SEC. 5. The private property of the members of this corpora- Members not tion shall be exempt from the corporate debts of the said col- liable. ored Grand Lodge, or members thereof.

SEC. 6. That the said corporation shall have power to create, How funds of hold and disburse the funds collected from its various resources corporation disbursed. for the aid and benefit of the sick, widows or orphans, or the operation of the organization, under such rules and regulations as the said colored Grand Lodge may deem necessary to be adopted; and said funds shall be exempt from all executions, Corporate funds and shall under no circumstances be liable to seizure or appronot liable for debts of mempriation by any legal or equitable process for any debt or debts bers. of its living or deceased members, and said funds shall be Exempt from exempt from the laws and regulations governing insurance companies in this State.

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

Ratified the 25th day of February, A. D. 1897.

CHAPTER 62.

An act to incorporate Mt. Moriah male and female academy.

The General Assembly of North Carolina do enact:

SECTION 1. That R. H. Gower, Hezekiah Pool, Icana Pool, Corporators. Joe Pool, S. R. Pool, Jas. H. Bryant, Albert Busbee, Wm. H. Kelly, N. B. Broughton, and Thomas Johns, their successors,

Corporate powers.

associates and assigns, be and they are hereby declared and created a joint stock company, a body politic and corporate, for the purpose of maintaining a school of high grade near Mt. Moriah Baptist Church, in Wake county, for the intellectual and moral training of the girls and boys of the white race of Corporate name, that community, under the name and style of Mt. Moriah male and female academy, and in and by such name may sue and be sued, plead and be impleaded, and have perpetual succession (and a common seal if they so desire), contract and be contracted with, purchase or receive by gift real or personal property, and hold the same, or may sell or otherwise dispose of or mortgage the same in order to raise money to carry on school or schools as said corporation may in their discretion organize and conduct.

Capital stock.

SEC. 2. That said Mt. Moriah male and female academy may have a capital stock of eight hundred dollars, in shares of five dollars each, and said corporation shall have power to sell, transfer or otherwise dispose of such shares of said capital stock to such person or persons as they shall deem worthy to become members of said corporation, by a vote of two-thirds the stock of said corporation.

Officers.

directors.

Quorum.

All stockholders

Meeting for organization.

Annual meet-

By-laws.

How stock sold.

SEC. 3. The officers of said corporation shall be a president, vice-president, secretary and treasurer, and a board of directors, who shall be composed of all the stockholders of said corporation, a majority of whom shall constitute a quorum, to transact business, each share being entitled to one vote, and a majority of all the stock shall be represented in order to constitute a legal meeting of said stockholders.

SEC. 4. That the first meeting of said corporation for the election of officers shall be held within thirty days after the ratification of this act, and the annual meeting shall be on the first Saturday in June of each year at 2 P. M., unless otherwise ordered by said stockholders. And said corporation shall have the right by a vote of two-thirds of all the stock of said corporation to make such rules and regulations as they deem best for their government and necessary for the promotion of the object of the corporation, not inconsistent with the laws of the State.

SEC. 5. That any member of said corporation owning any interest in the franchise thereof, or the property belonging thereto, may sell or assign or otherwise dispose of the same, provided he shall give the other members of the corporation the refusal of same, and provided the parties to whom said stock is to be sold or assigned is acceptable to the majority of said stockholders, and the person or persons to whom such stock may be sold or assigned shall immediately become a member or members of said corporation, with all the rights, privileges and immunities of the other members thereof.

SEC. 6. No debt or liability shall be created against said cor- How debts may poration except by the consent and vote of three-fourths of all be contracted. the stock held by the members of said corporation. And stockholders of said corporation shall not be personally or individually responsible or liable for any debt created by said corporation.

SEC. 7. That the said corporation may at any time, by and How corporawith the consent and vote of two-thirds of its stockholders, dissolved. representing and owning two thirds of its stock, surrender this charter to the State, and proceed to wind up the affairs of said corporation, and distribute to each of said stockholders such portion of the property or assets of said corporation as the stock owned or held by them may entitle them to receive.

SEC. 8. That whenever the corporation of said Mt. Moriah Public school male and female academy shall conduct or maintain a permatransferred to nent school at said academy for not less than eight months in Academy. the year, then and in that event all those who are or wish to become patrons of said academy school who live in the public school district, in which said academy is situated, or in any other public school district who have children between the ages of six and twenty-one years old, shall be allowed to have the per capita apportionment of the public school funds to which their respective districts received transferred to the officers and managers of said Mt. Moriah academy for their use and benefit in prolonging the school term of said academy: Provided, however, the said patron shall sign a written request Proviso: Petito the public school committee of their respective district that tion for transfer they wish their share, or the share to which their children or for same. wards are entitled to per capita out of the public school funds taught out or used to pay their tuition at said academy. And upon presenting said written request to their respective public school committee, said public school committee shall thereupon certify to the county treasurer and county board of education (county commissioners) such transfer or request, and the said board and county treasurer shall charge the amount to which the said petitions shall be entitled to their respective school districts, and set aside to the credit of Mt. Moriah academy the same amount which he shall pay over to the treasurer of said Mt. Moriah male and female academy, and take his receipt for the same, which receipt shall be a full and ample voucher for him in his settlement with the board of county commissioners of his county. This shall not prevent

fund may be

and proceedure

the public school committee in the district in which said academy is situated from availing themselves of the provisions of section 2591 of laws of 1889 in regard to schools.

SEC. 9. This act shall be in full force and effect from and after ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 63.

An act to incorporate Elizabeth College Company for the education of white girls.

The General Assembly of North Carolina do enact:

SECTION 1. Whereas C. B. King, C. L. T. Fisher, George W. Watts, G. S. Watts and L. A. Carr, by articles of agreement under their hands and seals, did on the 14th day of January, 1897, set forth before the clerk of the superior court of Mecklenburg county as follows:

STATE OF NORTH CAROLINA, Mecklenburg County.

Articles of agreement made and entered into this the 14th day of January, A. D. 1897, by and between the parties whose names and seals are hereby subscribed, for the purpose of forming a corporation under the laws of the State of North Carolina, Witnesseth:

THE CORPORATION NAME.

The name of the corporation shall be Elizabeth College Company.

THE BUSINESS PROPOSED.

The business proposed is the carrying on and conducting a female school and college for the education and instruction of white females.

THE PLACE WHERE IT IS PROPOSED TO BE CARRIED ON.

The place where the proposed business is to be carried on is in the city of Charlotte, or near thereto, in the county of Mecklenburg and State of North Carolina.

THE LENGTH OF TIME DESIRED.

The length of time desired for the existence of the corporation is thirty years.

Preamble.

THE NAMES OF THE PERSONS WHO HAVE SUBSCRIBED.

The names of the persons who have subscribed are C. B. King, C. L. T. Fisher, George W. Watts, G. S. Watts and L. A. Carr.

THE AMOUNT OF THE CAPITAL AND THE NUMBER OF SHARES AND THE AMOUNT OF EACH.

The amount of this capital of this corporation shall be seventy thousand dollars, divided into seven hundred shares, being of the par value of one hundred dollars per share.

That the first meeting of the corporation shall be held in the city of Charlotte, North Carolina, on Thursday, the 4th day of Feby., A. D. 1897, at one o'clock P. M., at the office of Clarkson and Duls, No. 4 law building, in the city of Charlotte, North Carolina aforesaid.

In testimony whereof the said subscribers have hereunto set their hands and affixed their seals this the 14th day of January, A. D. 1897.

Witness:

C. B. KING | Seal], C. L. T. FISHER [Seal].

C. H. Duls.

George W. Watts, by C. B. King, att'y in fact (seal); G. S. Watts, by C. B. King, att'v in fact (seal); L. A. Carr, by C. B. King, att'y in fact [seal].

Which said articles, having been duly proven, filed with said clerk, recorded and certified to the secretary of state, under the seal of said court, such certified copy was, on the 16th day of January, 1897, duly filed and recorded in the office of the secretary of state.

AND, WHEREAS, letters patent under the great seal of the State have been duly issued, declaring such persons signing such articles of agreement a corporation for the purpose and according to the condition of said articles, which said letters have been duly recorded; now the formation of said corpora-Incorporation tion, and all acts of said corporation in pursuance of, and in under general law and corpoaccordance with, said articles of agreement, are hereby in all rate acts confirmed. respects ratified and confirmed, and said corporation is hereby declared and is granted all the powers and rights, and to be subject to all the liabilities conferred and imposed by law on corporations formed before a clerk of a superior court of this State, together with such additional powers, and rights as are in this act contained.

SEC, 2. That said corporation shall have perpetual succession, Corporate may have and use a common seal, which it may alter at pleas- powers. ure; shall be capable in law to sue and be sued, implead and

be impleaded in all the courts of this State; to take, demand, receive, hold and possess all lands, moneys, goods and chattels as natural persons may do under the laws of this State, by purchase, gift, will or otherwise, and may convey said property absolutely, by deed or by way of mortgage or deed of trust, as the corporation may determine; to elect in such manner as it may 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 its own government and for the due and orderly conducting of its affairs and the management of its property.

Power to maintain and operate college.

SEC. 3. That said corporation shall have and is hereby given the power to maintain and operate at or near the city of Charlotte, in the county of Mecklenburg, a college for the liberal education of white girls and women, and for these purposes shall be and is hereby authorized to do all such acts and make all such contracts as may be proper and necessary.

May confer distinctions, honors and degrees.

SEC. 4. That the said corporation shall have and is hereby granted power and authority to confer and award all such distinctions, honors and degrees as are usually conferred or awarded by any of the colleges or universities of the United States.

May construct sewers across highways and connect with city sewers.

SEC. 5. That said corporation shall have, and is hereby granted, power and authority to erect and construct a system of drainage and sewerage from its lands in the property of the Highland Park Company, near the city of Charlotte, over and through the public highway leading therefrom, to the sewers of the city of Charlotte, at their nearest joint, and to connect therewith.

Deed of commissioners of Mecklenburg county to corporation ratified.

SEC. 6. That the deed of the county commissioners of Mecklenburg county, North Carolina, executed by them to said corporation, dated the 11th day of February, A. D. 1897, signed by its chairman and the seal affixed by its clerk, closing the road through what is known as "Torrence Grove," and granting the road through said grove to said corporation, and changing the road to run around and not through the grove, so that the college grounds may be private, is hereby ratified and affirmed, and the road known as the extension of East Trade street, straightened, shall be and is hereby changed as not to run through the said grove as contemplated, but run around the grove as agreed upon by the county commissioners for Mecklenburg county, North Carolina, at their February meeting, A. D. 1897, and the road as changed shall be fifty feet around the grove, and as agreed upon by the said county commissioners and fully set forth in a deed dated the 11th day of February, 1897, executed by the "Highland Park Company" to the

Extension of Trade street to run around Torrence Grove.

board of county commissioners for Mecklenburg county, N. C. That this change of the road as made by the county commis- Change of road sioners of Mecklenburg county, N. C., shall be and the same is hereby declared to be valid without any further action of any other body or corporation.

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 25th day of February, A. D. 1897.

CHAPTER 64.

An act to incorporate "the Bank of Brevard," at Brevard, North Carolina."

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. Gash, Z. W. Nichols, J. A. Maddrey, Corporators. J. W. McMinn, Geo. H. P. Cole, and their associates, successors and assigns, are hereby constituted and declared a body politic and corporate, by the name and style of "the Bank of Corporate name. Brevard," with its principal office and place of business at Brevard, North Carolina, and by that name may sue and be Location. sued, plead and be impleaded in any court in the State, and Corporate have a continual succession for the term of ninety-nine years.

SEC. 2. That the capital stock shall not be less than ten Capital stock, 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.

SEC. 3. That the corporators named herein, or any three of Books of subthem, are hereby empowered to open books of subscription to scription may be opened. 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 representing a majority of the stock, may at any time, at any general meeting called, after the organization of said corporation at their discretion, re-open books of Books may be subscription to said capital stock, until the same as herein re-opened. limited is wholly taken.

SEC. 4. Whenever ten thousand dollars shall be subscribed Meeting for and paid into the capital stock of said bank, the before men- organization. tioned corporators, or any three of them, may call a meeting

Directors.

Vacancies.

President and officers.

Powers of President and directors.

Bank of issue.

Further corporate powers.

May take crop lieus.

May lend upon mortgage.

May do warehouse business. 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, and so many, as they deem proper and sufficient, who shall hold their offices 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, bookkeeper, and all other such officers as may to them be deemed necessary, to serve during their continuance in office, or until their successors shall be elected or appointed by the said board of directors.

Sec. 5. The president and directors of said corporation may adopt and use the 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 not to exceed the rate allowed by law, and deposits taken, and when dividends of the profits, and the amount thereof, shall be made and declared, they shall fill all vacancies occurring among the officers or agents of said corporation; they may call meet_ ings of the stockholders at such time, and upon such notice, as they may deem proper, and at all such meetings of the stockholders said stockholders may be represented by written proxy, and each share shall be entitled to one vote.

SEC. 6. That said bank may receive and pay out all lawful currency of its own issue, under all rights, powers and authority, and under such instructions as may be imposed by the laws of this State, and of the United States, as to circulation by State banks; may deal in exchange, gold and silver coin, current and uncurrent paper, public, municipal, and other securities; and for the purpose of aiding planters, manufacturers, and others, said bank shall and may have power to loan any sum or sums of money, and to secure the repayment of 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 estate and personal property, with power of sale inserted upon default of payment; said bank shall also have power to receive in storage, or warehouse, any cotton, tobacco, wheat, corn, peanuts, potatoes, oats or any other article of produce, trade or manufacture, as a pledge or pledges for the repayment of the 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 mortgage; said bank 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, miners, femes covert, upon such terms, Minors and marand the manner and time of collection and payment as may be ried women. 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 time as may be agreed upon; said bank may invest in stocks, bonds, or other securities of this State, the United, or any corporation, public or private, of this or any other State in the union, and may 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.

SEC. 7. That the said bank may guarantee or become surety upon any official or other bond or undertaking, required or surety on official 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 regulations 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 bank shall be consistent with the laws of the State.

bonds.

SEC. 8. The said bank may purchase and hold property, real, May hold proppersonal or mixed, and such as may be conveyed to it to secure erty of all kinds. or satisfy any debt due it, or for any other purpose, or any sold under any 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.

SEC. 9. That whenever any deposits shall be made by any Deposits of minminor feme covert to said corporation, may at its discretion pay ors and married women. 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 liabilities on account thereof.

How subscription of delinquent subscribers recovered.

SEC. 10. If any subscriber shall fail to pay for his stock or any part thereof as the same is required by him, the entire amount upon said stock shall be due, and may be recovered in the name of the said corporation by civil action, either in the county of the office of said corporation or of the residence of said delinquent, or the entire stock of the said delinquent may be sold in the said town of Brevard, after ten days' notice, at the door of said bank, by posting, and if the proceeds thereof shall not be sufficient to discharge the amount unpaid, with all costs and expenses of such sale, the delinquent shall be liable for the balance found still deficient, to be collected as aforesaid by civil action; or such stock, after ten days' notice given by the cashier to such delinquent in writing, 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.

Subscribers and assignees jointly liable to corporation.

May act as agent, factor or trustee for municipal or other corporations or individuals.

SEC. 11. That said bank shall have the right to act as agent, factor, or trustee from 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 upon, in registering, selling, countersigning, collecting, acquiring, holding, deeding and disposing of an 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 stocks, notes, etc., and generally for managing such business; and for doing any and all other matters and things authorized by this charter, said corporation may charge such premiums, commissions, or rate of compensation as may be agreed upon, and which is not prohibited by law.

May receive deposits for safe keeping. SEC. 12. 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 corporation 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 exec-

May accept and exercise trusts.

May act as executor, admistrautor, administrator, collector, guardian or assignee whenever tor, collector, such appointment is made or conferred by any person or per- assignee. sons or court of this State, or of the United States, and shall be clothed with the same powers, and shall be under the same restrictions, as private individuals in the same capacity. In lieu Undertaking and of the bond required by law to be given by an administrator, security in lieu of guardian, trustee, receiver or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court the said bank shall file in the office of the clerk of the superior court of Transylvania 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 security in the sum of --- dollars, conditioned for the faithful performance of any trust which may be committed to the said bank by order of any court of North Carolina, as aforesaid. In case of wilful default in the perform- Undertaking to ance of any trust so committed to said bank, as aforesaid, the be sued upon in 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 Transylvania county, whenever it shall Court may be made satisfactorily to appear by sworn testimony that it is require undernecessary in order to secure the faithful performance of all of enlarged. 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 What to be evisuperior court of Transylvania county, and if secured by the dence. 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 courts of North Carolina. And the superior court wherein the said company shall have been Court appointing appointed guardian, executor, administrator, receiver, trustee company to make orders conor depository shall have the power to make orders respecting cerning its trusts. such trusts, and to require the said company to render all And require accounts which said court might lawfully make or require if accounts. such trustees were a natural person. And in accepting any of How corporation the trusts or powers hereunder, the said corporation may qual- to qualify. ify by one of its executive officers.

SEC. 13. The said bank shall have discretionary power to How funds invest the funds received by it in trust in bonds of the United received in trust invested.

guardian or

case of default.

Liability of corporation.

Liability for income rents and profits.

Stockholders not individually liable.

May do savings bank business.

Corporation liable to savings department.

Branches may be established.

Proviso: License tax to be paid.

States, or 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 made at the sole risk of the bank, and for any losses by reason of such investments the capital stock, property and effects of said corporation shall be absolutely liable. The bank 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.

SEC. 14. No stockholder shall be in any wise individually liable or responsible for any debts, obligations, contracts or engagements of said bank, beyond the amount subscribed by such stockholder, and no stockholder shall be individually liable to depositors or other creditors of said bank beyond the amount of stock subscribed by each stockholder.

SEC. 15. Said bank is fully authorized and empowered to organize, in connection with its general banking business, a department for saving, and to do 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 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 no wise be considered separate and distinct of said incorporation, 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.

SEC. 16. The president and directors may establish agencies of this bank at such times and places as they may designate, and such agencies may be removed or terminated at any time; such agencies shall have the same powers as are prescribed for the corporation hereby chartered, and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of the said bank: *Provided*, the license tax be paid to the Treasurer of the State of North Carolina, and a

receipt for said tax from the Treasurer shall be a sufficient power and authority to establish the said agency under this

SEC. 17. Said corporation may be organized under this act at When corporation to organize. any time within two years from the date of its passing.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1897.

CHAPTER 65.

An act to amend the charter of the Southern Trust and Guarantee Company.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and forty- Further corpofive, private laws of eighteen hundred and nintey-three, be rate powers amended by adding to the words North Carolina at the end of said section these words, "and all the power, rights and privileges granted to the bank of Henderson by virtue of the act of eighteen hundred and eighty-five, chapter sixty-five."

SEC. 2. That the said Southern Trust and Guarantee Com-Time for organipany is hereby given two years from the passage of this act zation extended. within which to complete its organization.

SEC. 3. This act shall be in force and effect from its ratification. Ratified the 26th day of February, A. D. 1897.

CHAPTER 66.

An act to amend the charter of the town of Pollocksville, Jones county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-seven (157) of Good and lawful the laws of one thousand eight hundred and eighty-three (1883) feuce to be built be amended as follows: Add to section four (4) of said chapter, before any ordinater the word "dollars," in line three (3), "provided that the stock to run at commissioners of the town of Pollockerilla about the large shall be commissioners of the town of Pollocksville shall not pass or large shall be enforced, put in force any ordinance of said town forbidding stock to run at large in said corporation, under penalties and fines, until said commissioners shall, by taxation or private subscription, cause a good and lawful fence to be built around said corporation, with gates across all public roads leading into said corporation."

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 67.

An act to amend the charter of the town of Selma in Johnston county.

Section 1. That section six of chapter sixteen of the private

The General Assembly of North Carolina do enact:

Town commissioners may levy license tax for selling liquors.

laws of North Carolina, passed by the General Assembly at its session of eighteen hundred and seventy-two (1872) and eighteen hundred and seventy-three (1873) be, and the same is hereby amended by adding thereto: They shall have all the powers conferred on town commissioners by chapter 62 of volume 2 of *The Code* of North Carolina, and in addition thereto, they may levy a tax on all persons, apothecaries and druggists excepted. retailing or selling spirituous, vinous or malt liquors of the measure of a quart or less, not exceeding three hundred dollars, and of the measure greater than a quart one hundred dollars.

Apothecaries and druggists excepted.

Amount of license.

Mayor of town made a special court with criminal jurisdiction of Justice of Peace.

Conservator of the peace. May cause persons charged with crime and found within the town to be arrested and bound over for appearance or imprisoned. Jurisdiction for violation of town ordinances.

SEC. 2. That the mayor of the town of Selma is hereby constituted a special court with all the jurisdiction and powers in criminal offenses 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, and exclusive original jurisdiction to hear and determine all charges of misdemeanors, consisting of violations of the ordinances of said town, to hear and determine all actions, to recover fines and penalties for violations of said ordinances, and to enforce penalties by issuing executions upon any judgments rendered by him, and to execute the ordinances of said town, and his endorsement of the names of witnesses upon a warrant or summons 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 or ordinances of said town.

May issue process without complaint.

Proceedings in Mayor's court. SEC. 3. That all proceedings in the mayor's court shall be the same as are now or shall be hereafter 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 Johnston.

Process of Mayor to whom issued.

SEC. 4. That the mayor may issue his precepts, processes and warrants to the constable of said town and to such other officers

to whom a justice of the peace may issue his precepts, and the same may be served by any officer authorized to serve process anywhere in the county of Johnston.

SEC. 5. That the said mayor shall have all other powers and Mayor to have jurisdiction which are conferred upon mayors of towns by and jurisdiction chapter sixty-two of volume two of The Code of North Carolina. of Mayors under general law.

SEC. 6. That whenever a defendant or witness, or other per- Persons senson shall be adjudged to be imprisoned by the said court, it onment may be shall be competent for the said court to sentence such persons worked on streets. to be imprisoned for a term not exceeding thirty days, and to adjudge also that such person or persons work on the streets of said town during the period of such confinement, and the said mayor and commissioners shall have power and authority to provide for the proper custody and control of all persons sentenced to work upon said streets.

SEC. 7. That in all cases where judgment may be entered Person failing to against any person for fines or penalties or cost, and the person or cost may be against whom such judgment is entered refuses or is unable to worked on streets in dispay such fine, penalty or costs, it shall be lawful for the mayor charge of same. to order such persons to work on the streets, or other public works of said town, until at fair wages such person or persons shall have worked out the full amount of such judgment and

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

Ratified the 26th day of February, A. D. 1897.

CHAPTER 68.

An act to authorize the city of Charlotte to issue negotiable bonds for water works and sewerage purposes, and to ratify the action of the board of aldermen and of the qualified electors of said city in authorizing the issue of bonds for said purposes.

WHEREAS, the board of aldermen of the city of Charlotte on Preamble. or about January 6, 1896, duly passed an ordinance providing for the submission to the voters of the city of the question whether bonds of the city to an amount not to exceed three hundred thousand dollars should be issued, and the money derived from their sale be applied to obtaining a more abundant and cheaper supply of water for both public and private uses, and a corresponding increase and improvement of the city

sewers, as appears by the said ordinance; and also duly provided by ordinance for the holding of an election of the qualified voters in said city to vote upon the said question, and caused due notice to be given of said election, and afterwards, on or about February 18, 1896, an election was held in said city, at which the said question was submitted, and the issue of the said bonds for the said purposes was duly approved by a vote of a majority of the qualified voters in said city; and,

WHEREAS, the said city, acting through its board of aldermen and other proper officers, has made an agreement with the Charlotte City Waterworks Company, a corporation organized under the laws of this state, owning and operating a waterworks system in the said city of Charlotte, in and by which agreement it has been provided that the said waterworks company shall sell and said city shall buy the waterworks and other property of the said waterworks company: Now, therefore,

The General Assembly of North Carolina do enact:

Board of Aldermen authorized to issue bonds.

SECTION 1. That the board of aldermen of the city of Charlotte be, and they are hereby authorized to issue negotiable coupon bonds for the purpose of procuring money to enable the city to obtain a more abundant and cheaper supply of water for both public and private uses, and to make an increase and improvement of the city sewers, including the purchase of the waterworks property of the Charlotte City Waterworks Company on such terms as have been or may be agreed upon by and between said company and the said city of Charlotte. acting through its board of aldermen; Provided, the total issue of bonds authorized by this act shall not exceed the sum of two hundred and fifty thousand dollars. Said bonds shall be in such form, and of such denominations, and shall be payable at such time or times and place, and shall bear such rate of interest payable semi-annually, as the board of aldermen of said city has determined or may be reafter determine.

Proviso: Total issue uot to exceed \$250,000, Form and denomination of bonds.

How bonds to be signed and countersigned.

How coupons to be signed. Purchaser not bound to see to application of purchase money. Action of Board and election ratified.

Said bonds shall be signed by the mayor, countersigned by the treasurer, and sealed with the corporate seal of the city. attested by the city clerk.

The coupons on said bonds shall bear the engraved or lithographed signature of the clerk.

The purchaser of said bonds shall not be bound to see to the application of the purchase money.

SEC. 2. That the action of the board of aldermen and of the qualified electors in said city in authorizing the issue of bonds

for the purposes mentioned in section one of this act be, and the same is hereby ratified and approved; Provided, however, Proviso: that the total issue of bonds authorized by this act shall not exceed \$250,000. exceed the sum of two hundred and fifty thousand dollars.

And the bonds so issued are hereby declared to be the valid Bonds issued and legally binding obligations of the said city.

SEC. 3. That the board of aldermen of the city of Charlotte is special taxes for hereby required and directed to levy and collect, in addition to interest of bonds. all other taxes in said city, an ad valorem tax upon all property in said city sufficient to pay the interest on said bonds as the same becomes due; and also, at or before the time when the principal of said bonds becomes due, to levy and collect a further special tax to pay the same or to provide for the pay-

ment thereof. Such special taxes shall be levied and collected at the same To be levied and time and in the same manner as the other taxes upon the property in said city.

SEC. 4. That the board of aldermen of said city of Charlotte Board to control is hereby authorized to operate, manage and control the said water works. water works, and for this purpose to appoint such agents, serv- Agents and water works, and for this purpose to appoint such agents, set a employees. ants and employees as they may deem proper, and pay the How paid. same out of the revenues from the said water-works, or from any other revenues of the said city not otherwise appropriated.

SEC. 5. This act shall take effect from and after its passage. Ratified the 27th day of February, A. D. 1897.

CHAPTER 69.

An act to incorporate the town of Redmon, Madison county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Redmon, in the county of Madi-Town incorposon, be, and the same is hereby, incorporated under the name rated. and style of the town of Redmon, and may be subject to the provisions of chapter sixty-two (62), volume second of The Code, entitled "towns and cities."

SEC. 2. That the corporate limits of said town shall be as fol- Corporate limits. lows, to-wit: One fourth of one mile in every direction from W. D. Redmon's present place of business, in said county of Madison, No. 6 Township, and on the waters of Sandy Mush creek.

Liquors may be sold by manufacturers only. Proviso: Persons selling liquors to have complied with law governing same. SEC. 3. That it shall be lawful for persons to sell spirituous, vinous and malt liquors of their own manufacture, and none other, within the incorporate limits of said town or within one-fourth of one mile of said W. D. Redmon's said present place of business; *Provided*, that all other requirements of the law of such persons are complied with.

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 27th day of February, A. D. 1897.

CHAPTER 70.

An act to incorporate Hodge's school, in Davie county, North Carolina.

The General Assembly of North Carolina do enact:

School incorporated.

SECTION 1. That Hodge's School, in Augusta, Davie county, North Carolina, be and the same is hereby incorporated, under the name and style of Hodge's School.

May issue diplomas.

SEC. 2. That said college shall have the right to issue to students diplomas standing a satisfactory examination in the following branches or courses, first, for business courses; second, for courses in short hand and typewriting; third, for the classical or academical courses.

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 27th day of February, A. D. 1897.

CHAPTER 71.

An act to amend and consolidate the acts incorporating the town of Morven, Anson county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Morven, in the county of Anson, be and the same is hereby incorporated, under the name and style of "the town of Morven," and that T. V. Hardison, G. A. Martin, W. F. McQueen, D. A. Liles and T. F. Meisenheimer

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 style of cor-Morven," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of thirty thousand dollars.

poration.

That R. J. Bancow, the present mayor of said town, and the Present Mayor commissioners aforesaid, shall continue in office as such, and signers to commisperform all the duties pertaining to their offices of mayor and tinue in office. commissioners of said town until their successors shall be elected and qualified as heremafter provided.

signers to con-

SEC. 2. That the corporate limits of said town shall be and Corporate limits. are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at a stake in a branch head, one maple and two black gum pointers (the same being the northeast corner), and runs south 10 west eighty chains to a stake, three post oak pointers; then north 89% west eighty chains to a stake in J. L. Pratt's field, one pine stump pointer (about ten feet east of stake); then north 10 east eighty chains to a stake in J. E. Moore's field; then south 891° east eighty chains to the beginning.

SEC. 3. The officers of said town shall consist of a mayor and Town officers. five commissioners, to be elected by the qualified voters of said town annually, on the first Monday in May,

SEC. 4. Said election of said mayor and commissioners shall Where election be held at the mayor's office in said town, and no person shall held. be entitled to vote at said election, or at any election in said voters. 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.

Qualification of

SEC. 5. It shall be the duty of the commissioners of said town, Commissioners on the second Monday in March, in each year, to appoint a to appoint registrars and jndges registrar and three judges of election, who shall be qualified of election. 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 publica-Registrar to tion at the door of the mayor's office and three other public make publicaplaces in said town of his appointment as such. He shall be furnished with a registration book, by the commissioners of Registration said town, and it shall be his duty to revise the existing regis-book to be furnished and tration book of said town in such a manner that said book shall revised. show an accurate list of electors previously registered and still residing in said town without requiring such electors to regis-

When registration book to be kept open.

Challenges.

Proviso: Challenges may be made at any time.

Name of person challenged and found disqualifled to be erased.

New registration.

Registrar and judges to be sworn.

Registration books opened for inspection.

Duties of registrar and judges on election day.

Poll books to be kept.

ter anew. He shall also, between the hours of sunrise and sunset (Sundays excepted,) on each day, 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, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: Provided, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter his name shall be erased from the registration book, and he shall not be allowed to vote at any election in said town or do not appear on the revised list; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

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.

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 open to the inspection of the electors of said town, held in said town for municipal purposes.

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 lists and deposit them with the clerk and treasurer of certified and said town, and said poll books shall in any trial for illegal or deposited with fraudulent voting be received as evidence.

If for any cause any of the judges of election shall fail to If judge of attend, the registrar shall appoint some discreet person or per-ejection fail to attend regissons to fill the vacancy, who shall be sworn by him before act- trar to appoint. ing.

SEC. 9. The voters shall vote by ballot, having the name of Ballots. 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 Result of election elected by the judges of election, who shall certify said fact to declared and certhe town clerk and treasurer, and in case of a tie, the judges of of election. election shall determine by ballot who is elected.

SEC. 10. That no person shall be eligible to any office in said None but voters town, unless he shall be a qualified voter therein.

SEC. 11. That immediately after each election it shall be the Mayor and comduty of the town clerk and treasurer to notify, in writing, the missioners elect to be notified. mayor and commissioners elect of their election.

SEC. 12. That the mayor and commissioners elect shall, within Mayor and comthree days, after having been notified by the town clerk and qualify within treasurer, before some justice of the peace in said county, take the oath prescribed for public officers, and on oath that they will faithfully and impartially discharge the duties imposed on them by law.

SEC. 13. That any person elected mayor or commissioner of Mayor or comsaid town, under the provisions of this charter, refusing to qualify and act as such for one month after such election, shall ify and act to forforfeit and pay the sum of fifty dollars, one half to the use of How forfeiture 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 How forfeiture civil action before a justice of the peace of said county in the recovered. name of the State of North Carolina.

SEC. 14. That a majority of said commissioners shall consti- Quorum of comtute a quorum for the transaction of business.

SEC. 15. That the mayor, when present, shall preside at all Mayor to preside meetings of the commissioners; he shall also have power to call meetings, when he may deem it necessary, and may vote only sioners. in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor pro tempore, who shall while acting as such Mayor pro tem, have all the powers and authority conferred by this charter on the mayor of said town.

clerk Shall be received in evidence.

How ties decided.

eligible to town offices.

missioners to

refusing to qualfeit fifty dollars.

missioners.

at and call meetings of commis-

Commissioners to fill 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 the first meeting after their election, select some one as town clerk and treasurer, who shall hold office for one year, or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties, to be approved by the board of commissioners of said town, in the sum of five hundred dollars, payable to the state of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town, and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of said clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he fail, if for thirty days after having been required to make such exhibit, to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant, and to appoint his successor. All suits, entered on the official bond of any of

To give bond.

Commissioners may require monthly statement.

Suits on bonds brought in name of State.

Town constable.

To give bond \$500.

town of Morven, against the said official and his sureties. SEC. 18. The said commissioners shall, at the first meeting after their election, select some one to act as constable of said town, who shall hold his office for one year, or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of 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 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.

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

SEC. 19. The commissioners of said town shall have power to By-laws and regmake such by-laws and adopt such regulations or ordinances ulations and 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 may abate or prevent nuiabating and preventing nuisances of any kind therein.

SEC. 21. Any person or persons violating any ordinance of Violation of said town shall be deemed guilty of a misdemeanor, and shall a misdemeanor. be punished upon conviction thereof before the mayor of said town, by a fine not exceeding fifty dollars or by imprisonment Penalty. not exceeding thirty days.

SEC. 22. In all cases where an offender has been convicted Persons failing before the mayor of said town, for the violation of any of the be worked on ordinances thereof, and a fine has been imposed on such streets. 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 Morven 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 Jurisdiction of 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 Powers of town placed in his hands by the mayor, shall have authority to constable. preserve the peace of said town, and within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the county, and in the collection of the taxes of the said town levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

SEC. 25. It shall not be lawful for the mayor or any commistodemand or sioner of said town, town clerk or constable, or any other receive pay for labor done or official officer of said town, to demand or receive either directly material furor indirectly any consideration for work or labor done, or issed for the

Commissioners sances.

Proviso: Compensation of Mayor, clerk and constable. material furnished to said town by said officials: *Provided*, *however*, that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer and town constable.

Powers of commissioners in laying 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 condemu 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.

Procedure in obtaining land for streets.

Proceedure for condemnation,

Constable to notify land own-

Jurors sworn by Mayor.

Improvement to be considered.

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 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 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 owers of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting, and the purpose of their meeting, for five days before the day when the said jurors will meet, to open and lay out any new street, or alter, change or discontinue any street already laid out, said jurors, attended by the constable after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets, as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvements to said land or lands caused by the opening or 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 Jurors to make their proceedings to the mayor of said town, and the board of returns under hand and seal. commissioners of the said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to Payment or the owner or owners of said land by the town clerk and treas- tender of damage assessed. urer, 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 con- Commissioners struct and repair sidewalks on any of the streets of the said may construct and repair side-

walks.

SEC. 28. The commissioners of said town may establish a mar- Establishment ket and regulate the same, and prescribe at what place in the and regulation of markets. corporation shall be sold marketable things, and in what manner, whether by weight or measure.

SEC. 29. The commissioners of said town may take such meas- Contagious or ures as they may deem requisite or pass such ordinances or infectious diseases. 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. 30. That it shall not be lawful for the board of commis-Liquor license sioners of Anson county to grant any license to retail spirituous not granted or malt liquors within the corporate limits of said town without of town compermission first obtained from the board of commissioners of missioners. said town, in being at the time of application to the said county commissioners, and if any license to retail spirituous or malt liguors within said town shall be granted by said county commissioners without such permission in writing attested by the clerk or secretary of the board of commissioners of said town, and exhibited to the board of county commissioners and filed with their clerk and entered on the minutes of their proceedings, the same shall be utterly void. Every person selling spirituous or who deemed malt liquors, including druggist, within the corporate limits of retailers. said town in quantities less than five gallons, shall be deemed a retailer thereof within the provisions.

without consent

SEC. 31. The board of commissioners of said town shall have Town taxes. power annually to levy and caused to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, and all

Proviso: Limitation.

Valuation of property.

to be due.

When town taxes

Town tax returns to be given in.

What list to state.

Returns for town taxes to be made to town clerk.

Returns of fiduciaries.

Individual property of fiduciaries first distrained.

other personal property, and on the taxable polls within the limits of the said town: Provided, however, that the taxes levied by them shall not exceed forty cents on the hundred dollars valuation on all real and personal property, and one dollar and twenty 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.

SEC. 32. That all taxes levied by said town commissioners shall be due and payable on the first day of October of each year to the constable of said town, and after that time may be collected by him by distraining any personal property of the tax payer to be found within said town.

SEC. 33. On the first Monday in June in each and every year the town clerk and treasurer of said town shall by advertisement at the door of the mayor's office, and at 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 (30) days from publication of said notice, all persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax payers 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 Morven Township to be assessed for taxation for state and county purposes.

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 (33) 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. 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 prop-

erty as aforesaid to distrain any personal property of said guardians, executors, administrators or trustees to be found in said town.

SEC. 36. The town clerk and treasurer of said town shall make Lists of taxable out a full and complete list of all taxable property in said town polls. so returned to him, and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk, as herein provided for, for thirty (30) days after the second (2d) 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 Persons failing and poli shall be liable to double property and poll tax, to be double tax, collected as other property and poll taxes. The town clerk of When list to be 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 (3d) Monday in August of each year, such tax list or a copy thereof certified by the clerk when placed in the hands of the town constable shall have the force and the effect of an execution.

SEC. 37. The lien of the town taxes shall attach to all real When lien for property subject to taxation on and after the third (3d) Mon- taxes to attach. day in August of each year, and shall continue until such taxes To continue until together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax payers Personal propwithin the town shall be liable to be seized and sold after ten erty liable to distraint. (10) days' notice at the mayor's office and four (4) other public places in said town in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

tax paid.

SEC. 38. Whenever the taxes due of said town shall be unpaid How unpaid the constable of said town shall immediately proceed to collect taxes collected. them as follows: first, if the party charged, or his agents 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 Fees of conshall be fifty (50) cents; second, if the party charged has not stable. 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 what levy to the name of the owner or owners, the amount of taxes due by contain.

the delinquent, and a list thereof shall be by the constable List of levies returned to the town clerk and treasurer, who shall enter the returned.

same in a book to be kept for that purpose, charging therefor Fee of clerk.

the sum of twenty-five (25) cents for each levy; third, the con-

Notice to delinquent.

stable 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 mayor's office and four (4) other public places in said town at least thirty (30) 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 mayor's office 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 (1) 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

Notice of sale to be posted.

Where and when sale to be made.

Delinquents to be notified of purchaser.

How sales to be made.

Mayor may bid for town.

Delinquent may hold possession and redeem. How land may be redeemed,

SEC. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of the taxes, with all the expenses for the smallest part of the land. At all such sales the mayor may become a bidder, and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and cost for a less quantity.

sum paid, and of the amount of the taxes and costs to be paid

by such delinquent as a condition of its redemption.

Sec. 40. The delinquent may retain possession of the property for twelve (12) months after the sale, and within that time redeem it by paying the purchaser the amount paid by him, and twenty-five (25) 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. 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

Constable to give receipts to purchasers.

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.

SEC. 42. If the delinquent, his agent or attorney, shall fail to If delinquent fails to redeem redeem as provided in section forty (40) hereof for twelve (12) constable to exemonths, at the expiration of that time the purchaser may purchaser. present his receipt referred to in section forty-one (41) 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-atlaw 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 (\$1.00) dollar, to be paid by the Fee of constable. purchaser. The deed from the constable to the purchaser shall Constable's deed be registered in the register's office in Anson county within six (6) 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

SEC. 43. All real estate bid in by the mayor of said town for Land bid in for the use of the town at sales made by the constable for taxes town may be redeemed. 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 (25) per centum additional to the town clerk and treasurer within twelve (12) months.

SEC. 44. The commissioners of said town shall have power to License and annually levy and cause to be collected for the necessary privilege taxes. expenses of said town such privilege taxes as shall seem to them fair and equitable on the profession, 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 pictures, on all officers or agents of incorporated companies, on all clerks or employees of other persons or corporations, on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer, and not in the name of the person, firm or corporation for whom he is is acting or doing business; on all editors, printers, butchers, tinners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon makers, jewelers, liquor dealers, confection grocers, bartenders, 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 and organs, on all pistols, dirks, bowie knives, or

sword canes; on every livery stable, cotton gin or turpentine or other distillery; on every hotel or boarding house, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies; on all horses, cattle, sheep, hogs, goats or dogs, owned or kept in said town, on every stallion, jackass, kept or exhibited in said town; on all itinerant trades, peddlers or bankers; on all and every person or persons, company or companies, who may exhibit, sing, play, act or perform on any thing for which they charge or receive any gratuity, fee or reward or award whatsoever, within the limits of said town, and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Sale of liquors under control of town.

SEC. 45. The board of commissioners of said town shall have commissioners of full and complete control of the sale or vending of spirituous or malt liquors, wines or cider, within the limits of said corporation, and may permit the same to be sold by persons of good moral character, resident therein; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the amount of the license tax therefor, which shall not exceed two thousand dollars, and when the same shall be due and payable, and shall have full power and authority to revoke and annul any license by them granted at any time, without refunding any part of the license tax.

License not to exceed two thousand dollars Commissioners may revoke license.

Town ordinances to be posted.

When ordinances take effect.

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 mayor's office, 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.

SEC. 47. That all laws heretofore passed for the better government and regulation of the town of Morven, in conflict with this act, be and the same are hereby repealed.

SEC. 48. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 72.

An act to incorporate the town of Dudley, in Wayne county, North Carolina.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town now known as Dudley, in Wayne county, be and the same is hereby incorporated, and shall have

the benefit of and be subject to all the provisions of law now existing in reference to incorporated towns not inconsistent. with this act.

SEC. 2. That the incorporate limits of said town shall be as Corporate limits. follows: Beginning at the two poplar trees at the Vicy Grant Branch, near her house, and runs thence N. 834 W. 54 chains to a maple tree at the south edge of King's Branch, thence S. 61 W. 55 chains to a small water oak at the Henry ford, thence S. 833 E. 54 chains to a stake in Giles Kornegay's field, thence N. 64 E. 55 chains to the beginning.

SEC. 3. That the officers of said incorporation shall consist of officers. a mayor and three commissioners, and the following named persons shall fill said offices until the first Monday in May, 1897, viz.: Mayor, J. W. Hatch; commissioners, Chas. W. Winn, R. B. Rhodes and Andrew Hargrove.

SEC. 4. That there shall be an election held for the offices Town elections. mentioned in this act on the first Monday in May, 1897, and each succeeding year thereafter. All citizens eligible to vote, and Qualification of residing within the incorporate limits, who have been in the state twelve months, and in the county thirty days, and in the town thirty days shall be entitled to vote at said election.

SEC. 5. The mayor, who shall be chairman of the board of When town govcommissioners, and the commissioners shall organize upon the ernment to organize. ratification of this act, and shall be authorized to levy a tax not Town taxes, to exceed 20c. on the 100 dollars and 60c on the poll, and shall form ordinances for the better government of the town, and Town ordihave power to elect a treasurer and policemen, and collect the nances. tax so levied.

SEC. 6. That the clerk of the court for the county of Wayne Clerk of Superior shall appoint one registrar and two poll holders, upon the Court to appoint registrars and recommendation of the mayor and board of commissioners, who poll holders. shall hold the election as provided in this act.

SEC. 7. That nothing in this act shall be so construed as to Prohibitory laws repeal or in any way effect any provisions of the laws of 1895 not repealed. which prohibited the sale of intoxicating liquors in this town. SEC. 8. That this act shall be in force from and after its rati-

fication.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 73.

An act to incorporate the Grand Lodge, Knights of Pythians, of North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Charles A. Webb, of Asheville; Washington Cathlett, of Wilmington; R. H. Rickert, of Statesville; P. R. Law, Greensboro; Thomas D. Means, of Wilmington; W. S. Cook, of Fayetteville; Walker Taylor, of Wilmington; and F. T. Ward, of Raleigh, all of the state of North Carolina, holding a regular charter from the Supreme Lodge, Knights of Pythians, and their successors, be, and they are hereby incorporated and made a body politic and corporate in the state of North Caro-Corporate name, lina, by the name of "The Grand Lodge, Knights of Pythians, of the Domain of North Carolina," and by that name it may sue and be sued, plead and be impleaded in any court of law or equity, and may have and use a common seal, and change the same at pleasure, and be entitled to use and exercise all the powers, rights and privileges incidental to fraternal and benevolent corporations within the state of North Carolina.

Corporate powers.

Corporate property.

> SEC. 2. That the said corporation shall have the power to take and hold real and personal estate, not exceeding in value one hundred thousand dollars, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the fraternal and benevolent purposes of said corporation.

Claims for and against former corporation to survive to and against this corporation.

Proviso: tions barred.

Statute of limita-

Constitution and by-laws.

Proviso.

SEC. 3. That all claims, accounts, debts, things in action or other matters of business of whatever nature now existing for or against the present Grand Lodge, Knights of Pythians, of the domain of North Carolina, mentioned in section one of this act, shall survive and succeed to and against the body corporate and politic hereby created: Provided, that nothing contained herein shall be construed to extend the operations of any law which provides for the extinguishing of claims or contracts by limitation of time.

SEC. 4. That said corporation shall have a constitution and shall have power to amend the same at pleasure; shall have the power to enact laws for its own government and the government of its subordinate lodges, and shall have the power to amend same at pleasure: Provided, that such constitution, laws, or amendments thereof, do not conflict with the laws of the United States or the state of North Carolina.

SEC. 5. That said corporation shall not engage in any busi- Corporation not ness for gain, the purposes of said corporation being fraternal iness for gain. and benevolent.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 74.

An act to amend chapter three hundred and ten of the private laws of North Carolina, ratified by the general assembly on the ninth day of March, Anno Domini eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and Principal offices ten of the private laws of North Carolina, ratified on the ninth of Yadkin Mining, Smelting, day of March, Anno Domini eighteen hundred and ninety-one, Manufacturing be amended by striking out the word Thomasville and inserting provement Comthe word "Salisbury."

and Land Impany changed.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 75.

An act to amend chapter sixty-four of the private laws of North Carolina, ratified on the twenty-eighth day of February, Anno Domini eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter sixty-four of the pri- Principal office vate laws of North Carolina, ratified on the twenty-eighth day of Southern Mining, Smelting and be amended by striking out the word Thomasville and inserting the word "Greensboro."

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

'Ratified the 1st day of March, A. D. 1897.

CHAPTER 76.

An act to authorize the commissioners of the town of Monroe to issue bonds to construct water-works.

The General Assembly of North Carolina do enact:

Issue of bonds anthorized.

Amount and denomination.

able.

Bonds and coupons to be numbered.

Coupons receivable for town taxes. Bonds exempt from municipal taxation.

How bonds issued and attested.

How bonds disposed of.

Not to be sold at less than par.

Clerk to keep record of bonds.

Special tax to be levied.

Limitation.

Revenues from water works.

SECTION 1. That the commissioners of the town of Monroe, in Union county, for the purpose of constructing water-works and supplying said town with water, are authorized and empowered to issue bonds, bearing interest at the rate of six per centum per annum, to the amount of thirty thousand dollars, of the denomination of one hundred dollars, to each and every one of which shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of every year until the When bonds pay- maturity of said bonds. The bonds so issued by said commissioners shall run for a period of twenty-five years, and shall be numbered consecutively from one to three hundred, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent, and when the interest is due and where it is payable, and shall be receivable in payment of all municipal taxes levied by said town. The said bonds shall be exempt from municipal taxation.

SEC. 2. That the said bonds shall be issued under the signature of the mayor of Monroe, and attested by the signature of the clerk and treasurer of the board of town commissioners, and the mayor and clerk of said board of commissioners shall, under the direction of the board of commissioners of said town, dispose of said bonds as the necessity for the prosecution of the work shall require, at a sum not less than their par value, and it shall be the duty of the clerk of the said board of commissioners to make and keep a record of the bonds sold, the number of the bond purchased, the name of the purchaser and the price received for the same.

SEC. 3. That for the purpose of paying the interest on said bonds as it falls due, and to provide a sinking fund for the redemption of said bonds, it shall be the duty of the commissioners of said town to levy and cause to be collected annually a tax upon all the real and personal property of said town not exceeding forty cents on the hundred dollars' worth of property and one dollar and twenty cents on the poll, which said tax shall be levied and collected as other taxes for said town. It shall further be the duty of the said commissioners to provide for the collection of rents, water charges and other revenues for the use of the water provided by said water-works, and all revenues derived from such sources shall be held and kept How revenues solely for the purpose of maintaining said system of water- works applied. works, and the surplus, after paying the expenses of maintenance of said system shall be used as a part of the sinking fund for the redemption of said bonds until they have been fully redeemed.

SEC. 4. That in order that there may not be an accumulation One twenty-fifth of bonds may be of money arising either from taxation, or from the rents of water called annually. used after paving the annual interest accrued on said bonds, the commissioners of said town are authorized and empowered to purchase annually one twenty fifth of the bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one twenty-fifth of said bonds, then the said commissioners are authorized to designate such bonds, not exceeding one-twenty-fifth of the whole number issued, as they may desire to purchase, and after the designation of such bonds and a notice thereof given through a newspaper published in Union county, if the holder or holders of the bonds shall refuse to surrender the same and receive their par value, with accrued interest at the time of said notice, then the holder shall not receive any interest subsequently accruing: Provided, the Proviso: said bonds shall be affected with the conditions of this act only expressed on face when the conditions are expressed on the face of the bonds. SEC. 5. That the commissioners of said town shall provide a Record of bonds.

Condition to be

entered the name of every purchaser of a bond, and the number of the bond purchased, and the price paid therefor, and they shall also keep a record of every bond redeemed and the price Redeemed bonds paid in redemption of the same, and the bonds when redeemed to be burnt. and recorded shall be destroyed by fire in the presence of the

record, which shall be kept by their clerk, in which shall be

board of commissioners, by some one of their number, or by

the mayor under their direction.

SEC. 6. That the said board of commissioners shall not issue Election to be said bonds, or any part thereof, until they shall have first held on bond issue. caused to be held in said town an election in which there shall be submitted to the qualified voters of said town the question of a ratification of this act, or its rejection, which they are authorized to do at such time as shall be deemed best for securing the voice of the people upon the question; and if at said election, which shall be held in the same manner as election for town officers, a majority of the qualified voters shall vote in favor of "ratification," then the commissioners may issue said

bonds, but if a majority of such qualified voters of the town do not favor ratification, or shall vote in favor of "rejection," then the said commissioners shall not issue said bonds.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 77.

An act to incorporate the North Carolina land and timber company.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name. Corporate powers. SECTION 1. That A. F. Smith, Robt. P. Clapp, James A. Hurd and E. E. Baldwin, their associates and successors, are hereby constituted a body politic and corporate, under the name of "North Carolina Land and Timber Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal; and said corporation shall be and is hereby invested with all the powers and privileges, and made subject to all the liabilities, now or hereafter contained in the general laws of the state applicable to corporations of a similar nature, not inconsistent with the laws of this charter.

Corporation to succeed assets of of New England Southern fimber and Land Company.

SEC. 2. Said corporation may acquire, hold, manage, lease, sell, and convey all or any of the lands and interests in lands now or lately belonging to the New England Southern Timber and Land Company, a Tennessee corporation, operating in Madison county, North Carolina, and also in Greene county, Tennessee, and may succeed to, own, and dispose of any or all of the assets of that corporation.

Business of corporation.

SEC. 3. Said corporation is hereby authorized and empowered to carry on the business of cutting, buying and selling timber, manufacturing, buying and selling lumber, buying, leasing and selling timber rights, erecting and operating saw-mills, woodworking and other factories, trading, mining, farming, stockraising; and also doing whatever shall seem necessary or expedient to develop the natural resources of the land from time to time held or occupied by the corporation; and in connection with said business, or any branch thereof, to buy, hold, mortgage, lease, sell and dispose of, without limit as to the time

May hold land without limit as to time or quantity. or quantity, lands and interests in lands, other than those hereinbefore mentioned, and personal property. It may engage in May carry on and carry on business outside the state of North Carolina.

business outside of State.

SEC. 4. The capital stock of the corporation shall not exceed Capital stock, one million dollars, to be divided into shares of one hundred dollars each, and the amount within said limit may be fixed and increased from time to time by the stockholders. The corporation may issue its capital stock, or any portion thereof, for land, or other property or labor. No incorporator, stock- Incorporators, holder or officer shall be liable for any debts, contracts or officers not indiliabilities of the corporation, and no stockholder shall be liable for corporate to pay for more stock than he subscribes for.

debts.

SEC. 5. The incorporators named in section one of this act Incorporators to may manage the business and affairs of the corporation until of corporation. the company is duly organized; and to that end may choose May elect from among their number a president, secretary and treasurer. No notice No public notice shall be required for the first meeting of the required for first incorporators or of the stockholders. The incorporators may Meetings of hold meetings upon reasonable notice given by any one or incorporators. more to the others, and may, at their first or any subsequent meeting, adopt by-laws for the regulation and government of By-laws. the corporation; and such by-laws may be altered, amended or repealed at future meetings of the stockholders. Meetings, Meetings of whether of the stockholders or directors, or both, may be held directors. at such place or places, within or without the state, as the bylaws shall provide; but the corporation shall have and main- Office to be tain an office in Madison county, North Carolina, with offices maintained in Madison county. at such other places as it may deem necessary.

meeting.

SEC. 6. The property, business and affairs of the corporation Directors. shall be in charge of a board of not less than three directors, elected in the beginning by the incorporators, or a majority of them, or by the stockholders, and afterwards annually by the stockholders. There shall be a secretary, and such other officers, officers as the by-laws may prescribe. The manner of choosing directors ing the directors and other officers, and their respective tenures, and other offipowers and duties may be determined by the by-laws. The Powers of stockholders may delegate to the directors all or any of the directors. corporate powers, so far as such delegation shall not be inconsistent with the laws of the state.

SEC. 7. Said corporation is further authorized to issue its Corporation may bonds, notes or other obligations, and to secure the same, or make mortgage. any of them, by a mortgage or mortgages on its property and franchises, in whole or in part, as its corporators shall deem necessary, and any such mortgage may be made in the form of a trust deed, executed and delivered to individuals or to an

issue bonds and

Mortgage may cover property before purchase. incorporated trust company as trustees or trustee for holders of the secured obligation. Such mortgage may be made to include and cover, as may be provided therein, property not at the time owned by the corporation, so that as soon as the same comes into the ownership and possession of the corporation the lien of the mortgage shall attach to such future acquired property without the necessity of any further conveyance to the mortgage or trustee.

Tramways, flumes, sluices, dams and other works. mortgagee or trustee.

SEC. 8. That for the purposes of transporting and sluicing logs and lumber, said corporation shall have the right to construct tramways, flumes, sluices, canals, dams and other works incident to the business contemplated in the charter, and wherever it may become necessary for the purpose of transporting logs and lumber or constructing such tramways, canals, dams, flumes, sluices or other work incident thereto, to enter upon or go across lands to which said corporation has not title or the

right of possession; and over which said corporation is unable, for any reason, to obtain the right of way for reasonable compensation, the work of procedure to secure the condemnation

of such right of way shall be as provided for in Chapter 49 of *The Code*, and said corporation is hereby vested with all rights conferred by said chapter as to right of way and the condemna-

May condemn land.

Procedure for condemnation.

tion of land for that purpose.

SEC. 9. This charter and all the rights herein granted shall continue in full force and effect for the term of sixty years from the date of the ratification hereof.

Term of corporation.

Sec. 10. This act shall be in full force and effect from and after its ratification.

Ratified the 1st day of March, A. D. 1897.

CHAPTER 78.

An act to incorporate the American Trust and Savings Bank.

The General Assembly of North Carolina do enact: '

for the period of thirty years.

Corporators.

SECTION 1. That S. Wittkowsky, Thomas H. Gaither, W. A. Smith, Fred Oliver, A. J. Wittson, G. S. Wittson, W. R. Odel, and their associates and successors, are hereby created a body politic and corporate under the name and style "The American Trust and Savings Bank," and by such name may sue and be sued, plead and be impleaded in any of the courts of the State, and shall have a common seal and continued succession

Corporate name.

Corporate powers.

SEC. 2. The principal office and place of business of said cor- Location. poration shall be in the city of Charlotte, State of North Carolina, and its officers shall consist of a board of at least five direc- Officers. tors, a president, vice-president, cashier, and such other employees as the board shall from time to time deem necessary to properly conduct the business of the bank. The board of directors Directors elected shall be elected annually by the stockholders; the directors so by stockholders. elected shall choose the officers aforesaid, and shall require the officers by directors. cashier, and such other employees as they may think advisable, Bonds of officers. to give bond, with approved security, for the faithful performance of their respective duties.

SEC. 3. The capital stock of the said corporation shall not be Capital stock. less than twenty-five thousand dollars (\$25,000), but the same may be increased from time to time to an amount not to exceed five hundred thousand dollars, to be divided in shares of the par value of one hundred dollars each, and the shares so subscribed when fully paid up shall be non-assessable, nor shall Stock not assesany stockholder be liable for any other sum or sums on account paid up. of such subscription.

SEC. 4. The corporation shall be invested with all the powers Powers of bankand privileges usually incident to banking institutions and to and savings savings banks, with the right to receive deposits in very small sums, the limit to be fixed by its board of directors, and to pay interest thereon at fixed rates or by way of dividends out of the net earnings, according to the terms to be agreed upon between the corporation and its depositors, and the board of directors are hereby fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

ing institutions

SEC. 5. It shall be the duty of the board of directors, and they Directors to are hereby fully empowered, to make all necessary rules, reguadout by-laws and fix salaries. lations and by-laws for the government of said corporation and the conduct of its business, as well as to fix the salaries of its officers and to fill all vacancies on the board of directors, &c.

SEC. 6. The said corporation shall have the right to do a General banking general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership, corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage pledge, deed or otherwise, on any lands, hereditaments, or personal property, or interest therein of any description, situate anywhere, to lend money upon, or purchase, or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable May take crop or commercial papers, or any crops or produce whatever, and liens.

what is known as eash credits, or any stock, bullion, merchandise or other personal property, and the same to sell or in any wise dispose of, and to charge any rate of interest on any such loans not exceeding the rate allowed by law.

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 interest 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 for investment.

Deposits of minors and married women.

May act as agent, factor or trustee.

SEC. 7. Be it further enacted, that said corporation may also 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 to; and if money be deposited by any minor or feme covert, 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 or feme covert, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of full age.

SEC. 8. 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 registration, selling and countersigning, collecting, acquiring, holding, dealing in 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, &c., 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.

May guarantee payments.

SEC. 9. Be it further enacted, that said corporation is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertaking, mortgages or other securi-

ties or evidences of indebtedness to any person, partnership or corporation, for any price and on any consideration agreed upon.

SEC. 10. That the stock of this corporation shall be trans- How stock transferred only upon its books, either in person or by proxy, and Debts to no stockholder shall transfer his stock, except by consent of corporation a lien on stock, the board of directors, while he is indebted to the corporation as principal, security or otherwise; and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

SEC. 11. That said corporation shall have power to receive May accept and money in trust; to become executor or administrator of any execute trusts. estate, and to accept and execute any other trust that may be committed to it by any court, corporation, company, person or persons; and it shall also have power to accept any grant. transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this state, and to execute the same on such terms as may be established and agreed upon by the board of directors.

SEC. 12. Said corporation is hereby fully authorized and Mayactas empowered to act as trustee or assignee for any insolvent per-trustee or assignee. son, firm or corporation, 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 May accept rate. It shall have power and authority to receive for safe keeping. keeping on deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reason- Charges a lien on able compensation for the same, which said charge shall be a deposits. lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

It shall also have power to issue bills or notes to circulate as Powers of bank currency in such denominations as the board of directors may of issue. authorize, and under such regulations as may be hereafter authorized and provided by the laws of this state and the United States.

SEC. 13. That in addition to the powers above conferred said May do warecorporation may build, erect, maintain, conduct and operate house business. one or more warehouses or depots for the storage of goods, wares. merchandise, cotton and other products, and to charge and receive commissions, rent and compensation for the storage and keeping theroef, which charge shall constitute a first lien upon Charges first lien the property so stored, make rules, regulations, contracts and on property stored. by-laws fixing terms and prices for storage, manner of inspection, form of receipts, insurance of property stored and all other matters affecting the safe and prudent conduct of such business.

Advances on goods stored.

Warehouse receipts negotiable.

Proviso: Company only liable for ordinary care.

Branch banks.

Proviso: License to be paid.

Proviso: Local boards. make advances of money or credit upon cotton or other produce and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said storage business as are not contrary to law, and the receipts issued by said company shall be and are hereby declared to be negotiable instruments and pass by endorsement and delivery, and to entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such an assignment been made: *Provided*, that in the absence of any stipulation in the receipt or any contract between the said company and any disposition of property in said warehouses, the said company shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

SEC. 14. That the said corporation shall have the right to establish branch banks at such other places in the state of North Carolina as the stockholders and board of directors may from time to time agree upon: Provided, however, that all branch banks established under this section shall pay the license tax to the state, shall be under the supervision and control of the directors and officers of the said corporation, and the said corporation shall be liable for all the debts and other liabilities of any such banks so established: Provided, further, that nothing herein contained shall be so construed as to prevent the election of local boards of directors and other officers to take immediate supervision and control of any branch bank to be established under the provisions of this section, but such local boards and officers shall at all times be amenable to the directors and control of the principal directors and officers of the said corporation hereinbefore referred to.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 79.

An act to repeal the charter of the town of Ruffin, N. C.

The General Assembly of North Carolina do enact:

Charter of 1891 repealed. SECTION 1. That chapter ninety-seven (97), laws of one thousand eight hundred and ninety-one (1891), entitled an act to repeal the old and grant a new charter for the town of Ruffin, North Carolina, be and the same is hereby repealed.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 80.

An act to amend an act entitled "an act to amend an act entitled an act to incorporate the trustees of the Kittrell Industrial Normal School, ratified the 7th day of March, 1887." being chapter 18 of the laws of 1889.

The General Assembly of North Carolina do enact:

SECTION 1. That in line twelve, section one, page 560, laws of Name changed. 1889, strike out the words "normal and industrial," so that it will read "Kittrell Institute."

That section four be amended by adding after the word "Vir- Majority of memginia," in line eight, the words "Baltimore and Western North bers of corpora-Carolina," so as to read "North Carolina, Virginia, Baltimore bers of certain conferences. and Western North Carolina Conferences."

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 81.

An act to incorporate the town of Whittier in Swain county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Whittier, in the county of Swain, Town incorpobe and the same is bereby incorporated, under the name and rated. style of the town of "Whittier," and shall be subject to all the provisions contained in The Code for incorporated towns, also subject to the general laws in relation to municipal corporations.

SEC. 2. That the corporate limits of said town shall be one-corporate limits. half mile from the depot in all directions, except that part of the town of Whittier situated and being in the county of Jackson. That the corporation limit on the east of said town of Whittier shall extend only to line of the land of James R. Thomas.

SEC. 3. That the officers shall consist of a mayor, three alder-Officers. men and a marshal.

First election for town officers.

SEC. 4. That the first regular election for mayor, aldermen and marshal shall be on the first Thursday in May, one thousand eight hundred and ninety-seven, and every year thereafter, and it shall be the duty of the sheriff of Swain county, or some justice of the peace in Swain county, after giving ten days' notice, by advertising, at three or more public places in said corporation, prior to the said first Thursday in May, one thousand eight hundred and ninety-seven, to open the polls and conduct the election herein provided for, under the same Officers until first rules that other county and state elections are held: Provided, further, that the following officers nominated and appointed under this act shall duly exercise the duty of said offices from the ratification of this act until the said election shall have been held, to-wit: C. C. Ashe, mayor; F. M. Stephens, J. H. Teague and J. U. Gibbs, aldermen; Baker Ayers, marshal.

election.

Qualification of voters.

Officers elect to meet, organize and quality.

Town taxes and limitation.

Town marshal to make arrests.

Penalty for resisting mar-Marshal may call in by-standers to assist.

ing to assist marshal.

Commissioners to abate nuisancce and enforce fines and penalties. Live stock belonging out-

SEC. 5. That all the qualified voters, within said corporation, that have resided therein ninety days previous to the day of election, shall be entitled to vote at said election.

SEC. 6. It shall be the duty of the officers elect to meet, organize and take the oath of office.

SEC. 7. The commissioners shall have power to levy and collect a tax not to exceed fifty cents on the poll, and on all property in said town an amount not to exceed sixteen and twothird cents on the one hundred dollars' worth of property.

Sec. 8. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have the authority, and it shall be the duty of such marshal to arrest the body of offending parties, who have violated the law in the presence of such marshal without warrant, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as the law directs. And for every resistance to such authority by such offenders, or others, the party so resisting shall be punished as the ordinances of said town shall provide, and if necessary the marshal shall have power to call to his aid any by-stander to assist any Penalty for refus-legal arrest, and any one so summoned, or called, who refuses or fails to so arrest, shall upon conviction before the mayor, be punished as the ordinance of said town shall prescribe.

> SEC. 9. The commissioners shall also have power to abate all nuisances, and impose such fines and penalties as may be necessary to abate them. But this shall not be construed to authorize them to take up and impound any live stock belonging to any person outside the corporate limits of said town. They

shall also have power to prescribe any rules, regulations and ordinances for the good government of the town, not inconsietent with the laws of the state, and of the United States.

Sec. 10. That it shall be the duty of the commissioners, when organized, to appoint a secretary, whose duty it shall be to record all the proceedings of the commissioners, and also to appoint a treasurer, who shall enter into a bond approved by the commissioners, and it shall be their duty to require the Treasurer to marshal to enter into a bond payable to the state of North Car-give bond. olina, to the use of the town of Whittier, conditional for the bond. Marshal to give faithful performance of their duties approved by the commissioners.

SEC. 11. The commissioners shall have the power to apply the Commissioners taxes collected under this act, together with all fines, forfeitures fines and penaland penalties for violations of the town ordinances, to the improvement of the public streets in said town, as they may find necessary. They shall also prepare a place to which horses Public hitching may be hitched, and persons hitching horses to the individual Penalty for fences shall be, under the supervision of the town authorities, punished or fined.

SEC. 12. That the officers in said town shall receive such com- Compensation of pensation for their services as the mayor and alderman of said town, in their discretion, shall authorize.

SEC. 13. That the act of 1895, annulling the charter of the Act annulling town of Whittier, is hereby repealed.

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

Ratified the 1st day of March, A. D. 1897.

side of corporanot to be impounded. Rules, regulations and ordinances. Commissioners to elect secre-

tary. Duty of secretary.

And treasurer.

to apply taxes

places. hitching horses to individual fences.

charter repealed.

CHAPTER 82.

An act to incorporate the Star lumber and manufacturing company of Montgomery county, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Willis, J. E. Walker, A. Leach and Corporators. John G. Stout, together with their associates and successors. be and they are hereby created and constituted a body corporate under the name of "The Star Lumber and Manufacturing Corporate name. Company," with all the rights and privileges and subject to all regulations and restrictions now existing and applicable to such corporations under the laws of this state.

Corporate pow-

SEC. 2. That said corporation may acquire and own timber and lands in this state, and may conduct a general lumber business in all of its branches; it may maintain saw-mills, planing mills, and dry-kiln; it may acquire, hold and sell all kinds of machinery; it may manufacture sash, doors, blinds, and everything of whatever kind that is made from lumber; it may manufacture, buy, sell and dispose of furniture of every description; it may manufacture cotton goods of all kinds, and also woolen goods; it may conduct in all of its branches the business of mining, smelting, forging and casting, and the working of iron; it may conduct in all of its branches the business of carrying on and operating a flour and grist mill, and to that end may buy, sell and dispose of corn, wheat, oats, barley, rye, flour, meal, and the products of all the cereals and grain of every description; it may conduct and carry on in all of its branches the general mercantile business.

May build tramways.

Motive power.

Buildings in connection with trampoads.

May carry passengers and frieght.

Rates of carriage.

Capital stock.

May borrow

SEC. 3. That the said company is hereby authorized to make, contract, equip, maintain, and operate lines of tramway, with one or more tracks and all necessary branches, turnouts, switchings and sidings, using such motive power as may be determined upon by the board of directors, from any point in the counties of Montgomery, Moore and Randolph, to the Miller Mills of the said company; and to 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 tramroads, and to demand and receive such sums of money for the carriage of passengers and freight as the directors may think proper, not to exceed five (5) cents per mile for passengers, and not exceeding one cent per mile for each one hundred (100) pounds of freight, by the tramcar loads, and for parcels, such compensation as may be reasonable.

SEC. 4. That the capital stock of the said company shall be ten-thousand (10,000.00) dollars, divided into shares of one hundred (100.00) each, and may from time to time be increased to any amount not exceeding one hundred thousand (\$100,000,00) dollars, whenever a majority of the stockholders in value shall determine.

SEC. 5. That the said company shall have power to contract debts, and borrow money for the legitimate purposes of the corporation, and to make and issue notes, and shall have power to issue bonds and other evidences of debt and indebtedness, for any obligations incurred in the conduct of its business, and shall have power to execute a mortgage or mortgages, or deeds in trust, upon or conveying its property, franchise and income, to secure the payment of any indebtedness of said company as it may deem expedient.

May borrow money, issue notes or bonds and make mortgage.

SEC. 6. That the officers of said corporation shall consist of a officers. president, secretary and treasurer, whose duties shall be prescribed by the by-laws of said company, and to be elected at their first meeting, and that the president, secretary and treas- Directors. urer shall constitute the board of directors of said corporation, and that upon the election of said officers the said company When company shall be deemed to be fully organized, and may obtain subscripdeemed organized. tions, issue stocks, bonds and other evidences of indebtedness, and begin the operations of such manufacturing establishments. mills, smelting works, tramroads, as they may have already erected, and may enter into contracts for the construction of buildings, tramroads, and purchase any articles connected with the business herein mentioned, and do any and all other lawful things necessary to carry out the purposes of the company.

SEC. 7. That any person who shall remove, obstruct, injure, Misdemeanor to deface or destroy any part of the property of said company, or remove, obstruct, injure, in any manner interfere with its operations, shall be deemed deface, or destroy property guilty of a misdemeanor, and fined or imprisoned in the dis- of company.

cretion of the court.

SEC. 8. That the principal office of said company shall be kept Location. at Star, Montgomery county, North Carolina, and it may establish branch offices at such points in this State as it may deem necessary, and this corporation shall continue for a period of sixty years, subject to the general law regulating corporations.

SEC. 9. That the stockholders of said company shall not be Stockholders not individually liable for any of its debts or engagements.

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

Ratified the 1st day of March, A. D. 1897.

CHAPTER 83.

An act to amend the charter of the city of Winston.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and seven of the pri- Limit of city tax vate laws of eighteen hundred and ninety-one be amended as charged with follows: Amend section fifty by inserting after the word "city" support of in line two "and for the support of the graded schools;" and by striking out in line six of said section the words "seventy-five cents" and insert in lieu thereof the words "one dollar;" and

graded schools.

insert after the word "city" in line seven the words "and for the support of the graded schools." Strike out in lines eight and nine the words "graded schools or on."

SEC. 2. Amend section fifty-five by striking out all after the word "city" in line nine of said section.

SEC. 3. Amend section eighty-six by striking out in lines nine and ten the words, "the funds raised by ad valorem taxation shall be used only for the payment of the salaries of the teachers." Strike out all after the word "fifth" in line thirteen of said section and insert the following, "that the aldermen of the city, at their first regular meeting in September, eighteen hundred and ninety-seven, and annually thereafter, shall appropriate a sufficient sum of money out of the general funds for the support of the graded schools, to be known as the graded school fund, the sum to be appropriated for this purpose to be determined by the recommendation of the graded school commissioners, with the approval of the board of aldermen.

SEC. 4. That section fifty one be and the same is hereby

SEC. 5. That nothing in this act shall be construed to interfere with the manner of raising and collecting taxes for the support of the graded schools prior to the first day of September, eighteen hundred and ninety-seven.

SEC. 6. That the city of Winston is hereby authorized to purchase, within one mile of the corporate limits of said city, suitable grounds for cemeteries, one for burying the dead of the white and one for burying the dead of the colored, to be under Cemeteries under the supervision and control of the city, with powers to make such regulations as shall be deemed proper for regulating the burying of the dead therein, and to have police jurisdiction thereon.

> SEC. 7. That the cemeteries in the city of Winston, as now laid off, shall not be enlarged, nor shall the dead be buried within the corporate limits of said city other than within the boundaries of the cemeteries as now laid off, with power in the board of aldermen to regulate the burying of the dead therein. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned for not more than thirty days.

> SEC. 8. Amend the said charter of the city of Winston further by striking out section two and insert in lieu thereof the following, to-wit:

> That the corporation boundary lines of the city of Winston shall be as follows, to-wit: Beginning at the northeast corner

Power of aldermen to grant or refuse liquor license repealed. Limitation on use of ad valorem tax repealed.

Appropriation for graded school to be made from general fund

Appropriation of privilege taxes to graded schools repealed. repealed.

Manner of raising taxes for graded schools to continue until 1st September, 1897.

City authorized to purchase ground for cemeteries.

control of city.

Present cemeteries not to be enlarged.

Aldermen to regulate burial in present cemeteries. Misdemeanor. Penalty.

City boundaries.

of the town of Salem and running thence with the old corporation lines the three following courses: N. 81° E. eighty poles, thence N. 1° E. three hundred and forty-five poles to the N. E. corner of the present limits of the Winston corporation; thence N. 89° W. along the old corporation lines to the east side of the old town road; thence in a southerly direction along the east side of said road to Peter's creek; thence in a southwesterly direction down Peter's creek to the north side of Shallowford road; thence in an easterly direction along the north side of the Shallowford road to the point at which the road forks (the north fork running to Winston and the south fork to Salem); thence in a southeasterly direction to the northwest corner of the Salem corporation; thence N. 80° E. along the boundary line between Winston and Salem to the place of beginning.

SEC. 9. That the line between the first and third wards be Line between extended from the west end of Fourth street along the road first and third wards extended. westward, intersecting the Shallowford road, and that the portion of the territory taken in south of said line be included in the First ward; and that portion north of said line so taken in be included in the Third ward; and that the township line Line between between South Fork and Winston Township be changed so as Winston townto include in Winston Township that part cut off in the above ships changed. boundary from South Fork Township; and that portion of Line between Winston Township situated on the north side, and left out of Town townships. the above boundary, be included in Old Town Township, and that the line be so changed.

SEC. 10. That the qualified electors registered in either of the Registration of above townships, residing within the boundaries changed as electors changed by certificates. above, may transfer their registration upon certificate as now provided by law in case of removals.

SEC. 11. That this act shall take effect from and after its ratification.

Ratified the 2d day of March, A. D. 1897.

CHAPTER 84.

An act to incorporate the auxiliary board of health of Edgecombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That L. L. Sutton, M. D., J. H. Baker, M. D., H. Corporators. T. Bass, M. D., L. E. Norfleet, M. D., T. P. Wynn, M. D., Julian M. Baker, M. D., W. P. Mercer, M. D., M. B. Pitt, M. D., C. H.

Barron, M. D., Geo. L. Wimberly, Jr., M. D., J. H. Anderson, M. D., W. T. Mayo, M. D., W. F. Cherry, M. D., J. D. Jenkens, M. D., C. L. Jenkens, M. D., A. B. Nobles, M. D., R. H. Speight, M. D., C. L. Killebrew, M. D., and J. C. Braswell, M. D., so long as they shall remain legally qualified physicians or surgeons in the county of Edgecombe, and all future regular licensed and legally qualified physicians or surgeons resident in said county. and the board of commissioners for Edgecombe county, and Donnell Gilliam, mayor of the town of Tarboro, and their successors in the said offices of members of said board and mayor for and during the time they shall hold said offices, are hereby incorporated and created a body politic under the name and style of the auxiliary board of health of Edgecombe county, for the better performance of all duties prescribed by section 5, chapter 214, laws of 1893, for the care of the sick and unfortunate, for the building, equipment, maintenance and management of one or more hospitals, and for the purpose of dispensing charity in such other manner as may be desired.

Corporate name. Object of corporation.

Corporate powers.

By-laws, rules and regulations.

Duties and powers of former corporation of same name to devolve upon this corporation.

SEC. 2. Under the name and style of "the auxiliary board of health of Edgecombe county" said corporation shall have perpetual succession and be entitled to a common seal, and shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded in any and all courts of this state; it shall have the right to purchase, lease, take and receive by purchase, gift or devise in fee simple or otherwise, lands, tenements, rents, annuities, and other hereditaments, and all species of personal property, and to sell, lease or convey the same and use the income therefrom, or proceeds of the sale thereof, to promote the objects and purposes of said corporation; it shall have the power to borrow money and secure the payment of the same by note, mortgage or deed of trust upon its property, and to loan any money it may have for such length of time and upon such security as may be authorized by its bylaws; and the right and power to make all necessary and proper by-laws, rules and regulations to further and effectuate the purposes of its organization.

SEC. 3. That all duties and powers imposed and devolving under and by virtue of all laws existing at the time of the passage of this act, and particularly by chapter 214, laws of 1893, upon "the auxiliary board of health of Edgecombe county," as created and existing by and under chapter 214, laws of 1893, and all penalties now prescribed for failure to discharge any of said duties, shall devolve upon and attach to the corporation hereby created.

SEC. 4. That all duties and powers required of and imposed upon the superintendent of health of Edgecombe county, under and by virtue of the laws existing at the time of the passage of existing laws to this act, and particularly by chapter 214, laws of 1893, and all devolve upon penalties thereby prescribed for failure to perform any of said of Health propenalties thereby prescribed for fandle to perform any or said of realtiplo-duties shall devolve upon and attach to the superintendent of act. health of Edgecombe county, as contemplated and provided for in this act.

SEC. 5. That on the first Monday in September, 1897, or as superintendent soon thereafter as a quorum can be secured, and every two of Health for the years thereafter, "the auxiliary board of health of Edgecombe" by this corporashall assemble in the town of Tarboro for the purpose of electing a superintendent of health for said county. The said super- qualifications of intendent shall be a qualified member of "the auxiliary board Superintendent. of health of Edgecombe county," and shall hold said office for Term of office. the term of two years: Provided, if said office shall become Proviso. How vacancy vacant by death, resignation or otherwise, or if the person filled. elected shall fail to qualify or enter upon the duties of said office, "the auxiliary board of health of Edgecombe county" shall elect to fill the unexpired term.

SEC. 6. The said superintendent of health shall be charged Duties of Superwith the responsibility for the performance of the duties above intendent. specified, and such others as may be required of him by the laws, rules, regulations of "the auxiliary board of health of Subject to Edgecombe county," and he shall be subject to the penalties for neglect or failure to provided by law for any neglect of or failure to discharge the discharge duties. duties of said office; but it shall be lawful for him, under such May detail memrules and regulations as may be prescribed by "the auxiliary tion to perform board of health of Edgecombe county," to detail or assign the duties. various members of said board of health to perform the duties aforesaid.

SEC. 7. The salary of said superintendent of health may be Salary of Super-SEC. 7. The salary of said superintendent of health hay be said intendent. fixed by the board of county commissioners, and same shall be How salary paid. paid by the treasurer of Edgecombe county to the treasurer of the said "the auxiliary board of health of Edgecombe county," for the use of said corporation, upon the proper warrant therefor, which the board of commissioners of said county shall issue at each regular monthly meeting.

SEC. 8. That the said "the auxiliary board of health" shall who admitted to receive into their hospitals when completed, upon the applica- hospital. tion of the chairman of the board of county commissioners of Edgecombe county, and under such rules and regulations as may be prescribed by said board of health, and assented to by said board of commissioners, such of the indigent sick of said

county as, in the opinion of the executive committee of said board of health, are amenable to treatment, and where there exists a reasonable probability of their cure.

County commissioners may make appropriation for support of hospitals.

SEC. 9. That in consideration of the case and treatment of the indigent sick of said county, as provided for in the preceding section, the board of county commissioners of Edgecombe county may appropriate such sums as they may deem best for the support and maintenance of the hospitals to be erected by the said board of health, and at each of their regular monthly meetings shall issue a warrant for said amount upon the county treasurer, and payable to the treasurer of said board of health: Provided, the said board of county commissioners shall not begin to issue said warrants until the said board of health have completed their hospital, and are ready to receive the indigent sick of the county.

Proviso: Appropriations not to be drawn until hospital is completed.

Superintendent of Health and members performing duty of Superintendent to receive no compensation.

Managementand control of hospitals.

Act applies only to Edgecombe county.

SEC. 10. That the said superintendent of health, and the several members of the said board of health, who shall be called upon to perform the duties devolving upon the said superintendent of health, and all other duties in respect to the care and treatment of the indigent sick of said county, shall receive no compensation whatever for their said services.

SEC. 11. That the entire management and control of the hospital or hospitals to be erected by the said board of health shall be under the direction of the executive committee of said "auxiliary board of health of Edgecombe county," the mayor of Tarboro and the board of county commissioners, under such rules and regulations as may be prescribed by the said "auxiliary board of health."

SEC. 12. This act shall be construed to apply to the county of Edgecombe only, and all laws in conflict with the same are hereby repealed.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 85.

An act to incorporate Chatham traction company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That C. F. Omohundro, J. H. Diggs, and O. R. Omohundro, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the Corporate name, Chatham Traction Company, and by that name and style may

sue and be sued, appeal, prosecute and defend to final judg- Corporate ment and execution in any court 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 purpose and objects of this corporation; that they shall have power to make such by-laws and regulations consistent with the laws of this By-laws. state and the United States for their own government and for the due and orderly conducting of their own affairs and the management of their property.

SEC. 2. That the said company shall have the right to con-Right to construct and maintain a tram-road with one or more tracks, and struct tram-road and branches. such branches as they may deem necessary, and of such gauge as they may deem proper, from the saw mill of Omohundro and Terminal points. Diggs, in Oakland township, Chatham county, North Carolina, to some point on Deep river between Cumnock and Lockville in said county. The said company may in its discretion con- May operate part struct and operate any part of its road before the whole thereof completion. is or shall be completed.

SEC. 3. That the capital stock of said company shall be six Capital stock. thousand dollars, with privilege to increase to fifty thousand dollars. It shall be divided into shares of one hundred dollars, Value of shares. and be transferable upon the books of the company as the by- How transferalaws may direct.

The capital stock may be paid wholly in money or its equiva- How paid in.

ble.

lent, or in work, labor or material. SEC. 4. That when any land or right of way may be required Procedure to

by said company for the purpose of constructing their road, condemn land and for want of agreement 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 and condemned, as provided for railroad companies in chapter forty-nine of The Code, entitled "Railroad and Telegraph Companies."

That the right of the said company to condemn lands in the How much may manner aforesaid shall extend to the condemning of fifty feet on each side of the main track of said road, measuring from the centre of the same, and the company shall have the power to condemn and appropriate lands in like manner for landings and all necessary purposes. That the said company shall have the Right to cross right to construct its road and tracks across any railroad, or and roads. above or beneath any railroad, or other road, in such way as will do the least damage and occasion the least inconvenience practicable.

be condemned.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act, so far as they relate to rights, powers and provisions of this act, are hereby repealed.

SEC. 6. That said corporation shall or may continue thirty years from and after the date of the ratification hereof.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 86.

"An act to incorporate the trustees of Saint Mary's school."

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Joseph Blount Cheshire, Jr., Alfred A. Watson, Francis J. Murdock, Julian E. Ingle, Charles E. Johnson, William A. Erwin, Robert Strange, Wharton J. Green, McNeely Dubose, Theo. F. Davidson, their associates and successors, be and they are hereby declared to be a body politic and corporate by the name and style of the the "Trustees of St. Mary's School" for the purpose of carrying on or causing to be carried on under their direction, authority and supervision. a school for the education of girls, and under that name and style they shall have perpetual succession and shall be capable in law to take, receive, hold and purchase lands, tenements and hereditaments of any value which may be granted, sold, devised or otherwise conveyed to said corporations, and shall also be capable in law to take, receive and possess all moneys, goods and chattels of any value and to any amount which may begiven, sold or bequeathed to or for said corporation.

Corporate name, Purpose of corporation.

Corporate powers.

May sell property.

By-laws.

Proviso: Control of corporation. SEC. 2. That said corporation shall be capable in law to bargain, sell and convey any and all lands, tenements, hereditaments and personal property held and owned by the corporation when the grant, devise or other conveyances does not otherwise provide.

SEC. 3. That said corporation shall have power to make and establish such by-laws, rules and regulations for the government of said school as to them may seem proper and necessary, and as are not in conflict with the constitution and laws of this state and of the United States: *Provided*, the said corporation shall be under the jurisdiction, control and direction of the Protestant Episcopal church in the state of North Carolina as

represented by the bishops and legislative bodies of said church within the limits of the state of North Carolina, as is hereinafter more particularly specified.

SEC. 4. That said corporation may sue and be sued, plead Further corpoand be impleaded in all the courts, and shall have the power to rate powers. make and use a common seal, and to alter the same at pleasure.

SEC. 5 That the said trustees, omitting such as may hereafter be declared ex officio members, shall be divided into two classes into classes. of equal number, the first class to hold office three years from Term of office of the first day of January, 1897, and until their successors shall have been appointed, and the second class shall hold office six Term of second years from the same date and until their successors shall have class. been appointed; and thereafter all terms shall be for three Term of succesyears. That at any time said trustees or their successors shall sors. have power to add to their number: Provided, that the whole trustees may be number of trustees, exclusive of ex officio members, shall not increased. exceed sixteen; and any six of said trustees shall constitute a quorum for the transaction of business. That every bishop of the Protestant Episcopal church exercising jurisdiction within the state of North Carolina shall be ex officio a member of said Ex officio memboard of trustees. That when a vacancy shall occur by the resignation or death of a trustee, or by the expiration of his term as above limited, his successor shall be elected by the rep-filled. resentative convention of that diocese or jurisdiction of said church in the state of North Carolina with which said trustee was connected. Upon the failure for one year of such body to elect a successor, the remaining trustees shall have power to fill the vacancy. Where an election to fill a vacancy caused by death or resignation is had, such new trustee shall hold only for the remainder of the term of his predecessor.

SEC. 6. That the said trustees shall have power to appoint Trustees to elect their own offitheir own president, secretary and treasurer, for such time as cers. they may deem proper, and to elect such professors, tutors and And professors, other officers of the aforesaid school as they shall deem quali- tutors and other officers of school. fied to discharge the duties of their several offices and positions; may fix their terms of office, and may remove them for misbehavior, inability, neglect of duty, or other cause which shall be deemed advisable to said board of trustees, and do any and all things and acts usually given to literary institutions.

SEC. 7. That the said trustees shall hold their meetings from Meetings and time to time, as often as may be necessary, and that said board reports of of trustees shall make a report at least annually to the several bodies having power to fill vacancies.

SEC. 8. That the faculty of said school, with the advice and consent of the board of trustees, shall have power to confer all

first class.

trustees.

Faculty of school may confer degrees.

such degrees and marks of distinction as are usually conferred by colleges and universities.

Property exempt from taxation.

Location of

How property disposed of if school abandoned.

SEC. 9. That the property, real and personal, belonging to and held by said corporation, shall be exempt from taxation.

SEC. 10. That the said "St. Mary's School" shall be located in Raleigh or in such other place in North Carolina as said trustees may determine.

SEC. 11. That in case for any cause said trustees should determine to abandon the trust imposed on them, all property belonging to them shall be devoted to such religious, charitable or educational purposes, as may be determined upon by the several representative bodies entitled to elect said trustees and fill vacancies as aforesaid, having respect, as far as practicable, to the proportions in which the several dioceses or jurisdictions have created said fund.

SEC. 12. This act shall take effect from and after its ratification.

Ratified the 2d day of March, A. D. 1897.

CHAPTER 87.

An act to amend and re-enact chapter three hundred and ten, private laws of eighteen hundred and ninety-three, and amend and re-enact chapter three hundred and eighteen, private laws of eighteen hundred and ninety-five.

The General Assembly of North Carolina do enact:

Changes in residence and names of corporators.

Coporation may dam streams not navigable "for sea going vessels." Extension of corporate powers.

Further extensions of corporate powers.

SECTION 1. That chapter three hundred and ten, private laws of eighteen hundred and ninety-three, be amended; in Section 1 by erasing the words "Wilmington, Delaware" from line 2, and substituting the words "North Carolina" therefor; and by erasing the words "Robert Polk, of New York city, New York," from lines three and four of same section and substituting the words "George F. Airie of Stanly county, North Carolina", therefor; in Section 4 by inserting the words for "seagoing vessels" after the word "navigable" in line three; in Section 6 by erasing the word "and" from line twenty, and by inserting the words "canals, floodings, water-ways, electric lines, thoroughfares and subways, and for any other purposes needed by said company" after the word dams in line twenty-one; in Section seven by inserting the words "and deliver, by any way and method desired by said company, above or below

ground," after the word "sell" in line two; by erasing the words "of said" from line four; by inserting the words "lines, ways, thoroughfares, &c." after the word "appliances" in line six: by inserting the words "to any points within the State" after the word "use" in line seven; and by inserting the words "useful and" after the word "be" in line nine; in Section nine Terminus of by inserting the words "or from Winston-Salem in Forsyth county" after the words "Davidson county" in line two; in Money borrowed Section twelve by erasing the word "bonds" in line ten and substituting the word "lands" therefor; in Section fourteen by
substituting the word "ten "for the word "twenty"; in Section
register by substituting the word "ten" for the word "two."

of other meetinger to pay for lands,
&c.

Ten days notice
of meeting for
organization.
Ten days notice
of other meetinger to pay for lands,
&c.

SEC. 2. That the Company may use convicts of the State, ings. May use convict upon said Company's works and developments upon as favora- labor. ble terms (and in the same manner) as have been or may be granted to any other corporation or persons.

SEC. 3. That chapter three hundred and ten, private laws Laws re enacted. of eighteen hundred and ninety-three, and chapter three hundred and eighteen, private laws of eighteen hundred and ninety-five, both as amended, be and the same are hereby re-enacted.

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

Ratified the 2d day of March, A. D. 1897.

CHAPTER 88.

An act to amend the charter of the corporation created by chapter 89, private laws of 1883.

The General Assembly of North Carolina do enact:

That chapter eighty-nine, private laws of one thousand Charter eight hundred and eighty-three, be and the same is hereby amended. amended by adding the following:

SECTION 1. That the town of Lumberton is hereby author- Debt authorized ized and empowered to create a debt for public improvements, provements. such as grading and paving streets and sidewalks, sewerage and drainage, water-works, fire-engines, lighting the streets and buildings, purchasing land for a cemetery, and the erection of necessary buildings and improvements thereon, and other pub- Amount lic improvements, to an amount not exceeding twenty thou-authorized.

Bonds may be issued.

Term of bonds.

sand dollars, and may issue bonds to that amount or any less amount for any one, or more or all of said purposes in the in the of the "town of Lumberton," in such denomination and form, and payable at such place and time, not exceeding thirty years, and bearing interest at no greater rate than six per cent. per annum, payable annually or semi annually as the board of commissioners may determine.

Sec. 2. That the bonds for any of the aforesaid purposes

Bonds not issued without approval of majority of voters. Election to be held.

What notice of election to set forth.

Ballots.

Bonds to be issued if majority vote "approved."

Tax levied and collected.

Bonds for more than one purpose to be voted on in separate boxes.

Proviso:
No election to be held except upon petition.

How bonds issued and attested.

Not to be sold at less than par.

Special tax for interest and sinking fund.

shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at the court house door at an election to be held under the same rules and regulations as are now provided by the charter for elections in said town; such notice shall set forth the object for which 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 to pay the principal and interest on the bonds. The qualified voters approving the issue of such bonds and the levy and collection of the taxes to pay the same, shall deposit in a 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 mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. At such election upon the proper notice being given, as above set out, the question of issuing bonds for more than one purpose within the meaning of this act may be voted on in separate boxes, under the same rules and regulations as above set out; but in such a case the ballots shall contain the purpose of the bonds with the word "approved" or "disapproved" following as the voter may desire; Provided, that no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election.

SEC. 3. That said bonds shall be issued under the signature of the mayor of said town, and attested by the town cierk and treasurer under the official seal of said town, and the mayor shall, under the direction of the board of commissioners dispose of said bonds at a sum not less than par value.

SEC. 4. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing and can-

celling the same before due, it shall be the duty of the board of commissioners of said town at the time fixed for the levy of other taxes in the same to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax, upon all the subjects of taxation set out in section thirty-two of chapter eighty-nine, private laws of eighteen hundred and eighty-three, which taxes so collected shall at all times be kept separate and distinct and used only for the purpose above set out: Provided, that so much of set out. Proviso: the tax levied each year as may not be required to pay the inter-Investment of est on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds. and to increase the due investment of the above-described amounts from time to time it shall be the duty of the treasurer of said town, under such regulations as the board of commissioners thereof shall from time to time prescribe, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: Provided, further, that the board of commissioners of said town may require an official bond of the clerk and treas-clerk and treasurer not exceeding ten thousand dollars, for the faithful discharge of all the duties pertaining to his office: Provided, fur-Proviso: ther, that the rate of taxation in said town (not including Limit of taxalicense and privilege taxes) shall not at any time exceed the rate of sixty-six and two-thirds cents on every hundred dollars valuation, and a poll tax not exceeding two dollars, with which to pay both the ordinary expenses of said town and the special taxes herein provided for.

Taxes used only for purpose sinking fund.

Proviso: Bond of town

SEC. 5. That the bonds authorized to be issued by this act and Bonds and coutheir coupons shall not be subject to taxation by said town until after they become due or tender of payment shall have maturity or tenbeen made by the town through the treasurer and the coupons Coupons receivashall be received in payment of town taxes for any fiscal year in which they become due or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for Bonds and coupayment at the time or times and place therein named, he shall not be entitled to any interest thereon for the time they have maturity. been outstanding after maturity,

pons exempt from tax until taxes.

pons not to bear interest after

Record of bonds

SEC. 6. That the clerk and treasurer of said town shall keep a record in which shall be written the name of every purchaser to be kept. of a bond and the number and amount thereof; and he shall keep an accurate account of the coupons and bonds which shall be paid and cancelled, so that the true state of the bonded

indebtedness of the town shall be readily seen and ascertained at any time by any tax paver of said town.

If lands purchased for cemetery commissioners to pass rules for government thereof.

rules a misde meanor.

Preamble.

SEC. 7. That in the event the said town should purchase lands for a cemetery, either within or without the corporate limits thereof, the commissioners thereof shall have power to pass all such rules and regulations as they may deem necessary for the Violation of such proper government thereof; and it shall be a misdemeanor, punishable as in the charter of said town provided, to violate the provisions of any ordinance relating thereto.

SEC. 8. Whereas the mayor and board of commissioners of said town, on July 23, 1894, in pursuance of sections 9 and 10 of chapter 366, private laws of 1893, appointed a commission consisting of Joseph McRee, Wellington Wishart and E. K. Proctor, Jr., for the purpose of locating, identifying and substantially marking the original corners and lines of the tract of land conveyed by John Willis to William Tatham, Henry Lightfoot, Jacob Rhodes, Elias Barnes and Sampson Bridgers by deed dated August the fourteenth, seventeen hundred eighty-seven, and recorded in the office of the register of deeds of Robeson county, North Carolina, in book A, page 60, and for the further purpose of locating and marking the corners of the lots and public square and the lines of the streets laid out on said tract of land according to a map thereof dated May the fifth, seventeen hundred and eighty seven, and signed by Jacob Rhodes, which is the original and official map of the town of Lumberton, as will fully appear by reference to the proceedings of the court of pleas and quarter sessions of Robeson county, North Carolina, under date of May the fifth, seventeen hundred and eightyseven.

Preamble.

And whereas the said commissioners, by virtue of said act, and their appointment were required to make a survey of said tract of land conveyed by Willis to William Tatham and others as aforesaid, and of the lots, streets and public square laid down on said map, and to substantially mark all the original corners and lines of said tract of land, and to locate and mark the corners of the lots and public square, and the lines of the streets as laid down on said map, and to make an accurate map of their survey, including on said map the lots, streets, public square and other memoranda which appears on the aforesaid map, and when completed to file the same under their signatures, with the mayor and board of commissioners of the town of Lumberton at a regular meeting thereof.

Preamble.

And whereas the said commissioners, in pursuance of said act and of their appointment by the mayor and commissioners aforesaid, after the 23d day of July and before September 4th,

1894, made a survey of said tract of land and located, identified and substantially marked the original corners and lines of the same, and also made a survey of the lots, streets and public square laid down in said map, and located and substantially marked the corners of the lots and public square and the lines of the streets as laid down on the same, and also made an accurate map of their survey as required by said act, and filed the same at a regular meeting of said mayor and commissioners, September the fifth, 1894, said map being dated September 4th, 1894, and signed by the said three commissioners and witnessed by S. W. Bennette, and, whereas the said map was on the seventh day of November, 1894, duly approved and adopted by the mayor and commissioners of said town as the official map thereof, and ordered to be filed and recorded as required by said act; now, therefore, it is hereby enacted and declared that the corners and lines of said tract of Lines of part of land, and the corners of the lots and public square in said town, and the lines of the streets as located and marked by the said square and lines commissioners be and they are hereby established and declared of streets established. to be the correct corners and lines of said tract of land, and the correct corners of the public square and lots and the lines of the streets in said town. And it is further enacted that the said map dated September 4th, 1894, and the recorded copy Official map of thereof in the map book of said town, and any copy that may part of town. be hereafter made of the same in the register's office of Robeson county, North Carolina, shall hereafter be received as the official map of the part of the town of Lumberton covered thereby, and the said man or the recorded copies thereof, and the lines, corners and boundaries established and marked by the said commissioners as hereinbefore mentioned, shall hereafter, in all matters Map prima facie or disputes concerning the same, be received in all courts prima evidence of location. facie evidence of the true location of the original corners and lines of said tract of land conveyed by John Willis to William Tatham and others, and of the true location of the original and present corners and lines of the lots, streets and public square laid down on the original map of said town dated May the 5th, 1787, and signed by Jacob Rhodes.

town, corners, lots, public

SEC. 9. And for the purpose of better perpetuating the map Map to be made by the said Joseph McRee, Wellington Wishart and E. K. recorded. Proctor, Jr., it is further enacted that said map shall be recorded in the office of the register of deeds of Robeson county, after due proof of the signatures of the said three commissioners on the said map before the clerk of the superior court of Robeson county, North Carolina.

Fines and penalties for violation nances to be paid to use of town.

SEC. 10. That all the fines and penalties imposed by the mayor of said town, or by the superior court on appeal from his judgments, for violation of the ordinances thereof, as provided by sec. 21, chap. 89, private laws 1883, shall be paid into the treasury of the town to be used for the expenses of the town.

Law authorizing sale of wine and cider in Robeson county repealed as to Lumberton. Prohibitory law re-enacted.

SEC. 11. That chapter 381 of public laws of 1895 shall not apply to any territory within one and one-half miles of the court house in Lumberton, N.C., and as to said territory section 1, chapter 131, private laws of 1891, is hereby re-enacted, and declared to be in full force and effect, and that the provisions of chapter 381 of the public laws of 1895 are hereby repealed in so far as they are in conflict with this section.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 89.

An act to incorporate the Newbern mutual fire insurance company.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Thomas Daniels, O. Marks, J. W. Stewart, T. A. Green, E. H. Meadows, J. A. Meadows, C. T. Watson, Charles Duffy, E. B. Hackburn, E. Wadsworth, N. H. Street, L. H. Cutler, J. E. Latham, James Redmond, Charles Reigenstein, and all other persons who may hereafter be associated with them, be and they are hereby incorporated and constituted Term of corpora- a body politic and corporate, for a term of thirty years, under the corporate name of "The Newbern Mutual Fire Insurance Company," and by that name to sue and be sued, appear, prosecute and defend in any courts or elsewhere, and may have and use a common seal, which they may alter at pleasure, to elect in such manner as they shall determine to be proper all such officers as they shall deem necessary, and may purchase and hold such real estate and personal property as may be deemed necessary to effect the objects of this company; and may hold the same in fee, in trust, upon condition or otherwise; and may sell, convey, mortgage or pledge the same at pleasure; and may make and establish and put in execution by-laws consistent with the laws of this state, for their own government, and for the due and orderly conduct of their affairs, and the manage. ment of their property, and may do and execute all such acts

Corporate name.

Corporate powers.

By-laws.

and things as may be necessary to fully carry into effect the provisions of this act.

SEC. 2. That the affairs of this company shall be governed Directors. and managed by a board of directors, to consist of not more than twenty in number, as may be regulated by the by-laws of Number fixed in the company, and the said by-laws shall designate the number of such board, and such number thereof as shall constitute a Quorum, quorum for the transaction of business.

SEC. 3. That the board of directors shall have full power to Investments. invest all moneys coming into the possession of the company in real or personal estate, bonds, mortgages, gold, silver, stocks, or other securities of any kind or description, and have power to sell and convey the same or to change the character of said investments, from time to time as the interest of the company may require.

SEC. 4. That if there be an overplus left after paying all losses Reserve. and expenses for any year, an amount up to 75% (75%) of the net premiums for such year shall be set aside to accumulate as a reserve fund. That any residue that may be left at Dividends to the end of any year shall be distributed among the policy policy holders. holders, in such manner as the by-laws may determine, reserving such part of premiums as may be unearned.

SEC. 5. That this company may issue policies of insurance, May do general duly signed by its president and secretary, against loss or daminsurance business. age by fire, or any other insurance whatsoever that the directors may deem proper, and this company is hereby vested with all the powers that any insurance company has, or may have, to transact business in this state, and may charge such premiums as may be agreed upon by this company and the parties insured.

SEC. 6. That the policies issued by this company shall be Guaranty fund. secured and guaranteed by the secured bonds of such persons as the board of directors may accept, which bonds shall amount in the aggregate to not less than fifty thousand dollars, and may be increased at the discretion of said company to two hundred thousand dollars, or in lieu thereof cash payments from such persons as elect to pay the same in place of such secured bonds, or part cash and balance in bonds secured, so that the total of cash and bonds so paid in and deposited shall aggregate said sum. That before any person security of guarshall be accepted as guarantee, the security offered to his bond, antors' bonds to be approved. as provided for above, shall be passed upon and approved by a majority of the board of directors. And shall pay into the Ten per cent. of hands of said company 10 per cent. of the amount subscribed by guaranty fund to be paid in cash. him as a guarantor, in cash, and the balance secured in man-

antors.

How enforced.

cease.

Income from reserve fund to be divided amongst guarantors.

If company wound up balance of reserve fund to belong to gnarantors.

If reserve fund exceed capital stock excess may be divided amongst guarantors.

Reserve if diminished to be made good from net premiums.

If reserve be exhausted deficit to be raised by guarantors,

Liability of gnar- ner as above stated. That the guarantors shall be liable upon their several bonds to any policy holder who may suffer loss and have a valid claim against this company, which he may enforce in any court in this state, by suit against said guarantors in which all of them shall be named defendants, the said claim Limit of liability. being first established against said company. The amount of the liability of each guarantor is hereby limited to the proportion which his bond bears to the whole amount of solvent guarantee bonds, held by the company, and no more; and in no event shall such liability exceed the amount of his said guar-When liability to anteed bond. That the several liability of each guaranter shall continue until he shall have paid the full amount of said bond, or until the reserve fund shall amount to the sum of fifty thousand dollars, at which time all liability of the guarantors shall cease and forever determine. That the income from the reserve fund may be divided at any time and in such manner as the directors may determine, amongst the guarantors and their legal representatives and the persons to whom they shall assign their rights as such guarantors, and in case this charter at any time be surrendered or annulled, or the affairs of this company wound up, by the consent of the majority of its guarantors, the reserve fund shall, after all debts and liabilities of the company shall have been fully paid or provided for, belong to and be the property of, and be divided amongst the said guarantors and their legal representatives and assigns. That if at any time a reserve fund shall accumulate in excess of fifty thousand dollars, or in excess of the said capital stock, such excess may, in the discretion of the board of directors, be divided amongst the guarantors, their legal representatives and assigns, in the proportion of their respective interest. If at any time it shall be necessary to draw upon the reserve in the payment of losses, such amount shall be replaced to the reserve out of the net premiums of the company after paying losses and expenses, and after setting aside the annual 75 per cent. for the reserve as above stated; and in the event that the reserve shall be exhausted in payment of losses, and in the judgment of the board of directors it shall become necessary to call on the guarantors to raise money for the payment of said losses, the said guarantors shall appoint from their number a committee who shall be empowered to endorse for the said company for any amount not exceeding the liability of the guaranters on their guaranteed bonds, the said endorsers and the remaining guarantors to be severally liable on the said endorsements, each one to the amount of his guaranteed bond and no further. But the said company shall, out of the first available assets

thereafter received by it, satisfy and take up any outstanding Notes endorsed notes endorsed by said guarantors or their committee, or in the by guarantors to event of any payments made by the said guarantor on their Payments by guaranteed bonds except as hereinafter provided in section 10, repaid. the said company shall, out of the first available assets received by it, return to the said guarantors the amount severally paid by them. And that in lieu of such endorsements as above provided, the bonds secured as before provided may be hypothecated. cated as collateral security to any such loan, upon the same terms, conditions and restrictions as above provided in case of endorsement. The liability of any guarantor shall not at any Liability of guartime exceed the amount named in his guaranteed bond, and antor not to exceed amount when that amount shall have been paid by him, either at one of bond. time or at different times, his liability shall cease and determine, until he shall be reimbursed in whole or in part by the company, or by his co-guarantors, when it shall be renewed or revived for the difference between his guaranteed bond and the net amount of the advancement paid by him, and not repaid to him.

SEC. 7. That if any guarantor shall at any time be legally Guarantor failrequired in writing by the proper authority to pay any amount meet liability to for which he shall become liable upon his guarantee; or if any forfeit interest in assets of comguarantor shall die, and his personal representatives be at any pany. time in like manner and by like authority required to pay any amount for which the deceased guarantor or his estate shall become liable upon the guaranteed bond, and shall fail to pay the same for the space of ninety days, the interest of said guarantor or his personal representative and estate in the assets of the said company, and his certificate therefor, shall ipso facto be forfeited to the company; but such forfeiture shall not Forfeiture not to relieve such guarantor or his estate or his personal representator from liability. tive from any liability which has accrued and may thereafter accrue upon said bond, until another bond accepted by the board of directors shall be substituted in its place, or until notice by the personal representative, next hereinafter provided for, shall have been served and payment of all liability is made as provided by law.

If any guarantor shall die, his personal representative may If guarantor die, at his option serve a written notice upon the president of how personal representative the company within ninety days after his qualification as relieved of liasuch representative, and pay to the company all liabilities that may have arisen upon said bond, upon to the time of making said payment, and he shall thereupon be relieved from further liability upon said bond, and all rights and interest as guarantor of the said deceased guarantor and his estate shall be forfeited

bility.

If guarantor forfeit or be relieved other guarantors to be procured.

Interest not affected by contingent liability.

Certificates of interest of guarantors to be deposited.

When security to guaranty bonds and certificates to be delivered to guarantors.

Guarantor relieved by substitution.

Extent of liability of policy holder and guarantor.

Guarantor may deposit cash in lieu of bond.

Deposits to be invested and income paid to depositor.

Income of collat eral securities to guaranty bonds paid to guarantors.

to the company. In either of the above cases the directors may their discretion and upon such terms as they may deem proper procure other guarantors possessing the necessary security and requirements as before stated, and should such other guarantors not be procured the remaining guarantors and their assigns shall succeed pro rata to all the rights of such living or deceased guarantor. But nothing in this section shall be construed to affect the interest of any living or deceased guarantor so long as his liability shall remain contingent, and no demand shall be legally made upon him or his estate to pay any amount on account of his guarantee bond. That in order to carry into effect this section the certificates representing the several interest of the guarantors shall be deposited with such person or corporation as the directors may select, endorsed by them to him or it, to there remain until the guarantor shall be relieved of all liability upon their bonds, either by the accumulation of the reserve to the amount of fifty thousand dollars or as hereinbefore provided, or until the full amount of his guarantee shall be paid in cash, in which event the securities placed by him to secure said bond shall be surrendered with said certificates to said guarantor.

SEC. 8. That any guarantor may at any time after first satisfying any liability which may have arisen upon his guaranteed bond relieve himself of further liability or responsibility by substituting another guarantor in his place, and may thereupon assign his interest in the company to said substituted guarantor to possess the qualifications and to give security as provided in section 6 of this charter, and both to be subject to the approval of the board of directors.

SEC. 9. That no policy holder shall in any event be liable to pay more than the premiums on his policy or policies, and that no guarantor shall be responsible for any sum beyond the amount named in his secured bond, or beyond the cash subscription paid by him in lieu of bond.

SEC. 10. That any guaranter of the said company shall have the option, if he so elects, to deposit with the said company as his guarantee the amount of his guarantee bond in cash in lieu of his said bond, the said deposit to relieve him from all further liabilities of any kind. The directors shall invest the said deposit in some safe security, and pay over to the said depositor the income from the said investment as collected by it; and in like manner shall the said board of directors pay over to the holder of any security placed as guarantee to any bond the dividends and interest and profits arising upon said security in like manner, as is provided for the payment of interest to guarantors, pay

the amount of the guarantees in cash; the said deposit and col- How deposits lateral securities, less the income and interest, to be held in securities held. trust for the protection of policy holders, and to be subject to the same conditions and requirements as stated in the provison of this charter; and when a reserve is accumulated to the amount of fifty thousand dollars the said guarantee deposit When to be and collateral security and bond shall be returned to the said returned to depositor or depositor and bonded guarantor, his legal representatives and guarantor. assigns, as shall likewise be done at the winding up or discontinuance of the affairs of this company as before provided.

SEC. 11. That the persons named herein as incorporators shall, Election of as soon as practicable after the granting of this charter, meet and elect a board of directors, who shall hold office for one year and until their successors are elected, and a board of directors shall be elected by the guarantors and their associates each year thereafter at their annual meeting. That said board of Powers of directors are empowered to elect officers, appoint general and directors. local agents, committees, adjusters, appraisers, and to fix salaries for such officers as shall be determined upon by them. and commissions to agents.

SEC. 12. That the directors shall, at their first meeting, issue Certificates certifictaes to the guarantors or depositors and their assigns, issued to guarantors. which shall represent their respective interests, as provided for in section 6, naming therein the restricted liability of the holder thereof.

SEC. 13. That at annual and other meetings of the company votes allowed guarantors in the guarantors and their assigns shall be allowed one vote upon proportion to each one hundred dollars of certificates held by them respect- anteed.

amount guar-

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 90.

An act to amend the charter of the town of Mount Airy, North Carolina, chapter 62, private acts, 1887.

The General Assembly do enact:

Specific or license taxes allowed.

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 may levy and collect annually a specific or license tax upon Subjects of taxa- the following subjects: On every soda water vendor, lemonade manufacturer, trader in leaf tobacco, telegraph or telephone office within the limits of the town, warehouse for the sale of leaf tobacco, and on every vendor of watches, clocks, jewelry or repairer of the same, a tax not to exceed ten dollars. On every company, whether incorporated or not, having an office in or resident agent doing business in the corporate limits of the town, a tax not exceeding ten dollars. On every railroad company, a tax not exceeding one hundred dollars. On every person carrying a pistol, bowie-knife, dirk, sword-cane or other deadly weapon, except guns, shot guns and rifles for shooting game, a tax not exceeding ten dollars: Provided, this shall not include officers of the law while on duty. On every vendor or dealer in pistols and other deadly weapons, a tax not exceeding seventy-five dollars. On every hotel, public eating house or restaurant, and ice cream saloon, a tax not exceeding five dollars. On every job printing office, on every vendor of periodicals or stationery or books; on every saw mill or grist mill, machine shop, foundry or other manufactory not specifically named, on every tanyard, on every practicing physician or surgeon having an office in or residing within the town limits, on every practicing lawyer residing in or having office in the town; on every manufacturer of cigars, cigarettes, smoking tobacco in whatever shape; on every manufacturer of plug, twist, or other shape of chewing tobacco; on every tin manufacturer, vendor or repairer of tin work, copper, iron; on every merchant, grocer, or vendor of goods, ware of any description; on every lumber dealer; on every agent doing business in the town of Mount Airy; on every insurance agent doing business or residing in the town, either life or fire; on every plumber or gasfitter; on every photographer or other artist taking likenesses or enlarging photographs or pictures, or soliciting orders for same, by whatsoever process; on every dealer in patent rights; on every druggist or apothecary shop; on every dentist;

on every commission merchant or forwarding merchant; on every auctioneer; on every cabinet shop; on every harness or saddle shop; on every barber shop; on every corporation; on every baker; on every land agent doing business in the town of Mount Airy; on every furniture manufacturer or vender of the same; on every undertaker; on every produce dealer; on every millinery store, vender or dealer in such goods a tax on each not to exceed ten dollars. On every insurance company, life or fire, doing business within the limits of the town, a tax not exceeding twenty-five dollars. On every flying jenny or merry-go-round, or machines of like nature within the town or within a mile of the town limits, a tax not exceeding one hundred dollars. On every express company having an office in the town, a tax not exceeding fifty dollars. On every peddler of any kind or nature of goods, itinerant merchant, vending or offering to yend, a tax not exceeding twenty five dollars. On every dealer in prize goods, a tax not exceeding fifty dollars. On every bank or broker or exchange office, a tax not exceeding fifty dollars. On every theatrical or stage player, each person or company, fortune teller, sleight-of-hand performer, minstrel troop, instrumental or vocal concert company, exhibitors of artificial curiosities, rope or wire dancers or tumblers, circus or other show, for each day of performance within the town or within one mile of the town, whether exhibition free orfor a charge, a tax not exceeding twenty-five dollars. On every milk dairy doing business or vending milk, a tax not exceeding fifty dollars: Provided, no person shall be prevented from selling at their homes. On every cancer doctor or other person doing or professing to effect a cure of any nature, either upon human or animal creature, by whatever name or title known. on every optician, phrenologist, dancing school, traveling agent or salesman disposing of any goods, ware or merchandise, or privilege of whatever name not hereinbefore enumerated and taxed, by whatever name, means, trade or subterfuge the sale may be endeavored to be made or concealed, sewing machine agents, agents for fertilizer companies, a tax not exceeding fifty dollars. On every tombstone manufacturer or vender; on every manufacturer of buggies, carriages or other vehicles, a tax not exceeding ten dollars: Provided, that the commissioners of the town shall have power to rebate any of the taxes hereinbefore named.

SEC. 2. That said charter be further amended by adding an additional section as follows, to-wit: That it shall be lawful to investigate for the mayor of Mount Airy, if he has good reason to believe concerning unlawful games that any one has knowledge of the playing, within the corporate or sale of liquor.

Power of mayor

ration of Mount Airy, any of the games prohibited by a law of the state or the ordinances of the town, or that any one has knowledge of the unlawful sale of spirituous liquors within said town, to issue a summons in writing commanding such person to appear before him and give evidence on oath what he may know of such gaming or unlawful sale of spirituous liquors, and if such information make a case of probable guilt, the mayor may issue a warrant for the arrest of the party implicated, who shall be tried according to the law now in force: Provided, further, that all ordinances passed and enforced hereafter under this section shall operate and have effect within one mile outside of the corporate limits of the town, and the mayor shall have criminal jurisdiction over all offences or violations of ordinances committed within one mile outside of said limits to the same extent and in like manner as he now has over offences and violations and ordinances within the corporate limits.

Proviso: Extent of operation of ordinances and jurisdiction of mayor.

Extent of authority of policemen.

That the policemen of said town shall have power and authority to execute all criminal or civil process within one mile outside of said limits to the same extent and in like manner as they now have within the limits of the town.

SEC. 3. That the said chapter 62, laws of 1887, private, named, be and is further amended by adding an additional section as follows :

Town commissioners may supplement public school fund.

From what funds additional school fund paid.

Proviso: Expense of town government to be first paid.

Proviso: How additional funds apportioned.

That it shall be lawful for the town commissioners of the town of Mount Airy, N. C., to agree in writing with the school committee of the public school district of Mount Airy, as now located, by which the said town commissioners may supplement said public school fund in said district, by paying the said school committee a sum of money sufficient when added to the funds now due, or that may hereafter become due the said publie school district of Mount Airy, under the present school law of the state, to maintain a school in said town for a term of not less than four or more than ten months in each year, to be paid out of the money that from time to time shall be raised in said town from special tax, gifts, grants and also from the proceeds of any tax imposed by this act, or any act heretofore passed for the benefit of the town, or that may be imposed on licenses on retailers of wine, cordials or spirituous liquors within the limits of the corporation: Provided, that said town commissioners shall not pay any money under this act until all expenses and cost of the support of the town government has first been paid according to the law as now provided: Provided, further, that all money paid under this act shall be apportioned without discrimination in favor of, or to the prejudice of either race, due regard being had to the cost of keeping up and maintaining the

schools of both races. And, Provided, further, that all children Provisos residing within the limits of the town, between the ages of six All children resident of town and twenty-one years, shall be admitted into said school free of admitted free. tuition charges. And, Provided, further, that all paying stu-Proviso:
Pay students dents admitted into the school shall be under the direction of under direction the school committee.

SEC. 4. That chapter one hundred and seven and section four, yote on prohibiof the private laws of North Carolina of 1895, amending the regular election. charter of the town of Mt. Airy, N. C., be, and the same is hereby amended, by striking out the word "election," in line two of section four, and inserting in lieu thereof the words "regular election to be held in 1897"; that section four of said chap- License by ter 107 be further amended by adding after the word "major- wards. ity," where it occurs in the fifth line thereof, the words "in any ward," and further by adding after the word "same" where it occurs in the sixth line of said section four the words "to carry on business in such ward."

SEC. 5. It shall be unlawful for a minor to enter any place Unlawful for where malt, spirituous or fermented liquors are sold as a bever- minor to enter age. The proprietor or his agent, of any such place dealing liquor is sold.

Proprietor dealwith or harboring minors in violating this section, shall be ing with minor guilty of a misdemeanor and punished by fine or imprisonment, meanor. or both, in the discretion of the court.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 91.

An act to amend the charter of the town of Durham in Durham county and to authorize said town to issue bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Durham in Dur-Town charter ham county, as contained in chapter one hundred and ten (110), amended. private acts of one thousand eight hundred and seventy-four and seventy-five (1874-5), be and the same is hereby amended as follows, namely: That the board of aldermen of the town of Issue of bonds Durham be and the same is hereby authorized to issue coupons authorized. bonds not to exceed in amount the sum of two hundred and fifty thousand dollars and in denominations of not less than Amount of issues twenty-five dollars nor greater than one thousand dollars, tions of bonds. drawing interest from date of bonds at a rate not to exceed (5) per centum per annum and payable semi-annually on the first

of school committee.

any place where Penalty.

Bonds divided into classes When first class due. When second class due When third class due. Proviso: Citizens of town to be allowed opportunity to subscribe for bonds. Bonds and coupons to be numbered. How signed.

Bonds not sold at less than par. How proceeds expended.

Proviso: Election to be held.

Election to be advertised.

What notice to specify.

Ballots.

How votes deposited, counted and certified.

Bonds not to issue unless majority of qualified voters of town so vote.

How inspectors of election appointed and election held. day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be divided into three classes of equal amounts as follows: First class payable in twenty years from date, second class payable in thirty years from date, third class payable in forty years from date: Provided, however, that the citizens of the town of Durham shall be given an opportunity to subscribe for said bonds, in small or in large amounts, before the same are offered to others; it is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of Durham and the clerk of the board of aldermen of said town.

SEC. 2. That the bonds shall not be sold for less than their face value, and that the proceeds arising from the sale of said bonds shall be expended by the board of aldermen of the town of Durham in the erection and construction of a water works system, an electric or gas lighting system, a sewerage system and in street improvements, under the restrictions hereinafter imposed upon said board of aldermen, or in the purchase of a water works system or electric or gas lighting system, under like restrictions: 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 aldermen may appoint; the said election shall be advertised by the aldermen of said town for thirty days prior to the day of election in at least two papers published in said town. In which notice said aldermen shall specify for what purpose the funds arising from the sale of said bonds is to be expended and the amount of said bonds which it is desired shall be issued. Those who are in favor of issuing said bonds shall vote "For Improvement Bonds" and those who are opposed shall vote "No Improvement Bonds." That the number of votes cast for and against said bonds shall be deposited in a special box, immediately counted and within two days duly certified by the inspectors of said election and returned to the aldermen of said town, who shall certify the result of said election to the secretary of state and to the register of deeds of Durham county. If a majority of the qualified voters of said town shall vote "For Improvement Bonds," then the board of aldermen shall proceed to issue and sell said bonds; but if a majority of the votes cast shall be against or "No Improvement Bonds," then this act shall be of no force and effect. The inspectors of said election shall be appointed and the election shall be held as all other elections in said town.

SEC. 3. That at the time of the election provided for in section 2, under the same rules, regulations and restrictions as are

provided for the general election of said town in the said charter, there shall be elected five commissioners, who shall be Commissioners known and designated as the commissioners of public works of to be elected. the town of Durham.

The five persons among those voted for as such commissioners who shall, upon a canvass of the vote as provided for in the charter of said town, be found to have received the highest number of votes shall be declared elected. If there be a tie vote Board of alderbetween any two or more persons receiving the largest number men to select in for commissioner or commissioners, the board of aldermen shall select a commissioner or commissioners of such persons so receiving the largest number of votes. The commissioners of public works elected under the provisions of this act shall hold Term of office of their offices until the next regular election in said town for mayor and aldermen, when their successors shall be elected for When successors mayor and aldermen, when their successors shan be elected for allected. a term of two years, as in the case of mayor and aldermen of Term of office. said town under said charter; and biennially thereafter, at the same time as is provided for the election of mayor and aldermen under said charter, the said five commissioners of public works shall be elected.

case of tie.

SEC. 4. The commissioners hereby created shall be a body Commissioners corporate under the name and style of "The Board of Commis-incorporated Corporate name. sioners of Public Works of the town of Durham, Durham county," and by that name shall have the power to conduct Corporate powsuch business as may be necessary in the management and control of their department.

and organize.

That if, the election upon the question of issuing bonds, a When commismajority of the qualified voters of said town shall vote "for sioners to meet improvement bonds," after the board of aldermen, with the funds derived from the sale of the bonds so authorized, shall have constructed a water works system and an electric or gas lighting plant, or either of such works, or shall have purchased either or both, then the board of commissioners of public works, elected under the provisions of this act, shall, within five days after the completion of the said water works system or electric or gas lighting plant, or the purchase of either or both, meet and organize by the election of one of their number chairman and one of their number secretary and treasurer. The said Duties of chairchairman so elected shall preside at the meeting of said board, man. and shall perform such other duties as the board shall impose upon him. The secretary and treasurer shall act as clerk of Duties of secresaid board and shall keep minutes of the meeting of the same, tary and treasurer. and shall perform such other duties as the board shall impose upon him. As treasurer he shall give a bond with justified Treasurer to give sureties, to be approved by the board of aldermen of said town. bond.

Duty and responsibility as treasurer.

Treasurer to make disbursements under direction of board.

Compensation of chairman of commissioners.

secretary and treasurer.

commissioners.

Expenses of works and interest on bonds to be paid by water and light rates.

Surplus to be passed to sinking fund.

How sinking fund invested.

Amount of bond. in the sum of ten thousand dollars for the first year, and in the succeeding years in a sum equal to the amount of water rates and light rates collected by him for the previous year, and in addition to the amount passed over by the said board to the sinking fund, as hereinafter provided for. That the said treasurer shall collect the water rates and light rates, and he shall have the control of, and be responsible on his bond for, the amount of money that may be collected by him, and also for the amount that may be passed by the said board to the sinking fund, as hereinafter provided for. The said treasurer shall, under the direction of, and in accordance with, such regulations as the said board may make, disburse such of said money as may be necessary for the operating expenses of his department, and to pay the interest on said bonds.

SEC. 5. That the said chairman of the said board of commissioners of public works shall receive as compensation for the performance of his duties such a sum as the aldermen of the town shall determine, not to exceed the sum of two hundred Compensation of and fifty dollars (\$250.00) per year. That the secretary and treasurer of said board shall receive as compensation for the performance of his duties such a sum as the aldermen shall determine, not to exceed the sum of one thousand dollars per Compensation of year. That the other members of the said board shall receive such compensation for the performance of their duties as the aldermen shall determine, not to exceed the sum of one hundred dollars per year.

SEC. 6. That the expenses of operating the said water works system and the said electric or gas lighting plant shall be paid out of the respective sums derived from the water and light rates. That the interest on the bonds issued under this act shall be paid out of the respective sums derived from the water and light rates. That such surplus as may remain, after paying the expenses of each respective department and the interest on the bonds issued under the provisions of this act, shall be passed by the said board to the sinking fund, which shall be kept by the treasurer of said board for the purpose of paying off the said bonds at maturity, or sooner if possible. It shall be the duty of said treasurer to lend the money coming into his hands as such sinking fund at the highest legal rate of interest that can be obtained, securing said loans by mortgage on real estate, taking as a basis of the value of such real estate the valuation of the real estate on the tax book of the county where such real estate is situated, and not lending the borrower more than one-half the value of such real estate. If unable to make satisfactory loans on mortgages, then said treasurer may loan

on such securities as may be approved by the said commissioners of public works.

SEC, 7. In case the revenue derived from the said water works Special tax and electric or gas systems should not be sufficient to pay the revenue from expenses of operation, the interest on said bonds and to create waterworks and lighting system a sinking fund for the redemption of said bonds, then the board insufficient. of aldermen are empowered to levy a special tax for the purpose of paying such interest and creating such sinking fund, not to exceed thirty cents on the hundred dollars worth of real and Limitation. personal property in the town, and ninety cents on the poll. The money thus raised for the payment of interest and to create Money so raised a sinking fund to be paid by the tax collector to the treasurer to be paid to treasurer of of the said board of commissioners of public works under the board of comrestrictions and liabilities contained in this act.

missioners of public works.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 92.

An act to incorporate the bank of Enfield.

The General Assembly of North Carolina do enact:

SECTION 1. That James H. Parker, George B. Curtis, George Corporators. V. Boyd, A. S. Harrison, J. W. Cole, H. J. Burwell, T. L. W. Young, S. Meyer, S. S. Alsop and David Bell, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of the "Bank of Enfield," with its principal office and place of general business at Enfield, North Carolina, and by that name may Location. sue and be sued, plead and be impleaded, in any court in the Corporate powstate, and have a continued succession for the term of sixty ers.

SEC. 2. That the capital stock shall not be less than five thou- Capital stock. sand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not to exceed fifty thousand dollars.

SEC. 3. That the corporation named herein or any three of Books of subthem, are hereby empowered to open books of subscription to scription. 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 corpora-

Books may be reopened,

Meeting for organization.

Directors.

Other officers.

Powers of President and directors.

Meeting of stockholders.

Bank of issue.

powers.

May take "crop lines."

tion, at their discretion reopen books of subscription to said capital stock until the same as herein limited is wholly taken.

SEC. 4. Whenever five thousand dollars shall be subscribed and paid into the capital stock of said bank the before mentioned corporators, 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 stock holders may elect such directors, and so many, as they may deem sufficient, who shall hold their offices 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, book-keeper, and all other such officers as may to them be deemed necessary to serve during their continuance in office or until their successors shall be elected or appointed by the said board of 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 not to exceed the rate allowed by law, and deposits taken, and when dividends of the profits and the amounts thereof shall be made and declared; they shall fill all vacancies occurring among the officers or agents of the said corporation; they may call meetings of the stockholders at such times and upon such notice as they may deem proper, and at all such meetings of the stockholders, said stockholders may be represented by written proxy, and each share shall be entitled to one vote.

SEC. 6. That said bank may receive and pay out all lawful currency of its own issue under all rights, powers and authority, and under such instructions as may be imposed by the laws of this state and of the United States as to circulation by state Further banking banks; may deal in exchange, gold and silver coin, current and incurrent, paper, public, municipal and other securities; and for the purpose of aiding planters, farmers, manufactors and others said bank shall and may have power to loan any sum or sums of money, and to secure the payment of the same by taking in writing lien or liens upon the crops to be raised, either then planted or to be planted in the future, or upon any article or articles then in existence, and shall have power to make loans upon mortgages and deeds in trust of real and personal property,

with power of sale inserted upon default of payment; said bank shall also have power to receive in storage or warehouse any Warehouse busicotton, tobacco, wheat, corn, peanuts, potatoes, oats or any other article of produce, trade or manufacture, as a pledge or pledges for the payment of money or moneys loaned upon the faith of the same 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 mortgage; said bank may discount notes or other evidence of debt; buy or sell or 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, unions, feme coverts 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 time as may be agreed upon; said bank 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, payable at such time and manner as it may see fit.

SEC. 7. The said bank may purchase and hold property, real Power to purand personal or mixed, and such as may be conveyed to it to chase and hold secure or satisfy any debt due it, or for any other purpose, or any sold under any mortgage, execution or order of court to satisfy any debt due it, and may sell and convey the same at pleasure, and use or re-invest the proceeds thereof as it may deem best.

property.

SEC. 8. That whenever any deposit shall be made by any Deposits of minminor or feme covert to said corporation, it may, at its discre- women. tion, pay such minor or feme covert such sum or sums as may be required by them from such deposits; 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.

SEC. 9. If any subscriber shall fail to pay his stock, or any part How subscripthereof, as the same is required of him, the entire amount upon tion of delinsaid stock shall be due, and may be recovered in the name of ers collected. the said corporation by civil action, either in the county of the office of the said corporation or of the residence of the said delinquent, or entire stock of said delinquent may be sold in the town of Enfield after ten days' notice at the door of said bank by Stock of delinposting, and if the proceeds thereof shall not be sufficient to dissold privately. charge the amount unpaid, with all costs and expenses of such

quent subscrib-

Assignees liable for unpaid subscription.

sale, the delinquent shall be liable for the balance found still deficient, to be collected as aforesaid by civil action, or such stock, after ten days' notice given by the cashier to such delinquent in writing, 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 endorsed payable to said corporation.

Power to act as agent, factor or trustee. SEC. 10. That said bank shall have the right to act as agents 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 upon in requesting, 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 and all other matters and things authorized by this charter, said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon, and which is not prohibited by law.

May receive deposits for safe keeping.

May accept and execute trusts.

May act as executor, administrator, collector, guardian or trustee.

SEC. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, certificates of stock, bonds, evidence of debt, instruments of title, and all other things of value in which may be left on deposit with corporation for safe keeping, and shall be entitled to charge such commission 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, whenever such appointment is made or conferred by any person or persons or court of the state or United States, and shall be clothed with the same power and shall be under the same restrictions asprivate individuals in the same capacity.

Stockholders not individually liable.

SEC. 12. No stockholders shall be in any wise individually liable or responsible for any debts, obligations, contracts or engagements of said bank beyond the forfeiture of his stock, and no stockholder shall be individually liable to depositor,

or other creditors of said bank beyond the forfeiture of his stock.

SEC. 13. Said bank is fully authorized and empowered to May do savings organize in connection with its general banking 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 small deposits in said savings department in any sum or sums as desired in any single case. and may give certificates or other evidence 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 Savings departshall be in nowise considered separate and distinct of said corment to be part poration, but in all respects a part and parcel thereof, and corporation. regulated by the provisions of this act, and to the savings department the bank itself shall be liable for their final pay- to savings ment as to its general depositors and creditors, and may department. receive deposits from minors without guardians or married Deposits of minwomen, and pay same upon their checks or receipts, which ors and married women. shall be valid.

bank business.

SEC. 14. That said corporation shall have all the power, rights Further corporand privileges granted to any bank or banking institution new rate powers and rights.

SEC. 15. That the bank shall have a lien on the stock for Preferred lien of debts due it by the stockholders before and in preference to bank on stock. other creditors of the same dignity.

doing business in this state, together with the rights, powers and privileges incident or belonging to corporation as set forth

SEC. 16. That agencies of the bank may be established at May establish such times and places as the president and directors may desig-branches. nate, 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 Proviso: tax thereon be paid.

SEC. 17. That the board of directors require the officers of May require said bank to give bond for the faithful performance of their bonds of officers. duties.

State tax on branches.

SEC. 18. That this act shall be in full force and effect from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

in the laws of this state.

CHAPTER 93.

An act to declare the Dennis Simmons lumber company a duly incorporated company, and to amend and enlarge its charter.

Preamble.

Whereas, the Dennis Simmons lumber company has heretofore, to wit, on the 17th of November, 1891, been incorporated before the clerk of the superior court of Martin county, under the general laws of the state of North Carolina, and due organization thereof has been perfected by the election of officers and the performance of many other acts in its corporate capacity, and it is now desired to enlarge and increase the corporate power, privileges and franchises of the said company. therefore.

The General Assembly of North Carolina do enact:

Incorporation under general law declared valid.

SECTION 1. That the said incorporation before the clerk of the superior court for Martin county on the 17th of November, 1891. The organization, the election of officers, adoption of by-laws, subscriptions to and transfer of the stock, all contracts by or with said company, and all other acts done by it in pursuance of the said act of incorporation by the said clerk are hereby declared valid, and the charter granted by the said clerk is hereby amended and re-enacted so as to read as follows:

Corporators.

SEC. 2. That Dennis Simmons, John D. Biggs and Dennis S. Biggs, of the county of Martin and state of North Carolina, and Theodore H. Tilghman of Beaufort county, state of North Carolina, and such others as may be hereinafter associated with them and their successors and assigns, are hereby constituted a body politic and corporated by the name and title of "The Dennis Simmons lumber company," and under that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal, which it may alter at pleasure. SEC. 3. That said company shall have power to buy, lease,

own, exchange, hold, sell, donate and convey real property sit-

conduct a general lumber business in all its branches and depart-

Corporate name. Corporate pow-

Power to hold real estate.

uate in the counties of Martin, Beaufort, Pitt, Edgecombe, Wilson, Nash, Johnson and Wake counties, or elsewhere in North Carolina, in any amount or quantity in fee simple or less estate, with all rights and privileges in connection therewith: Provided. Proviso: Limitation. the amount or quantity of land owned at any one time shall not exceed fifty thousand acres, to hold, own, buy and sell timber trees, growing and standing upon land in any quantity, to

Further corporate powers.

ments, to manufacture lumber of every kind, either for home or foreign markets, to manufacture laths, shingles, buckets, brackets, sash and doors, blinds and anything else out of lumber, to buy, sell and own and hold personal property of any kind necessary to carry out the purpose of the company herein recited.

SEC. 4. That the said company be and the same is hereby May build railauthorized and empowered to lay out and contract, equip and maintain and operate a railroad in this state with one or more tracks from or near Astoria on the Roanoke river, in said state Beginning point and Martin county, through the counties of Martin, Beaufort, road. Pitt. Edgecombe, Wilson, Nash, Johnston and Wake counties, either parrow or standard guage, for the purpose of conducting its business, and it shall carry persons and freight for other per- Common carrier sons and corporations when required to do so, and when they shall have put their road in condition for the said business under the same rules and regulations as pertain to other railroad companies. The said company may contract and operate May operate part any part of the said road before the whole of it shall be com- of line before construction of pleted, and may operate the same with any power it may see whole line. fit, and it may build and operate tramroads with any power May build tramthey may see fit for conducting its own business or that of roads. the public.

SEC. 5. That for the purpose of constructing the said road and May acquire any branches it may see fit to build, and for the purpose of way. reaching any timber or timber lands it may purchase or have purchased, and for the purpose of constructing and operating any tramroads that may be necessary to reach the said timber, whether said tramroad shall be built with iron or steel rails or wood or both, and whether the same shall be operated by steam or horse or other power, the said company shall have the right to acquire the land necessary for the right of way, not to exceed twenty-five (25) feet in width, and if the company cannot agree Power to conwith the owners of any land through which it may be necessary demn land for right of way. or desirable to build such roads or trainroads, the company may proceed in the manner provided by the general law to have a right of way condemned.

SEC. 6. The capital stock of the said company shall be forty- Capital stock. five thousand dollars, divided into shares of one hundred dollars each, and the capital stock may be increased to any amount not exceeding one hundred thousand dollars, whenever the stockholders at any general or called meeting shall so determine.

SEC. 7. The said company shall have power to make, from By-laws. time to time, such by-laws and regulations as it may see fit for

Directors and officers.

Principal office.

When annual meetings held.

May make mortgage and issue bonds. the government of its affairs; fix the number of directors, elect president and such other officers as it may see fit. The said company shall have its principal office at Williamston, North Carolina, and hold its annual meetings there or elsewhere in the state as a majority of its stockholders may determine. The company may mortgage any or all of its property to secure any debt or loan of money, and shall have the right to issue bonds for the purpose of borrowing money, and to secure the same by deed in trust or mortgage or liens on any of its property, real or personal.

Stockholders not individually liable.

Organization under former charter validated.

Conflicting laws inoperative as to this corporation.

SEC. 8. That the stockholders and corporators shall not be individually liable for any of the debts, contracts or obligations of the company.

SEC. 9. That the organization of the company having been perfected under the original charter, granted by the clerk, no notice of the first meeting shall be required, and said organization is hereby declared in all respects regular and valid.

SEC. 10. That all sections or parts of sections of chapters sixteen and forty-nine of *The Code* of North Carolina, or statutes amendatory thereof, or other laws in conflict with or inconsistent with this act, are hereby declared inoperative so far as they affect the rights and privileges and powers herein conferred or granted by the original letters of incorporation.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 94.

An act to amend the charter of the town of Concord, North Carolina.

The General Assembly of North Carolina do enact:

Compensation of tax collector.

SECTION 1. That section fourteen (14), chapter three hundred and twenty nine (329) of the acts of eighteen hundred and fiftyone (1851) be and the same is hereby amended as follows: By striking out the words "first deducting five per centum on his receipts as his compensation" in lines twelve and thirteen of said section, and insert in lieu thereof the following: "And shall be paid for said services such compensation as may be fixed by the commissioners for the town of Concord, not exceeding five per cent."

SEC. 2. That chapter one hundred and nineteen (119) of the Additional subjects of taxation. laws of eighteen hundred and seventy-nine (1879) be and the same is hereby amended as follows, on page seven hundred and ninety-eight (798) of said chapter, in line twenty-three after the words "twenty dollars," and before the words "and said board," in line twenty-four add the following: "16th. On every hotel or restaurant a tax not exceeding ten dollars; 17th. On every stock and bond broker, pawn broker, junk dealer, sewing machine company, for each brand sold or offered for sale, or agent of such company, and on every dealer in sewing machines, on every dealer in musical instruments, keeper of sales or livery stables or stock yards, and on every fresh meat dealer, a tax of not exceeding twenty five dollars; 18th. On every bill poster or sign poster, street huxter, merchandise or produce broker, ice dealer, dray, dealer in wood, coal or either, on every insurance company or insurance agency for every company represented. on every skating rink or shooting gallery, a tax not exceeding ten dollars."

SEC. 3. That section two (2), chapter thirteen (13), of the laws Additional limiof eighteen eighty-five (1885) be and the same is hereby amended ing in fire limits. by inserting in line six of said section after the word "cover" and before the word "any" the following: "or repair the roof of."

SEC. 4. That section two (2), chapter one hundred and nine- Additional police teen (119), of the laws of eigteen hundred and seventy-nine (1879), be and the same is hereby further amended as follows: Strike out the words "of not more than two men" in lines two and three of said section, and insert in lieu thereof "force who shall be paid a salary not exceeding forty dollars per month each."

SEC. 5. That section one (1), chapter one hundred and sev- Town commisenty (170) of the private laws of eighteen hundred and ninety-sioners and five (1895) be and the same is hereby amended so the same shall commissioners read as follows: That at the annual election next ensuing for wards. mayor and commissioners and school commissioners, and every two years thereafter, there shall be elected two town commissioners from each ward in the four wards of the said town, and at the same time and every two years thereafter there shall be elected one graded school commissioner from each of the four wards of said town by the qualified voters of the respective wards.

graded school

SEC. 6. That section four (4), chapter one hundred and nine- Rates of town teen of the laws of eighteen hundred and seventy nine (1879), be and the same is hereby amended as follow: Strike out the word "forty" in line five (5) of said section and insert in lieu thereof the word "sixty," and in line ten (10) of said section strike out

tax increased.

Proviso: Rate not increased if town bonds issued.

the word "twenty" and insert in lieu thereof the word eighty (80): Provided, however, that if a majority of the qualified yoters of said town shall vote in favor of issuing bonds to the amount of forty thousand dollars as authorized by an act entitled an act authorizing Concord to issue bonds if a majority of the registered voters vote in favor of bonds, and said bonds shall be sold, then this section (section 6) shall be of no effect.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. That this act shall go into effect from and after its ratification.

Ratified the 3rd day of March, A. D. 1897.

CHAPTER 95.

An act to incorporate the town Winterville, Pitt county.

The General Assembly of North Carolina do enact:

Town incorporated.

SECTION 1. That the town of Winterville, in the county of Pitt, be, and the same is hereby incorporated in the name and style of "the town of Winterville," and shall be subject to all the provisions contained in chapter sixty-two (62) of *The Code* of North Carolina, not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning in the county or dirt road, five hundred yards west of where the railroad crosses said county road, and runs a line northwardly parallel with the railroad, one hundred yards; thence eastwardly parallel with said county road four hundred yards; thence northwardly another line parallel with the railroad five hundred yards; thence east two hundred yards; thence southwardly parallel with the railroad five hundred yards; thence eastwardly four hundred yards, parallel with the county road; thence southwardly parallel with the railroad, and crossing the county road, two hundred yards; thence westwardly parallel with the county road one thousand yards; thence northwardly one hundred yards, to the beginning.

Town officers.

SEC. 3. That the officers of the said town shall consist of mayor, three commissioners and a constable, and the commissioners, when qualified as required by law, may elect a town clerk.

Mayor and commissioners until first election. 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, James R. Johnson; Commissioners, Rowan Cooper, C. O. Brown and J. F.

Harrington, who shall hold their respective offices until their successors are elected and qualified. The commissioners, after Commissioners having taken the oath prescribed by law, may elect a town and clerk. constable and clerk, and require of them such bonds, payable Constable and to the state for the faithful performance of their several duties, as the said commissioners may deem just and reasonable.

SEC. 5. That there shall be held on the first Monday in May, Annual town in the year of our Lord one thousand, eight hundred and ninety-elections. seven, and every year thereafter, in some convenient place in said town, to be designated by said commissioners, by notice Notice of elecof the time and place thereof being posted in three public places in said town, an election for mayor and three commissioners, who shall hold their offices until their successors are elected and qualified.

SEC. 6. That any qualified elector in this state shall be eligi- qualification for ble as mayor or commissioners: Provided, he shall have resided mayor or comwithin the corporate limits of said town for ninety days next preceding the day of election.

SEC. 7. That all persons entitled to vote in the county of Pitt Qualification for for member of the general assembly, and who shall have been a bona fide resident of the town of Winterville 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. 8. That the commissioners shall have power to levy and Power of taxacollect annual taxes for municipal purposes, and all persons and tion. property which are taxed for state and county purposes shall Subjects of taxabe taxed under such rules and regulations as they may adopt: Provided, that the basis between persons and property shall be Proviso: the same as established by the constitution of the state, and taxes so assessed and collected shall not exceed twenty cents on observed. the hundred dollars' worth of property and sixty cents on the poll.

SEC. 9. That the board of commissioners of the town shall have $_{
m Regulations}$ and power to pass any rules, regulations and ordinances for the good ordinances. government of the town, not inconsistent with the laws of the state or United States.

SEC. 10. That it shall be unlawful for any person or persons Unlawful to to manufacture, sell or give away, or dispose of in any way, manufacture or directly or indirectly, any vinous, spirituous or malt liquors, or icating drink intoxicating drink of any kind, for reward, or hope of reward, within corporate within the corporate limits of said town, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not Penalty. exceeding fifty dollars or imprisoned more than thirty days.

clerk to give

missioners.

equation to be

SEC. 11. That the commissioners shall have power, from time

Commissioners may open streets and alleys.

Proviso: Power of condemnation.

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 there be any: Provided, that, if the said commissioners and owners of said land cannot agree as to the price of the same, it shall be left to three disinterested persons to be selected as follows: The commissioners shall select one and the owner of the land one; the two thus selected shall select the third man, and these persons thus selected shall assess the damages, and if the owner of the land will not select a man, then the commissioners shall select two men, and the two thus selected shall select the third, and the three thus selected shall assess the damages to the land: Provided, that either party being dissatisfied with the decision of the persons thus selected, by giving bond for payment of cost, may appeal to the superior court.

Proviso: Right of appeal.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 96.

An act to repeal chapter one hundred and eighty-one (page 281) of the private laws of 1895.

The General Assembly of North Carolina do enact:

Amendment to railroad repealed.

SECTION 1. That chapter one hundred and eighty-one (181) of charter of Currituck and Camden the private laws, passed at the session of eighteen hundred and ninety-five, and beginning on page 281, entitled "an act to amend the charter of the Currituck and Camden railroad company," be and the same is hereby repealed.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 97.

An act to amend chapter 85, laws 1895, to amend charter of the town of Elizabeth City.

The General Assembly of North Carolina do enact:

Time of registration for town elections.

SECTION 1. That the charter of Elizabeth City, chapter 85 of the laws of 1895, be amended as follows: In section 7 strike out all after the word "registration" and insert "on the two Saturdays last perceding the election and shall keep the books open until 7 o'clock P. M. on the first day of registration and until noon on the second day, when the books shall be closed. Challenges shall be heard after that hour until 7 o'clock as provided in section 10. The registrars shall register voters upon application at any time between the first and last days of registration."

SEC. 2. Strike out (50) "fifty" in the third line of section Rate of taxation. twenty-five and insert "seventy-five."

SEC. 3. Strike out the word "two" in the second line of sec- Salary of mayor. tion forty and insert "four."

SEC. 4. In line five of section twenty insert after the word Town commis-"ordinances" the words "or to grant franchises."

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

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

Ratified the 3rd day of March, A. D. 1897.

sioners to grant franchises.

CHAPTER 98.

An act to incorporate the Supreme Ruling of the Fraternal Mystic Circle.

The General Assembly of North Carolina do enact:

SECTION 1. That "The Supreme Ruling of the Frateral Corporate name, Mystic Circle," a paternal benevolent association, which only levies an assessment upon its members to create a fund to pay to the family of a deceased member and makes no profit therefrom, which has been duly incorporated under the laws of the state of Pennsylvania, be and the same is hereby declared to be a body politic and corporate under the laws of North Corporate pow-Carolina, with power to sue and be sued, and with such other ers. powers as are granted to similar corporations in this state, which are or may be incorporated under the general law.

SEC. 2. That a duly certified copy of the charter granted Pennsylvania under the laws of the state of Pennsylvania to said corporation charter ratified. shall be filed in the office of the secretary of state of North Carolina, and such charter is hereby approved and ratified, and the powers therein conferred to conduct the business of a secret paternal assessment association are hereby granted to the said corporation in the state of North Carolina.

SEC. 3. That the corporation shall appoint a general agent Corporation to

appoint general agent or attorney.

To be subject to section 3063 of Code.

Term of corporation.

or attorney in this state upon whom all process may be served, and the corporation shall be in every respect subject to the laws of North Carolina concerning regulations, inspection and control of insurance companies and benevolent association as provided in section three thousand and sixty-three (3063) of *The Code* of North Carolina.

SEC. 4. The charter hereby granted shall be in force for a term of fifty (50) years, and this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 99.

An act to declare the Toxaway company a duly incorporated company and to ratify, confirm, amend and enlarge its charter.

Preamble.

Whereas, on the 28th day of December, A. D. 1895, J. F. Hays of the county of Jackson and state of North Carolina, C. H. Stolzenbach, G. W. Eisenbeis and W. D. Sharpe, all of the city of Pittsburg and state of Pennsylvania, and C. W. R. Radeker of the county of Warren and state of Pennsylvania, filed in the office of the clerk of the superior court of Jackson county, North Carolina, the following duly executed and proven articles of agreement for the formation of a corporation under the general laws of this state, to be known as the Toxaway company, which articles of agreement were duly recorded in said clerk's office and a certified copy thereof duly filed and recorded in the office of the secretary of state of North Carolina, at Raleigh, to-wit: Articles of agreement entered into by and between the proposed incorporators hereinafter named for the purpose of forming a corporation under the general laws of the state of North Carolina, and is required by Section 677 of The Code and the amendments thereto, that is to say, that the proposed incorporators hereinafter named, and whose names are subscribed to these articles of agreement, have agreed and by these presents do agree to and with each other, as follows, to wit:

Articles of agreement under the general law.

I. The name of the corporation shall be, "The Toxaway Company."

II. The business proposed to be carried on by the said cor-

II. The business proposed to be carried on by the said corporation is the buying, selling, leasing and otherwise acquiring lands; the mining of all minerals that may be found thereon; the manufacturing of timber, minerals and other products of said lands, and generally developing in every way of the

resources of any and all lands acquired by said corporation, and for the purpose of enabling said corporation to fully accomplish the objects for which it is formed, it shall especially have the following powers, to-wit:

1st. To take by purchas or other operation of law any lands, tenements and hereditaments in the state of North Carolina, to such an amounts as to it shall seem proper, and to hold and convey the same as fully as citizens of this state can or may do.

2d. To develop the resources of said lands and hereditaments by building, clearing, planting, mining or otherwise dealing with the products thereof.

3d. To construct mills, workshops or other business premises and maintain them.

4th. To sink mines and pits for the purpose of mining and carrying away minerals, and to erect and uphold all other buildings and works necessary or desirable for that purpose or for the purpose of manufacturing any and all mineral so mined.

5th. To cut down, manufacture and render salable, and otherwise deal with the timber found on all lands acquired by said corporation.

6th. To stock the lands and breed and deal in all kinds of stock, cattle, sheep and produce.

7th. To aid and encourage and promote immigration into the property of the company and colonize the same.

8th. To build a hotel or hotels at any place or places on its lands so acquired.

9th. To open and conduct a store or stores at any place or places on its said lands, and to buy and sell all kinds of goods, wares and merchandise, and generally to do all such mercantile business as may be convenient or necessary for developing its said business.

10th. To construct dams across any and all streams not declared by law to be navigable, at any point or points, or place or places on any land owned or acquired by the said company, for the purpose of storing water to furnish motive power for any machinery that said company may desire to operate, or for the purpose of creating artificial ponds or lakes to beautify the estate of the said company.

11th. To build and erect and maintain any and all kinds of buildings for dwellings or for other uses.

12th. And generally to do and perform all other acts and things desirable or incident to or connected with the successful operating of business of said corporation as hereinbefore proposed.

III. The business of said corporation is proposed to be car-

ried on in the counties of Jackson and Transylvania, in said state of North Carolina, with the principal office of said corporation at the postoffice of Sapphire, in said county of Jackson, but the said company shall have the right and privilege of having branch offices at any point or points in said state or elsewhere.

IV. The duration of said corporation shall be sixty (60) years.

V. The following are the names of the persons who have subscribed to the capital stock of said corporation, viz.: C. H. Stolzenbach, W. D. Sharpe and G. W. Eisenbeis of the city of Pittsburg and state of Pennsylvania, J. F. Hays of the county of Jackson and state of North Carolina, and C. W. R. Radeker of the county of Warren and state of Pennsylvania.

VI. The amount of the capital stock of the said corporation shall be three hundred thousand dollars (\$300,000.00), divided into three thousand (3000) shares of the par value of one hundred dollars (\$100.00) each, with the privilege, however, to the said corporation to increase its capital stock to one million dollars (\$1,000,000.00).

VII. The stockholders of the said corporation shall not be individually liable for its debts, nor shall any stockholder be liable to any creditor or creditors for more than his or her individual subscription to the stock of said corporation.

VIII. The said corporation shall have the right to borrow money in such manner as it shall see fit, and in particular by the issue of bonds to be secured by mortgage or mortgages upon any or all of the said corporation's property and franchises, both present and future.

IX. The said corporation shall have the right and power of acquiring, holding and selling stock of other corporations, both domestic and foreign, and the right and power of purchasing, leasing or otherwise acquiring the property or properties of other corporations, and of operating the same, with all the rights and privileges of the corporations whose property or properties have been so acquired.

X. The said corporation shall have the power to make such rules and regulations, and to adopt such by-laws, not inconsistent with the laws of North Carolina, as to it shall seem proper for the government of the said corporation, and to require bonds from such of its officers as it may choose, for the faithful performance of their duties, payable to the corporation.

XI. Until the said corporation shall have adopted its by-laws or otherwise provided rules for its government, it shall be governed by a president and a board of five (5) directors, of which board the president shall be one, and said board of directors shall have full power and authority to manage and transact all of the business of said corporation. The said board of directors may also elect or appoint such other officers of said corporation as may be deemed by them necessary, and prescribe the duties of such officers so appointed: *Provided*, *however*, that nothing in this section contained shall prevent the stockholders of said corporation from hereafter, at any regular or properly called meeting, entirely changing the plan and method of government herein set forth.

XII. Until the first meeting of the corporation shall have been held, the following shall be the president and board of directors of said corporation, who shall hold office until their successors are elected, viz.:

President, C. H. Stolzenbach; board of directors, C. H. Stolzenback, W. D. Sharpe, G. W. Eisenbeis, J. F. Hays, C. W. R. Radeker.

XIII. The said corporation shall further have all rights, privileges and immunities granted and allowed by the laws of North Carolina to corporations formed in like manner, as though the same had been fully and completely herein set forth.

In testimony whereof the said incorporators and parties to this agreement have hereunto set their hands and seals this 27th day of November, 1895.

J. F. HAYS, [Seal.]
C. H. STOLZENBACH, [Seal.]
G. W. EISENBEIS, [Seal.]
W. D. SHARPE, [Seal.]
C. W. R. RADEKER, [Seal.]

NORTH CAROLINA, Jackson County. \ \ \ \ s s.

I, L. M. Dillard, a justice of the peace in and for the county and state aforesaid, do hereby certify that on this the 7th day of December, 1895, personally appeared before me J. F. Hays, and acknowledged the due execution by him of the foregoing and annexed articles of agreement for the formation of a corporation to be known as "The Toxaway Company."

In testimony whereof I have hereunto set my hand and private seal this the day and date last above written.

L. M. DILLARD, [Seal.]

Justice of the Peace, Jackson County.

STATE OF PENNSYLVANIA, COUNTY OF ALLEGHANY. \$8.

I, Hugh A. Crooks, a notary public in and for the county and state aforesaid, do hereby certify that on this the 19th day of December, A. D. 1895, personally appeared before me C. H. Stolzenbach, to me well known, and known to me to be the person who signed the foregoing articles of agreement and asknowledged the due execution by him of the said foregoing articles of agreement for the formation of a corporation to be known as "Toxaway Company."

Notarial \ Seal.
 Seal.
 In testimony whereof I have hereunto set my hand and affixed my notarial seal, this the day and date above written.

H. A. CROOKS, Notary Public.

STATE OF PENNSYLVANIA, COUNTY OF ALLEGHANY. 88.

I, Hugh A. Crooks, a notary public in and for the county and state aforesaid, do hereby certify that on this the 19th day of December, A. D. 1895, personally appeared before me W. D. Sharpe, to me well known, and known to me to be the person who signed the foregoing articles of agreement, and acknowledged the due execution by him of said foregoing articles of agreement for the formation of a corporation to be known as "Toxaway Company."

Notarial | Seal. | In testimony whereof I have hereunto set my hand and affixed my notarial seal, this the day and date last above written.

H. A. CROOKS, Notary Public.

STATE OF PENNSYLVANIA, COUNTY OF ALLEGHANY. Ss.

I, Hugh A. Crooks, a notary public, in and for the county and state aforesaid, do hereby certify that on this the 19th day of December, A. D. 1895, personally appeared before me G. W. Eisenbeis, to me well known, and known to me to be the person who signed the foregoing articles of agreement, and acknowledged the due execution by him of said foregoing articles of agreement for the formation of a corporation to be known as the "Toxaway Company."

In testimony whereof I have hereunto set my hand and affixed my notarial seal, this the day and date last written.

H. A. CROOKS, Notary Public.

STATE OF PENNSYLVANIA, COUNTY OF WARREN. \ 88.

I, H. A. Pinney, a notary public, in and for the county and state aforesaid, do hereby certify that on this the 21st day of December, A. D. 1895, personally appeared before me C. W. R. Radeker, to me well known, and known to me to be the person who signed the foregoing articles of agreement, and acknowledged the due execution by him of said foregoing articles of agreement for the formation of a corporation to be known as "The Toxaway Company."

In testimony whereof I have hereunto set (Notarial) my hand and affixed my notarial seal, this the day and date last above written.

> H. A. PINNEY, Notary Public.

NORTH CAROLINA, Jackson County. Ss.

I, H. C. Cowan, clerk of the Superior Court, in and for the county and state aforesaid, do hereby certify that the foregoing certificates, viz: The certificate of L. M. Dillard, a justice of the peace in and for the county and state aforesaid; the three certificates of Hugh A. Crooks, a notary public in and for the county of Alleghany and state of Pennsylvania, each attested by his notarial seal thereto affixed, and the certificate of H. A. Pinny, a notary public in and for the county of Warren and state of Pennsylvania, attested by his notarial seal thereto affixed, are each and every of them adjudged to be correct, in due form and according to law.

Therefore let the foregoing articles of agreement for the formation of the corporation to be known as "The Toxaway Company," together with all the said certificates, including this certificate, be recorded and a certified copy of the same sent to the secretary of the state of North Carolina that he may issue letters patent to said corporation.

(Official) In testimony whereof I have hereunto set my Seal. I hand and affixed the seal of my office this the 28th day of December, A. D. 1895.

> H. C. COWAN, Clerk of Superior Court of Jackson County.

AND, WHEREAS, all the requirements of the law having been complied with, the said Toxaway Company was duly incorpo- Preamble. rated under the general laws of the state, and the said secretary of state issued to it letters patent under the great seal of the state, to-wit:

On the 4th day of January, 1896, and the organization of said corporation has been perfected by the election of officers and the adoption of by-laws, and property has been acquired 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:

Past action confirmed and validated.

Section 1. That said incorporation, under said articles of agreement before said clerk of the superior court of Jackson county, and said letters patent, or charter, granted by the secretary of state of North Carolina, on the 4th day of January, 1896; the organization of the company, the election of officers, the adoption of by-laws and by-laws adopted, the subscriptions to the capital stock of the company, the receipt of property in lieu of money for such subscription, and all and any increase of the amount of the capital stock within the limits prescribed in the said articles of agreement, are hereby declared valid, and are hereby ratified and confirmed, and the said corporation, now known as The Toxaway Company, shall continue to exist as a body politic and corporation, under the style and name of "The Toxaway Company," and shall have, use and enjoy, all the rights, privileges, powers, franchises and immunities heretofore granted to it, or attempted to be granted to it, in the said letters patent, or charter, granted to it by the secretary of state of North Carolina, as fully and to all intents and purposes as if the said corporation had originally been incorporated by an act of the General Assembly of North Carolina, together with all other rights, privileges, powers, franchises and immunities granted to corporations by the general laws of North Carolina. and also all the rights, privileges, powers, franchises and immunities specified in this act.

Corporate name.

Corporation under general law ratified.

Contracts concerning real estate heretofore made validated.

SEC. 2. That all purchases of real estate and other property heretofore made by the said Toxaway Company, the title and possession of and to such real estate, and other property so acquired by purchase or otherwise, all deeds and conveyances of real estate heretofore made to or by said company, or to any person or persons for said company, all contracts heretofore made by said company, and all other acts and things heretofore done and performed by said company, its officers, agents, or employees, in conducting and carrying on its business, are hereby declared valid, and are hereby ratified and confirmed.

Corporators.

SEC. 3. That the said J. F. Hays, C. H. Stolzenback, G. W. Eisenbeis, W. D. Sharpe, and C. W. R. Radeker and the other present stockholders in the said Toxaway Company, their asso-

ciates, successors and assigns, shall continue to be a body politic and corporate for the term of sixty years, from and after Term of corporathe 4th day of January, 1896, under the said name and style of "The Toxaway Company," and in that name and style shall be Corporate name. capable of suing and being sued, of pleading and being Corporate impleaded, of contracting and being contracted with, of having powers. and using a corporate seal, and of altering and changing the same at pleasure, of making and adopting such by-laws and By-laws. regulations as may be deemed by it expedient or necessary for the purposes of its incorporation, not inconsistent with the laws of this state, and of altering and amending and repealing the saine, but no new organization of the said company shall be Nonew organirequired or deemed necessary.

zation necessary.

SEC. 4. That the said company shall have the right, privileges, power and authority to construct and maintain dam May dam across any stream or streams, not declared by law to be navigable, at any point or points or place or places on the lands now owned or hereafter acquired by it, for the purpose of ponding and storing water, to be used either as a water supply or as a motive power for any machinery, power, plant, mill or factory the said company may desire to operate.

SEC. 5. That the said company shall have the right, privilege, May build telepower and authority to build, erect, establish, maintain, acquire and operate telegraph and telephone lines, apparatus and instruments upon their own lands, or connecting one piece of their lands with any other piece of their lands, or connecting their property or lands with the line or lines of any other telegraph or telephone company or companies; and for the purpose of so erecting, maintaining and operating such telegraph and telephone lines, said company shall have the right and privileges of placing its poles or wires and of maintaining them along May place poles any of the public roads of the state. Said company shall also and wires along have the right, power, authority, charter and franchise to charge such tolls for and compensation as is reasonable for the May charge use or service of such telegraph and telephone lines, and for lawful tolls. transmitting and receiving messages over the same, not in excess of the charges allowed by the laws of this state.

graph and telephone lines.

roads.

SEC. 6. That the said company shall have the right, privilege, May build railpower and authority to build, erect, establish, maintain and roads and tram operate any and all railroads and tram roads necessary or desirable on their own lands, or for the purpose of connecting their property and lands with any other railroads or tram road, or for the purpose of connecting one piece of their lands with any other piece of their lands on which railroads and tram roads so built by them may be operated, engines, cars and other rolling

Motive power. Common carriers.

May charge lawful fares.

May take land by condemnation.

stock, propelled by steam, electricity or any other power; and of hauling and carrying passengers and freight over such railroads and tram roads for hire; and the said company shall have the right, privilege, power, authority, charter and franchise to charge reasonable fares, rates and compensation for so hauling and carrying passengers and freight, as shall not be in excess of the rates allowed by the laws of this state.

SEC. 7. That the said company, its officers, agents, servants and employees, shall have the right, privilege and power of entering upon and occupying any and all lands necessary for its purposes in building, maintaining and operating any and all such dams, telephone and telegraph lines and railroads and tram roads provided for in the preceding three sections, and whenever and as often as an agreement cannot be had between the company and the owner or owners of any such lands, or those entitled to the beneficial interest therein, as to the terms upon which such lands may be purchased or used by said company, the said company shall have the right to have such lands, or so much thereof as may be necessary, condemned and acquire title thereto in the manner and by the special proceed ing hereinafter provided.

Power of condemnation of land flooded by dams.

SEC. 8. That whenever and as often as the building and maintaining of any dam by the said company, as provided for in section 4 hereof, shall cause the back-water to flood and pond upon lands other than its own, or whenever in the course of the construction of any such dam it becomes evident and certain that the back-water from such dam, when completed, will flood and pond upon the lands of others, and an agreement cannot be had between the said company and the owners of such lands, or those entitled to the beneficial interest therein, as to the terms upon which such lands may be purchased or used by said company the said company shall have the right to have such lands condemned, and shall acquire title thereto, in the manner and by the special proceeding hereinatter provided: Provided That in all cases when lands shall have been condemned during the process of the construction of any such dam, the said company shall not acquire any title to any such lands until the dam or dams shall have been actually completed and such lands shall have been actually flooded by the backwater.

Proviso: Title not to accrue until dam is completed and land flooded.

SEC. 9. That whenever and as often as the said company shall have the right to have the lands of others condemned for its use as hereinbefore provided in the preceding two sections, it may proceed in the manner following:

Procedure for

Said company may present to the clerk of the superior court

of the county in which is situated the real estate, the title to condemnation of which or the right to use which it is desired to acquire, its petition praying for the appointment of commissioners of appraisal. If such real estate be situated in two or more counties, said petition may be filed in either; such petition shall be signed and verified according to the rules and practice of the superior court, and must contain as accurate as possible a What petition description of the real estate, the title to or the right to use which the said company desires to acquire, and the purposes for which such real estate is to be used, and in case such real estate is desired for a right of way over which to build a railroad or train Survey filed as road, or telephone or telegraph line, an accurate survey of the exhibit. proposed route showing both terminals shall be filed with the petition as an exhibit; said petition must in effect state that what petition the said company is duly incorporated, and that the real estate must further state. is in good faith desired for the purposes of said company as set forth in the petition, and that it has been unable to agree with the owner or owners for the purchase of or the right to use the same. The petition must also state the names and residences, so far as the same can by reasonable diligence be ascertained, of the parties who own or claim to own such real estate, and if any such parties are infants, their ages, or as near as they may be, must be stated, and if any of such parties are idiots or lunatics or unknown, that fact must be stated, together with such other allegations of heirs and incumbrances on said real estate as is necessary to inform the court fully as to whom may be interested in such real estate and the said company may desire to make; a copy of such petitition shall be served with the sum- Upon whom mons, issued by the clerk of said court, on all persons whose copy of petition and summons to interest in such real estate are to be effected by the proceedings be served. 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 and where said petition shall be heard.

must contain.

That all said proceedings shall be conducted accord- Proceedings ing to sub divisions one (1), two (2), three (3), four (4), five (5), shall be conducted according six (6) and seven (7) of section nineteen hundred and forty-four to Code. (1944) of The Code of North Carolina, and section nineteen hundred and forty-five (1945), nineteen hundred and forty-six (1946), nineteen hundred and forty-seven (1947), nineteen hundred and forty-eight (1948), nineteen hundred and forty-nine (1949), nineteen hundred and fifty (1950), nineteen hundred and fifty-one (1951) and nineteen hundred and fifty-two (1952) of said Code, and the laws amendatory thereof, as near as they may be, and said sub-division and said sections of said Code, and the

Proviso: Corporation to pay all damages.

amendments thereto, shall apply to said company and its proceedings, as fully as if incorporated herein at length, as far as the same may be applicable: *Provided*, always, that said corporation, The Toxaway Company, shall pay all damages that may accrue or be incurred, as the same may be adjudged by reason of the condemnation of lands as aforesaid.

Effect of written consent of owner to occupation of land.

SEC. 10. That the written consent of the owner or owners of any lands, or of those entitled to the beneficial interest therein, into and upon which the said company may desire to enter and take possession of for the purpose of building and maintaining any dam or backing the water from any dam built by it and ponding the same, or for the purpose of building and maintaining any telephone or telegraph line or railroad or tram road, showing such owner or owners or intrested persons, agreements to the same, shall be valid and effectual to give the same power and authority over such lands, as if the same had been conveyed to said company by deed of bargain and sale, or condemned upon petition in the manner hereinbefore prescribed.

Company not deprived of right under general charter. SEC. 11. That nothing in this act contained shall be construed as depriving said company of any right, privilege or power which it may have had under its said charter granted by the secretary of state as aforesaid on the fourth (4) day of January, one thousand eight hundred and ninety-six (1896), or that was attempted to have been granted to said company by said charter.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 100.

An act to incorporate the Sovereign Camp of the Woodmen of the World.

The General Assembly of North Carolina do enact:

Corporation name.

SECTION 1. That the "Sovereign Camp of the Woodmen of the World," a secret, fraternal, charitable and benevolent association, which only levies an assessment upon its members to create a fund to pay to the family of a deceased member, and makes no profit therefrom, and which has been duly incorporated under the laws of the state of Nebraska, be and the same is hereby declared to be a body corporate and politic under the laws of the of North Carolina, with power to sue

and be sued, with such other powers as are granted to similar Corporate name. corporations in this state, which are incorporated under the general law.

SEC, 2. That a duly certified copy of the charter granted by Nebraska charthe state of Nebraska to the said corporation shall be filed in ter confirmed. the office of the secretary of state, and said charter is hereby approved and cert fied, and the powers therein conferred to conduct the business of an assessment association are hereby granted to the said corporation in the state of North Carolina.

SEC. 3. That the corporation shall appoint a general agent or Corporation to attorney in this state, upon whom all process may be served, appoint general and the corporation shall be in every respect subject to the laws subject to insurance laws. of the state of North Carolina, concerning the regulations, inspection and control of insurance companies and benevolent associations which levy assessments upon their members, and the charter hereby granted shall continue in force for fifty Term of corporavears.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 101.

An act to establish and incorporate the National Protective association.

WHEREAS, certain citizens of North Carolina have associated Preamble. themselves together in an association which has for its object the promotion of education, economy, manufacturing, milling, merchandising, and benevolence.

AND, WHEREAS, the said citizens is desirous of educating the Preamble. youth of the colored race to the standard of intelligence that will make them useful citizens.

AND, WHEREAS, the desired results cannot be accomplished Preamble. in a better manner than the establishment of such enterprises as will give employment to the young colored boys and girls in this state than to begin manufacturing establishments, factories, milling and industrial pursuits generally; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Rev. C. H. King, D. Wimberly, Rev. A. B. Corporators. Alston, S. F. C. Hester, C. E. Spicer, W. C. Coleman, R. A. Caldwell, R. L. Powell, C. W. Battle, Rev. B. Young, E. A. Johnson, W. Lee Person, J. P. Jones, John Henderson, J. W.

Corporate name.

Corporate

Watson, W. R. Harrison, L. B. Plummer, Turner Evans, Joseph Collins and W. N. Vainright, their associates and successors in office, and assigns, executors, be and the same are hereby constituted a body politic and corporate by the name and style of "The National Protective Association." And by that name, they and their associates and successors shall and may have perpetual succession and a common seal, which they may alter at their pleasure from time to time, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, with defending and being defended, in all and in every manner of actions, suits, complaints, matters and causes whatsoever.

Benevolent associations or councils.

Manufacturing establishments.

Capital stock.

Branch councils.

Constitution and by-laws

Directors to make by laws.

Branch stores.

Liability of directors.

How funds loaned.

SEC. 2. And by their corporate name shall and may be capable of conducting and carrying on benevolent associations or councils in any county in this state, manufacturing establishments of any kind, mercantile business of any and all kinds for the benefits of its members, and may have a capital of "five hundred dollars," which may be increased to two hundred thousand dollars.

SEC. 3. That they shall have the right upon application to establish branch councils anywhere in the state to be governed by the main office, and which shall be under the control of said board of directors for the home office. They shall have a constitution and by-laws for the government of its members. The directors shall have the power to make all by-laws for the management of said association, which may be amended at any annual meeting by a majority of the directors present.

SEC. 4. That for the purpose of this act the directors may establish branch stores anywhere in the state, under the corporate name, and the said stores shall be managed by said directors as they may deem best for the benefit of the members of said association, but nothing in this act shall be construed to release the directors of the said association from liability to the association for his or her conduct in office.

SEC. 5. That no funds shall be taken from the branch councils to be invested in any enterprise without by a majority vote of all the members of said branch councils; no funds shall be loaned out on any plan or by any means by the officers of any branch council, unless at least fifteen days' notice shall have been given each member, beforehand, stating the purpose of such meeting to be to consider loans, when they shall vote to loan or not to loan. If at any meeting called for the purpose to loan or invest the funds in hand, belonging to any branch council, a majority vote not to loan, then the officers of said branch council shall not loan or invest, and if officers of said branch

council loan or invest the funds of any branch council after the Penalty on offimajority votes not to loan or invest, said officer shall be or investment deemed, for the purpose of this act, an embezzler, and the members or any one of them shall have the right to institute suit to recover said amount so embezzled, and shall at once begin a criminal action in the county where said branch council is located, under the laws of this state, for embezzlement.

cers making loan otherwise.

SEC. 6. That all officers handling any funds of the association Officers to give shall execute a good and sufficient "bond," in double the amount of which he is supposed to have in hand at any one time. The council, or a majority thereof, may at any time they may see fit require said treasurer of that or any branch council to renew their "bond."

SEC. 7. Any branch council may, by a majority of its mem- Funds may be bers in good standing, loan or invest the funds of said branch council at their pleasure: Provided, they shall have given fifteen days' notice to each member in good standing to be present Notice of proto consider the loan or investment, and the said officers of any ment. branch council may, when given the right to do so by a majority of its members in good standing, invest the funds in any manner agreed upon by a majority of the members, if they If mercantile decide to engage in the mercantile business. The business business engaged manager shall be selected by said branch council in session by cil to elect busia majority vote, the said business manager to give bond for Business mandouble the amount he has in charge for the carrying out of the rules of said branch council.

loaned or invested by branch councils. posed invest-

SEC. 8. If the fund in hand in any one branch council be insufficient to establish the store, mill or factory, any member of branch councils may jointly run or cause to be carried on a store or stores to be governed by a board of not less than Board for govthree members from each council, and they shall require the stores. business managers for said councils to give a good and sufficient Bond of business bond for all the funds or goods intrusted to their care or sale.

in branch coun ness manger. ager to give

SEC. 9. They may buy real and personal property and hold the same and dispose of at pleasure; they may, in their corpo- and dispose of rate name, receive, grant and convey and give title, the same to be valid in law, but no property bought by any branch council How property shall be sold without the consent of a majority of its members sold or pur in good standing, and no property shall be purchased by the association or its officers unless by a majority vote of the members.

More than one council may run stores jointly.

ernment of

manager.

Power to hold property.

chased.

Monthly fees.

SEC. 10. The executive committee and chief officers shall have the power to collect, in any manner and by any means and method consistent with its by-laws, a monthly fee for the support and maintenance of its organization and the payment of Endowment fund.

the officers or directors for the association for the state at large. They may also require an endowment fund to be sent them from each branch council monthly pro rata, with the number of its members, when they may pay burial expenses of the deceased members of the order, and pay an endowment to the widow, widower or relations next of kin to any of its members.

How endowment fund collected.

SEC. 11. All endowment funds allotted to the members must be collected by the officers of the association for the state through the secretary and treasurer. Upon the death of any member, the branch council to which he or she was a member, shall at once take charge of the body and bury the same in a decent manner; and the secretary of the said branch council, to which the deceased was a member, shall have been a member, shall forthwith notify the state secretary for the national protective association, and he or she shall at once notify all the branch councils in this state to levy a death assessment of not less than five cents on each member on their books, and not more than twenty-five cents, and after the expiration of thirty days the state treasurer shall transmit to the widow or widower or next of kin who may be mentioned in the death policy the assessment of each member of all the branch councils in the

deceased members.

Burial of

To whom death

Death assess-

ments.

assessments paid.

Purposes of association.

state.

Power and authority of directors.

Certificates of membership.

Capital stock.

Real estate.

Personal property.

SEC. 12. The purposes for which this association is established is to provide, in such manner as may be decided upon by its board of directors, for taking care of the sick and assisting its members when in distress, and the encouragement of industry, economy, manufacturing, milling, co-operative stores, factories, and the promotion of education, and the directors shall have power and authority to establish councils, by and in such manner as they may deem expedient, to collect a monthly due or fee from all its members, part of which shall go into the branch treasury or treasury of the branch council and a part into the treasury of the home office.

SEC. 13. For this purpose the board of directors of this association may issue certificates of membership to its members for aid in sickness and death benefits upon the payment by its members of such sum or sums set out in its by-laws.

SEC. 14. The capital stock shall not be less than five hundred dollars, but may be increased to two hundred thousand dollars, which shall be divided into shares for the benefit of its members, who shall, if a majority of the members so decide, draw their dividends, if any there be, annually. The real estate which may be held by this association may be one hundred thousand dollars' worth. The personal property may be of the value of one hundred thousand dollars' worth, and they

may at their pleasure hold property real, personal, and mixed, to the extent of the capital stock mentioned herein.

SEC. 15. The officers who shall govern said association for the Officers named. year 1897, and until their successors are elected and qualified (said election to be held annually) are as follows: President. Rev. C. King, Raleigh, N. C.; 1st vice-president, D. Wimberly, Tarboro, N. C.; 2d vice-president, Rev. O. B. Alston, Enfield, N. C.; 3d vice-president, S. F. C. Hester, Rocky Mt., N. C.; financial secretary, C. E. Spicer, Rocky Mt., N. C.; corresponding secretary, W. Lee Person, Rocky Mt., N. C.; recording secretary, Robert L. Powell, Gold Rock, N. C.; treasurer, W. C. Coleman, Concord, N, C.; state organizer, R. A. Caldwell, Gold Rock, N. C.; state sentinels, Turner Eavens, Raleigh, N. C.; J. P. Jones, Washington, N. C.; chaplain, Rev. B. Young, Middleburg, N. C. The said officers' term of office to end the first Term of office. Wednesday in February, 1898.

SEC. 16. It is expressly stipulated by the incorporation herein Liability of memgranted that no member or officer is to be held individually bers and direcliable for the acts of the association or board of directors, neither are they bound for damages further than as members of a corporation chartered under the laws of this state. That this association to have all the rights and privileges granted any benevolent association or manufacturing or banking insti- General privitutions, in as so far they are not relieved from state and county leges. tax.

SEC. 17. The state treasurer for the national protective asso-Bond of state ciation shall give a bond of not less than five thousand dollars, treasurer of assoor justify in double that amount for the faithful performance of this duty.

ciation.

SEC. 18. That this act shall be in full force and effect from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 102.

An act to incorporate "Trustees of the First Presbytery of the Associate Reform Presbyterian Church."

The General Assembly of North Carolina do enact:

SECTION. 1. That Rev. G. R. White, Joseph Wylie, Rev. R. G. Corporators. Miller, R. A. Grier, Rev. W. W. Orr, Rev. J. T. Chalmers, and W. B. McGinnis and their successors duly chosen be and they are hereby created a body politic and corporate, under the name and style of "Trustees of the First Presbytery of the Associate Corporate name.

Corporate

Reformed Presbyterian Church," with power to take and hold real and personal estate acquired by gift, purchase, devise or bequest, for the purpose of aiding the Associate Reformed Presbyterian Church in their work of christian education, of foreign and domestic missions, and of building up and supporting churches of their faith and worship in the United States.

Number of trustees.
President and secretary.
Quorum.

How successors elected and vacancies filled.

By laws.

Further corporate powers.

Conveyant to corporation or presbytery to pass property according to intent of conveyance.

How real estate conveyed.

Property under direction of presbytery.

Meeting for organization.

Regular meet-

SEC. 2. That the corporation hereby created shall consist of seven persons, one of whom shall be elected president and another secretary, and any three of whom, in meeting regularly called, shall be sufficient for the transaction of any business; and their successors, whenever vacancies shall occur by death, resignation or otherwise, shall be elected by the First Presbytery of the Associate Reformed Presbyterian Church in regular meeting.

SEC. 3. That said corporation is hereby authorized to make all such by laws as may be necessary for the proper management of its business, not inconsistent with the will of said presbytery, or with the laws of the state, to sue and be sued, to plead and be impleaded, to have and use a common seal and alter the same at pleasure.

SEC. 4. That when any gift, sale, devise or bequest of property shall be made to the said corporation or said Presbytery in general terms, or without using the corporate name in full, for any of the purposes recited in the first section hereof, the same shall be good and effectual to pass such property to said corporation for such purpose, according to the intent of the conveyance, gift, grant or will.

SEC. 5. That any and all real estate vested in said corporation may be conveyed by a deed executed by the president, attested by the secretary, and sealed with the common seal of the corporation; but that all its property, real and personal, shall be held, used and disposed of under the direction of said presbytery.

SEC. 6. That the first meeting of the persons named herein as corporators shall be held for organization in the city of Charlotte, on the last Monday in March, 1897, when the time and place for regular meetings may be fixed by the by-laws.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 103.

An act to amend chapter 27, private laws of 1873 and 1874.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 27, private laws of 1873 and 1874, be Limit of prohibiand the same is hereby amended by striking out the word tion of another bridge or ferry "three" before the word "miles" in line six of section three reduced. thereof, and inserting the word "two" in place thereof.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 104.

An act to incorporate Boonville Hyatte Academy at Boonville in Yadkin county.

The General Assembly of North Carolina do enact:

SECTION 1. That Rev. C. B. Ward, J. H. Turner, S. C. Martin, Corporators. R. M. Jarvis, J. H. Gilmer, Sr., and Isaac Prather, trustees, and their successors are hereby created and constituted a body pol itic and corporate under the name and style of the Boonville Corporate name. Hyatte Academy in the county of Yadkin and state of North Carolina, and in that name may sue and be sued, plead Corporate powand be impleaded, contract and be contracted with, purchase ers. and hold in their corporate capacity such real and personal property as may be necessary and suitable for maintaining a school for boys and girls at said academy in the town of Boonville, Yadkin county, N. C., with power to borrow money on said property or to sell same if thought best by said trustees, also to make all necessary rules, by-laws and regulations for their own government and the government of their school.

SEC. 2. That said trustees shall elect a president of said acad- Trustees to elect emy and shall also fill all vacancies occurring in the board of president and fill vacancies in trustees and they may increase the number of trustees to (10) board. increased.

Number may be

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 105.

An act to incorporate the Raleigh Library.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John C. Drewry, B. F. Montague, F. H. Bushee, C. J. Parker, N. B. Broughton, T. S. Kenan, H. W. Jackson, John Gatling, I. M. Procter, Frank Stronach, C. T. Bailey, J. J. Thomas, C. J. Hunter, John T. Pullen, W. H. Day and M. T. Leach, be and the same are hereby created a body politic and corporate under the name of The Raleigh Library, under which name they may contract and be contracted with, sue and be sued, have and use a common seal, which they may alter at pleasure, and shall have a corporate existence for thirty years. This corporation may establish, conduct and maintain a library in the city of Raleigh for the benefit and instruction of the citizens thereof and others.

Corporate name.

powers.

Term of corpo-

Corporate

ration.

Power to hold property.

Power to borrow money and secure payment.

How contracts and other instruments executed by corporation.

Officers, trustees and stockholders not individually liable.

Corporators to be trustees.

Trustees to make by-laws, rules and regulations.

When meeting for organization to be called.

Who to organize corporation.

SEC. 2. The Raleigh Library may acquire, receive, take by deed, gift, devise or otherwise and sell and dispose of real and personal property for the use of said library and for the purpose of obtaining an income for its support. It shall be lawful for any and all persons and corporations to give, grant, bequeath, devise or sell to the said library, which shall have power to receive and hold the same. The corporation may likewise borrow money, execute bonds or notes for the same, and may secure any and all debts due it by mortgage or deed of trust or other conveyance.

SEC. 3. That all contracts, deeds, bonds or other instruments which the said corporation may desire to execute may be in the name of the same attested by its corporate seal and be signed by such officers thereof as may now by law be authorized to execute similar instruments for other corporations. No officer or trustee or stockholder shall be individually liable for the debts and obligations or other liabilities of the corporation.

SEC. 4. That the corporators named in this act shall be the trustees of the library until their successors are elected and qualified as provided herein. Said trustees and their successors shall have power to make all rules, regulations, by-laws and ordinances as they may deem necessary and desirable for the maintenance of the said library in the management of its affairs and may alter and repeal the same at pleasure.

SEC. 5. The corporators above named shall, as soon as these subscriptions to the library justify its inauguration, call a meeting of the corporators and such other persons as shall subscribe thereto an amount of not less than fifty dollars, and the corporators and subscribers shall thereupon elect from their

number nine trustees, to be divided by lot into three classes to Nine trustees to be elected. hold office for the terms of one, two and three years respectively, Classes and and three trustees shall be elected each successive year; *Pro*-proviso: vided, that the said corporation shall have power to increase the Number of trustees may be number of trustees at their pleasure, the same to be allotted increased. among the classes in the above proportion.

SEC. 6. The members of the library shall be of two kinds: Members of those who subscribed the sum of fifty dollars or more, to the library, shall become life members. The trustees shall by ordinances or by-laws provide for the creation of a class of annual Annual memmembers, who shall become such upon payment of a sum to be fixed by the said trustees, not less than three dollars, and the privileges of the library shall be accorded to such members in accordance with the terms of the by-laws. The control and Control of management of the library shall be vested in the two kinds of members. members above created.

SEC. 7. The city of Raleigh is hereby authorized and empow- City of Raleigh ered to make donations or subscriptions in aid of this corpora- subscribe. tion in the discretion of its board of aldermen and upon such terms as the board of aldermen shall prescribe.

SEC. 8. The benefits of the library authorized to be created Admission and by this act shall, so far as admission and the use of its books in library to be free. the library building as far as practicable, be thrown open to all well behaved white persons; but the taking of books from the late taking of library shall be regulated by the trustees.

Trustees to regubooks from library.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 106.

An act to incorporate Whitsett Institute in Guilford county.

The General Assembly of North Carolina do enact:

SECTION 1. That W. T. Whitsett, L. E. Whitsett, L. Foust, Corporators. J. B. Whitsett and M. L. Whitsett, and their associates and successors, be and are hereby created a body politic and corporate under the name and style of "Whitsett Institute," and Corporate name. by that name to remain in perpetual succession, for the purpose of maintaining a school of high grade at or near Whitsett, poration. Guilford county, and in that name may acquire, hold and Corporate convey property, real and personal, may sue and be sued, powers. contract and be contracted with, plead and be impleaded, and

By-laws.

in their corporate capacity may exercise such rights and acts as may be deemed needful for the promotion of education as aforesaid, may have and use a common seal, may make and alter from time to time such by-laws as they may deem necessary for the government of said institution: *Provided*, such by-laws shall not be inconsistent with the constitution and laws of the United States and this state.

Power to issue certificates and diplomas.

SEC. 2. That this corporation shall have power to issue to students who complete the prescribed course of study certificates or diplomas of proficiency.

Property exempt from taxation.

Capital stock.

s SEC. 3. That property to an amount not exceeding one hundred thousand dollars, owned or to be owned by this corporation and used for school purposes, shall forever be exempt from all taxes, state, county and municipal. Also that this corporation and its stockholders may, as they see proper from time to time, in order to best promote the interests of the institution, issue, offer for sale, and sell shares of the capital stock of the corporation, which may if so desired be divided into dividend bearing and non-dividend bearing shares: Provided, that each share

sholl be of the par value of twenty dollars.

Proviso: Par value of shares.

Members and stockholders to control affairs of corporation and elect officers.

Proviso: How question decided.

Proviso: Quorum.

Power to borrow money and secure payment of same.

Stockholders not individually lia-

Gaming tables, houses of ill fame, manufacture or sale of liquor torbidden within two miles of institute.

SEC. 4. That the members of this corporation, together with such stockholders as may be admitted from time to time by sale of shares of stock, shall control the affairs of the corporation, elect such officers as they may see fit, fix times of meeting and transact such business as may be incident to the success of the corporation: Provided, that in all meetings of the corporation and stockholders all questions shall be decided by a majority vote of the stock represented, each share having one vote: Provided, that a majority of the whole stock shall be represented in order to constitute a legal meeting of the corporation and stockholders.

SEC. 5. That, in order to make improvements or advance the purposes of the corporation, this corporation shall have power to create a debt or debts, and if so desired to secure the same by a mortgage, or mortgages, or deed or deeds in trust.

SEC. 6. That the stockholders of this corporation shall not be individually liable for the debts, contracts or *torts* of this corporation.

SEC. 7. That it shall not be lawful for any person or persons to set up any gaming table or any device whatever for playing at any game of chance or hazard, by whatever name called, or to gamble in any manner, or to keep a house of ill-fame, or to manufacture spirituous or intoxicating liquors, or otherwise to sell or convey for a certain consideration, or to convey by pretence of gift to any person or persons any intoxicating liquors,

within two miles of said Whitsett Institute, and any person Misdemeanor. who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 8. That the first meeting of the incorporators or stock- Time and place holders shall be held within the next six months from or after organization, the ratification of this act, at such time and place in said Guil-

ford county as said W. T. Whitsett may designate, due notice of Notice of meeting. said meeting being given to each stockholder or incorporator.

SEC. 9. That this act shall be in force from the day of its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 107.

An act to amend chapter 267, private laws of 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-seven (267), private laws of one thousand eight hundred and ninety-one, be amended by striking out section thirty (30) of said chapter 267, and insert in lieu thereof the following: The commissioners of said town shall levy annually a tax of three hundred dollars on all retail dealers in spirituous or malt liquors within the corporate limits of said town; and that no person shall sell or engage in No person to sell the business of retailing spirituous or malt liquors in said town without first obtaining a license therefor from the board of license. commissioners of said town.

Tax for license to

liquors without drst obtaining

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Violation of act a misdemeanor. Penalty.

SEC. 3. Amend section sixteen (16) of said chapter 267 by Town commisinserting the word "constable" in line two of said section sixteen (16) between the words "mayor" and "on."

sioners to fill vacancy in office of constable.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 108.

An act to incorporate the Durham public library.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. S. Carr, Geo. W. Watts, E. J. Parrish. T. B. Fuller, R. W. Winston, L. B. Turnbull, Jas. H. Southgate, C. W. Toms, Jno. F. Wiley, H. A. Foushee, Edwin Mims and H. H. Markham, and their successors be and they are hereby created a body politic and corporate under the name and style Corporate name. of "The Durham Public Library," by which name they may contract and be contracted with, sue and be sued, have perpet ual succession and a common seal, which they may break or alter at pleasure. As such corporation they may establish, conduct and maintain a public library in the town of Durham, for the use and benefit of the people thereof.

Corporate powers.

Power to hold property,

Proviso: How property helâ.

Power to borrow money and secure payment.

How contract and deeds made and signed.

Trustees not personally liable.

Trustess to establish rules, regulations, bylaws and ordinauces.

present trustees.

SEC. 2. That said corporation may acquire, receive, take, sell and dispose of real and personal estate, without restriction as to quantity or value thereof, which may from time to time be given, granted, bequeathed, devised or sold to it and accepted by it for the purpose and use of said library: "Provided," always, that both the principal and income thereof shall be appropriated and the property held according to the terms of the donation, devise or bequest; said corporation may likewise borrow money, execute its note for the same, and secure any and all such loans, if it so desire, by a mortgage or deed of trust upon its real or personal property, which shall be good and effectual to all intents and purposes.

SEC. 3. That all contracts or deeds of said corporation shall be made in the name of the same, and be signed by such officers thereof as may now by law execute deeds of other corporations within the state; that no trustee shall be personally or individually liable for any of the debts, obligations, contracts, engagements, torts or omissions of the corporation.

SEC. 4. That said trustees shall have power and shall make all such rules, regulations, by-laws and ordinances as they may deem necessary or useful for the conduct and maintenance of said library and the management of its affairs, and they may alter, amend or repeal the same at pleasure by the vote of a Terms of office of majority of the trustees; the first four named of said trustees shall hold their office for the term of three years; the next four for the term of two years, and the remaining three for the term of one year; the term of office of each to begin the 1st Monday in April, 1897.

Thereafter the term of office of each set of four trustees shall Term of office of be for three years, and all vacancies in the board, whether Vacancies. by death, resignation, expiration of term or otherwise, shall be filled by the remaining trustees.

SEC. 5. That any number of persons may associate themselves Voluntary assotogether under the name and style of the "Durham Public Library Association" for the purpose of aiding in the maintenance of said library, and may collect from each member of said association annual dues not exceeding \$10.00, which shall regu- Annual dues. larly be paid to the treasurer of the trustees herein incorporated.

SEC. 6. That the town of Durham is hereby authorized to Town of Durham annually or oftener donate money to said corporation in aid of make donations said library.

in aid of library.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 109.

An act to provide for the appointment and election of a police justice for the city of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That immediately upon the ratification of this act Governor to it shall be the duty of the governor to appoint a discreet citizen appoint. and qualified elector of the city of Asheville, and who shall be known for the duties required of him under the provisions of this act as "police justice for the city of Asheville," and he shall hold said office of police justice from and after his appointment and qualification, and until his successor shall be duly elected and qualified as hereinafter provided.

Official title.

SEC. 2. That immediately upon his appointment to said office Police justice to the said police justice shall qualify by taking and subscribing qualify immediately. the following oath: I, ———, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution and laws of the state of North Carolina not inconsistent therewith; that I will truly and faithfully perform all the duties of the office of police justice of the city of Asheville, upon which I am about to enter, according to my best ability, so help me God. Which oath shall be attested by the oath to be atofficer administering the same, and carefully preserved by the tested and preclerk of said city.

served.

Police justice an inferior court.

Jurisdiction.

Duty of police justice.

Removal of causes.

Legal Incompedefined.

Eetablishment of mayor as special court repealed.

Jurisdiction and powers of mayor given to police justice.

SEC. 3. That said police justice of said city of Asheville is hereby constituted an inferior court, with all the jurisdiction and power in criminal offences, occurring within the limits of said city, which are now or may hereafter be given to justices of the peace, and it shall be the duty of said police justice to exercise and have jurisdiction in all criminal causes, and to hear and adjudge misdemeanors, consisting of violation of an ordinance or ordinances of said city, to the same extent and in like manner as is now exercised and performed by the mayor of said city under the provisions of law in force for the government of said city, except wherein the same may be amended, altered or changed by the provision of this act or acts hereafter enacted for the government of said city, except where legally the said police justice is incompetent to try the same, in which case the cause shall be, upon application of the defendant, remove for trial before some justice of the peace in said city, and such legal incompetency shall be construed to mean only such incompetency as would disable a judge of a superior court to try under similar circumstances a case pending in such lastmentioned court.

SEC. 4. That so much of section eighteen, chapter three hundred and fifty-two, private laws of one thousand eight hundred and ninety-five, entitled "an act to amend, revise and consolidate the charter of the city of Asheville, as confers upon the mayor of said city, as a special court, jurisdiction and powers in criminal offences occurring within the limits of said city which are now or may hereafter be given to justices of the peace," and also that clause of said section that confers upon said mayor the exclusive or original jurisdiction to hear and determine all misdemeanors, consisting of a violation of an ordinance or ordinances of said city, together with the jurisdiction to try actions for the recovery of penalties imposed by law for said city, or ordinances of said city for any act done within said city, is hereby repealed, and all the jurisdiction and powers in criminal offences, and jurisdiction to try actions for the recovery of penalties, under the provisions of said section eighteen of said act, now exercised and enjoyed by said mayor as a special court, are hereby transferred and given to the inferior court of police justice of the city of Asheville, to be tried in like manner, under the same rules, regulations and jurisdictions as the same are now tried by the said mayor of said city, except wherein such rules, regulations and jurisdictions may be altered, amended, modified or changed by this act.

Persons arested by police taken before police justice for trial.

SEC. 5. That all persons arrested by the police of said city charged with any crime, or for the violation of any ordinance

or ordinances of said city, now cognizable before the mayor of said city, shall be taken before said police justice for trial, and tried and disposed of under the rules and regulations now prescribed by law for the trial of such persons by the said mayor In absence or of said city, except in case of absence or inability of said police justice to try the same, in which case arrested persons shall be arrested to be taken before some justice of the peace of said city for trial.

SEC. 6. That in all cases where judgment may be entered up Labor on streets against any person or persons for fines or penalties, according ing out penalties to the laws and ordinances of said city for criminal offences, and not to exceed thirty days. the person or persons against whom the same is so adjudged refuses, fails, or are unable to pay the same, and being ordered and required by the said police justice to work out such fines and costs on the streets or other public works of said city the full time of such sentence shall, in no case, exceed thirty days imprisonment at labor on said streets or other public works of said city, and which shall be in full payment of all such fines and costs. At the expiration of thirty days, imprisonment at Defendant dislabor on said streets or other public works of said city, the ration of thirty defendant shall be discharged from further servitude by reason days. of said judgment or order to work out said fines and costs, notwithstanding the same may not be fully paid at the rate fixed by said board of aldermen to be paid said defendant per diem: Proviso: Provide, that said board of aldermen of said city shall cause One dollar to be to be paid said defendant so discharged at the time of discharg- ant when dising him the sum of one dollar: Provided, further, that all per- Proviso: sons sentenced under the provisions of said act, or the act of Persons working out fines not to which this is amendatory, to work on the streets or other public be farmed out. works of said city to pay fines or costs, shall only be worked on the streets or other public works of said city, and shall not be farmed out to other corporations or persons to be worked outside of said city limits.

SEC. 7. That section twenty of said act be and the same is Precents of hereby amended by striking out the words "mayor" or "vice-police justice. mayor" wherever the same appear in said section twenty, and insert in lieu of the word mayor the words "police justice."

SEC. 8. That section thirty-four of said act be and the same is Marshall to exehereby amended by striking out the word "mayor" wherever cute precepts of the same appears in said section thirty-four, and insert the and carry offenders before him. words "police justice."

SEC. 9. That section thirty-six of said act be and the same is Duties of mayor hereby amended by striking out the word "mayor" in line imposed on twenty-one of said section thirty-six, and insert the words " police justice."

disability of mayor persons taken before justice of peace.

of persons work-

paid to defend-

police justice.

Appeals from police justice, city not to pay costs.

Arrests on warrant of police justice.

When court of police justice held.

Persons arrested taken before next session of court of police justice. Rules to be established by police justice.

Proviso: Rules to be as in other courts.

Sentence of imprisonment to be in city prison.

Keeper of county jail to receive prisouers on commitment of police justice. Marshall to report to court of police justice.

Police justice to be elected.

Term of office.

SEC. 10. That section eighty-four of said act be and the same is hereby amended by striking out the word "mayor," "vice-mayor" and "mayor pro tem." wherever the same may appear in said section, and insert in lieu of the word "mayor" the words "police justice."

SEC. 11. That section eighty-seven of said act be amended by striking out the word "mayor," "vice-mayor" or "mayor pro tempore" wherever the same appears in said section, and insert in lieu of the word "mayor" the words "police justice."

SEC. 12. That section ninety of said act be and the same is hereby amended by striking out the word "mayor," "vice-mayor," "mayor pro tempore" wherever the same appears in said section, and insert in lieu of the word "mayor" the words "police justice:" Provided, that this repeal only relates to the criminal functions of said mayor's court.

SEC. 13. That section ninety-one of said act be and the same is hereby amended by striking out the word "mayor" and "mayor's" wherever the same appears in said section, and insert in lieu thereof the words "police justice's;" and said section is further amended by striking out the words "board of aldermen" wherever the same appears in said section and insert in lieu thereof the words "police justice:" *Provided*, that no rule shall be established by said police justice for the commitment or trial of any accused brought before him not in force and recognized by the courts of this state.

SEC. 14. That section ninety-two of said act be and the same is hereby amended by striking out the word "mayor's" wherever the same appears in said section, and insert the words "police justice's" in lieu thereof.

SEC. 15. That section ninety three of said act be and the same is hereby amended by striking out the words "board of aldermen," and insert in lieu thereof the words "police justice."

SEC. 16. That section ninety-five of said act be and the same is hereby amended by striking out the word "mayor" in said section and inserting in lieu thereof the words "police justice."

SEC. 17. That there shall be elected by the qualified voters of the city of Asheville, on the first Monday in May in the year of our Lord one thousand eight hundred and ninety-eight, and annually thereafter, at the annual election for said city under the provisions of this act, and under the same rules and regulations as are now, or may hereafter be, prescribed by law for the election of a mayor and other officers of said city, one citizen and qualified elector thereof, and who shall be known, by the duties required of him under the provisions of this act, as police justice for the city of Asheville, who shall hold said office for the term

of one year from and after his election and qualification, and until his successor shall be duly elected and qualified.

SEC. 18. That said police justice shall keep his office in some Office to be proconvenient place in said city, to be provided by the board of men. aldermen, and his duties shall be as are by this act prescribed, Duties of police and also by the act entitled "an act to amend, revise and con- justice. solidate the charter of the city of Asheville," chapter three hundred and fifty-two, private laws of one thousand eight hundred and ninety-five, of which act this act is amendatory, and as shall be from time to time prescribed by law and the duly enacted ordinances of said city.

SEC. 19. That the salary of the said police justice shall be Salary of police five hundred dollars per annum, to be paid by the city of Ashe-justice. ville in monthly installments on the warrant of the clerk of the board of aldermen of said city, drawn on the treasurer of said city.

SEC. 20. That all laws and clauses of laws, of a public or a What private general nature, inconsistent with the provisions of this act, or laws repealed. any part of them, are hereby repealed. And all laws of a public Repeal of inconsistent public or a general nature inconsistent with the provisions of this act, laws pro tanto. or any of them, are hereby repealed so far only as they may affect said city, and all laws and parts of laws in conflict herewith are hereby repealed: Provided, that no offence committed, Proviso: What repeal not and no penalty, fine or forfeiture incurred under or by reason to affect. of any of the acts or ordinances of said city, shall be affected by this act, and no act in relation to the government of said city heretofore repealed shall be revised or re-enacted by any of the provisions of this act.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 110.

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 (110), private laws of one mayor, tax colthousand eight hundred and seventy-four and seventy-five lector and chief (1874-75), and acts amendatory thereof, be and the same is hereby amended as follows, namely: By amending section six of chapter one hundred and fifty-four (154) of the private acts one

thousand eight hundred and eighty-nine (1889), by striking out the clause beginning with the words "and such person" in line five of said section, and ending with the words "for the ensuing year" in line seven thereof; and by inserting in lieu of said clause the following, to-wit: "and such persons voted for as mayor, tax collector, and chief of police, having received the highest number of votes for said respective officers, shall be declared duly elected mayor, tax collector, and chief of police for the ensuing term of two years."

Officers to be sworn and to give bonds. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond, with justified securities, payable to the town in such sum as the aldermen shall determine, conditioned for the faithful performance of the duties of said office.

How ties in the election of mayor, tax collector and chief of police decided.

SEC. 2 That section sixteen (16), chapter one hundred and ten (110), private acts of one thousand eight hundred and seventy-four and seventy-five (1874-75), be and the same is hereby amended by striking out the clause beginning with the words "that if among" in line one of said section and ending with the words "a mayor of such person" in line five of said section, and by inserting in lieu of said clause the following, to-wit: "That if among the persons voted for as mayor, tax collector or chief of police, there shall be an equal number of votes for any of said respective officers, the aldermen elect shall proceed, within five days after their qualification, to select a mayor, tax collector or chief of police of such persons as received the same number of votes for said office.

SEC. 3. That section twenty (20), chapter one hundred and ten (110), private acts of one thousand eight hundred and seventy-four and seventy-five (1874-75), be and the same is hereby amended by inserting in line one (1) of said section, after the word "mayor" and before the word "and" the words tax collector, chief of police.

How vacancies in offices of mayor, tax collector and chief of police filled. SEC. 4. That section twenty-one (21), chapter one hundred and ten (110), private acts of one thousand eight hundred and seventy-four and seventy-five (1874-75), be and the same is hereby amended by striking out the clause beginning with the words "that if any person" in line one of said section and ending with the words "as the case may be" in line five thereof, and by inserting in lieu thereof the following, to wit: "That if any person chosen mayor, tax collector or chief of police, shall refuse to be qualified, or if there is a vacancy in any of said offices, after election and qualification, the aldermen shall choose some qualified person to fill such vacancy for the term, or the unexpired portion of the term, as the case may be."

SEC. 5. That section seven (7), chapter two hundred and four Officers to be (204), private acts of one thousand eight hundred and ninety-men. five (1895), be and the same is hereby stricken out and the following inserted in lieu thereof, to-wit: "That the board of alderman shall, at their first meeting after election, appoint a clerk, treasurer, chief of the fire department, and one or more policemen or constables, who shall respectively hold their offices during the term of the aldermen and until their successors are qualified, subject to be removed at any time, however, and oth- Power of alderers appointed in their stead, for misbehavior or neglect of the officers. duties of their said offices."

elected by alder-

men to remove

SEC. 6. That section forty-nine (49), chapter one hundred and Advertisement ten (110), private acts of one thousand eight hundred and sev- for taxes. enty-four and seventy-five (1874-75), be and the same is hereby amended by striking out the word "twenty" in line ten thereof, and by inserting in lieu thereof the word "thirty."

SEC. 7. That section seventy-seven (77), chapter one hundred Jurisdiction of and ten (110), private acts of one thousand eight hundred and mayor extended. seventy-four and seventy-five (1874-75), be and the same is here amended by striking out the clause beginning with the words "provided that" in line five thereof and ending with the words "limits of the town."

SEC. 8. That section twelve (12), chapter two hundred and Limit on comfour (204), private acts of one thousand eight hundred and pensation of tax ninety-five (1895), be and the same is hereby amended by strik- moved. ing out the clause beginning with the words "not to exceed" in line fifty-nine thereof and ending with the word "taxes collected" in line sixty (60) thereof.

collector re-

SEC. 9. That section 1, chapter one hundred and fifty-four, Election preprivate acts of one thousand eight hundred and eighty nine cincts. (1889), be and the same is hereby amended by striking out said section and by inserting in lieu thereof the following, to-wit: That for the purpose of election the town of Durham shall be divided into four precincts, to-wit: Said four election precincts to be in accordance with and similar to the four precincts of said town as laid off and bounded by the clerk of the superior court of Durham county, under authority of the election law passed by the General Assembly of one thousand eight hundred and ninety-five (1895), which said boundaries are recorded in the office of the said clerk. Minutes of Special Proceedings, Book "B," pages 238, 239, and 240.

SEC. 10. That section eleven (11), chapter two hundred and Persons charged four (204), private acts of one thousand eight hundred and town ordinances ninety-five (1895), be and the same is hereby stricken out, and not to remove trial from before the following inserted in lieu thereof, to-wit: that no person mayor.

charged before the mayor with any violation of the ordinances of said town shall have the right to remove the same for trial to any other court, as is provided for removal of causes from one justice of the peace to another in section nine hundred and seven (907) of *The Code*; but in all such cases parties shall have the right of appeal, as herein provided.

Right of appeal.

SEC. 11. That in section nine (9), chapter two hundred and four (204), private acts of one thousand eight hundred and ninety-five (1895), after sub-section twenty-two (22), as therein provided, there be added sub-section twenty-three (23), as follows: "Upon every plumber doing business in the town of Durham, a tax not exceeding twenty-five dollars per year."

Tax on Plumbers.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 111.

An act to incorporate Hope fire company in the town of Greenville.

The General Assembly of North Carolina do enact:

Company incorporated.
Corporate name.

SECTION 1. That Hope fire company in the town of Greenville be and is hereby incorporated under the name of "Hope fire company," and may acquire and hold real and personal property for the benefit of said company.

Number of members. Qualifications for membership. SEC. 2. That the company shall not consist of less than thirty-five members, and no one under eighteen years of age, nor any one who is physically incapable of performing the duties shall be admitted to membership.

Officers.

SEC. 3. That the officers of said company shall consist of a foreman, a first assistant foreman, a second assistant foreman, for the engine, and a secretary and treasurer, all of whom shall be elected by ballot annually at the regular meeting in April by a majority of the votes cast. Their terms of office shall commence on the first day of May following.

To be elected by ballot.

SEC. 4. The company shall have the right to establish a constitution and enact by-laws for the better government of the company.

Constitution and by-laws.

SEC. 5. The foreman shall be empowered to enforce the constitution and by-laws by such fines as may be established in the by-laws of said company.

Power of foreman.

SEC. 6. That any member of said company who shall wilfully violate any one of the by-laws, and shall refuse to pay such fines as may be imposed for said violation, shall be guilty of a misde-

Violation of bylaws by member a misdemeanor. meanor, and may be fined or imprisoned at the discretion of the Penalty. court.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 112.

An act for the relief of O. E. Vestal of Chatham county.

The General Assembly of North Carolina do enact:

SECTION 1. That the county treasurer of Chatham county be Treasurer of and he is hereby directed to pay out of the school funds of to pay O. E. Vesdistrict number forty-eight (48) for the white race of Chatham talfor teaching school. county the sum of thirty dollars and ten cents (\$30.10), to O. E. Vestal, for teaching school in the said district.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 113.

An act to incorporate Bethel Hill institute, for male and female, in Person county, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That J.A. Bean, W.A. Woody, John B. Day, Ruffin Woody, W. M. Falkner, Thomas H. Street and W. A. Duncan, their successors, associates and assigns, be and they are hereby declared and created a body politic and corporate for the purpose of maintaining a school of high grade near Bethel Hill, Person county, North Carolina, for the intellectual and moral training of the girls and boys of the white race under the name Corporate name. and style of the Bethel Hill institute.

Corporators.

SEC. 2. That said institute shall have the right to confer Power to confer diplomas and degrees as other institutions of high grade in diplomas and degrees. said state.

SEC. 3. That the said persons herein named shall elect a Corporators to president and secretary, to be elected out of their number, and elect president to fill any vacancy by resignation, death or otherwise, as they and fill vacanmay think proper.

and secretary

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 114.

An act to allow Charles Hoots of Yadkin county to enter the State hospital at Morganton for treatment.

The General Assembly of North Carolina do enact:

Allowed to enter state hospital at Morganton for treatment. SECTION 1. That Charles Hoots of Yadkin county be allowed to enter the state hospital at Morganton for treatment.

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

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 115.

An act to amend chapter 47 of the private laws of 1887, relative to the colored orphan asylum at Oxford, North Carolina.

The General Assembly of North Carolina do enact:

Governor to appoint directors on part of state.

SECTION 1. That section two of chapter forty-seven (47) of the private laws of 1887, by adding at the end of said section the following words: The Governor shall appoint three persons, who shall be directors on the part of the state, with all the powers now conferred by said act, whose term shall be two, four and six years, and the said term to be fixed in the commission by the Governor.

Terms of office.

Appropriation to asylum.

SEC. 2. That chapter one hundred and seventy-four (174) of the public laws of 1895 be amended by striking out in line four of section one the word "thirty" and insert the word "fifty."

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 116.

An act to amend the charter of the town of Forest City in Rutherford county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 136 of the laws of 1876-77, entitled an Acts amended. act to incorporate the town of Burnt Chimney in the county of Rutherford, and all the amendments to the same, except the one changing the name of the said town from Burnt Chimney to Forest City, be and the same are amended to read as follows: That the mayor and the board of commissioners of the town of Present mayor Forest City be continued as such till the next regular election, and commissioners continued as provided in chapter 62, volume 2 of The Code of North Caro- until next lina, and they, together with the inhabitants of said town, shall be and continue as they heretofore have been, a body pol- Body politic and itic and corporate, under the name and style of the "town of Forest City," and under such name and style are hereby invested Corporate with all property and rights of property which now belong to said corporation, and by such name may acquire and hold for any legitimate purpose all kinds of property, real and personal, and dispose of such property when by a two-thirds vote of the board of commissioners for the same it may deem best.

SEC. 2. That the administration and government of said town How mayor and shall be vested in one principal officer, styled the "mayor," elected. and a board of commissioners, to be elected as provided for in chapter 62, volume 2 of The Code of North Carolina, and the said mayor and board, with all subordinate officers, shall have Powers and liaall the power, privileges and emoluments, and shall be subject bilities officers. to all the forfeitures, pains and penalties granted, provided for and imposed by the provisions of said chapter, and subject to all the provisions thereof not in conflict with the provisions of this act.

SEC. 3. That in addition to the special taxes herein provided Taxing power of for, for the purpose of making new streets, and improving and commissioners. working the streets of said town, the board of commissioners shall have power annually to levy and collect, in the manner herein provided, an ad valorem tax, not exceeding fifty cents Ad valorem tax. on the hundred dollars worth of property, real and personal, and a like tax on all bonds, stocks and other investments in Other subjects of banks, railroads or other incorporated companies, as eash on taxation. hand, deposit, or solvent credits, &c., and a tax on all taxable polls, not exceed one dollar and fifty cents on the poll; and in levying such taxes the constitutional equation between property and poll tax must be observed.

election.

corporate. Corporate name. powers.

commissioners

bilities of town

SEC. 4. That the secretary of the board of commissioners shall

Secretary of commissioners to be tax lister. Notice for listing taxes.

Lists to be returned under oath.

Secretary to prepare list for revision.

Revised lists delivered to tax collector.

Warrant from mayor.

Force of tax list and warrant.

Proviso: List not delivered until tax collector gives bond.

Privilege taxes.

Retail liquor dealers.

Other liquor dealers.

Bowling and ten or nine pin alleys, billiard, pool or bagatelle table.

Banks or banking agencies.

Drays.

Peddlers.

be a tax-lister, and shall give ten days' notice at three public places in said town, within the month of June in each and every year, of the time and place of listing taxes of said town, at which times and places all persons liable to pay taxes to said town, shall to said tax-lister return, on oath, a true and perfect list of his or her taxable property, as designated in the preceding section, with the true value thereof, and all taxable polls, and the said secretary shall by the first meeting of the board in July in each year, make and return to said board an alphabetical list of the taxpayers of said town, together with a classified schedule of the taxable property, polls, &c., of said town for revision; and after the said board shall have revised said list and affixed the amount of taxes due from each taxpayer, they shall cause the same to be copied in a book to be kept for the purpose, from which a copy shall be made and placed in the hands of the town tax collector for collection by the fifteenth day of August in each and every year, together with a warrant from the said town through the mayor, returnable on a day certain, not later than the first day of February in each and every year. and said tax list and warrant shall have the force of a judgment and execution in the hands of said tax collector for the taxes therein mentioned: Provided, however, that said tax list shall in no case be delivered to such tax collector for collection until he shall have filed with said board a justified bond in double the sum of the taxes to be collected for the current year,

SEC. 5. That, in addition to the ad valorem tax on property and polls, the said board of commissioners shall have power to levy and collect the following special taxes for the privileges of carrying on the business or doing the acts hereinafter named in said town, to-wit:

with at least two sureties who shall be approved by said board.

(1.) On all retailers of spirituous, vinous, malt alcoholic liquors not more than one thousand dollars.

(2.) On all venders of such liquors of the measure of a quart or more, a tax not to exceed four hundred dollars.

(3.) On every bowling alley, ten pin alley, nine pin alley, billiard, pool or bagatelle table, a tax not to exceed one hundred dollars.

(4.) On all banks or banking agencies, a tax not to exceed one hundred dollars.

(5.) On all drays used for hauling goods or merchandise of any kind, a tax not to exceed fifteen dollars.

(6.) On all peddlers of medicines, goods, wares or merchandise

of any kind, except literature, articles manufactured or produced within the state, a tax not exceeding ten dollars.

(7.) On all insurance companies or their agencies doing busi- Insurance comness as such in said town, a tax not to exceed twenty-five dol- cies. lars.

- (8.) On all lectures for reward, unless they are given for relig- Lectures. ious or charitable purposes, a tax not to exceed ten dollars.
- (9.) On all photographic artists or picture takers of any kind Photographer or picture takers. and their agents, a tax not to exceed ten dollars.

(10.) On every auctioneer, a tax not to exceed ten dollars.

teen dollars.

(12.) On every express and telegraph office or resident agent, Express and telegraph agents. or office doing business within said town, a tax not to exceed twenty five dollars.

(11.) On every commission merchant, a tax not to exceed fif- Commission

(13.) On every concert or entertainment for pay, except those Concerts or given wholly for religious or charitable purposes, a tax not to exceed ten dollars.

entertainments.

Auctioneers.

merchants.

(14.) On every exhibition of a circus or menagerie, a tax not Circus or menagto exceed one hundred dollars; and on each exhibition accom- Side shows, panying such circus or menagerie which charges admission fees, a tax not exceeding twenty-five dollars.

(15.) On every gift enterprise, or any person offering to pre- Gift enterprises. sent any purchaser with any gift or prize as an inducement to purchase, a tax not to exceed ten dollars.

(16.) On all dealers in lightning rods and patent pums, a tax Lightning rod not to exceed twenty-five dollars.

dealers.

(17.) On every livery stable, a tax not to exceed fifty dollars, Livery stables. with power in commissioners to clasify; and for the purpose of this act a livery stable shall mean any and every place at which Definition of horses, mules or vehicles are kept to let out for pay, or used for hire or compensation in said town: Provided, that no livery- Proviso: man who has paid a livery stable tax shall be taxed for run-Liverymen taxed ning drays.

livery stable. as such not taxed

on drays.

(18.) On all dogs kept or owned by residents of said town, a pogs, tax not to exceed one dollar and said board, shall have power to pass and enforce ordinances for the protection of dogs on which this táx has been paid.

taxes by distress.

SEC. 6. The tax collector may enforce the collection of taxes collection of due said town by levying upon the personal property, if any be found, and if none be found, then upon the real property of the delinquent within said town, and after he shall have advertised the personal property ten days and the real property Notice of sale. thirty days at the public well, and at two other public places in said town, or for the same time in some weekly newspaper

If real property sold collector to receipt to purchaser.

Return of tax collector. Right of delinquent to redeem.

On failure of delinquent to redeem deed to be made to purchaser. Recitals in deed prima facie evidence.

How real estate sold to be designated.

Power of commissioners in relation to streets.

How streets located and damages assessed.

Written report to be made and published.

Exceptions to report.

When exceptions to be heard.

Right of appeal.

published in said town, shall sell on the public square in Forest City at public outcry so much of said property as will pay the tax and costs, and if real property, the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of said board a true return of his proceedings. If the delinquent tax payer or his agents, within twelve months from the date of said sale, shall redeem the said real estate by paying to the secretary the amount of said bid and twenty-five per centum on the same, then the delinquent tax payer shall be restored to his or her original rights, but on failure to thus redeem the collector shall make deed to the purchaser, and such deed shall be valid to pass all the rights and interests of the delinquent tax payer. A recital in said deed of such things as were necessary to be done in order to perfect such sale shall be deemed prima facie evidence that such things were done. The tax collector shall, by survey or otherwise, definitely designate what part of said real estate is to be sold when less than the whole will be sufficient.

Sec. 7. The board of commissioners of said town shall have power to open, change, widen or discontinue streets, when promotive of the interests of the public; when the board of commissioners to open a new street or to change any street already open, they shall select five disinterested freeholders of said town to lay out such new streets or to change existing streets, who shall, when notified, at once proceed so to locate the new and make such changes in the old streets as may have been determined by the said board, and assess such damages as may be sustained by the owners of the property to affected thereby, taking into consideration in estimating said damages the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. They shall make, within five days of the notice of their selection as a jury, a full written report of their action and their findings to the board of commissioners, who shall cause the same to be published in some newspaper having a general circulation in Rutherford county, at least once a week for four successive weeks from the time of making said report. Any person interested may, within ten days after notice by publication as aforesaid, file with the secretary of said board written exceptions to said report, and the board shall fix a time certain, within five days from the filing of such exceptions, for hearing and determining the same, and if said report shall, upon such hearing, be confirmed by said board, any person affected by said report may, within ten days of such confirmation, appeal to the next term of the superior court for Rutherford county by filing bond and giving such notice to the board of commissioners of said town as are required by law in cases of appeal from justice's courts, and such appeal shall not stay or impede improvethe process of such improvement: Provided, that no interference with property so condemned, or the opening or Property conchanging of such streets, shall be made until all damages be interfered assessed shall have been paid or tendered to the party ages paid or tenaggrieved or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the superior court of Rutherford county, to abide the results of the appeal then pending.

Proviso: demned not to with until dam-

SEC. 8. When any house or building in said town from any Nuisances. cause shall become a public nuisance by its liability to fire, or dangerous or unsafe from insecure foundation or any other cause, or being the abode of immoral, indecent or illegal business or conduct, or become offensive to the senses, the said board Power of comshall have power to prevent the erection of such buildings or to missioners to prevent and remove or destroy, if necessary to the complete abatement of abate. Occupant of such nuisance, and for the violation of any ordinance of said building prima town committed openly or secretly in said houses the occupant violations of of such buildings shall be prima facie guilty of such violation, town ordinance committed in and upon conviction shall be punishable as the ordinance of same. said town may provide.

SEC. 9. That the board of commissioners shall have power to Sanitary powers cause alley, lots, cellars, privies, stables and other places of like of commissioners. character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

SEC. 10. That the power of the board of commissioners to Powerto abate abate and remove nuisances shall extend one mile beyond the nuisances to excorporate limits of the said town.

corporate limits.

SEC. 11. That the town marshal or arresting officer shall have Power of town the right to make arrests in any part of the county of Ruther- marshall to make arrests. ford, under a warrant issued by the mayor, for the violation of the town laws.

SEC. 12. That the mayor shall have the power to depute any Power of mayor citizen to execute his warrants in the absence of an officer, and to depute citizens as officers shall also have power to issue his warrants for the arrest and and to issue warapprehension of offenders against the town laws without com-complaints, plaint upon oath, when the offence for which a person is to be arrested is committed in the presence of the mayor.

SEC. 13. That for the violation of any ordinance or by-law Power of commade by said board of commissioners they may prescribe pen-missioners to prescribe penal-prescribe penalalties not to exceed a fine of fifty dollars and imprisonment for ties. one month for each offence; the fine to be recovered by warrant before the mayor, and when any person shall be convicted for

Persons failing to pay fines and costs committed to lock-up.

Persons may be worked on streets.

Power of marshal to arrest

Penalty for resisting officer.

Powers of marshal to summon bystanders. Penalty for officer.

Power of commissioners in relation to commercial fertil-izers and hogs and stock running at large.

Town attorney.

Corporate limits.

a violation for a violation of any ordinance or by-law of said town, the party convicted may, unless the penalty and costs be paid, be immediately committed to the calaboose or lock-np for the space of thirty days or until payment thereof be made: and the commissioners have the power to work such parties as may be committed to prison upon the streets under such regulations as they may prescribe.

SEC. 14 When it shall be necessary for the preservation of pubwithout warrant. lie peace, good order and common decency, or the protection of ife, liberty, person or property of individuals, the town marshal shall have power, and it shall be the duty of all such marshals, to arrest the body of offending parties who have violated the law in the presence of such marshal or marshals, without warrant, and take them as early as practicable before the mayor to be dealt with as the law directs, and for every resistance of such authority by offenders or others, the party so resisting shall be punished as the ordinance of said town shall provide, and if necessary the marshal have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called who refusing to assist refuses or fails so to assist shall, upon conviction before the mayor, be punished as the ordinance of said town shall prescribe. SEC. 15. That said commissioners shall have power to control

> shall be stored, the manner in which hogs and shall be kept, and to prevent the running at large on the streets of all domestic animals and fowls, as they may regulate. SEC. 16. That the said board, when they deem it necessary,

> and direct the manner and place in which commercial fertilizers

shall have the power to employ a legal counselor or town attornev. SEC. 17. That the corporate limits of said town shall extend

one mile in every direction from the center of the public square of said town.

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

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 117.

An act for the relief of George E. Sprinkle.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Madison county is hereby Treasurer of authorized to pay out of any moneys in his hands, due school districts number twenty (28) eight and twenty (29) nine of said Sprinkle for teaching school. county, the sum of ten and $\frac{15}{100}$ dollars out of district number twenty (28) eight, and the sum of thirteen and 750 dollars out of district number twenty (29) nine, to George E. Sprinkle for services rendered as teacher of white race for said districts for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four.

Madison county to pay George E.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 118.

An act to incorporate "Hominy Valley institute."

The General Assembly of North Carolina do enact:

SECTION 1. That W. G. Candler, J. J. Miller, J. L. Young, Corporators. P. P. Morgan, J. H. Courtney, S. C. Owen, H. A. Luther, J. B. Robberson, J. W. Rice, O. F. Thomson and their associates and their successors are hereby created a body corporate and politic, by the name and style of the "Hominy Valley institute," for Corporate name. the purpose of maintaining a non-sectarian school for males poration. and females in Buncombe county, North Carolina, and by such Corporate powname may acquire, hold and convey real and personal estate; ers. may sue and be sued, plead and be impleaded in any of the courts of this state; may contract and be contracted with, and enjoy any and every right and privilege incidental and belonging to corporation bodies, according to the law of this state.

SEC. 2. The officers of this corporation shall be a president, officers to be elected annually vice-president and secretary and treasurer, to be elected by the by stockholders. stockholders, from among themselves, annually, in the manner hereinafter provided.

The first election, under this section, shall be held on the First election. 15th day of May, one thousand eight hundred and ninety seven, and the officers then elected shall hold their offices till their successors shall have been elected.

Seven directors to be elected annually.

First election.

SEC. 3. That the stockholders of said corporation shall elect annually seven directors, who shall hold their office till their successors shall have been elected. The first election under this section shall be held on the 15th of May, one thousand eight hundred and ninety-seven.

Votes of stockholders. SEC. 4. That in the election of officers and directors as provided for, and in all matters of business, every person owning ten dollars of stock in said Hominy Valley Institute, shall be entitled to one vote, and one vote for every ten dollars owned.

By-laws.

SEC. 5. That at their regular meetings the stockholders 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.

Stockholders not individually liable.

SEC. 6. That the stockholders of this corporation shall not be individually liable for the debts of the corporation.

Corporate limits.

SEC. 7. That the corporate limits of said institute shall be five miles in each direction from the institute, and it shall be unlawful for any person to manufacture or sell or otherwise dispose of any spirituous, vinous or malt liquors within said distance of said institute; any person violating the provisions of this act shall be guilty of a misdemeanor.

Unlawful to manufacture or sell liquors within five miles of institute. Violation a misdemeanor.

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 119.

An act to extend the time for organization of the bank of Lumberton.

The General Assembly of North Carolina do enact:

Time for organization of bank extended.

SECTION 1. That the time for organization of the bank of Lumberton, made the terms of its charter ratified on the 11th day of March, 1895, be extended for two years from the ratification of this act.

Sec. $1\frac{1}{2}$. Strike out the words "twenty-five" in the first line of section 2, chapter 185, private laws of 1895, and insert in lieu thereof the word "fifteen."

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

Ratified the 6th day of March, A. D. 1897.

CHAPTER 120.

An act to incorporate the Atlantic Development company.

The General Assembly of North Carolina do enact:

SECTION 1. That W. H. Walker, R. H. Hayes and G. L. Tay-Corporators, lor, citizens of the state of North Carolina, together with such other persons as now or may hereafter be associated with them and their successors and assigns, be and they are hereby made and created a body politic and corporate, under the name and style of the Atlantic Development company, and under corporatename. that name may sue and be sued, prosecute and defend actions Corporate powand special proceedings in all courts of the land, contract and ers. be contracted with, and adopt and use a common seal, which may be altered at pleasure, make, alter and amend such by-laws and regulations as may be deemed by them proper, not repugnant to the constitution and law of the land, and shall have a corporate existence for sixty years.

SEC. 2. That the capital stock of the said company shall be Capital stock. one hundred thousand dollars, and the same may be increased from time to time, as a majority of the stockholders may determine, up to one million dollars. That the stock of said company shall be in shares of one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote. Said stock shall be deemed personal property, and be stock deemed personal property. transferable upon the books of said corporation. Books of sub-erty.
How stock transscription may be opened by any two of the incorporators at ferred.

Books of subsuch time and place as they may prescribe. That the said cor- scription. porators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall When meeting for organization call a meeting of the subscribers to the said capital stock, for to be called. the purpose of completing the organization of the company, Notice of meetgiving three days' notice in some newspaper published in the city of Raleigh, North Carolina. That at such meeting the stockholders shall elect a board of directors, consisting of five members, who shall immediately elect one of their number president. president of the company.

SEC. 3. That the corporators and stockholders of said com- Stockholders not pany, and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, engagements or torts, of said corporations, and no stockholder shall be liable to pay for more stock than he subscribed for.

SEC. 4. That subscriptions to the capital stock of said com- How subscrippany may be made in money, land, labor or material necessary made.

Stock deemed

personally liable.

for carrying on the work intended, in bonds, stocks or other valuable, credits in such manner and on such terms as may be agreed upon by the president and a majority of the directors of said company.

Power to borrow money and secure payment.

SEC. 5. That said company is authorized to borrow such sums of money from time to time as may be necessary for its purposes, and for such loans to issue its bonds, bearing interest not exceeding six per cent. per annum, to sell, exchange or hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust or mortgage, conveying its works, land, property and franchises, in whole or in part; or to issue shares of preferred stock, which, in case of a dividend, shall be paid six per cent. out of the proceeds of the company, in preference to any other stock of the company, but shall not be entitled to a per share vote in the stockholders meeting.

Preferred stock.

Meetings of stockholders.

President and directors to render account.

Special meetings. Notice.

meetings.

Power of president and directors as to other officers.

Term of office of directors.

Vacancy in directors filled by president.

Power of president and directors to make ex penditures and contract debts. Further corporate powers,

SEC. 6. That meetings of stockholders shall be held annually, at such time and place in this state as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company.

Special meetings may be called by the president or a majority of the directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this state, thirty days Notice of annual before said meeting; notice of said meetings shall likewise be published.

> SEC. 7. That the president and directors shall have the power to elect a vice-president, secretary and treasurer, and also to appoint such other officers as may be necessary for conducting the work as authorized by this act, and to prescribe their duties, compensation and terms of service. The directors shall be elected annually by the stockholders, and shall remain in office one year, or until their successors are elected and qualified. And in case of a vacancy occurring by death or resignation in the office of director, the same may be filled by the president until the next meeting of the stockholders.

> SEC. 8. That the president and directors, being authorized by the stockholders, shall have power to make such expenditures and contract such debts as may be necessary.

> SEC. 9. That said company shall have power to carry on and conduct the business of mining from the ground any ores, minerals or metals; to manufacture the same into any shape or shapes, and prepare for home or foreign market; to erect such mills, saw-mills, buildings, machine-shops, stores, dwellings and

houses, and other works as may be requisite or necessary to carry on such branches of industry as this act may provide for; to acquire and own mines, mining land, timber land, not exceed. Limit to land ing fifty thousand acres at one time, and rights of entrance to and outlet from the same, to lay out and construct and operate such roads, tram-roads or railroads as may be necessary or convenient in order to transport the product of any mine or mines that they may control or operate, from the same to any point on the line of any railroad or water-course not exceeding seventyfive miles in length from the principal place of business, and that they may operate such road, tram-road or railroad as public Common carrier. carriers, charging the regular rate of toll for the transportation of passengers or freight over the same, as regulated by their by-laws: Provided, the said charges do not conflict with the Proviso: laws of the land; and to hold, purchase, receive, work, sell, Charges not to mortgage, lease, enjoy, and retain to them, their successors and assigns, lands, not exceeding at one time the number of acres aforesaid; tenements, goods, chattels of whatsoever kind as may be deemed by them conducive to the objects and interest of said corporation. The principal place of business shall be in Chatham county.

SEC. 10. That this company may enjoy the benefits and be Power to consubject to the provisions of sections 1943 to 1951, inclusive, of demn land. chapter 49 of The Code of North Carolina, in respect to the acquisition of land by condemnation, for the purpose of locating, constructing and operating their railroads. And said company may enjoy the benefits and be subject to the provisions of sections 1996 to 2000, inclusive, of said chapter of The Code, allowing counties to subscribe to the capital stock of railroads in the Counties may manner and upon the terms and conditions therein expressed. stock of com-This company shall have the right to subscribe to the capital pany. stock of any other corporate company, and any other corporate subscribe to company may have the right to subscribe to the capital stock other companies of this company.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1897.

subscribe to Company may may subscribe to this company.

CHAPTER 121.

An act to incorporate the Highlands turnpike company, and to authorize the construction of a turnpike road between Highlands, North Carolina, and Cashier's Valley, North Carolina.

Section 1. That for the purpose of constructing and operat-

ing a turnpike road between Highlands, Macon county, and Cashier's Valley, Jackson county, S. Prioleau Ravenal, Jr.,

Barak Wright and Charles N. Wright, and such others, persons and corporators as may be associated with them and their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of "the Highlands

turnpike company" for the term of ninety-nine years, with all

The General Assembly of North Carolina do enact:

Purpose of corporation.

Corporators.

Corporate name.

Term of corporation. Corporate pow-

Power to construct turnpike.

Terminal.

Principal office.

Capital stock.

How shares transferred. Proviso: When company to organize.

the powers and privileges granted to corporations as set forth in chaper sixteen (16) of The Code, and by that name may sue and be sned, 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: Provided, that nothing shall be done in conflict with the laws of this state. SEC. 2. That the said company be and is hereby authorized to construct, maintain and operate a turnpike road extending

from a point in the boundary line of Highlands to a point of intersection with the public road in Cashier's Valley.

SEC. 3. That the principal office of the company shall be at Highlands, North Carolina, at which place it shall hold its annual meetings.

SEC. 4. That the capital stock of said company shall not exceed five thousand dollars (\$5,000) in shares of the par value of five dollars (\$5.00) each, and the shares shall be transferrable in such manner as the company direct: Provided, that when the sum of one thousand dollars (\$1,000) 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, 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 (3) directors, President and 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 annual meeting and elections, subject to the approval of the and elections. stockholders at their ensuing meeting: Provided, further, that Proviso: Failure to hold a failure to hold the annual meeting and to elect the officers annual meeting provided by this act shall not work a forfeiture of the chartered charter. rights of said company.

SEC. 5. That, when said road is completed between the points Power to erect hereinbefore specified, the company shall have power to erect a gate or gates 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 (5) each; Rates of toll. loose horses, mules and asses, ten cents (10) each; single horsemen, ten cents (10) each; vehicles pulled by one animal, twenty cents (20) each; by two animals or more, forty cents (40) each: Provided, that the said company and their associates, successors Proviso: and assigns shall keep said road in good condition.

SEC. 6. That for the purpose of raising the capital stock of Books of subsaid company, and to acquire the means of completing said road scription. as contemplated by this charter, it shall be lawful to open books of subscription at such times and places, 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 complete, to sell, lease or mortgage its property, road and franchise lease or morton such terms and conditions, and for such purposes and uses and for such times, as the said company may deem desirable.

SEC. 7. Whenever any lands may be required for a right-ofway, not to exceed forty feet in width, and an agreement cannot demn lands. be made with the owner or owners of such lands, the company or such owner may, in writing, apply to the clerk of the superior Procedure for court of the county in which said land lies to cause the dam-condemning ages 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 dam-

gates and collect

Company to keep road in good con-

Power to sell, gage.

lands.

Return of referees to become a judgment of Superior court.

Right of appeal.

Trial in superior court de novo and by jury.

Company may enter upon land on return of award.

Misdemeanor to

Penalty.

Fines to be paid over to county school fund.

Misdemeanor to injure or obstruct road.

Penalty in addition to liability for damages.

Stockholders not individually liable.

ages, 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 perfect his appeal, 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 requests, be submitted to a jury. So soon, however, as an award is returned by such referees 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 willfully refuse to pay the refuse to pay toll. fare or toll due and payable for such use of said road, 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 Macon or Jackson shall pay a fine of not less than two (2) dollars nor more than five (5) 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 (5) days nor more than twenty (20) 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 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.

> SEC. 10. That the stockholders shall not be individually liable for the debts of the corporation.

> SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 122.

An act to amend the charter of the city of Newbern.

The General Assembly of North Carolina do enact:

That the corporation heretofore existing as the city of New- Corporate name. bern shall hereafter be known and designated as the city of New Bern, and all laws in conflict with the above are hereby repealed.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 123.

An act to amend an act to incorporate "The Farmer's Mutual Fire Insurance Association of North Carolina," chapter 343, private laws of 1893, and an act amendatory thereof, chapter 15, private laws of 1895.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of assembly incorporating "The Corporation re-Farmers' Mutual Fire Insurance Association of North Caro- lieved from pro-lina," chapter 343, private laws of 1893, and an act amendatory ance law and all thereof, the provided by the control of the provided by the provided thereof, chapter 15, private laws of 1895, be and the same are hereby amended as follows:

By striking out section 15 of said chapter 15, private laws of 1895, and inserting therefor the following words:

"That said association shall be exempt from all the provisions of chapter 29 (vol. 2.) of The Code, and the laws amendatory thereof, and that it shall be exempt from all license fees or other tax whatsoever, whether the same be state, county or municipal."

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 124.

An act to incorporate the Davie Educational Union.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That J. H. Gilman, Jr., A. T. Clement, T. A. Hilliard, L. M. Van Eaton, B. J. Neely, Sandy Phelps, Richard Pass and G. W. Eaton, their associates and successors, are hereby made and continued a body politic and corporate, under Corporate name. the name and style of Davie Educational Union, and in that name may sue and be sued, contract and be contracted with, for the purpose of maintaining and conducting a school for the colored race, in or near the town of Mocksville, in Davie county, North Carolina.

Corporate powers.

Location.

Further corporate powers.

They may use a common seals, buy land, erect buildings, employ and dismiss teachers and instructors, and establish such rules as may be necessary for the cause of education and maintaining the school not inconsistent with the laws of the State.

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

Ratified the 8th day of March A. D. 1897.

CHAPTER 125.

An act to amend section thirty-two (32) private laws of 1887.

The General Assembly of North Carolina do enact:

Rate of tax in town of Maxton,

SECTION 1. That section thirty-two of chapter twenty-five of the private acts of North Carolina of session of one thousand eight hundred and eighty-seven be amended by striking out in line forty-four of said section the words "fifty cents" and inserting therefor "one dollar," and in line forty-five of said section the words "sixteen and two-thirds," and inserting therefor "thirty-three and one-third."

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 126.

An act to incorporate "The Order of Unity."

The General Assembly of North Carolina do enact:

SECTION 1. That H. J. Green, George W. Moore, Carl Corporators. Kimpton and Wm. Lee, and such other persons as they may choose to associate with them, be and the same are hereby constituted a body politic and corporate under the name of Corporate name. "The Order of Unity."

SEC. 2. That the purposes for which it is formed are: To be Purposes of corincorporated as a secret fraternal beneficial association; to poration, provide for the payment to its members of sick, disability or death claims; and for the payment, in not less than five years to members whose beneficiary or distribution period may then expire, of such sum, not exceeding the maximum amount named in the beneficiary certificates, as the constitution and general laws enforce at the expiration of said period may authorize and direct from admission fees, dues and assessments collected from its members, and there shall be no capital stock:
Admission fees, other than the admission fees, dues and assessments collected dues and assessfrom its members, which amount may be \$1,000,000, and each ments. member shall share in said \$1,000,000, or parts thereof, as the constitution of the order directs.

SEC. 3. That it shall have perpetual succession by its cor- Perpetual sucporate name, and shall exist so long as they conform to the cession. laws of North Carolina and the constitution of this state.

SEC. 4. That it shall have power to maintain and defend Power to sue and judicial proceedings and sue and be sued and defend, make all be sued. by-laws and regulations for their government.

SEC. 5. That it may make and use a common seal and alter Common seal. the same at pleasure, and sue and be sued.

SEC. 6. That it shall be capable of taking, receiving, pur- Power of holdchasing, holding and transferring real and personal property ing and dealing for the purpose of its incorporation and for no other purpose.

with property.

SEC. 7. That it shall have power to elect, appoint and remove Power to elect the officers and agents for the management of its business and remove and carrying out its objects, and to allow them suitable compensation.

officers.

SEC. 8. That it may make a constitution and general laws Constitution and for the management of its affairs, not inconsistent with the general laws. constitution and laws of this state, and to alter and amend the same when necessary. When so made, altered or amended, the

said constitution and general laws shall be the law governing such society, order or association and its officers, subordinate lodges, councils or bodies and the members in their relation to such society, order or association in all their acts.

Power to collect admission fees, dues and assessments. SEC. 9. That it shall have power to collect from its members by admission fees, dues and assessments the funds necessary to carry out its operation and provide for the payment of its benefits, which assessments shall be made in manner and form as provided by its constitution and general laws, regulating the same.

Supreme and subordinate lodges. Beneficiary or relief certificates. SEC. 10. That it shall have power to carry on its operations through supreme and subordinate bodies or lodges, and to issue beneficiary or relief certificates in accordance with its constitution and general laws.

Power to enter into obligations.

SEC. 11. That it shall have power to enter into any obligation necessary for the transaction of its affairs.

Term of corpora-

SEC. 12. That the said corporation shall exist thirty years. SEC. 13. That the said corporation shall have power to carry on its business in the State of North Carolina.

Power to carry on business in this state.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 127.

An act to amend the charter of the town of Monroe.

The General Assembly of North Carolina do enact:

Retail liquor

SECTION 1. That subsection one of section five of chapter forty-seven of the private laws of eighteen hundred and eighty-one, as amended by chapter four of the private laws of eighteen hundred and eighty seven (1887), be amended by striking out of said section the words "not exceeding five hundred dollars," and inserting in lieu thereof the words not less than one thousand dollars, one-half of which shall be appropriated to the support and maintenance of graded schools for said town when they shall be established.

How retail liquor license tax appropriated.

SEC. 2. That subsection two (2) of section five (5) of chapter forty-seven (47) of the private laws of eighteen hundred and eighty-one (1881), as amended by chapter eighty-nine of the private laws of eighteen hundred and eighty-seven (1887), be amended by striking out the words, "not exceeding two hundred dollars," and inserting in lieu thereof the words, "not less

Wholesale liquor license.

than five hundred dollars, of which one-half shall be appro- How wholesale priated to the support and maintenance of graded schools, liquor license when they shall be established in said town of Monroe."

appropriated.

SEC. 3. That the commissioners of the town of Monroe shall Commissioners be and they are authorized to elect a clerk and treasurer of treasurer. said town, who may or may not be a member of the board of commissioners, as they may in their discretion determine, and they are further authorized and empowered to elect a tax col- Tax collector. lector for said town, who shall give bond as is now required of the marshal of said town, and if, in their opinion, it is for the Offices of clerk best interest of said town, they may consolidate the office of and treasurer clerk and treasurer with that of tax collector, so that one and may be consolidated. the same person shall discharge the duties of both offices.

to elect clerk and

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 128.

An act to amend the charter of the town of Burlington, Alamance county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the town constable of Burlington, North Election of town Carolina, shall be elected by the popular vote of the qualified constable. voters of said town at the regular election for town officers on the first Monday in May of each year.

SEC. 2. That at the regular town election on the first Monday in May of each year a street commissioner shall be elected by commissioner. the popular vote of the qualified voters of said town, whose duty Duty of street shall be to supervise the working of the streets, repairing commissioner. bridges, and looking after the property belonging to said town; he shall work under the supervision of the mayor and town commissioners, and his salary shall be fixed by them.

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

Salary.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 129.

An act to amend chapter sixty-one (61), section one (1), laws eighteen hundred and seventy-seven (1877).

The General Assembly of North Carolina do enact:

Fees for weighing live beef cat-tle in Wilmington.

Section 1. Amend the first section of chapter sixty-one (61) of the laws of eighteen hundred and seventy-seven by adding. after the word "market" in last line of section first, "and that the fees charged for weighing said cattle shall not exceed fifteen cents per head."

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 130.

An act to amend and consolidate the acts incorporating the town of Lilesville.

SECTION 1. That the town of Lilesville, in Anson county, be

The General Assembly of North Carolina do enact:

Town incorporated.

Name.

body corporate.

Corporate powers.

Present town officers continued.

Corporate boundaries.

and the same is hereby incorporated under the name and style of "the town of Lilesville," and that E. P. Lililes, Dr. R. B. Commissioners a Beckwith, and J. T. Saunders, 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 it shall be styled "the commissioners of the town of Lilesville," and as such shall have the 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 M. H. McLean, 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 succe-sors shall be elected and qualified as hereinafter provided.

> SEC. 2. That the corporate boundaries of the town of Lilesville 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 Liles & Ingrams' storehouse.

SEC. 3. The officers of said town shall consist of a mayor and Officers of town.

three commissioners, to be elected by the qualified voters of To be elected said town annually on the first Monday in May.

SEC. 4. Said election of said mayor and commissioners shall when election be held at the post office in said town, and no person shall be held. entitled to vote at said election, or at any election in said town Qualification of for municipal purposes, unless he shall be an elector of the state of North Carolina, and shall have resided ninety days next preceding the day of election within the said corporation.

SEC. 5. It shall be the duty of the commissioners of said town, on the second Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall, within ten days thereafter, be noti- judges to be fied of their appointment by the constable of said town.

The registrar so appointed shall immediately make publica- Registrar to tion at the post office 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 tion book shall be his duty to revise the existing registration book of said To revise registown in such manner that said book shall show an accurate list tration book. 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 tion book kept 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 may require new giving thirty days' notice at four public places and in some newspaper published in said county, require an entirely new registration of voters before any election held therein.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath pre- judges to take scribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Anson county.

SEC. 7. It shall be the duty of the registrar and judges of elec- When registration to attend at the polling places in said town with the regis-tion book opened for inspection tration book on Monday preceding the election from the hour and challenges. 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 Challenges to be book, opposite the name of the person so objected to, the word noted and time "challenged," and shall appoint a time and place, on or before election day, when he, together with said judges of election, shall

Commissioners to appoint registrars and judges of elections. Registrars and notified by constable.

make publication. To be furnished with registra-

When registraopen.

Commissioners registration.

Registrars and oath.

Proviso: Right of challenge not restricted to time specified.

If challenge sustained name to be erased from book.

When polls to be opened.

Judges to superintend elections. Polls to be closed at sunset.

Poll books.

Poll books received as evidence. If judge fails to attend registrar to appoint.

Ballots.

Election certified to town clerk In case of a tie to determine. Eligibility for town offices.

Officers elect to be notified.

When officerselect to qualify.

Penalty on per son elected mayor retnsing to qualify and act.

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.

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 names 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.

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 judges of election shall determine by ballot who is elected.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a galified 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.

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 peacein 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.

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 How penalty 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.

divided.

How recovered.

SEC. 14. That a majority of said commissioners shall consti- Quorum of comtute a quorum for the transaction of business.

missioners.

SEC. 15. That the mayor, when present, shall preside at all Mayor to premeetings 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 To vote in case commissioners of said town shall select one of their own number to act as mayor pro tempore, who shall, while acting as such, Mayor pro have all the power and authority conferred by this charter on the mayor of said town.

side at meetings of commissioners. To call meetings. of tie,

tempore.

SEC. 16. If for any cause there should be a vacancy in the How vacancies office of mayor, commissioner, of said town, the board of commissioners thereof shall be and are hereby empowered to fill such vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for.

SEC. 17. That said commissioners shall at their first meeting Commissioners after their election, select some one as town clerk and treasurer clerk and treaswho shall hold office one year, or until his successor shall be elected and qualified. He shall act as secretary to the board of Duties. commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and Bond of clerk sufficient bond with sureties to be approved by the board of and treasurer. commissioners of said town in a sum of not less than three hundred 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 Commissioners require of said clerk and treasurer a monthly statement and may require exhibit of receipts and disbursements; and if he fail for thirty ments. days after having been required to make such statement to statement a render the same, it shall be and is hereby declared a breach of his official bond and the commissioners are authorized and Commissioners empowered to declare the office vacant and to appoint his suc- may declare cessor. All suits entered on the official bond of any of the offi- appoint succers 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 brought on offi-Lilesville against said official and his sureties.

to elect town

Faiture to make breach of bond.

Commissioners to elect town constable.

Bond of 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 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 process that may come into his hands as constable, upon his faithfully accounting for and 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.

By laws, regulations and ordinances.

Police regula tions.

Laws for abating and preventing nuisances.

Violation of town ordinance a misdemeanor.

Penalty.

Persons failing to pay fine imposed may be worked on street.

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 a 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 Lilesville put to work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged.

Jurisdiction of mayor.

Sec. 23. 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 Duty and authorplaced in his hands by the mayor, shall have authority to ity of constable. preserve the peace of said town, and within the corporate limits thereof shall have the same authority in criminal matters and be entitled to the same fees as a sheriff has in the Fees. county, and in the collection of taxes of said town, levied by Power in collectthe authorities thereof, shall have same power and authority ing taxes. as are given sheriffs by law, except as is hereinafter provided for by this charter.

SEC. 25. It shall not be lawful for the mayor or any commis- officers not to sioner of said town, town clerk, or constable, or any official officer of said town to demand or receive, either directly or work done or indirectly, any consideration for work or labor done or mate-nished for town. rials furnished to said town by said official: Provided, however, Salary of mayor, that the commissioners of said town may determine the com-clerk and treas-urer and conpensation or salary of the mayor, town clerk and treasurer and stable. town constable.

SEC. 26. The commissioners of said town shall have power to Power of comopen 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 narrow, 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 Power to conland necessary for the purposes of this section or making [make] demn land. compensation [as] hereinafter provided to the owner or owners of said land. It shall be the duties [duty] of the commissioners Payment for of said town to tender through their clerk and treasurer the land to be tendered. 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 Procedure for town shall have the power to issue an order directed to the town condemnation if tender refused. 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

demand or re-

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 lav open, lav 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.

Returns to be made to mayor.

Commissioners to make compensation for damages.

Commissioners to construct and repair sidewalks.

Commissioners to establish and regulate market.

Public scales.

Appointment of weigher.
Fees.

Articles required to be weigher.

Quarantine and sanitary powers.

SEC. 27. The said commissioners shall have power to construct and repair sidewalks on any of the streets of said town.

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.

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.

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.

SEC. 31. The board of commissioners of said town shall have Taxing powers. power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, cred- Subjects of taxaits, 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 Proviso: by them shall not exceed fifty cents on the hundred dollars Rate of tax and valuation of valuation on all real and personal property and one dollar and property. 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.

SEC. 32. That all taxes levied by said town commissioners when taxes due. 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 May be collected time may be collected by him by distraining any personal by distress. property of the taxpayer to be found within said town.

clerk and treasurer, or other person appointed by the commissioners of said town, shall, by advertisement at the post office 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 taxa- Returns to be tion shall make returns of all their taxable property to said made under oath. town clerk, or other person appointed by said commissioners, under oath, and the lister is hereby authorized and empowered to administer to such taxpayers an oath that he will well and truly return all property owned by him within said town, and liable to taxation under the provisions of this charter. Said list What tax return so returned shall state the age of the taxpayer and all property, to state. 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 Lilesville township, to be assessed for taxation for state and

SEC. 33. On the first Monday in July of each year, the town Advertisement for tax listing.

SEC. 34. All persons owning property within said town liable Property owned to taxation for town purposes shall return the same to the returned. town clerk, or other person appointed by the town commis-

county purposes.

How property owned by per-sons under disability returned.

sioners, as provided for 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 or guardians, if they shall have any such. SEC. 35. All property liable to taxation for town purposes in

Returns of executors, adminis trators and trustees.

Individual property of fiduciaries first distrained.

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 or any general law referring to taxation. SEC. 36. The town clerk and treasurer of said town shall make

Proviso: Charter to yield to general law.

Town clerk to make out tax lists.

To make returns for persons fail-

Persons failing to make return liable to double tax.

When tax list to be delivered to constable.

Tax list to have force of execu-

When lien for taxes to attach.

Personal property liable to be seized and sold. 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 taxlist 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.

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 taxpayers within the town shall be liable to be seized and sold after ten days' notice at the postoffice 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.

SEC. 38. Whenever the taxes due to said town shall be unpaid, How constable to the town constable shall immediately proceed to collect them lect. 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 such levy or sale Fees for levy. shall be fifty cents; second, if the party charged have not personal property to be found in said town of sufficient value Land to be levied to satisfy his taxes, the constable of said town shall levy upon on if personal property insuffiany lands of the delinquent to be found within the town; the cient. levy shall contain an accurate description of the lands, with the Whatlevy on name of the owner or owners, the amount of taxes due by the land to contain. delinquent, and a list thereof shall be returned to the town List of levies on land to be reclerk and treasurer, who shall enter the same in a book kept turned to clerk. for that purpose, charging therefor the sum of twenty-five cents Fees for levy. for each levy; third, the constable shall notify the delinquent Delinquent to be of such levy, and of the day and place of sale by service of a notified. 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 post office door, and four other public places in said town, at least thirty days When and where 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 postoffice door in said town, and shall be on one of the days prescribed for sales of land under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of Report of sale to 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.

SEC. 39. The whole tract or lot of land belonging to a delin- How sale of land quent person or company shall be set up for sale at the same to be made. 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 Mayor may bid the whole lot or tract of land for the taxes due and expenses, for for town.

sales to be made.

delinquent.

the use of the town, in case no one will offer to pay the taxes and cost for a less quantity.

Delinquent to retain possession of property. Right of redemption.

Receipt to be given to delinquent.

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 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.

Receipt to be given to purchaser.

SEC. 41. At the time of such purchase of real estate for taxes, the town constable, on the receipt of the amount bid for such real estate shall give the purchaser a receipt, stating the amount bid, by whom, and for what purpose, and describing the land sold, stating further the owner of said land and the amount of taxes due.

Deed to be given purchaser if delinquent fails to redeem.

SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty 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 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. SEC. 43. All real estate bid in by the mayor of said town for

Fee of constable,

When deed to be registered.

Title to land from registration of deed.

Redemption of

land purchased by town.

Privilege taxes.

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

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

is to levy on every merchant, lawyer, physician, dentist, drug- Subjects of privgist, artisan, mechanic, daguerean artist, or other pictures, on all officers or agents of incorporated companies, 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, confectioners, grocers, bartenders, harness makers, saddlers, blacksmiths, on billiard or bagatelle tables, public or private boarding, nine or ten pin alley, on all lecturers for reward, on all riding on pleasure vehicles, on all gold, silver or metal watches, on all pianos, on all pistols, dirks, bowie-knives or sword canes, on every livery stable, cotton gin, or turpentine or other distillery, on every hotel or boarding house, restaurant, or eating 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 traders, peddlers or bankers, on all and every person or persons, company or companies who may exhibit, sing or play, act or perform, or do any thing for which they charge or receive any gratuity, fee or pay, or reward whatsoever, within the limits of said town, Commissioners and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and pavable.

ilege tax.

SEC. 45. That it shall be the duty of town clerk and treasurer Town ordinances to post all ordinances adopted by the board of commissioners of said town at the postoffice and four other public places in said town for five days and all ordinances shall go into effect from When ordinances and after the expiration of five days from the time they shall have been posted.

to prescribe when license tax payable.

to be posted.

to take effect.

SEC. 46. That all laws heretofore passed for the better government and regulation of the town of Lilesville be and the same relation to town are hereby repealed.

repealed.

SEC. 47. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 131.

An act for the relief of certain citizens of Davidson county allowing them to vote on the question as to whether or not they shall be taken within the corporate limits of the town of Lexington.

The General Assembly of North Carolina do enact:

Special election. Boundaries.

SECTION 1. That such citizens of the county of Davidson as live within the following boundary lines, to-wit: Beginning at the corporation line of the town of Lexington on the east side of the Southern railroad: thence about southwest parallel with said railroad to a stone near the Cotton Grove road; thence about southeast parallel with said Cotton Grove road so as to include the house and lot of L. C. Baker, to a stone; thence about southwest, so as to include the house and lot of Kelly Young, to a stone; thence about northwest so as to include the houses and lots of Coley Crissman, Jake Tate, D. L. Ford and W. L. Barkley, to a stone; thence about northeast to a branch; thence up said branch to a stone on east side of Mocksville road and line of the corporation of Lexington, are hereby empowered to hold a special election on the question as to whether or not the said territory shall be attached to and become a part of the corporation of the town of Lexington.

Question to be voted on.

Ballots.

SEC. 2. That those of said citizens desiring said territory to become a part of said corporation, shall express their will and desire by voting a ticket either printed or written, marked "For annexation." Those desiring otherwise shall vote a ticket either printed or written, marked "No annexation."

When and where election to be held.

SEC. 3. That said election shall be held on Saturday the 22nd day of May, A. D. 1897, at the residence of L. C. Baker, or, if he shall have moved his place of residence at the date of said election, or for any cause shall not be in the occupation of his present home at said time, then said election shall be held on the premises of his present home or within one hundred yards thereof.

If majority vote for annexation property to become part of town. SEC. 4. That if a majority of said votes be "For Annexation," then said territory shall thereby and is hereby made a part of the corporation of the town of Lexington, and the inhabitants living within said boundaries shall be subject to the same duties and ordinances, and entitled to the same rights and privileges as the citizens of said corporation of Lexington, as it now exists or may hereafter exist: Provided, that said territory shall not become a part of said corporation except by the consent of a majority of the board of commissioners of said corporation.

Proviso: Subject to consent of town commissioners.

ation expressed in a formal meeting of said board to be called and held within ten days after said election has been held and the result thereof announced to them by the written returns of said election, to be furnished to them by the chairman of the board of judges hereinafter named.

SEC. 5. That no persons shall vote in said election except Who qualified to those that have been bonfide residents of said territory for a period of ten days preceding said election, and who are qualified electors for members of the general assembly of the state of North Carolina, they shall be subject to the same causes of challenge as exist in elections for members of said assembly.

vote at election.

SEC. 6. That A. L. Crissman is hereby appointed the registrar Registrar apfor said election, who shall keep a record of registrations in a pointed. book which shall be open to public inspection on demand of any one at any time, and which shall be open for registration Registration on the second Saturday preceding the said election, between day. the hours of 8 o'clock a. m. and 6 o'clock p. m., and on that day alone.

SEC. 7. That W. F. Sink, W. F. Stoner and J. C. Crissman Judges of elecare hereby constituted a board of judges to hold said election, tion who shall meet to hear and determine challenges on the Satur-Challenge day. day preceding the day of election, and on that day alone, for that purpose. The said board of judges shall also meet on the Duties of judges said day of election and receive the ballots cast and deposit in tion. box suitable for the purpose, and count same within two hours after the closing of the polls, and file a sworn return of same with the chairman of the board of commissioners of the town of Lexington: Provided, that said election shall take place on the Proviso: said 22nd, day of Saturday, A. D. 1897, between the hours of 9 When election to o'clock a. m. and 6 o'clock p. m.. and provided further, that Compensation of said registrar and judges shall receive no compensation what registrars and ever for their services unless the commissioners of Lexington see fit to compensate them.

on day of elec-

judges.

SEC. 8. That the registrar and judges hereinbefore appointed Registrars and shall, before undertaking to discharge the duties of their office, judges to be take an oath before the mayor of the town of Lexington similar in all essential respects to the oaths prescribed by law for registrars and judges of elections for members of the general

SEC. 9. That in case of the failure of either the registrar or It registrar or judges hereinbefore mentioned to discharge their duties either mayor of town to on account of death or refusal to act, the mayor of Lexington appoint sucshall have the right to appoint some one to fill the vacancy.

assembly.

SEC. 10. That the mayor of the town of Lexington is hereby Advertisement directed to advertise the purpose and date of said election for a of election.

period of four successive weeks prior to said election in the Davidson Dispatch, a paper published in the town of Lexington in the county of Davidson.

SEC. 11. That all laws and parts of laws, in so far as they conflict with the provisions of this act, are hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 132.

An act to confirm the charter of "The Oxford North Carolina Orphan Asylum, Oxford North Carolina" and to amend the same.

The General Assembly of North Carolina do enact:

Charter under fied.

SECTION. 1. That the charter of "The Oxford North Carogeneral law rati- lina orphan asylum, Oxford North Carolina," granted by the superior court of Granville county, North Carolina, on December eleventh, 1895, be and the same is hereby ratified, approved and confirmed, and the powers therein granted, except as herein amended, are hereby granted and confirmed to the corporation.

Corporate name.

Corporators.

SEC. 2. The corporate name shall henceforth be "The Oxford Orphan Asylum." The corporation named in the charter, substituting the name of Daniel L. Russell for that of Elias Carr, shall continue to be corporators so long as they shall respectively hold the offices of directors of the Oxford Orphan Asylum, grand master of masons in North Carolina, secretary of the grand lodge of North Carolina and governor of North Carolina, and when any corporator shall cease to hold such office, his rights as corporator shall immediately vest in and be transferred to his successor in office.

Power to receive and hold, use and enjoy property.

SEC. 3. The Oxford orphan asylum shall have the right to receive by gift, deed, will or other conveyance, real and personal property suitable to its purposes or available to produce income, in or out of the state, and to have, use and enjoy the same and to dispose of such property for the purposes of the corporation. A misnomer of the corporation in any deed, will or other conveyance shall not have the effect to invalidate the conveyance if the corporation shall be therein described with sufficient certainty to identify it.

Effect of misnomer.

SEC. 4. That the corporation shall have power to place the Corporation to

children committed to its care in good homes, under such rules, place children in homes. regulations and contracts as it may from time to time establish, and in case any such children shall be ill-treated it shall have children in case power to reclaim the same. It may have children regularly of ill treatment. Apprentices. apprenticed to it, and it may receive from any parent or person standing in the place of a parent, a full surrender of any child.

For any violation of any contract made between the corpora- Action for tion and any person who shall receive a child, it may maintain breach of conan action in any court, either in its own name or in the name of the child.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 133.

An act to incorporate the Grand Lodge of Free and Accepted Ancient Masons of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Hood, Stewart Ellison, G. H. White, Corporators, Elijah Lane, E. R. Dudley, R. E. Clements, W. F. Debnam, M. M. Peace, J. T. Howe, and their successors in office, be and they-are hereby created a body politic and incorporated under the name and style of the "Grand Lodge of Free and Accepted Corporate name. Ancient Masons of North Carolina," with full power to receive and hold property, both real and personal, not to exceed fifty thousand dollars, to sue and be sued, to plead and be impleaded, Corporate powto contract and be contracted with, and to do all other acts and ers. things necessary for the efficient management of its business of charity and benevolence, and to carry out the object and interest thereof.

SEC. 2. That James H. Young, Grand Master, B. S. Stevens, Officers, Grand Secretary, and A. R. Middleton, Grand Treasurer, shall be ex officio president, secretary and treasurer respectively of said corporation (and their successors in office) until they and their associates shall, under the rules and regulations by them adopted, or which they may hereafter adopt, elect their successors.

SEC. 3. The object of said corporation shall be for mutual Objects of incorassociation, for dispensing charity and benevolence and gen- poration. erally to propagate the principles of free masonry in said state.

and a general oversight and legislation for the members of said fraternity.

Corporate seal.

Rules and regulations.

Sec. 4. That said corporation shall have a corporation seal and adopt from time to time such rules and regulations for its government as may be necessary, not in conflict with the laws of this state or the United States.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 134.

An act to incorporate "the Underwriters of Goldsboro."

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That G. A. Norwood, Jr., K. E. Bizzell, G. C. Royall, Henry Weil, S. S. Bizzell, and J. Slaughter, their associates and successors, be, and are hereby constituted a body Corporate name, politic and corporate, under the name of the Underwriters of Goldsboro, for the term of thirty years, and under that name shall be capable of suing and being sued, pleading and being impleaded, purchasing, leasing, holding and receiving in its corporate name property real and personal, and shall have all privileges and franchises incident to such corporations under the laws of North Carolina.

Corporate exist-Corporate powers.

Capital stock,

SEC. 2. That the said corporation shall have a capital stock of \$40,000.00, divided into 400 shares of \$100.00 each, with the privilege of increasing the same from time to time to \$240,000.00 when a majority of directors so determine.

Power to carry on life, fire and casualty insurance business.

SEC. 3. That said corporation shall have the power to carry on a life, fire and casualty insurance business under the rules and regulations now privileged by law, and to issue policies of insurance and re-insure any risks in other insurance companies. and to act as agent for such companies under such rules as may be prescribed in the by-laws of the company.

To act as agent for insurance companies.

SEC. 4. That when \$20,000.00 shall have been subscribed and paid in the stockholders shall have the right to organize and commence business.

When company to organize and commence business.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 185.

An act to authorize and empower the city of Charlotte to acquire real estate, and rights, privileges or easements for the better maintenance of its water and sewerage system.

The General Assembly of North Carolina do enact:

SECTION 1. That if the city of Charlotte is unable to agree Power of to conwith the owner thereof for the purchase or acquisition of any demn real estate real estate or rights, privileges or easements, which it may deem or rights, privileges or easenecessary for the maintenance of its water supply or system, or ments. its sewerage system, it may condemn the same in the manner hereinafter set forth.

The said city shall file with the clerk of the superior court of Procedure for Mecklenburg county its verified petition praying for the condemnation, appointment of commissioners to appraise and value the real property or rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid and to ascertain and report to the court what sum should be paid to the owner, or owners, as damages for the property, rights, privileges or easements so taken, the said assessment to be made by the commissioners according to the value of the property or rights, privileges or easements to be acquired by the city. The city in its Whatto bestated petition shall set forth and describe the particular property, in petition rights, priviliges or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences or the owner or owners thereof, and of the persons who have any interest therein, which may be affected by the said condemnation, and whether any of the said owners are minors with or without guardians.

SEC. 2. Upon the filing of the said petition the clerk of the Summons to be superior court shall issue a summons to the parties interested in the lands, rights, privileges or easements described in the petition, requiring them to appear at his office in the courthouse of the said county, ten days after the service of the said summons and answer or otherwise plead to the petition, and the Proceedure as in said proceedings shall be conducted in all respects as are other special proceedspecial proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as is provided by law in the case of special proceedings.

SEC. 3. If the clerk shall find that no sufficient cause has been Clerk to make shown against the granting of the prayer of the petition he order. shall make an order for the appointment of three disinterested and competent freeholders of Mecklenburg county to ascertain

and assess the value of the property or rights, privileges or easements proposed to be taken, and the damages to be paid to the owner thereof by the said city.

Commissioners to be notified.

Duty of commissioners.

Report.

When exceptions may be filed.

Issues transferred to superior court.

Issues to be tried in superior court.

Precedence.

Appeal to supreme court

Proviso: City to occupy and use property pending appeal upon giving bond.

How cost paid.

The clerk shall issue a notice of their appointment to the said commissioners, which notice shall be served by the sheriff of the county of Mecklenburg upon them, and the said commissioners. when so notified, shall go upon the premises and ascertain the value of the land or rights, privileges or easements proposed to be taken by the city, and determine the amount of damages to be paid for the same, and make report of their proceedings in the premises to the clerk of the superior court of said county within twenty days after notice of their appointment. Any party to the proceedings who may be dissatisfied with the report of the commissioners and their assessment of damages may file exceptions to the said report with the clerk of the superior court of said county within 20 days after the filing of the said report with the clerk, and all issues of fact and law raised before the clerk in the said proceedings and upon the said exceptions shall be transferred to the superior court for trial in like manner as is provided in the case of other special proceedings pending before the clerk; and the said issues shall be tried at the first term of the superior court after they are transferred, unless, for a good cause shown, the trial or hearing of the matter is continued by the court, and the trial of the said issues shall have precedence over all other civil cases, or matters on the docket of the said court,

From the judgment of the superior court, rendered in the said proceedings, any of the parties may appeal to the supreme court, as in other cases pending in the superior court: Provided, that during the pendency of the said proceedings, and after the report of the commissioners shall have been filed, the said city may occupy and use the real estate and the rights, privileges or easements, proposed to be condemned, upon filing a bond, with surety, to be approved by the clerk, in double the amount of the damages assessed by the commissioners, conditioned to pay to the owner or owners of the land or rights, privileges or easements, proposed to be condemned, the amount of damages assessed by the commissioners or by the jury; and the court, upon the final hearing of the proceedings, and judgment may be entered by the court against the city and the surety on its said bond for the amount of damages finally assessed against it, and for such costs as may be adjudged by the court to be paid by the city. The costs of the said proceedings shall be paid by the parties as the court, in its discretion, may adjudge. The commissioners appointed to assess the dam-

ages shall each be entitled to \$3.00 for each day they Pay of commismay be engaged in the performance of their duties, and the said allowance shall be taxed in the costs of the proceedings.

SEC. 4. In all cases of appraisal under this act, when the Power of court mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such pro- vided for. ceedings may be pending, shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this act and the practice and procedure in such cases shall conform, as near as may be, to the ordinary practice and procedure in such court.

expressly pro-

SEC. 5. When any proceedings for appraisal of property or Change of ownrights under this act shall have been instituted, no change of ership not to ownership or transfer of the real estate or any interest therein, ings. or of the subject matter of the appraisal or any part thereof, 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.

SEC. 6. If at any time after the attempt to acquire such How titles perproperty or rights by appraisal of damages or otherwise, it shall be found that the title to the said property or right proposed to be taken or which has been acquired or condemned is defective, the city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of the new proceedings, the court may authorize Possession of the city if in possession of the said property or rights, to continue in possession of the same, and if not in possession, to take possession and use such property or rights during the pendency and until the final conclusion of such new proceedings, and may stay all actions, or proceedings against the city on account thereof, upon such city paying into court a sufficient sum or giving security as the court may direct, for the damages which may be finally assessed and recovered against it, and in every case any party interested in such property or rights may conduct the proceedings to a conclusion if the city delays or omits to prosecute the same.

SEC. 7. That if the title to any property or rights, privileges or easements condemned in any proceeding instituted under property recovthis section shall prove to be defective, the city may by action, defective.

property pend-ing new proceedings.

recover of the party, or person, who has received the money or compensation for the property, rights, privileges or easements so condemned, any loss or damage it may have sustained by reason of said defect of title not exceeding the amount so paid as compensation for the taking of the said property, rights, privileges or easements.

ered when title

Title to property to vest in city upen payment.

SEC. 8. That the title to any real estate, rights, privileges or easements, which has been condemned under the provisions of this act, shall vest in the said city upon its paying into court. or to the parties entitled to receive the same, the amount of compensation or damages recovered against it together with the costs adjudged to be paid by it in the said proceedings and upon its further complying in all respects with the judgment of the court.

Copy of final judgment registered.

evidence.

SEC. 9. A copy of the final judgment of the court, duly certified by its clerk, may be registered in the office of the register of deeds of Mecklenburg county aforesaid, and said copy, so Copy received as certified by the clerk, or a copy of the registry of such judgment duly certified by the register of deeds, shall be received as evidence in all the courts of this state, and where the said copy is offered in evidence in any court not held in the county of Mecklenburg, the certificate shall have affixed to it the official seal of the certified officer.

SEC. 10. This act shall take effect and be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 136.

An act to extend the time of organizing Bank of Maxton.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 350 Private Laws of 1893 be re-enacted and amended as follows:

Additional corporators.

SEC. 2. After the name of T. B. Pace in line three of Section 1, add the names M. McNair, G. F. Carter, A. C. McKiman, A. M. McKiman and J. M. Burke.

Time for organization and commencement of business extended.

SEC. 3. That the time for the organization and commencement of business under the charter granted in Chapter 350, Private Laws of 1893, be extended for two years from the ratification of this act.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 137.

An act to amend the charter of the town of Worthville.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Worthville, in Randolph county, Town incorpo-North Carolina, be, and the same is hereby incorporated into a rated. body politic and corporate under the name and style of "The Town of Worthville," and under this name may acquire and Corporate name. hold for the purpose of its government, welfare and impower- Corporate powment, by purchase, gift, devise or otherwise, any real estate and ers. personal property in the same manner and to the same extent that private persons may, or can, and shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded, and hold and convey real and personal property.

SEC. 2. That the corporate limits of the said town shall be one- Corporate limits. half mile in all and every direction from the mill building of the Worth Manufacturing Company, in said town.

SEC. 3. That the officers of said town shall consist of a Mayor, Officers. five commissioners, a constable, or chief of police, treasurer and Election of clerk, and that the mayor and the five commissioners shall be mayor and commissioners. elected on the first Monday in May, in each and every year, who shall hold their respective offices until their successors are duly elected and qualified, and all other officers created under Commissioners this act shall be appointed by the commissioners of the said to appoint other officers. town, for a term not extending beyond the term of office for which the said commissioners are elected.

SEC. 4. That the Mayor before entering upon the duties of his Oath of mayor. office shall take an oath, before some justice of the peace of said county, or other officer authorized to administer oaths, to faithfully and impartially discharge the duties of his office, and the commissioners and all other officers shall, before entering Oath of commisupon the duties of their offices, take their oaths, or affirma-sioners. tions, before the mayor, to faithfully and impartially perform the duties of their respective offices.

SEC. 5. That the mayor shall have, within the corporate lim- Powers, authorits of the said town, all the powers and authorities of a justice ity and jurisdiction of mayor. of the peace, and as a judicial officer, within the same, shall have all the powers, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the commissioners, as made by them as a board of commissioners of the said town; to impose penalties upon any adjudged violation thereof; to fine and imprison, in either the guard-house of the town, or in the common jail of

the county, in Ashboro, and to execute all laws and ordinances made by the commissioners, for the government and regulation of the town.

Power of commissioners to make by-laws and ordinances.

SEC. 6. That the commissioners shall have the power to make and provide for the execution thereof, such ordinances, by-laws, rules, laws, and regulations for the good government of the town as they may deem necessary, and it shall be their duty to pass ordinances that shall provide for and secure peace, good order and tranquility, within the corporate limits, and forbidding disturbances by quarrels, loud and boisteous language, either profane, obscene or otherwise, by affrays, riots, trespasses and other disturbances of the peace of the citizens of the town. They shall have the power to provide for the repairing, building and maintaining streets, sidewalks and alleys in the town and provided for the same to be kept clean and in good order, make regulations for the suppression of and removal of nuisances.

Power of commissioners in regard to streets.

Further powers in making ordinances.

Taxing powers.

Listing, levying ing and collecting taxes.

Return of property for taxation,

Listtakers to make out lists of property and polls not returned. Double tax.

Tax list delivered to constable or chief of police. When taxes due.

SEC. 7. The commissioners of said town shall be and are hereby empowered to make any and all laws and regulations for the government of the said town that they may see fit and proper: *Provided*, none of the said laws and regulations be inconsistent with the laws of the state of North Carolina or of the United States. They shall have the power to levy and collect taxes upon the real and personal property within the corporate limits of the town, upon all polls, money on hand, solvent credits, and upon all subjects of taxation as taxed by the general assembly and the laws of the state for public purposes.

SEC. 8. That the commissioners of said town shall provide for the listing, levying and collecting of the taxes within the corporation in accordance with the general laws regulating the collection of taxes.

SEC. 9. That all persons liable to taxation under this act shall make a return of their respective lists of taxable property of all kinds to the person appointed by the commissioners as list taker, as assessed by the township assessors for the state, and the same shall be sworn to before the said list taker who is hereby authorized and empowered to administer oaths required by law to be taken by persons making such tax return.

SEC. 10. The list taker shall make out a list of all polls and property which remain unlisted in said town, all of which shall be subject to a double tax.

Tax list delivered to constable or chief of police.

SEC. 11. That the tax list, made as aforesaid, shall be placed in the hands of the constable, or chief of police, for collection, when taxes due.

All of which shall be due on the first Monday in October in each and every year, and the officer charged with the duty of collect-

ing the taxes shall have all the powers vested by law in sheriffs Powers of tax and tax collectors for the collection of the taxes due the county and state, and in case where taxes shall have remained unpaid until so late as the first Monday of November in each and every Taxes not paid year the said officer is hereby authorized and empowered to in November proceed in the collection of same in the same manner as is prescribed by law for the collection of delinquent, or unpaid taxes due the county and state.

collector.

collected by distress.

for taxation.

dog tax violation

SEC. 12. That the commissioners of said town are authorized Dogs to be listed and empowered to provide for taxing all dogs belonging to persons within the corporate limits of the town by requiring all such persons to list for taxation each dog or dogs so owned, and each male dog shall be subject to a tax of one dollar, and Tax on dogs. each open bitch shall be subject to a tax of two dollars, per annum, and any refusal or failure to pay such tax shall be Failure to pay regarded as a violation of the ordinances of the town, and the of town ordinconstable or chief of police is hereby empowered and authorized ance. Powers of offito enter upon and into the premises of any and all persons for cers to kill dogs. the purpose of securing the body of any such dog as has not been listed for taxation and upon which, or for which, no tax has been paid, and slay and kill such dog, male or female.

Provided, that the commissioners may increase or decrease Proviso:
The tax may be the amount of tax imposed upon dogs, male and female, as they increased or may elect.

decreased.

town ordinance

SEC. 13. That every violation of the ordinances of the said Violation of town shall be a misdemeanor, and shall be punished by a fine a misdemeanor. of not more than fifty dollars or imprisonment not more than Penalty. thirty days.

SEC. 14. That there shall, on the first Monday in May in each Elections for and every year, be an election of a mayor and of five (5) commissioners for the said town by the regularly qualified voters living within the corporate limits of the town.

SEC. 15. That the commissioners of the said town shall give Notice of elecnotice 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, and they shall appoint a registrar Registrars and and three inspectors, or poll-holders, all of whom shall be qual-poll-holders. ified voters.

SEC. 16. The registrar shall take charge of the registration When books kept book of the town, and between the hours of nine A. M. and four tration. P. M. during the ten days next preceding the day of election, shall keep the same open for the registration of any electors residing in said town and entitled to registration, and any person offering to register may be required to subscribe and take an oath that he has resided in the State of North Carolina

When registration to close.

Powers and duties of registrars and pollholders in holding elections.

twelve months, and in the said town ninety days previous to the day of election, and that he is twenty-one years of age. The registration book shall be kept open until four o'clock P. M. on the Saturday next preceding the day of election.

SEC. 17. That after being duly sworn by a justice of the peace to conduct the election fairly and impartially and according to law, it shall be the duty of the registrar and the three inspectors or poll-holders to receive and deposit the ballots in the box provided for that purpose, and to superintend and conduct the election in like manner, and during the same hours of the day as the election of members of the General Assembly. They shall count the votes and declare the election and have all the power of affairs of a general election.

Quorum of com missioners.

case of a tie.

When mayor and commissioners to qualify.

Meetings of commissioners.

To whom precepts of mayor to issue.

Proceedings in mayors courts.

Appeals.

Power of mayor to imprison criminals.

Prisoners to work on streets.

Powers of mayor.

Convicts available for street work.

SEC. 18. That a majority of the commissioners shall constitute a quorum for the transaction of business, and that in case of a Mayor to vote in tie vote in any meeting of said commissioners, the mayor shall cast the deciding vote.

> SEC. 19. That within twenty days succeeding the election, the mayor and commissioners shall qualify by taking oath to faithfully and impartially perform the duties of their respective offices, and the commissioners shall then convene and fix a date for monthly meetings for the transaction of business. Call meetings of the board may be held on the call of the mayor, and a majority of the commissioners, may adopt by-laws enforcing the attendance of the members of the board.

> SEC. 20. That the mayor may issue his precepts to the constable or chief of police of the town and to such other officers to whom a justice of the peace may issue his precepts.

> SEC. 21. That all proceeding 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 Randolph county. 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 person 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.

> SEC. 22. That the mayor is hereby authorized and empowered to inflict fines and imprisonments of violation of the ordinances of the town, and it shall be competent for him to adjudge that such persons work upon the streets of the town of Worthville, and all persons who are unable, or refuse to pay any fine imposed, or during such time of confinement as may be imposed in lieu of a fine, shall be compelled to so work upon the said

streets at a reasonable rate of pay per day, until he or they shall have worked a sufficient number of days to pay said fine or fines, and that it shall be lawful for the persons in charge of Contrivances to such convict to use iron balls, leg irons or other reasonable contrivances to prevent escape of said convict or convicts.

prevent escapes.

SEC. 23. That no intoxicating liquor shall be manufactured or Manufacture and sold within the corporate limits of the town, or within one and one-half miles of the said corporate limits.

sale of liquors prohibited within 1½ miles of

SEC. 24. That the constable, or chief of police, and the treas- Bond of conurer of the said town be required to file a bond with the board urer. of commissioners, the same made payable to the town of Worthville, in such sum as the commissioners may determine: Pro- Proviso: vided, the same shall not be for a sum less than five hundred Amount and condition of bond. dollars, conditioned upon the faithful performance of the duties of their offices.

stable and treas-

SEC. 25. That the mayor, when present, shall preside at all Mayor to premeetings of the commissioners, but shall vote only when there of commisis a tie, and the commissioners, at their first meeting under this act, shall appoint one of their number as chairman pro tempore, of tie. who shall, in the absence of the mayor, preside at all of the tempore. meetings of the board, and shall perform all the duties of the mayor.

side at meetings sioners. Vote only in case

SEC. 26. That no moneys shall be paid out of the treasury, How town monexcept upon and by order of the board of commissioners, and all such orders must be signed by the mayor and countersigned by the clerk. That the treasurer shall preserve all such orders Treasurer to as his vouchers, and turn them all over, together with all remaining resources of the town, to his successor in office.

eys paid out.

SEC. 27. That the commissioners of the town may levy and Taxing powers of collect license or privilege tax on all such things as the state and county may levy a tax upon, and all itinerant merchants, peddlers, auctioneers, photographers, enlargers of pictures or photographer, and all venders of patent articles, instruments or implements, who shall sell or offer for sale, shall be subject to the town tax, and for every show, concert, managerie, slight of hand or theatrical performance, within the corporate limits, there must be a license issued by the constable or chief of police, upon payment of the tax as levied by the commissioners.

preserve vouch-

SEC. 28. That the mayor is authorized to appoint temporarily, special conwhenever in his judgment the occasion may require, extra or stables or policespecial constables or policemen to serve for such length of time as he may designate, and who shall take oath before him to faithfully and impartially perform the duties of such office, and it is hereby provided that all such extra constables or policemen Powers and are vested with all the powers and authority of sheriffs in the authority.

commissioners.

Power and authority of constable or chief of police.

Town not responsible for county bridge.

When act in force. Present officers to carry out provisions as to elections.

exercise of their duties within the corporate limits of the town. The constable or chief of police is at all times, after taking his oath of office, vested with all the powers and authority of sheriffs of counties in the exercise of his duties within the corporate limits of the said town.

SEC. 29. That the said town of Worthville shall not be required to repair, keep up, maintain, or be in anywise responsible for the good order of the county bridge which crosses Deep river within the corporate limits of said town, nor shall the said town of Worthville be responsible for any damages which may or might become involved by reason of the existence of the said county bridge within the corporate limits of said town.

SEC. 30. That this act shall be in force from and after its ratification, and the present officers of the town of Worthville shall, in so far as this act refers to the election of officers, carry out the provision of the said act, and all laws and clauses of laws in conflict with this act shall be, and the same are hereby repealed.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 138.

An act to incorporate Buffalo Cemetery Commission.

Preamble.

Whereas, Buffalo Presbyterian church, Pocket Presbyterian church, Jonesboro Presbyterian church, and Sanford Presbyterian church, all of Moore county, North Carolina, have entered into a mutual agreement for the direction, preservation and control of the cemetery at said Buffalo church, and in pursuance and futherance of such objects, have each elected a member of a committee or commission known as Buffalo Cemetery Commission and have committed the care, direction and keeping of said cemetery to said commission, and whereas, it is the desire of said churches that said commission shall have all the power necessary to make the objects of their appointment effective; now, therefore,

The General Assembly of North Carolina do enact:

Commissioners incorporated.

Corporate name. To succeed to right of churches in cemetery.

SECTION 1. That the members of said commission, to-wit: J. D. McIver, J. W. Wicker, J. Alton McIver and D. E. McIver and their successors in office be and are hereby created a body politic and corporate under the name and style of Buffalo Cemetery Commission, and under such name and style shall succeed and come into all the right, title and interest of said churches

in the said cemetery at said Buffalo church, and may acquire Power to acquire and hold other lands not exceeding ten acres for the purpose of maintaining and enlarging said cemetery; and the present Dedication of cemetery and such lands as may be hereafter acquired under the provisions of this act, shall remain forever dedicated to the nurposes of a cemetery.

further property.

lands to cemetery purposes.

SEC. 2. That the real estate of said corporation used for the Exemption from purposes aforesaid and the burial lots and plots conveyed by taxation and execution. said corporation to individuals or others for the purposes of interment shall be exempt from assessment and taxation and shall not be liable to be sold on execution, nor be applied to the payment of debts by voluntary assignment or forced assignment under any insolvent or bankrupt law; only as hereinafter provided in section 4 of this act.

SEC. 3. That any person who shall wilfully destroy, mutilate, Trespass upon country a misdeface, injure or remove any tomb, urn, gravestone or other demeanor. structure placed in said cemetery, or any fence, railing or other work, for the protection or ornamentation of said cemetery, or any lot therein, or who shall destroy, cut, break or injure any tree, shrub, plant, flower or vine, within said cemetery without the consent of the owner of such lot, or the members of said commission, shall be guilty of a misdemeanor, and on conviction therefor, shall be fined or imprisoned or both in the dis Penalty. cretion of the court.

SEC. 4. That said corporation shall have the power to assess Assessment on each lot owner, not exceeding three dollars per year for the purpose of keeping said cemetery in good order and beautifying same, and keeping the fences or wall in good repair, inclosing same, and any lot owner failing to pay same after being notified Lot owners failin writing by the chairman of said commission within thirty ments to forfeit days thereafter, shall forfeit all rights and interests in any lot interest in lot. or lots he may have in said cemetery, and the same shall imme-

ing to pay assess-

diately revest in said commissioners. SEC. 5. That said commissioners shall hold their offices until Term of commistheir successors are elected, and accept said office, and said churches shall elect biennially each a member of said commission and the first election of such members shall be in the month When election of January, 1899, and the sessions of said churches are empow-held. ered to fill any vacancies which may occur in said commission from any cause.

SEC. 6. The said commission shall proceed to sell lots in said How lots sold cemetery as soon as possible to do so at reasonable prices, and and proceeds applied. shall apply the proceeds of such sales to improving the ground, fences and other property of the corporation.

SEC. 7. The said corporation may prescribe the form of con- Form of convey-

ance and by whom executed. By-laws.

Officers, agents and servants.

veyance for the lots in said cemetery, and how and by whom they may be executed and shall make all such by-laws, rules and regulations for the government of said cemetery that they may deem necessary, not inconsistent with the laws of this state and the United States, and may appoint all officers, agents and servants that may be necessary to carry out their rules and regulations.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 139.

An act to incorporate Adelphia Lodge, No. 3930, Grand United Order of Odd Fellows of Wilmington, N. C.

Corporators.

Be it known that the following named citizens of the city of Wilmington, county of New Hanover, state of North Carolina, Valentine Howe, Wm. N. Barnett, Jos. M. Whitted, Henry B. Walker, Thos. Loften, Jno. H. Alston, Alexander F. Wright, Sr., Chas. E. M. Brooks, Jno. Thomas Howe, John J. Geyer, Wm. M. Jackson and others having associated themselves together for the purpose of maintaining a friendly society, and being desirous of being incorporated agreable to the laws of the commonwealth of North Carolina, do hereby declare, set forth, and certify that the following are the objects, articles and conditions of the said association for and upon which they desire to be incorporated:

Corporate name.

SECTION 1. the name of the corporation shall be "Adelphia Lodge (No. 3930) thirty-nine hundred and thirty, Grand United Order of Odd Fellows in America."

Purposes.

SEC. 2. The purpose for which it is formed is such as set forth in the general laws of the order of which it is a branch.

Place of business.

SEC. 3. The place where the business of said corporation is to be transacted is the city of Wilmington, state of North Carolina.

Corporate existence.
Officers.

SEC. 4. The existence of this corporation shall be perpetual. SEC. 5. This corporation shall be officered and managed as the general laws of the order provides; and the names of the present officers who shall serve till their successors, as provided for by the general laws of the order are chosen, are as follows: Valentine Howe, Wm. H. Barnett, Wm. M. Jackson.

Capital stock.

SEC. 6. The said corporation has no capital stock. Ratified the 9th day of March, A. D. 1897.

1897.—PRIVATE LAWS.—CHAPTER 140. Act 99 - Che CHAPTER 140.

An act to work the roads in Northampton county by taxation.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first day of January 1898, How roads the public roads of the county of Northampton shall be opened, when and where system to begin. made, worked and repaired by taxation and labor as herein provided, and so much of Chapter fifty (50) of The Code as is in conflict with this act is hereby repealed.

SEC. 2. The commissioners of Northampton county are hereby Tax for road authorized, empowered and required to levy and collect each year as other county taxes are collected, as a fund to open, make, work and repair the public roads of that county, a tax not exceeding fifteen cents (15 c.) on the one hundred dollars valuation of real and personal property, and forty-five (45) cents on the poll; and this fund shall be kept separate and apart Fund to be kept from all other county taxes.

separate.

SEC. 3. That the commissioners in opening, making, working County commissioners to adopt

and repairing the public roads shall adopt such system as to road system. them may seem best in order to provide the county with roads of a smooth surface, of proper grade, and of a hard and permanent character, and they may do this work under their own supervision, or let the same out to the lowest responsible bidder. SEC. 4. That all able-bodied male persons between the ages of Persons failing

twenty-one (21) and fifty (50) years, residing in the county who to pay poll tax to work on roads. shall fail to pay their road poll tax, shall perform one day's labor in payment of the same on the road at such time as the commissioners may require it, upon a notice of two days in person to the person who has failed to pay his poll tax. And any person failing to appear and work as required by the commissioners and work a misafter due notice to him, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding ten (10) dollars or may Penalty. be imprisoned for not exceeding ten (10) days.

Failure to appear demeanor.

SEC. 5. That for the purpose of opening, making, working Power to enter and repairing the public roads of the county, the commissioners upon lands and take material. shall have authority to enter upon any uncultivated land near to, or adjoining the road on which work is to be done, or is being done, and on any improved or cultivated land when unincumbered by cultivated crops to cut and carry away any earth, gravel, sand or stone upon which may be necessary in the opening, making, working and repairing sald road or any other road in the county; Provided, that when any such material is used Proviso: on any section of road not adjoining the property where such

When material

to be paid for and how price settled.

Power to relocate and change roads.

To enter upon land for making drains and ditches.

Obstructing drains and ditches a misdemeanor. Penalty.

Agents and employees.

Compensation.

Exemption from working out poll tax.

material is obtained the party furnishing the same shall be paid therefor a reasonable price to be settled by arbitration if necessary, one arbitrator to be elected by each party, and if these two fail to agree they shall choose a third, and the decision of any two shall be final: and the commissioners shall also have authority to relocate any part or all of any road in order to shorten the distance, lower the grade or improve the character of the road bed, and the commissioners shall likewise have authority to enter upon any lands adjoining or lying near the road to make such drains or ditches through the same as may be necessary for the benefit of the road, doing as little injury to the land as possible; and any person wilfully obstructing such drains or ditches, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding ten (10) dollars, or may be imprisoned not exceeding ten days.

SEC. 6. The commissioners shall have authority to employ such agent and employees for such time as they may deem best, and to fix their compensation for the purpose of carrying out the provisions of this act, and said agents and employees may be discharged at any time without any cause, assigned or for cause, after due notice and a fair hearing before the commissioners.

SEC. 7. The commissioners shall have power to exempt persons from working out their poll-tax on account of poverty or infirmity, and because of sickness and such exemption shall be a bar to any criminal prosecution under the provisions of this act.

SEC. 8. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 9. This act shall be in force from its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 141.

An act to amend the charter of the town of Jacksonville.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten of chapter two hundred and eighty of private laws of 1891 be and is hereby repealed.

SEC. 2. That section 22 of said act be amended by striking out the word "or" in the fifth line thereof between the words "thereof" and "may" and strike out the words, "for the space of one day" in line six and add to end of said section the following words: or said offender may be imprisoned by judg-

Requirement that officers shall be voters in town repealed. Imprisonment for failure to pay fines and costs. ment of the mayor until such fine imposed and the costs be paid, or the offender be otherwise discharged according to law.

SEC. 3. That section 24 of said act be amended by inserting in Policemen not line one of said section between the words "constable" and "of" the words "or policemen," and to the end of said section and the following: Provided, no policeman of said town shall have any power to collect taxes.

to collect taxes.

SEC. 4. Add to the end of said chapter the following: That Commissioners the commissioners of said town may in their discretion appoint may appoint tax collector. some discreet person as tax collector for said town who upon appointment and acceptance of said office of tax collector for Power and the town of Jacksonville shall have the same power and authority. authority, and shall perform all the duties and be subject to the same rules and obligations required of the town constable in the levy of and collection of taxes.

Provided, that such tax collector shall, before entering upon Proviso: the duties of his office, give bond in a sum not less than four Bond of tax collector. hundred dollars payable to the state of North Carolina for the faithful performance of his duties as tax collector and the accounting for, and to the proper authorities of said town, for all moneys which may or ought to by proper diligence come into his hands by virtue of his office.

That immediately upon the appointment and qualification of Town constable a tax collector for said town, the duties and penalties and oblitax collector. gations of the town constable for the collection of said town taxes shall cease and determine and it shall be the duty of said constable when ordered so to do by a majority of the commissioners of said town all tax books, schedules, tax lists or other book or papers demanded by them relative to the taxes of said town.

SEC. 5. That any officer of said town wilfully failing, refusing Neglect of duty neglecting and not discharging the duties of his office as bytown officer a required by law shall be guilty of a misdemeanor and upon conviction, or confession, shall be fined or imprisoned or both Penalty, at the discretion of the court.

misdemeanor.

SEC. 6. That all laws or clauses of laws in conflict with this act is hereby repealed.

SEC. 7. That this law shall be in force from and after its ratication.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 142.

An act to amend the Charter of the town of Carthage.

The General Assembly of North Carolina do enact:

Question of issuing bonds for sewers and water works and electric lights to be submitted to yoters of town.

SECTION 1. That chapter thirty-two (32) of the private laws of North Carolina, session one thousand eight hundred and eighty one (1881) be, and the same is hereby amended as follows, to wit: after section forty-one (41) insert the following: section forty-two (42.) That the commissioners of the town of Carthage are hereby authorized and impowered to cause an election to be held at the courthouse in said town at such time as said commissioners may appoint on or before the first Monday in May, one thousand eight hundred and ninety-nine (1899) and to submit to the qualified voters of said town the question of issuing bonds in a sum not exceeding ten thousand (10,000) dollars for the purpose of constructing, erecting, operating and maintaining a complete system of sewerage and water works with all the necessary appurtenances thereto belonging, and for the purpose of constructing, maintaining and operating an electric plant for lighting said town by electricity, with the necessary appurtenances and of levying and collecting annually a special tax for the for the payment of said bonds and the inter est thereon accrued, as hereinafter provided. Said election shall be advertised by said commissioners in a newspaper published in the county two weeks before the election and by posting a notice of the same in a conspicuous place at the court house door for ten days preceeding said election, and shall be held under the rules and regulations prescribed for the election of the mayor and commissioners in the charter of said town and the amendments thereto. Those in favor issuing said bonds shall vote a written or printed ticket with the words "for improvement," and those who are opposed thereto, shall vote a ticket written or printed with the words "against improvement" thereon. The result of said election shall be ascertained by the judges of election and by them certified to the commissioners of said town within twenty-four hours after said election, and said returns shall be immediately recorded on the minutes of said commissioners.

Advertisement of election.

How election held.

Ballots.

How result ascertained, certified and recorded.

Bonds divided into two classes. How proceeds applied. First: sewers and water works.

SEC. 43. That said bonds shall be divided into two classes and the proceeds arising from the sale thereof shall be applied to the following purposes and no other, to-wit: First, erecting, constructing, maintaining and operating a complete system of sewerage and water works for said town, with all the necessary

buildings and appurtenances, not exceeding seven thousand dollars: Second, constructing, maintaining and operating an Second: electric electrict plant for lighting said town by electricity with the necessary appurtenances, not exceeding three thousand dollars.

light plant.

SEC. 44. That if a majority of the qualified voters of said Commissioners town shall vote for the issuing of said bonds, then the commissioners of said town shall issue coupon bonds not to exceed the sum of ten thousand dollars, in denominations of not more than Decomination. one thousand dollars nor less than one hundred dollars, bearing interest from the date of said bonds at a rate not exceeding six per centum per annum, payable annually on the first Monday of January at the office of the town treasurer, until said bonds are paid; said bonds shall be issued and sold for the purposes named and provided hereinbefore, and only as needed for said Bonds sold only purposes, and each bond shall bear upon its face the specific purpose for which it was issued. Said bonds and coupons shall be numbered, and the bonds shall be signed by the mayor of How bonds said town and countersigned by the clerk of the board of town tersigned. commissioners, and a correct record shall be kept of all the Record to be bonds issued, showing the number, amount and to whom due. Said coupons shall be receivable in payment of all taxes, fines able for debts and debts due the town. Said bonds shall not be sold for less due town. Bonds not sold than their par value.

to issue bonds.

as needed.

signed and coun-

kept. Coupons receivbelow par.

fall due.

of payment expressed on face of bonds.

SEC. 45. That said bonds shall become due and payable as When bonds to follows, to-wit: five hundred dollars of the principal of said bonds shall become due on the first Monday of January, next after they are issued, and five hundred of the principal of said bonds shall become due and payable on the first Monday of Time and place January in each and every year thereafter until all said bonds are paid, and the time of payment shall be expressed on the face of said bonds, together with the place where the same shall be payable.

SEC. 46. That the commissioners of said town are hereby special tax for authorized and empowered for the purpose of paying said payment of bonds and interbonds and the interest thereon, at the time of levying other town est. taxes to levy annually on all polls and property subject to taxation by the Commissioners of said town, 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 Monday of January next succeeding the time of such levy, together with the cost and charges incident to said tax, until the final payment of said bonds, shall be provided for, always maintaining the constitutional equation between property and poll.

SEC. 47. That the commissioners of said town shall sell said to sell bonds

Proceeds paid to town treasurer.

Treasurer liable on bond. Bond may be increased.

Section renumbered. bonds, and the proceeds thereof shall be paid to the town treasurer, who shall hold the same subject to the order of the board of town commissioners in carrying into effect the purposes of this act; and the said treasurer shall be liable on his official bond for said proceeds, and said commissioners may increase said bond from time to time as in their discretion may be necessary to provide for the safe keeping of the same.

SEC. 2. That section 42 of the act hereby amended shall be re-numbered section 48.

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 143.

An act to legalize bonds in the sum of \$10,000, issued by the town of Elizabeth City, and to levy a tax for the payment fo the principal and interest thereon.

Preamble.

WHEREAS, an election was held in the town of Elizabeth City, county of Pasquotank and state of North Carolina, on the first Monday in May, 1895, and,

WHEREAS, said election was held in pursuance of an act of the General Assembly of North Carolina, which was ratified on the 9th day of March, 1895, and is published in private laws of North Carolina, 1895, chapter 135, and,

Whereas, at said election and in pursuance of said act the proposition of issuing the bonds of said town in the sum of ten thousand dollars was submitted to the qualified voters of said town of Elizabeth City; and,

WHEREAS, the purpose of said bonds was to cut out, widen, deepen, log up, and put in order Tiber Creek, and the Southern branch of Poindexter Creek in said town, and to pay for lands condemned and used to open and put in order streets along both sides of said creeks; and,

WHEREAS, it appears from the journal of the House of Representatives of North Carolina, at said session, that the passage of said act upon its third reading, was not recorded by yeas and nays in said journal; and,

Whereas, at said election a majority of the qualified voters

of said town cast their votes in favor of the proposition to issue said bonds: and.

WHEREAS, in pursuance of said act of the general assembly, said submission and vote, the town commissioners of said Elizabeth City did, on October 1, 1895, issue and sell the bonds of said town aggregating the sum of ten thousand dollars, in a series of one hundred bonds, in denominations of one hundred dollars each, numbered consecutively from one to one hundred inclusive, bearing interest at six per cent., payable semi-annually; and,

WHEREAS, said town did receive full value for said bonds, to-wit, more than ten thousand dollars; and,

Whereas, said town commissioners have expended said sum in making the improvements heretofore set out in this preamble in said town; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds heretofore issued by the town of Issue of bond, Elizabeth City on the 1st day of October, 1895, hereinbefore described and for the purposes hereinbefore stated, be and the same are hereby legalized and made valid and in full force and fore made legaleffect, and that all taxes heretofore levied and collected, and all payments of interest on said bonds, shall be and the same are hereby legalized, ratified and confirmed.

levy and collection of tax and payment of interest hereto-

SEC. 2. That all acts and proceedings of the town commis- All actions of sioners of Elizabeth City in relation to the issuing of the said town commisbonds and letting the contracts to put all the improvements in validity of bonds legalized. said town, as hereinbefore described, and all matters and proceedings connected therewith, which may in any way affect the validity of said bonds, be and the same are hereby legalized, ratified, confirmed and made valid in law.

sioners affecting

SEC. 3. That the election which was held on the 1st Monday Election authorin May, 1895, in pursuance of the act aforesaid, at which a izing bond issue majority of the qualified voters of said town voted for the issuing of said bonds, and all matters and things connected therewith, which may in any way affect the validity of said bonds, be and the same are hereby ratified, confirmed and made valid in law.

ratified.

SEC. 4. That in order to meet the payment of said bonds and Special tax the accruing interest thereon, the said board of commissioners authorized for shall, and they are hereby directed each year, to levy a special bonds and intertax not exceeding ten cents on the one hundred dollars of assessed valuation of all property of said town, both real and personal, choses in action and solvent credits within the corporate limits of said town, and shall apply the same to the pay-

payment of

ment of the principal and interest of said bonds as it respectively falls due.

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

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 144.

An act to amend chapter 316, private laws 1895, concerning a turnpike in Henderson county.

The General Assembly of North Carolina do enact:

Line of road changed. SECTION 1. That chapter three hundred and sixteen (316), private laws of one thousand eight hundred and ninety-five (1895), be and the same is hereby amended as follows: Strike out all after the word "the" in line six (6) to the word "to" in said line and insert in lieu thereof the words G. P. Horton Hotel, in Chimney Rock township, in Rutherford county.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 145.

An act to declare Leaksville Mcrcantile Company a duly incorporated company, to ratify and confirm its organization and all of its acts and contracts, and to amend and enlarge its charter.

Preamble.

WHEREAS, On or about November 10, 1892, Hiram Foard, W. R. Walker, Rufus P. Ray and others filed in the office of the clerk of the superior court of Rockingham county, North Carolina, what they intended to be a plan of incorporation or articles of agreement for the incorporation of Leaksville Mercantile Company; and,

Whereas, Upon the filing and recording of said plan or articles of agreement in said office, the clerk of said court issued to said named parties and their associates and successors letters of incorporation or a charter for said Leaksville Mercantile Com-

pany, under which said charter said company was duly organized and commenced to do business on or about November 26, 1892, and has since continued to do business; and,

Whereas. There is some doubt about the regularity of said plan of incorporation or articles of agreement, and of the charter or letters issued thereupon; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That said charter or letters of incorporation issued Incorporation by said clerk of the superior court of said Rockingham county, law confirmed. and the organization of said Leaksville Mercantile Company thereunder, elections of its officers, adoption of its by-laws, subscriptions for, issues and transfers of its stock, and all convey- Acts of corances beretofore made by or to said company, or any person for idated. it, and all contracts made by or with said company, or in its behalf, are hereby fully and in all respects validated, ratified and confirmed.

SEC. 2. That the name of said company be and it is hereby Corporate name changed to "Spray Mercantile Company."

SEC. 3. That the capital of said company may be increased at Capital stock. any time or from time to time by its stockholders to any sum not finally exceeding two hundred thousand (\$200,000) dollars to be divided into shares of the par value of \$100 each, and issued upon such terms and conditions as the stockholders may desire.

SEC. 4. That in addition to the powers heretofore conferred Additional corupon said company, it may manufacture, buy, sell and in any way and every way that its directors may deem profitable, deal in such goods, wares and merchandise as to its directors may seem desirable; that it may issue all or any part of its present or increased capital in payment for property purchased for the corporation.

porate powers.

SEC. 5. That its principal place of business shall be at Spray Principal office in Rockingham county, North Carolina, with such branch offi-offices. ces, agencies, depots, factories and establishments elsewhere in the United States as its directors may see fit to establish.

SEC. 6. That the period of the existence of the company shall Term of corpobe thirty (30) years from and after the date of the ratification of this act.

SEC. 1. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 146.

An act to amend the charter of the town of Enfield, North Carolina.

SECTION 1. That the inhabitants of the town of Enfield shall

be, and continue as heretofore they have, a body politic and corporate, and henceforth the corporation shall have the name

and style of the town of Enfield, and under such name and style

is hereby invested with all the property and rights of property

which now belong to the corporation under any other corporate

name, or names heretofore used, and by this name may acquire

and hold for the 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

The General Assembly of North Carolina do enact:

Corporation of town continued.

Corporate name.

Property and rights of property vested in new corporation.

Corporate powers.

Corporate limits.

and invest as shall be deemed advisable by the proper authorities of the corporation.

SEC. 2. That the corporate limits of the town shall be as follows, to-wit: They shall extend for the distance of one half mile each way from the Wilmington and Weldon railroad ticket office in said town, and down said railroad, and they shall extend six hundred yards on each side of said railroad, including a rectangle parallelogram one mile in length and twelve hundred yards in width, with said ticket office in the center thereof, and all ordinances now in force or hereafter enacted by the board of commissioners of said town shall be applicable to the

Town election held bi-ennially.

section.

Town commis sioners to elect registrars bi-ennially. Publication and

Registrar to post notice of registration.

notice.

SEC. 3. That there shall be, on the first Monday in May, one thousand eight hundred and ninety-seven, and on the first Monday in May biennially thereafter, be elected seven commissioners for said, who shall hold their offices for two years and until their successors are qualified.

territory within the limits of the town as established by this

SEC. 4. That the board of commissioners of the town of Enfield shall elect, at their regular meeting in March, 1897, and biennially thereafter, a registrar of voters of the said town of Enfield 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 posters at four public places in said town, specifying the time and place of registration.

SEC. 5. That said registrar shall be furnished with registra-

tion books, and it shall be the duty of the corporate authorities Registration of said town of Enfield to cause a registration to be made of all the qualified voters residing therein under the rules and regulations prescribed 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 missioners. meeting in March, determine that the same is necessary, and by due advertisement give notice of the same and the place when the books of registration shall be open.

books to be furnished. Registration to be had under general election law. Proviso: New registration only when ordered by com-

SEC. 6. That the board of commissioners shall, in the year sioners to one thousand eight hundred and ninety-seven, at their regular appoint judges meeting in April, and biennially thereafter, appoint two judges or inspectors of election 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 registrars, 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 under general and regulations and penalties governing general elections, and the registrar and judges of election, when appointments, are Power of regisherein provided for, shall have authority to administer oaths, of election. and shall have all the powers of such officers appointed under the laws governing general elections in the state of North Carolina. SEC. 7. That the qualification of electors shall be the same as Qualification of

Town commisof election.

Polling places

determined by registrars and

judges of election. Election held election law.

trar and judges

elector.

SEC. 8. That on Wednesday succeeding the day of each elec- When commistion the commissioners elected thereat shall qualify by taking qualify. 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

is provided for under the laws governing general elections in

North Carolina.

law. SEC. 9. That just as soon as said commissioners qualify they Commissioners shall proceed to elect a mayor for said town, who shall hold his office for the term of two years and until his successor qualifies; Term of office. they shall also at the same time elect some practicing attorneyat law, resident of said town, as attorney for said board of commissioners, who shall hold his office for two years and until his successor qualifies, whose duty it shall be to be present at all ney. meetings of said board, and advise said board on all legal matters affecting said town, and his salary therefor shall not be less Salary of attorthan fifty dollars nor more than two hundred dollars per ney. annum, to be fixed by the said board of commissioners.

to elect mayor.

Attorney for board of commissioners.

Term of attor-Duty of attorney.

Who eligible as mayor.

SEC. 10. That said board of commissioners may elect the mayor from their own number, or outside, from such persons as are declared eligible under the laws of the state.

Mayor pro tem.

SEC. 11. That said board may elect one of their number or their attorney mayor *pro tem.*, or who shall act as mayor, and be clothed with all the authorities and powers invested in the mayor, whenever the mayor is absent or sick or otherwise unable to discharge the duties of the office.

Chief of police to supervise elections and preserve order.

SEC. 11½. 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 Eufield, who shall attend the polls and by his deputies preserve order.

Commissioners to fill vacancy in office of mayor.

SEC. 12. 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 occasions 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.

Penalty on person elected mayor or commissioners refusing to qualify and act. How penalty recovered.

SEC. 13. 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 Enfield.

Mayor constituted court.

Jurisdiction and powers.

SEC. 14. That the mayor of the said town of Entield, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers in criminal offenses 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 violation 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 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 impris-

oned for thirty days in the town lock-up or in the county jail

How venalties enforced.

Further jurisdiction of mayor's court.

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 con-Offenders may be finement on the public streets or other public works of said worked on 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 debts. The proceedings in said court shall be the same as Proceedings of are now orhere after shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to Right of appeal. the superior court of Halifax county.

streets.

SEC. 15. That the mayor may issue his precepts to the chief To whom mayof police, and to the constables of the town, and to such other issued. officers to whom a justice of the peace may direct his precepts.

or's precepts

SEC. 16. That the mayor shall keep a faithful minute of the Mayor to keep precepts issued by him and of all his judicial proceedings. The minutes of projudgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace.

ceedings Force of mayor s judgments.

SEC. 17. 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. board is to be presided over by the mayor as is prescribed by Mayor to preside. law. Within five days after the election, they shall convene for Meetings of comthe transaction of business, and shall then fix stated days of missioners. meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board of com- Special meetings, missioners 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 or the commissioners, and when callad by a majority of the board of commissioners such as shall not join in the call shall be notfied in writing.

Commissioners to form one board; quorum.

SEC. 18. That the board of commissioners when convened By-laws and shall have power to make and provide for the execution of ordinances. 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.

SEC. 19. That among the powers hereby conferred on the board Commissioners of commissioners they may borrow money only by the consent money only with of a majority of the qualified registered voters, which consent consent of qualified shall be obtained by a vote of the citizens of the corporation voters.

How consent after thirty days' public notice, at which time those who con- obtained. sent to the same shall vote "approved" and those who do not consent shall vote "not approved"; said notice to be given at

may borrow

Further powers of commissioners.

Commissioners may levy tax.

Subjects of taxa-

large.

Commissioners may appoint officers and agents.

Salaries.

Oaths of office.

Official bonds.

Public schools.

Sewerage system.

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 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 cleansing and repairing 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, 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; and all persons, apothecaries and druggists excepted, retailing or selling liquors or wines of the measure of a quart or less, and all such shows and exhibitions for reward as are taxed Stock running at 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 and all persons, property, privileges and subjects 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 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. 20. That the board of commissioners, at their first meet-Commissioners ing 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 Term of office. removed at any time, and others appointed in their stead, for misbehavior or neglect of office. Before acting, each of said officers to be officers shall be sworn to the faithful discharge of his duty, and sworn. when the board of commissioners shall so determine, shall execute a bond as is hereinbefore provided, in such sum as the Official bonds. board of commissioners may deem necessary.

SEC. 21. That it shall be the duty of the clerk to keep regular Duties of clerk. 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.

SEC. 22. That it shall be the duty of the treasurer to call on Duties of treasall persons who may have in their hands any moneys or securi- urer. ties 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 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 treas-

SEC. 23. That all orders drawn on the treasurer shall be How orders on signed by the mayor and countersigned by the clerk, and shall treasurer signed state the purpose for which the money is applied, and the treasurer shall specify said purposes in his account.

SEC. 24. That the clerk shall make out annually a fair tran- Clerk to publish script of the receipts and disbursements on account of the town, account of and cause the same to be posted in some public place and pub-disbursements. lished, as the board of commissioners shall direct, at the end of each fiscal year, and for his failure to comply with the duties prescribed this in section he shall forfeit and pay, for the use of Penalty for failthe town, to be recovered by action brought by the treasurer, ure. the sum of one hundred dollars.

Duty of chief of police.

Powers and authority.

Fees and other compensation.

Power of police to follow and

Duty of street commissioner.

Treasurer and street commissioner to be selected from town commissioners. Clerk may be selected from town commissioners.

Town commissioners not eligible as chief of police. How action brought on official bonds.

Taxes authorized.

On real and personal property.

SEC. 25. 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 power 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 sheriffs and 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 Enfield shall have the power, arrest criminals, when in the pursuit of a criminal charged with the commission of any offence within the corporate limits of said town of Enfield, to follow him to any part of Halifax county, and may arrest him.

SEC. 26. 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 recommendation, and he shall carry out the directions of the said board in all things relating to work performed on the streets of the town.

SEC. 27. That in the selection of a treasurer and street commissioner the board of commissioners shall elect one of their number to fill each of the places named.

SEC. 28. That in the selection of a clerk and tax collector the board of commissioners may either select one of their own number or some other qualified person.

SEC. 29. No member of the then existing board of commissioners shall be eligible to the position of chief of police.

SEC. 30. 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 on the same by the commissioners as is provided by law upon the bonds of other officers.

SEC. 31. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, 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 Rate. thirty cents on every hundred dollars' value.

(2.) On all taxable polls, a tax not exceeding one dollar a poll, Polls. who may be resident of the town on the first day of June of Rate. each year.

(3.) On every hundred dollars' value of goods, wares and Purchase tax on merchandise purchased for resale 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 Rate. for the county, a tax not exceeding twenty-five cents.

(.4) Upon all itinerant merchants or peddlers offering to vend Itinerant merin the town, a license tax not exceeding fifty dollars a year; dlers. not more than one person shall peddle under a single license.

chants and ped-

(5.) Upon every billiard table, bowling alley or alley of like Billiard tables, kind, bowling saloon, bagatelle table, pool table, kept for hire bowling alleys, 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 Hotels, restaurestaurant, a license tax not exceeding ten dollars, upon every houses. hotel restaurant or eating house a license tax not exceeding ten dollars.

rants and eating

(6.) Upon every license granted by the said board of commis- Liquor licenses. sioners to retail spirituous, vinous or malt liquors within the corporate limits of said town, a tax not less than two hundred dollars, nor more than five hundred dollars, and in no case can they remit said tax or any part thereof.

(7.) Upon every company of circus riders or performers, by Circus and side 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.

(8.) Upon every person or company exhibiting in the town, Theatrical and or theatrical plays, sleight of-hand performances, rope walking, tions. tumbling or menageries, a tax not exceeding ten dollars.

other exhibi-

(9.) Upon every exhibition for reward, of artificial curiosities Artificial curiin the town, a tax not to exceed five dollars.

(10.) Upon every show or exhibition of any other kind, and Shows or exhieach concert for reward in the town, a tax not to exceed five bitions of any other kind and dollars.

concerts.

(11.) Upon every dog, a tax not to exceed five dollars: Pro-Dogs. vided, however, that a discrimination within the limit may be Proviso: Discrimination made in the different sexes of dogs.

as to sexes.

(12.) Upon every keeper of a livery stable, sale stable or stock Livery stables, yard, or any person keeping horses for hire, a license tax not stockyards. exceeding ten dollars a year.

Photographers, merry-go galleries and hucksters.

Dealers in second hand clothing.

Upon each photographer, merry-go-round, or shooting gallery rounds, shooting or huckster or other person selling on the streets or sidewalks, a tax not exceeding twenty dollars a year.

> (13.) Upon every merchant or trader of whatever kind or character, selling or offering to sell second hand clothing or cast-off wearing apparel, a license tax not exceeding two hundred dollars a year.

Occupations not enumerated.

(14.) Upon every merchant or trader of whatever kind or character, cotton-broker, bill-poster or any occupation not hereinbefore enumerated, a tax not to exceed ten dollars.

How license and privilege tax collected.

SEC. 32. That the license or 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.

SEC. 33. That the citizens of Enfield, and others liable for

taxes under the charter, shall, on the days prescribed for listing

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 the property made by the

county assessors, and such other records pertaining to matters taxable by the town as shall be kept in his office. The board

of commissioners shall have all the power given to the board of county commissioners except to alter the valuation of real

Returns for town taxes.

> 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

Returns made under oath.

Persons failing to list liable to double tax.

List taker to procure assessments.

Powers of town

commissioners.

When tax to be levied.

When to be collected.

estate. SEC. 34. 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 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 January next ensuing, and shall pay the money as they are collected to the treasurer.

Collected by distress.

SEC. 35. That if any person, liable for 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 Enfield, if the property to be sold be personalty; and the said collector shall have Power of tax the right to levy upon and sell any personal property outside 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.

collector.

SEC. 36. That if the poll-tax shall not be paid on or before How poll tax 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.

collected.

SEC. 37. That when the tax due on any lot or other land (which Lien on real is hereby declared to be a lien on the same) shall remain unpaid due. on the first day of January, the tax-collector shall either pro- How tax on real ceed to collect the same by a levy and sale of personal property estate collected. 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 Enfield by the tax-collector. The tax-collector shall, before Sale to be adverselling the same, make a full advertisement of the said real tised and owner 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 Halifax county; and if no person will pay the whole of the taxes and expense for the Land to be said lot or other land the same shall be struck off to the town, struck off to and if not redeemed as hereinafter provided shall belong to the said town of Enfield in fee. SEC. 38. That the tax-collector shall return an account of his Returns of tax

notified.

Notice by adver-

collector.

the book of proceedings of the commissioners. SEC. 39. That the owner of any land sold under the provisions When owner of this act, his heirs, executors and administrators, or any per- may redeem.

proceedings to the commissioners specifying the purchaser of the real estate and the price paid, which shall be entered in

son 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 expense.

Tax collector to convey land not redeemed.

Recitals in conveyance prima facie evidence.

Unredeemed land struck off to town to be conveyed to town.

Land of infants and insane persons not to be sold for tax.

Power and authority of tax collector.

Condemnation of land for streets.

SEC. 40. That, if the real estate sold as aforesaid shall not be redeemed within the time specified, the tax-collector shall convey the same in fee to the purchaser or his assigns, and the recital in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other matters required to be true or done before the sale might be made, shall be *prima facie* evidence that same was true and done.

SEC. 41. 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 fee to the said town, and the same shall belong to the said town of Enfield in fee.

SEC. 42. 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 revenues for state and county.

SEC. 43. 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.

SEC. 44. That when any land or right of-way shall be required by said town of Enfield for the purpose of opening new streets or widening or straighting the old 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 damages which may accrue to the owner or owners in consequence of the land or right-ofway 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 damages over and above the advantages shall form the measure of valuation of said land or rights 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 there made, then and in that case, either party may have an appeal to the superior court of Halifax county, and the said freeholder shall re-

Proviso: Right of appeal. turn to the court to which the appeal is taken their valuation with their proceedings, and the land so valued by the freeholder Land valued to vest in town. 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 Proviso: of the discontinuance of the use of the land, and its reversion land town may to the owner, the town shall have the right to remove any ments. improvements under its authority erected.

remove improve-

SEC. 45. No appropriation of any money belonging to the No appropriation town shall be made but by a board consisting of a majority of made but by the commissioners.

majority of commissioners.

SEC. 46. That no mayor or commissioner or other officer of No officer of the town shall, directly or indirectly, become a contractor for contractor with work to be done for the town, and any person herein offending town. shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 47. That the mayor shall be entitled to fees in cases Fees of mayor. brought before him, and whereof he may have jurisdiction, as are prescribed by law for justices of the peace.

SEC. 48. That chapter eighty-two of the private laws of one Chapter 82, prithousand eight hundred and eighty-five be and the same are amending town hereby repealed.

vate laws of 1885, charter repealed.

SEC. 49. That they may establish all public buildings neces- Commissioners sary 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.

may establish public building and prescribe fire limits.

SEC. 50. That they may provide for the establishment, organ- Fire companies. ization, equipment and government of fire companies, and in all cases of fire a majority of the commissioners may, if they Power of comdeem it necessary to stop the progress of the fire, cause any house ease of fire. to be blown up or pulled down and the removal of any other property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the commis- when mayor and sioners cannot be had, the mayor, together with two of the commissioners of the town to be selected by him, shall perform the duties prescribed in this section.

missioners in

ers may act.

SEC, 51. That it shall not be lawful for the commissioners of County commis-Halifax county to grant any license to sell spirituous, vinous or sioners not to malt liquors within the limits of the town, or within one mile license in town thereof without permission first obtained from the board of of town commiscommissioners of said town, in being at the time of the appli-sioners. cation 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

grant liquor without consent 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.

Regulations as to license tax.

SEC. 52. That upon all subjects, trades or business wherein a privilege or license tax is imposed or levied as aforesaid the board of commissioners shall have power to prescribe and require, by proper ordinance, all such persons carrying on said business or trades to procure and take out a town license for said purpose, on the first day of June of each and every year, and before issuing the same, may require the payment of said privilege or license tax, and all persons failing to comply with said ordinances shall be guilty of a misdemeanor and fined or imprisoned as prescribed in said ordinance or ordinances, for each and every violation of the same, not exceeding a fine of fifty dollars or imprisonment not exceeding thirty days, for each and every offence.

Failure to comply a misdemeanor.

Penalty.

Rules for selling liquors.

Violation a misdemeanor.

Penalty.

Number of barrooms may be restricted.

Fines and penalties imposed by mayor to be for use of town.

Further powers of commissioners. SEC. 53. That said commissioners shall have power to make and prescribe rules and regulations for the sale of spirituous, vinous and malt liquors in said town, and any person violating said rules and regulations shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and, besides, said commissioners shall have the right to revoke and take from him his license issued to sell the same.

SEC. 54. That said commissioners shall have the power to restrict the number of barrooms in said town to four: *Provided*, they shall in their judgment, deem four barrooms a sufficient number to accommodate the general public.

SEC. 55. 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 town of Enfield.

SEC. 56. That they may prohibit and prevent by penalties the riding or driving of horses or other animals at a speed greater than six miles an 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 or elsewhere within the town; and they 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.

When act to become charter of town.

SEC. 57. That from and after the acceptance of this act the same shall henceforth be the charter of the town of Enfield, and

all laws now constituting the charter of the town and affecting Acts repealed the government thereof in the grants heretofore made of its repeal. 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 effect this town: Provided, however, that such repeal Proviso: What affected by shall not annul any ordinance, by-law or rule of the corpora- repeal. tion unless the same be inconsistent with this act, nor shall such repeal affect any act do ne 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, behest 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 Enfield."

SEC. 58. That all persons who, at the time when this act shall Present officers take effect, shall hold any office under any charter hereby to continue. repealed, shall continue to hold the same according to the terms thereof, except those offices which may have been abolished and Exceptions. those as to which a different provision shall have been made by this act.

SEC. 59. That the town of Enfield may convey lands and all How town may other property which is transferable by deed or bargain and convey property. sale or other proper deed, sealed with the common seal, signed by the mayor and attested by a witness.

SEC. 60. That the provisions of the general law of the state of Provisions of North Carolina in regard to cities and towns in chapter sixty- general law to apply to town. two, volume "2" of The Code of North Carolina as are not in conflict with this charter are made part thereof and supplementary to it.

SEC. 61. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1897.

CHAPTER 147.

An act to amend chapter one hundred and forty-two of the private laws of 1891, entitled an act to incorporate the Commercial Bank of Rutherfordton.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty-two of the private laws of one thousand eight hundred and ninety-three be amended as follows: Strike out the word "Commercial" from

When bank may begin business. Number of directors.

Time for organization extended.

the title of said act. Also strike out in line five, section one, the word "Commercial." Strike out in line one of section four, the word twenty and insert ten, and in line two of said section strike out the word "ten" and insert "five." In line twelve of said section four, strike out the word "five" and insert "seven" in lieu thereof. In section eight, strike out the words "the date of its passage," and insert in lieu thereof the words July 1, 1897.

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

Ratified the 3d day of March, A. D. 1897.

CHAPTER 148.

An act to amend the charter of the town of Rocky Mount.

The General Assembly of North Carolina do enact:

Former acts amended.

SECTION 1. That Chapter 316 of Private Laws of 1891, and Chapter 30 of Private Laws of 1893, be and the same are hereby amended in so far as may be necessary to incorporate therein the following and no farther:

Five wards.
Each ward to elect a commissioner.
Mayor elected by popular vote.
Other officers by commissioners.

Registrars and poll-holders.

How town elec-

Registration and election in each ward. Returns of election.

Qualification of commissioners.

Qualification of voters.

Ward bounda-

That said town shall be divided into five wards, as hereinafter described, each of which wards shall elect a town commissioner, and the mayor shall be elected by the popular vote of the people of the town of Rocky Mount, at the town election in May of each year, and the other officers shall be elected by the commissioners. There shall be one registrar and two poll-holders in each ward, to be recommended by the township (No. 12 township of Edgecombe county) chairmen of the respective political parties, as provided for in the state election law, appointed by the town commissioners now in office, who shall hold the town election under the laws and regulations provided for the election of members of the general assembly, a separate registration and a separate election being held in each ward.

The registrars and poll-holders shall certify the result of the election to the clerk of the town, and shall deposit with him, in sealed packages, the votes cast. No one shall be elected who has not been, for thirty days prior to the election, a resident of the ward for which he is elected, and no one shall vote in any ward who has not been for twelve months a citizen of the state, and for ninety days a resident of the town and for thirty days a resident of the ward.

SEC. 2. Said wards shall be as follows:

Ward No. 1 shall be bounded as follows: Beginning at the Ward No. 1. intersection of West Railroad street and Sunset avenue; thence up West Railroad street and the Fall's county road to the Fair Ground branch; thence up said branch to the Mill's railroad; thence with said railroad to Franklin street; thence with Franklin street to Dr. W. H. Whitehead's northern line; thence in the direction of his northern line to Pearl street; thence with Pearl street to Sunset avenue; thence to the beginning.

Ward No. 2 shall be bounded as follows: Beginning at the Ward No. 2. intersection of Tarboro street and East Railroad street; thence down Tarboro street to Garvey's cross roads; thence a straight line to Madison street; thence with Madison street, and with Thomas street, and with Atlantic avenue, and with Gold Leaf street to East Railroad street; thence to the beginning.

Ward No. 3 shall be bounded as follows: Beginning at the Ward No. 3. intersection of Tarboro street and East Railroad street; thence down Tarboro street to Garvey's cross roads; thence up the Raleigh road to Hill street; thence with Hill street to George street; thence with George street (extended) to Arlington street (extended) to Dunn avenue; thence up Dunn avenue to the Tarboro railroad; thence a straight line to the union of Southside street and North Washington street; thence with North Washington street to the canal and up the canal to the Wilmington and Weldon railroad; thence to the beginning.

Ward No. 4 shall be bounded as follows: Beginning at the ward No. 4. intersection of West Railroad street and Sunset avenue; thence up Sunset avenue to Grace street, and with Grace street and Nash street and Pearl street to the Nashville railroad; thence with the Nashville railroad to J. A. Taylor's western line on the west side of Church street; thence with his western line to the Raleigh road; thence with the Raleigh road to West Rail road street; thence to the beginning.

Ward No. 5 shall be composed of all that part of Rocky Ward No. 5. Mount not contained in the foregoing wards.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 149.

An act to amend the charter of the city of New Bern, and acts amendatory thereto.

The General Assembly of North Carolina do enact:

Laws amended.

SECTION 1, That the private laws of eighteen hundred and seventy-nine (1879), chapter forty-two (42), and chapter one hundred and fifty-two (152) of the private laws of eighteen hundred and ninety-five (1895), be amended as follows:

Number of councilmen increased.

SEC. 2. Strike out in line one (1), section two (2) of the act of eighteen hundred and ninety five (1895), chapter one hundred and fifty-two (152), the word "five" (5) and insert the word "eleven" (11).

Corporate limits.

corporate minis

Six wards.

First, second, third and fourth wards.

Line between fifth and sixth wards.

Fifth ward.

Sixth ward.

Ward councilmen.

Term of office.

Councilmen at large and term of office.

When councilmen to qualify.

Councilmen to elect mayor from outside of their number.

SEC. 3. Strike out section two and insert the following: That the corporate limits of the city of New Bern shall be the same as now authorized by existing laws, and that the said city of New Bern shall hereafter consist of six wards, as follows: The boundaries of the first ward, the second ward, the third ward and the fourth ward shall remain and be the same as now constituted and authorized by existing laws; that Queen street from its intersection with George street westwardly to its intersection with Broad street, and Broad street from its intersection with Queen street westwardly to end of street, shall be the dividing line between the fifth and sixth wards. All that part of the city west of George street and south of the aforesaid dividing line as above designated by Queen and Broad streets, shall be known and designated as the fifth ward, and all that part of the city west of George street, and north of the aforesaid dividing line as above designated by Queen and Broad streets, shall be known and designated as the sixth ward. That one councilman shall be, on the first Monday in May, A. D. 1897, and every four years thereafter, elected for each of the six wards of the city, by the qualified voters of said wards respectively, and the governor shall appoint five councilmen at large for said city, whose term of office and powers shall be the same as those elected. The six councilmen elected by the voters of the six wards, together with the five councilmen appointed by the governor, shall, within five days after the election of said six councilmen, convene and qualify before the former mayor or a justice of the peace.

The board of councilmen thus formed, or a majority of them, shall elect, at their first meeting in May, eighteen hundred and ninety-seven (1897), from outside their number, a mayor for a

term of four (4) years, and until his successor is elected and Term of office. qualified, who, within five days after his election, and before entering on the duties of his office, shall qualify before the out- qualify. going mayor or a justice of the peace.

SEC. 4. Amend section three (3) by inserting after the word "elect," and before the word "who" in line four, the follow- elected and ing: "and appointed by the governor."

SEC. 5. Strike out the word "marshal" in line three, section Chief of police nine, and wherever said word "marshal" shall appear in said marshal. charter, and insert the words "chief of police."

SEC. 6. Amend section seventeen (17) by inserting after the Sergeant of word "cemetery" and before the word "and" in line two the following: Two sergeants of police, who with the chief of police in the absence of the mayor from the city hall, shall have the power to take bond or collateral for appearance before the mayor. Fines imposed

SEC. 7. Amend section twenty-seven (27) by inserting after tices of peace to be word mayor in line one the following: And all fees imposed be paid to city. the word mayor in line one the following: And all fees imposed by the mayor as a justice of the peace. Amend said section further by inserting after the word "ordinances" in line two, the following: or violation of any laws of the state where a justice of the peace has jurisdiction.

SEC. 8. Amend section twenty-eight (28) by striking out the word "sixty" in line four and inserting the word "fifty," and amend further by striking out the word "five" in line seven (7).

SEC. 9. Amend section five (5) of chapter one hundred and Proviso: fifty-two, private laws of eighteen hundred and ninety-five plant. (1895), by adding to said section the following: Provided, further, that before buying, maintaining or operating any electric plant, the question of purchasing the same shall first be submitted to a vote of the electors of the city; and if a majority of said votes are cast in favor of purchasing said electric plant, the mayor and council are authorized and empowered to buy and operate said electric plant.

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

SEC. 11. That this act shall be in force from and after its rati-

Ratified the 5th day of March, A. D. 1897.

Vacancies filled appointed.

CHAPTER 150.

An act to amend the charter of the city of Wilmington.

The General Assembly of North Carolina do enact:

Law of 1895 repealed. SECTION 1. That an act entitled an act to amend the charter of the city of Wilmington, ratified the 9th day of March, A. D. 1895, be and is hereby repealed, and all laws and clauses of laws concerning the city of Wilmington, existing at the time of the ratification of said act, are hereby declared to be in full force and effect, except so far as they are amended by this act.

Aldermen, how elected and appointed.

SEC. 2. That there shall be elected by the qualified voters of each ward one alderman only, and there shall be appointed by the governor one alderman for each ward, and the board of aldermen thus constituted shall elect a mayor according to laws declared to be in force by this act.

Aldermen to elect mayor.

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

Repealing clause.

SEC. 4. That the present police board shall hold office until the election and qualification of the aldermen herein provided for.

Police board.

Mayor subject to impeachment.

Proviso:
Majority of full board necessary to conviction.
Aldermen to fill vacancy.

Fees of mayor.

How election

Exception.

Governor to fill vacancy.

SEC. 5. That the mayor may be impeached by the board of aldermen for drunkenness, or for physical or mental inability to perform the duties of his office, and upon conviction by the board shall be removed by the order of the board: *Provided*, that a majority of the full board of aldermen shall be necessary to convict and remove. In case of removal, the board of aldermen shall fill the vacancy.

SEC. 6 That the mayor shall be entitled to such fees as justices of the peace in criminal actions, in addition to the salary paid by the city.

SEC. 7. That the election of aldermen shall be held according to the charter of the city of Wilmington, and the acts amendatory thereto, except that the registration books may be open for only ten days previous to the election. In case of a failure to hold an election in any ward, the vacancy resulting from such failure shall be filled by the appointment of the governor.

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

Ratified the 5th day of March, A D. 1897.

CHAPTER 151.

An act to incorporate the bank of Randolph.

The General Assembly of North Carolina do enact:

SECTION 1. That W. J. Armfield, T. M. Worth, E. M. Arm- Corporators, field, A. M. Rankin and W. J. Armfie'd, Jr., 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 Bank of Randolph" of Asheborough, North Carolina, Corporate name, and shall so continue for a period of twenty years, with the Term of corporation. capacity to take, hold and convey real and personal estate, and Corporate powers 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 (1) of The Code, entitled corporations.

SEC. 2. The capital stock of said bank shall not be less than Capital stock. ten thousand dollars, divided into shares of fifty dollars each, Books of sub and such capital stock may be increased from time to time, as scription. said corporation may elect, to a sum not exceeding one hundred thousand dollars.

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 places and for such period or periods as they shall determine.

SEC. 4. Whenever five thousand dollars is paid up, the said when meeting corporators, or a majority of them, may call a meeting of the for organization to be called. stockholders in the town of Asheborough, North Carolina, at such place as may be designated by advertisement for thirty Advertisement. days in some newspaper published in the said town of Asheborough, 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 By-laws. regulations for the government of the bank as they choose, not inconsistent with the laws of the state, and may elect such number of directors as they may deem necessary, to serve for Directors. one year, and until their successors shall be chosen, or for such Term of office. term as they may prescribe.

SEC. 5. The directors shall elect one of their number to be President and president, and shall appoint a cashier and such other officers and clerks. and clerks as may be provided for by the by laws of said corporation, to serve at the discretion of the directors during the con-

Bonds and compensation of officers.

tinuance in office of said directors, and the directors may prescribe their duties, and take from them bonds with security for the faithful discharge of their duty, and may fix their compensation.

Further corporate powers.

SEC. 6. The said board of directors may adopt and use a seal.

General banking business.

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, and 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 rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may lend money on mortgages of real and personal property, or both, or upon liens on crops, planted or unplanted; may purchase, build, or lease a banking house or houses; 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 determine when dividends or profits shall be made and declared.

May lend money on crop liens.

How subscription of delin quent subscribers collected.

Advertisement.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof, 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 of such delinquent may be sold by order of the directors for cash at the office of said corporation in the town of Asheborough, North Carolina, after advertisement of such sale for thirty days in some newspaper published in said town, 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 the cost of such sale, the subscriber shall be liable for the deficiency in a civil action.

May do warehouse business.

Advances a lien on property stored.

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 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 shall be required to deliver such property.

SEC. 9. That when married women, minors or apprentices Deposits of mardeposit money or other things of value in said bank, either gen-ried women, minors or aperally or specifically, to their own credit, they or any of them prentices. may draw the same on their check or order, and be bound thereby, and such married women, 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.

SEC. 10. That said corporation shall have the right to act as May act as agent agent, factor or trustee for any state, county, township, town factor or trustee. 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 individuals, and bonds, certificates of stock, notes, etc., and generally for making such business, and for doing any and all the things authorized by this charter, said corporation may charge such premiums, commission or rate of compensation as may be agreed upon.

SEC. 11. The bank is authorized to organize, in connection Savings bank with its general banking business, a department for savings, and department. do a savings bank business for the convenience of small depositers, and to make such regulations thereto, not inconsistent with the !aws of the state, as will enable said bank to receive small deposite in the savings department, and to give certificates or other evidences of deposits, 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.

SEC. 12. No stockholder shall be in any wise individually Stockholders not 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, and directors as prescribed in section six hundred and eighty-six, chapter sixteen of volume one of The Code of North Carolina.

Except president for fraud.

SEC. 13. That each stockholder shall be entitled, in all meet-holders.

Votes of stock-

Charter not forfeited for non user. Proviso: Corporation to beorganized within three vears. ocation. Branches.

Proviso:

ings of stockholders, to east one vote for each share of the par value of fifty dollars held by him or her.

SEC. 14. That the powers and privileges granted herein shall not be deemed forfeited by non-use: Provided, the corporation is organized within three years from the ratification of this act.

SEC. 15. That the place of business of said bank shall be in the town of Asheborough, North Carolina, with privilege to establish branches at such places as the directors may elect: Pro-Taxon branches. vided, the sum of twenty-five dollars shall be paid to the state treasurer before the establishment of each and every branch.

> SEC. 16. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 152.

An act for the relief of E. G. Smith and others of Buncombe un constitutional county.

> To the honorable Presiding Officers and Members of the General Assembly of the state of North Carolina:

Petition to general assembly.

22-720

The petition of Elizabeth A. Smith, Lula A. Miller and husband C. H. Miller, J. H. Gudger and wife Hattie Gudger, Mary F. Stepp, and Lula R. Stepp, all of the city of Asheville, county of Buncombe and state of North Carolina, except J. H. Gudger and wife Hattie Gudger, who are residents of the county of Grimes and state of Texas, respectfully show the following:

1st. That some time during the year eighteen hundred and fifty-six James M. Smith, father of the petitioner E. A. Smith, died in the county of Buncombe and state of North Carolina, leaving a will, by which will be devised to the petitioner E. ... Smith for life, with remainder to such children as she may leave her surviving, and those representing the interests of any that may die leaving children, the following real estate, situate in the city of Asheville, county of Buncombe and state of North Carolina:

First Tract: Located near the center of said city, and bounded on the south by College street, on the east by Spruce street, on the west by North Main street, and being described in said will or a codicil thereof as follows: "The house and lot in which I live, including the tavern and outbuildings contiguous, on the east side of Main street and beginning on the street and J. B. Whiteside's corner, south of the tavern house and running with

the Main street, including the five front half-acre lots, passing below the fence north of the well, and running with the lower or north line of the lower or fifth lot eastward by the east corner thereof, and the same course to the street near Ephraim Clayton's, and south with that street to the corner near Z. B. Vance's office, thence with the cross street and the north line of my lot to the beginning, including the orchard."

Second Tract: Located in south end of the city of Asheville, and described in said will as follows: "The tractof land at the south end of Asheville, including the meadow below J. W. Patton's and adjoining Joshua Roberts' land, containing 29 acres, and the tanyard lot, including my tannery, containing 30 acres, both (I believe) conveyed to me by Col. John Patton."

2d. That the said J. H. Gudger and Lula R. Miller, wife of the petitioner C. H. Miller, are the only living children of the said life-tenant E. A. Smith, and the said petitioners Mary E. Stepp and Lula R. Stepp are the only children of Polly Stepp, a deceased daughter of the said life-tenant, and that the abovenamed persons, together with some minor children of the said J. H. Gudger and Lula R. Miller, are the only contingent remaindermen in being.

3rd. That the said life-tenant E. A. Smith is now sixty-six years of age, in good health, with an expectancy of many years.

4th. That the real estate in question, or the more valuable part of it, is located near the center of the city of Asheville, fronts on three prominent streets, and has been for many years in great demand as business property; but owing to the inferior and dilapidated condition of the improvements or buildings located on said lands, the same cannot be rented to advantage, and yields an annual rental of little more than the amount necessary to pay taxes, and for repairs on this and the other property mentioned, which yields no income.

5th. That the first tract or lot of land mentioned and described covers a large part of what ought to be, and naturally is, the business center of the city of Asheville; but owing to the inferior improvements on the same, and the fact that the present or apparent real owners of the same have been and are financially wholly unable to properly improve the same, and in consequence of the fettered condition of the title are unable to sell the same or any part thereof to parties who are able to buy and improve, the business houses and interests of said city have been for the past several years, greatly to the injury of this property and the interest of petitioners, gradually extending in another direction, and unless some way is devised by which the land can be properly improved the prospects are that in a very

few years the same, instead of being, as it has been, near the business center, will be far removed from it, and will, as a consequence, lose a large part of its value, greatly to the damage of the life-tenant and the remaindermen.

.6th. That said land, being, located, as it is, near the business center of the city, if any opportunity were given the business public to acquire a good and indefeasible title to the same the prospects are that it would sell in lots at handsome figures, and on the same would rapidly develop large and handsome business structures of various kinds.

7th. That to allow said property to remain long in its present condition would not only work irreparable injury to the life tenant and remaindermen, but the dilapidated and unsightly condition of the same is such that it would be a great injury to the general public, and particularly to the other property holders and residents and business interests of that part of the city.

8th. That the second tracts of land mentioned and described in this petition are outlying tracts on which there are no improvements, and are consequently yielding no income, and the taxes on the same are and for many years have been a heavy drain on the income derived from the property located near the business center of the city.

9th. That the land described, particularly that located near the business center of the city, is, or ought to be, if properly managed, very valuable, worth more than one hundred thousand dollars.

10th. That the language of said will and codicils thereto, in so far as it sets forth the interests of the petitioners in said land, is in the following language: "But this and all other property, real and personal, given, devised or bequeathed to my daughter Elizabeth A. Gudger to her sole and separate use and benefit for and during her natural life, with remainder to such children as she may leave her surviving and those representing the interests of any that may die leaving children." And that the supreme court of North Carolina in Miller, ex parte, reported in 90th N. C., page 625, have decided that a sale by decree of the court cannot be had during the continuance of estate for life.

11th. That all of said petitioners, with the exception of Mary E. and Lula R. Stepp, aged respectively 20 and 17 years, and unmarried, are of full age and readily join in the same, begging that the prayer of this petition be granted, and if necessary will join in any conveyance or conveyances which your honorable body may direct to be made. Wherefore your petitioners, being advised and believing that your honorable body can in proper cases disentangle and unfetter estates and titles by authorizing

a sale, taking due precaution that the substantial rights of all interested parties are protected and secured, do most humbly beseech you to exercise such power and right with regard to this petition, and to enact such legislation as will authorize a sale of at least a part of the land in question and a reinvestment of the proceeds, and that some competent and discreet person be appointed to conduct such sale and to make such reinvestment, and that before he enter into the discharge of such duties he file bond for the faithful performance of such duties, with sufficient sureties, and that said bond be in the penal sum of \$, payable to the state of North Carolina, and be executed before and approved by the clerk of the superior court of Buncombe county, and your petitioners as in duty bound will ever pray, &c.

ELIZABETH A. SMITH. LULA R. MILLER. C. H. MILLER, J. H. GUDGER, HATTIE GUDGER. MARY E. STEPP. LULA R. STEPP.

The foregoing petition of Elizabeth A. Smith, Lula R. Miller and husband C. H. Miller, J. H. Gudger and wife Hattie Gudger, Mary E. Stepp and Lula R. Stepp, being submitted for consideration, and it appearing that the facts set forth in the same are true, and that the praver of said petition is reasonable and just and ought to be granted:

The General Assembly of North Carolina do enact:

SECTION 1. That in order to disentangle and unfetter the condition of the title to the land mentioned and described in the appointed to petition, and in order that a good and indefeasible conveyance or conveyances thereof may be made to bona fide purchasers for value, and that the proceeds thereof may be reinvested so as to inure to the benefit of all parties concerned or interested. it is hereby enacted that C. H. Miller, who is hereby designated a commissioner of this assembly, be, and he is hereby authorized, empowered and directed to make or have made a full and accurate survey of said real estate mentioned and described in said petition as having been devised to the said petitioner E. A. Smith for life, with remainder to such children as she may leave her surviving, and those representing the interests of any that may die leaving children, by dividing it into lots of Land to be dividsuch shape and dimension as will in his judgment render the ed into lots. same most easily and advantageously sold or disposed of, and

make survey.

Commissioner to offer lands for saie.

Sales or offers to be submitted to parties.

Commissioner and parties to make sales and execute deeds.

Purchaser not bound to see to application.

How proceeds of sale applied.

Fund may be reinvested.

Commissioner to give bond.

Sales to be reported.

Increase of commissioners bond.

that he offer the same or a part thereof for sale, in such way and on such terms as he may judge best, and that, when a sale is made or offer had for any part of or the whole of said land, said sale or offer be submitted for approval to Mrs. E. A. Smith, Lula R. Miller and J. H. Gudger, parties mentioned in said petition, and that said C. H. Miller, together with said E. A. Smith, Lula R. Miller and J. H. Gudger, are hereby authorized and empowered to sell and convey at their discretion said land or any part thereof, and to make, execute and deliver to the purchaser or purchasers thereof, good and indefeasible titles, the same to be to the respective purchaser or purchasers, their heirs and assigns, in fee simple, or for any less estate. And the purchaser or purchasers under such conveyance or conveyances, are to be in no event bound to see to the application of the purchase-money. And the proceeds of such sale or sales as shall be made under this act shall be in the hands of said C. H. Miller a trust fund, the same to be faithfully applied upon the trusts to and for the uses, intents and purposes in and by said will directed. And the said C. H. Miller is hereby authorized, empowered and directed to re-invest said fund as fast as is expedient in other improved real estate, or in improving in a proper manner any unsold part of the real estate mentioned and described in said petition, said real estate when so purchased or improved to be for the uses, intents and purposes in and by said will declared concerning the same. Before said C. H. Miller shall be authorized to fully enter upon the trusts and charges hereby created, he shall first give bond before the clerk of the superior court for the county of Buncombe in such sums as said clerk shall approve, conditioned faithfully to exercise all and singular the powers aforesaid, and to apply and dispose of the proceeds of said sale in the way and manner aforesaid, said bond to be payable to the state of North Carolina. And that said bond be executed in the same manner and with like sureties as is now required by law in cases of administrators. And it is further enacted that each sale of lands by the said C.H. Miller be within ten days after the final consummation of sale reported to said clerk under oath, and said clerk shall have the power, and it shall be his duty from time to time, in order that any fund going into the hands of said C. H. Miller, by virtue of said sale or sales, shall be fully protected, to cause the said C. H. Miller to increase the amount of his said bond or bonds in such an amount as the said clerk of the superior court of Buncombe county may deem necessary to afford the desired protection.

Any violation of the confidence reposed in the said C. H. Mil. Commissioner ler, by this act shall be grounds for injunction or restraining tion. order as is provided by chapter three (3) of the Code of Civil Proceedure of North Carolina, and the laws amendatory thereof. Or receiver may and shall also be ground for the appointment of a receiver as is now provided by law in the case of trustees, and others acting in a fiduciary capacity, said receiver when so appointed to have all the powers hereby conferred on the said C. H. Miller, the said receiver to be responsible for and amenable to the courts in the same manner and to the same extent that receivers are now amenable under the laws of the state of North Carolina.

be appointed.

All the expenses of such sale or sales, as may be had under Expenses to be this enactment, including attorney's fees, a commission to the paid by estate. said C. H. Miller for his trouble, and other proper items of expense, shall be submitted to and approved by the clerk of the superior court of Buncombe county, and when the same are so submitted, approved and paid, such items shall be a valid voucher for the said C. H. Miller.

The clerk of said superior court to receive for his services the Fees and comsame fees and commission now allowed by law for like services in case of administrations.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 153.

An act to incorporate the Williams Fitzhugh Lumber Company.

The General Assembly of North Carolina do enact:

SECTION 1. W. F. Williams, James G. Williams and W. W. Fitzhugh, and such 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 Williams-Fitz-Corporate name. hugh Lumber Company"; and by such name may sue and be sued, plead and be impleaded, may adopt a common seal, and ers, may make such rules and by laws for the government of the By-laws. company as they may desire:

Provided, however, that the same are not inconsistent with the laws of this state or 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.

Location.

SEC. 2. The said company may engage in business at any place or places in Robeson county, said state.

Capital stock.

SEC. 3. The capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each, but the stock-holders, by a majority vote of the stock, may at any time increase the same to an amount not exceeding twenty five thousand dollars.

When company may organize.

SEC. 4. The said company may organize and begin work under this charter when 30 shares shall have been subscribed and paid in.

Stockholders not individually liable.

SEC. 5. No member of said company shall be liable for the debts or obligations of said company beyond his interest in the assets of said company.

Further corporate powers.

SEC. 6. Said company may buy or sell machinery, timber, lumber, goods, wares and merchandise of every description, may buy and sell real estate to an amount not over ten thousand acres and give and take leases on the same, may manufacture and and sell lumber of all kinds, and for the purpose of transporting timber, lumber, goods, wares, and merchandise for themselves, as well as for the general public, may construct tram-ways from their places of business to other points in said county—not to exceed on any one line 10 miles in length, and may charge and collect from all persons for whom they haul freights on said tram-ways, a reasonable compensation.

Tram-ways.

Width of tramways. SEC. 7. That except where the same is had by purchase, or is on the lands of said company, said tram-ways shall not be over fifteen feet in width.

Power of condemnation for right of way.

SEC. 8. That where said company desires to build and operate a tram-way across the land of any person, and the right to do so cannot be had by agreement between the parties, then the said company may apply in writing, setting forth the facts, to any justice of the peace of the township in which the land lies, to have said land condemned; and upon such application the said justice of the peace shall at once issue to the sheriff of said county an order directing him to summons three freeholders, connected with none of the parties and wholly disinterested, to meet on said premises on a day fixed in the order, of which day all parties shall have notice, for the purpose of assessing the damages of said landowners. Said assessors, after having met on the premises and being sworn by said justice of the peace to do equal and impartial justice between the parties, shall proceed to assess the damages which the owner of the land will sustain by reason of the running of said tram-way over his land, and will at once make a return of their proceedings under their

Procedure for condemnation.

hands and seals to the clerk of the superior court of said county. who shall file the same in his office.

Either party dissatisfied with the finding of said assessors may, Right of appeal. within 10 days from the filing of the return, give notice in writing to the adverse party and the clerk of an appeal to the superior court of said county, whereupon the clerk shall docket Procedure on the case on the trial docket of the superior court of said county, and an issue as to the damage sustained by said landowner shall be heard and determined by the court, and upon the payment when right of by said company of the damages assessed or determined on company to become absolute. appeal as aforesaid, into the office of said clerk, the right of said company to construct and operate said tramway over said lands shall become absolute: Provided, however, that no tramway Proviso: shall be laid off by condemnation through any enclosed or cul- to be condemned. tivated field, nor so as to interfere with any house or dwelling standing, nor shall the right to use said tramway over lands When right to condemned continue beyond five years from the condemnation. use land to cease.

SEC. 9. That for the services aforesaid said company shall pay Fees of officers the following amounts, viz.: Justice of the peace, 75 cents; clerk making condemnation. for filing 25 cents; assessors, one dollar each, and sheriff same fees as are allowed by law for like services.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 154.

An act to incorporate "The Mntnal Aid Banking Company" of New Bern, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That C. C. Roach, John H. Fisher, Merritt Whit-Corporators, ley, William L. Lassiter, Raphael O'Hara, J. P. Stanley, Frank B. West and William Crispin, and their associates and successors, are hereby constituted and declared to be a body politic and corporate, under the name and style of "The Mutual Aid Bank-Corporate name, ing Company," and by such name may acquire, hold and con- Corporate powvey, real and personal estate; may sue and be sued; plead and ers. be impleaded in any of the courts in this state, and shall adopt and use a common seal, and may alter the same at pleasure, and Term of corporahave continued succession for thirty years.

SEC. 2. This company is especially invested with the power Savings bank and privileges usually incident to savings banks; may receive powers. deposits in very small sums, the limit to be fixed by its board of

By-laws.

Capital stock.

Series and shares. Series "A." Series "B."

Series "C."

When company to commence business.

Principal office.

Branches.

Officers.

Directors elected by stockholders.

Directors to elect other officers. Officers to be bonded.

Further powers and duties of directors.

General banking business.

When and for what term first directors chosen.

Quorum.

Lien of bank on stock.

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, rules and regulations for conducting and carrying into effect the savings bank features of this corporation.

SEC. 3. The capital stock of this company shall not be less than ten thousand dollars, but may be increased from time to time to one hundred thousand dollars, divided into series and shares as follows: series "A" consisting of ninety shares at the par value of ten dollars each; series "B" consisting of seven hundred shares at the par value of six dollars and a half each; series "C" consisting of fourteen hundred shares at the par value of three dollars and twenty-five cents each; which series and shares shall be increased proportionately with the increase of the capital stock; and fifty per centum of the shares of series "A" shall be subscribed and paid before the commencement of the business of banking.

SEC. 4. The principal office and place of business of said banking company shall be in the city of New Bern, state of North Carolina, but branch offices may be established in such cities and incorporated towns as may be designated in the by-laws of this company; and its officers shall consist of president, vicepresident, cashier, teller, a board of directors of not less than three nor more than seven, who shall be elected annually by the stockholders, and such other officers, agents or commissioners as may be deemed necessary or expedient by said board of directors; the directors so chosen to choose the officers aforesaid, fix their compensation and take bond, with approved security, for the faithful discharge of their duties; make all rules, regulations and by laws for the government of said corporation; fill vacancies occurring upon the board of directors, and shall do a general banking business on such terms and rates as may agreed upon, and in general have the privileges conferred on corporations by the general law of the state relating to corporations. 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.

SEC. 5. That said banks shall have a lien on the stock for debts due it by the stockholders before, and in preference to other creditors, except for taxes as may be imposed on banks by the revenue laws of the state.

Corporators and SEC. 6. That the corporators and stockholders of said corpo-

ration and their successors and assigns shall not be individually stockholders not or personally liable for the debts, liabilities, contracts, engage-ble. ments or torts of the corporation.

SEC. 7. That said company shall have the right to receive Further corpodeposits, 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 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 crops or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in any wise dispose of, and to charge any rate of interest on all such loans, not exceeding the rate

now allowed by law.

SEC. 8. That said company may subscribe to, purchase, acquire Further corpoor lend money upon any stock, shares, notes, bonds, debentures rate powers. 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 guarantee 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 other corporation for any portion of its bonds, securities, obligations or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for, beyond the agreed terms of said purchase or subscription.

SEC. 9. That said corporation may receive on deposit all sums May receive of money which may be offered it for the purpose of being deposits for 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 ors. 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.

investment.

Deposits of min-

SEC. 10. That said company shall have the right to act as Mayactas agent, 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

factor or trustee.

in and disposing of, on account of any state, county, town or municipality, corporation, company or person, bonds, certificates of stock of any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, &c., 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 chapter.

May accept and execute trusts.

SEC. 11. That said company shall have power to receive money in trust, and shall have power to accept and except 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 request, and hold any real or personal estate or trust created in accordance with the law of this state, and then to execute the same on such terms as may be established and agreed upon by its board of directors, and said corporation is hereby fully authorized and empowered to act as trustees or assignees, and to receive on deposit all funds in litigation in the various courts of this state, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposits 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.

May act as trustee or assignee.

May receive deposits for safe keeping.

Charges a lien on deposits.

May guarantee payments of persons or other corporations.

How stock transferred.

Votes of stockholders. SEC. 12. That said company is hereby given the right to insure or gurantee the payment of any dividends, bonds, notes, undertakings, mortgages, or other securities, or evidences of indebtedness of any persons, partnernerships or corporations for any price and on any consideration agreed on.

SEC. 13. That the stock held by any one shall be transferrable only on the books of the said company, either in person or by attorney, as prescribed by its by-laws, and if any stockholder be indebted to the corporation as principal security or otherwise, the said indebtedness shall be a lien, superior to all other liens, upon the stock of said stockholders. At all meetings of the stockholders they may be represented by proxy, and each share of series "A" shall entitle the holder to one vote.

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

Ratified the 5th day of March, A. D. 1897.

CHAPTER 155.

An act to amend chapter seventy three, laws of eighteen hundred and sixty-six and sixty-seven, entitled "An act to incorporate the chamber of commerce of the city of Wilmington, North Carolina."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter seventy three (73), Extension of private laws of eighteen hundred and sixty-six and sixty-seven ence. (1866 and 1867), entitled "an act to incorporate the chamber of commerce of the city of Wilmington, North Carolina," ratified the twenty-fifth day of February, eighteen hundred and sixtyseven (1867), be amended by inserting the word "perpetual" before the word "succession" in line nine of said section one (1), and by striking out the words "and so continue for the term of thirty (30) years," immediately following the word "succession" in said section.

SEC. 2. That it shall be lawful for the said corporation to bor- Power to borrow row money and to make, negotiate and dispose of its promissory money and secure repayment. notes, drafts or bonds given for money borrowed, or given in liquidation of any debt due or owing by said corporation, and to secure the payment of any such obligation or obligations by mortgage, deed of trust, or pledge of any or all of its property and franchise.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 5th day of March, A. A. 1897.

CHAPTER 156.

An act to incorporate the Mulberry Turnpike Company.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing a turnpike Route of road. road from Joseph Bryant's on Mulberry Creek, to a point at or below Mulberry Springs on the Watauga and Caldwell turnpike road in Caldwell county, North Carolina, the formation of a corporation with a capital stock not exceeding twenty thou- Capital stock. sand dollars (\$20,000), to be styled "The Mulberry Turnpike Corporate name. Company," is hereby authorized.

SEC. 2. That it shall be lawful to open books of subscription Books of subto the capital stock of said corporation at Risden P. O., under scription. the direction of any three of the following named persons, to-

Corporators.

wit: J. P. Coffey, D. M. Coffey, Rufus Coffey, Calvin Coffey and C L. Harman.

Value of shares.

When subscribers to become a corporation.

Corporate powers.

Meeting for organization to be called.

Directors.

President

By-laws.

Subscriptions paid in instalments. Procedure on default of subscriber.

Power to condemn land for corporate uses.

SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars each, and whenever fifty of such shares shall be subscribed for on the books authorized to be opened for that purpose, the substabers for the same and

their future associates are hereby declared to be a body politic Corporate name, and incorporate, by the name and style of "The Mulberry 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 " corpo-

ration."

SEC. 4 So soon as fifty 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 said meeting shall elect from among themselves a board of directors, f not less than five, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stoe . holders, as they may be fixed by the y-laws of said corporation, shall elect one of the stockholders president of said corporation at said meeting, or at any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.

SEC. 5. 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 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 having jurisdiction, of the amount so remaining unpaid.

SEC. 6. That whenever any lands may be required for turnpike, either for a roadway 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 Caldwell

county, the cause 'e 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 Referees to be by the clerk, shall, being first duly sworn by some person authorized to administer oaths to act impartially, lay off a right-of- Extent of conway forty feet or less in width, as the company may elect, and also if required by the company shall lay off a suitable site or sites for a toll-house or houses, not exceeding one acre of land at each toll-house 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 return their award in writing within ten days to said clerk, Return to be in and such award of such referees, or any two of them, when writing. returned, shall become a judgment of the superior court of said county on which execut ons may issue as on other judgments of the superior court, if the amount is not paid by said company within ten days after potice of such return. If either Right of appeal. party is dissatisfied with the award of the referees, the 7 may appeal to the superior cour as in other cases of appeal. So soon, however, as an award is returned by a majority of such when company referees as aforesaid, whether there is an appeal or not, the may enter on lands. 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.

SEC. 7. That said company shall be authorized to demand, Rates of toll. recover and receive from all persons using the road of such company compensation no greater than the following fare or toll: For four-horse or four-ox team, thirty-five cents (35 cents) each way; two-horse or two-ox team, twenty-five cents (25 cents) each way; two-horse buggy or hack, thirty cents (30 cents) each way; one horse buggy, twenty-five cents (25 cents) each way; one horse wagon or eart, fifteen cents (15 cents) each way; horse and rider, ten cents (10 cents); loose horses, five cents (5 cents) each; cattle, three cents each, and sheep one cent each. Any person who shall use any part of said road without paying the use road without fare and toll due and payable for such use, and demanded by paying toll. 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 Caldwell county shall pay a fine of not less than two dollars nor more than five dollars, and upon fail- Penalty. ure to pay such fine, together with the cost of the proceeding against him, shall be imprisoned by the justice of the peace

Fines to be paid over to company.

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.

Toll gate to be erected.

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 foot of the mountain at the upper ford on Mulberry creek to the said Joseph Bryant's and at such gate may demand, receive and recover the fare or toll authorized in this act.

How tolls applied.

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 parts of the old road from the Watauga and Caldwell turnpike, temporarily used, in repair until the whole of said turnpike is completed from the said Watauga and Cald. well turnpike road to the said Joseph Bryant's, and after said road is completed as aforesaid the said company shall be authorized to declare dividends for the benefit of the stockholders.

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 in a civil action for damages, shall be guilty

Misdemeanor to injure or obstruct road or bridge.

Penalty.

of a misdemeanor and on conviction thereof before any justice of the peace of Caldwell county shall be fined not less than five dollars nor more than twenty five dollars, one-half of which How fine divided, shall go to the company and the other half to the school fund of Caldwell county, and upon failure to pay said fine and costs to be imprisoned by said justice not less than five days nor more than twenty days.

Stockholders not individually liable.

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 5th day of March, A. D. 1 97.

CHAPTER 157.

An act to amend and consolidate the charter of Lexington.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Lexington Inhabitants shall be a body politic and corporate, and in the name of the incorporated. board of commissioners of Lexington shall have a right to con- Corporate name. tract and be contracted with, to sue and be sued, to plead and Corporate powbe impleaded, to purchase and to hold and convey real or per- ers. sonal property.

SEC. 2. That the corporate boundaries of the town of Lexing- Corporate ton shall be as follows, to-wit: "Beginning at a stone, corner boundaries. of the eld part of the cemetery, running thence with the north line of same, south fifty (50) degrees east, twenty-three (23) chains and nineteen (19) links to a stone in C. F. Lowe's old line: thence south three (3) degrees west, twenty-nine (29) chains and twenty-five (25) links to an old stump, formerly a black oak in the old P. D. Leonard lot; thence south sixty (60) degrees west, five (5) chains and twenty (20) links to a stone, formerly a large pine old corner, and corner of several lots; thence south seventyseven degrees west, twenty-one (21) chains to a stone on east side of railroad; thence south forty-seven (47) degrees west, eighteen (18) chains and eighty-six (86) links to a stone on east side of said railroad; thence north forty-eight (48) degrees west, nineteen (19) chains and fifty-eight (58) links to a stone, the southwest corner of J. M. Harkey's lot; thence north six (6) degrees east, seven (7) chains and twenty-eight (28) links to a stone, southwest corner of the Bulla lot; thence north fortyfour (44) degrees east, five (5) chains and ninety-one (91) links to a stone, the northwest corner of the Bulla lot on Cross street; thence nearly northwest with the west side of Cross street about nine (9) chains and twenty-five (25) links to a stake in lane and line of Alfred Hargrave's heirs; thence along said lane east to where it intersects the old line; thence north fifteen (15) degrees east, about five (5) chains, passing a fore-and-aft white oak near T. C. Ford's spring, in all about twenty-five (25) chains to a stone near B. B. Robert's old corner; thence north seventytwo (72) degrees east, twenty eight (28) chains and ninety (90) links to a stone on the east side of the Salem road; thence north five (5) chains and fifty-two (52) links to a stone on east side of Salem road; thence south sixty-one degrees east, seven (7) chains and forty-six (46) links to the beginning.

SEC. 3. That there shall annually, on the first Monday in May Election of

mayor and commissioners. Term of office.

Who eligible as mayor.

Qualifications of commissioners.

Oath of mayor.

Oath of commissioners.

Board of commissioners to fill vacancies.

Board to appoint treasurer, constable and other officers, and prescribe terms.

Mayor pro tem-

Officers to be sworn and give bond.

Proviso: Constable may be tax collector, and clerk and treasurer members of board.

Mayor constituted inferior court. Jurisdiction. in each year, be elected a mayor and five (5) commissioners, who shall hold office until their successors are qualified, all to be elected by the qualified voters of the town.

SEC. 4. That any qualified elector in this state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation twelve (12) months next preceding the day of election.

SEC. 5. That all persons entitled to a vote in the county of Davidson for the members of the general assembly, and who shall have been *bona fide* residents of the town of Lexington ninety (90) days next preceding the election, shall be entitled to vote for mayor and commissioners, or at any election held therein for municipal purposes.

SEC. 6. That the mayor, before entering upon the duties of said office, shall take the oath before the clerk of the superior court of Davidson county that he will truly, faithfully and impartially perform the duties of his office for the town according to the best of his skill, ability and judgment. Each commissioner, before entering upon the duties of said office, shall take, before the mayor or some justice of the peace, the oath prescribed by law. The mayor and commissioners shall hold their office respectively until the next succeeding election, and until their successors are elected and installed; and they shall have and exercise all the rights, powers and duties now prescribed by law and herein conferred.

SEC. 7. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint a treasurer, town constable and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number a mayor pro tempore, to act as mayor in case of the absence of the mayor, or his inability to perform the duties of his office. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security, payable to the state of North Carolina, in such sum as the commissioners may determine: Provided, however, that the duties of the collector of taxes may be performed by a constable, if the board so direct, and those of the clerk and treasurer by members of the board.

SEC. 8. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace, to preserve and keep the peace, to issue

process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by laws, rules and regulations made by the commissioners. The mayor shall further be Mayor to be a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if (the) accused be found guilty he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated; or at the discretion of the mayor or court trying the same; such offender may be imprisoned not more than thirty (30) days in the common jail of the county. If the accused is dissatisfied with the judgment of the mayor Right of accused or court, he may appeal in like manner as prescribed for to appeal. appeals from judgments of a justice of the peace.

special court,

SEC. 9. The mayor may issue his precepts to the town consta- To what officers ble, who may execute the same anywhere in Davidson county, to issue. or to such other officer to whom a justice of the peace may direct his precepts, an endorsement by the mayor of the names Endorsement of names of witof the witnesses, upon a summons or warrant, shall be author-nesses by mayor. ity for the officer to execute the same. The mayor shall keep a Mayor to keep faithful minute of the precepts issued by him, and of all his proceedings. judicial proceedings.

mayor's precepts

Persons failing to pay fines or forfeitures to be streets.

SEC. 10. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or worked on forfeiture, which may be imposed on such person or persons, for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority, by their ordinances and by-laws, to confine, control and manage such persons, until the said fines and penalties or forfeitures together with cost thereof, shall be fully paid and satisfied under such rates for labor and board as the commissioners may adopt.

SEC. 11. That any town constable, policeman, watchman or Powers of town other town officer, arresting any person or persons in the night time, for a violation of any of the ordinances of the town, shall sons arrested have the right to commit such person or persons to the lock-up or the common jail of the county, and the sheriff or jailer of the county of Davidson is hereby required, without a mittimus, to receive into the jail of the county, as his prisoner, any person taken up in the night by the police or constable, and to keep such persons safely, until the morning, when the offender shall arrested at be brought before the mayor, or some magistrate resident in the hight to be brought up for town, and be dealt with according to law.

keeping of perin night.

When persons trial.

Duties of treasurer.

Accounts of

SEC. 12. That the treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the commissioners whenever required to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping, and during his continuance therein he shall faithfully perform all duties lawfully imposed on him as town treasurer.

How orders on treasurer drawn and signed.

Proviso: Claims to be audited by commissioners.

Account of receipts and disbursements to be posted.

Duties of constable.

Power and authority.

To execute precepts of mayor,

Powers.

Fees.

Other compensation. Commissioners empowered to appoint police force.

Term of office.

SEC. 15. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account, and also the sources whence are derived the money received by him: *Provided*, all claims against the corporation shall be audited by the board of commissioners before any order shall issue for the payment of the same.

SEC. 14. That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements, on account of the town, for the general inspection of the citizens, and cause the same to be posted at the court house door ten days before the day of the annual election of commissioners.

SEC. 15. That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him, by the mayor or others, and in the execution thereof he shall have the same powers which the sheriff and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on like processes and precepts, and also such other compensation as the commissioners may allow. 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 offices for such term as may be fixed by the board. The members of the police force

give bond in such sums as the board of commissioners Policemen to 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, &c. The chief of police and each Rights, powers, member of the force shall have all the rights, powers, authoridates of police ties and duties vested in sheriffs and constables of the county force. by law, and conferred upon the town constables by the charter of the town of Lexington, and chapter sixty-two (62) of The Code, relating to towns and cities, in the discharge of their duties. They shall execute all processes directed to them, by the To execute mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The chief and Powers. members of the police force shall take an oath before the mayor Policemen to be for the faithful performance of the duties required by law and ordinances. The policemen shall have power to take bail for power of policeappearance of defendants or other persons, charged with vio- men to take bail. lations of town 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, set fa. and enter judgment final against the offending party and his

The chief of police shall have the power to rearrest, upon the Power of chief of same warrant, a defendant or party who has been convicted arrest. and turned loose upon the statement that he will pay fine and cost, upon failure to pay the same, or in case of an escape the chief and other policemen shall be entitled to, and shall receive, Fees of policethe fees arising from the execution of all precepts issued by the men. mayor or others, the same as that of sheriffs for like services.

The commissioners shall pass ordinances for the government Compensation of and direction of the police, and fix their compensation. In times of exigency the mayor may appoint temporary additional Power of mayor policemen, for such time as shall appear necessary, who shall tional policemen, take the same oath and be subject to the same control as regular policemen.

The mayor may at any time, upon charges preferred, or upon finding said chief, or any member of said police force, guilty of to suspend misconduct, suspend such member from service until the board of commissioners shall convene and take action in the matter, Power of comand upon hearing the proofs in the case the board may discharge missioners to or restore such member, and the pay of such member, so sus- men. pended, shall cease from the time of suspension to the time of policemen to his restoration to service.

SEC. 16. That the commissioners shall have power to lay out Powers of comand open any new street or streets within the corporate limits missioners in

processes.

policemen.

to appoint addi-

Power of mayor policemen.

discharge police-Pay of suspended cease.

matters relating to streets.

Power to condemn land for streets.

Damages referred to arbitration.

Award of arbitrators to be conclusive.

How damages paid, Proviso: Right of appeal.

Mayor to advertise for tax lists to be returned.

state.

Tax lists to be sworn to.

Form of oath.

Town clerk to make list of returns.

of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change, or extend or discontinue any street or streets, or any part thereof, or any sidewalk within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof, but in case the owner of the lands and the commissioners cannot agree as to the damages, then the matter shall be referred to 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 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. 17. That the mayor, on or before the third Wednesday

in May of each and every year, shall make advertisement in some newsaper, and by posting notices at three public places in the town, notifying all persons residing in the town of Lexington, who are liable for poll-tax, or who own or have control of taxable property in the town, on the first day of June to return to the town clerk, on or before the last day of June, a list of their taxable property in said town; said list shall state the What tax lists to age of the man, number of lots, or parts of lots, and all other property now taxable, or that may hereafter be made taxable by the laws of the state or ordinances of the town, and the list so returned to the town clerk shall be sworn to before him, and he is hereby authorized to administer the following oath: "I do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds, and a full and accurate list of all the property subject to taxation by the laws of the state and ordinances of the town according to my best knowledge, infor-

mation and belief, so help me God." And from the returns so

made the town clerk shall, within thirty days after the expira-

tion 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 and county taxes, and the said clerk shall copy in said book the assessment on file in the register of deeds' office of all property County assesswithin the town limits, which assessment may be revised, cor- ment. rected or amended by the board of commissioners. The town Lists of persons clerk shall furnish the mayor a list of all taxable polls, and the returns made names of owners of taxable property in said town not returned for taxation, in the manner and within the time aforesaid, and any such person who has so failed shall, for such failure pay Penalty for faildouble the tax on any such subject for which he is liable to be returns. taxed, and be subject to the same penalty as is now prescribed by the laws of the state against parties who fail to list their polls and taxables. The board of commissioners shall have all the Power of compower given to the board of county commissioners to revise the missioners to revise tax list. tax-list, and shall, as near as may be made, make the list correspond with the tax-list of the county of Davidson on all subjects embraced in both lists.

SEC. 18. That as soon as the clerk shall have furnished the assessment roll as provided and the same shall have been approved by the board, the commissioners, shall proceed to levy the taxes on all real and personal estate within the Subjects of taxacorporate limits of said town: also upon all moneys on hand, solvent credits and upon all the polls and other subjects of taxation, taxed by the ordinance of the town, or by the general assembly for public purposes, not exceeding twenty-five Rate. (25) cents on the hundred dollars' valuation of property, and seventy-five (75) cents on the poll; and the said board shall have power to levy and collect, as other taxes, a commutation Commutation for on all persons residing within the corporate limits of Lexington road work. who may be liable to work on the public roads in lieu of requiring of them such personal service on the roads, and streets; and any party or parties, subject to road duty as aforesaid, who fail Penalty for failto pay such commutation or perform personal service on the ure to pay commutation. roads and streets, shall be subject to the same fines and penalties as are now prescribed by the road law of the state for failure to work public roads; that as soon as the board of commissioners shall have levied the taxes, and the books are completed When tax lists and endorsed by the mayor, he shall place them in the hands of delivered to colthe collector for collection, who shall complete the same on or before the first day of November next ensuing, and shall pay when tax the moneys to the treasurer on or before the second Monday in When money to be paid to treas-November; and the collector shall receive such per centum on urer.

When commissioners to proceed to levy tax.

lector.

When tax to be

Commission of collector. Proviso: Commissioners may extend time.

Penalty for nonpayment.

the amount collected as may be determined by the board of commissioners: Provided, the commissioners may extend the time for collecting and paying over said tax; but on the first day of November 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 shall be added until the same be paid.

Collector to proceed by distress.

Advertisement.

land for taxes.

Land to be divided.

If land cannot be divided all to be sold.

When land to be struck off to town.

Collector to return statement.

town treasury.

How and within what time land may be redeemed.

SEC. 19. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale after public advertisement for the space of ten days at the court house door, and in some newspaper published in the town or county of Davidson, if the property be personalty, and for the space of thirty days if the prop-Procedure to sell erty be realty, without judgment or execution. When the tax due on any lot or other lands, which is hereby declared to be a lien on the same, shall remain unpaid on the same on the first day of November, and there is no other visible estate liable to distress and sale, known to the collector, but such lot or lands belonging to the person in whose name it is listed, he shall report the fact to the commissioners, with a description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court house door in Davidson county by the collector, after advertising as directed herein, which he shall do, and the collector shall divide the said lands into as many parts as may be convenient for such purpose; he may 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 town, and if not redeemed as hereinafter provided shall belong to said town in fee, and the collector shall execute a deed therefor. 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 price of each, which shall be entered in the book of Surplus paid into proceedings of the board; and if there shall be a surplus, after paying said taxes and expenses of advertising and selling the same, it shall be paid into the town treasury, subject to the demands of the owner. The owner of any lands sold under the provisions of this charter, 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 the taxes and expenses, and the treas-

urer shall refund to him without interest the proceeds, less double the amount of taxes. If the estate sold, as aforesaid, Land not reshall not be redeemed within the time specified, the corporation deemed to be conveyed to purshall convey the same in fee to the purchaser, or his assignees, and the recital in such conveyance, or in any other conveyance, Recitals in conof lands sold for taxes due the town that the taxes were due, or facie evidence. any other matter required to be true or done before the sale, shall be prima facie evidence that the same was true and done. The real estate of infants, or persons non compos mentis, shall Lands of infants not be sold for taxes, and when the same shall be owned by unsound mind such, in connection with other persons, free of such disability, not to be sold. the sale shall be made as provided in "The Code."

SEC. 20. That the commissioners shall have power to declare Powers of comall horses, cattle, goats, hogs, geese, dogs and sheep and other missioners as to animals running at large, within the corporate limits of the large. town, nuisance, and the commissioners, at their option, may impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance, and have it abated, or impound the same under such regulations as they may adopt.

SEC. 21. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spir-liquor without ituous, vinous or malt liquor, by a less measure, or in less quantity, than three (3) gallons, within the corporate limits of Lexington, without first having paid the tax and obtained a license therefor, as herein required: Provided, however, that the town Proviso: commissioners may issue license for retailing lager beer and ale, beer and ale only. and these alone, upon the payment of an annual tax not exceeding two hundred (\$200.00) dollars; and that the said commis- Power of comsioners shall have authority to revoke such license at any time revoke license. upon the payment to the party holding it of that portion of the tax paid corresponding to the unexpired term of the license.

SEC. 22. That no person shall erect, put up, keep, use or main- No person to tain any billiard table, ten-pin alley, or any gaming table or on which games place by whatever place (name) known or called, at which of skill or chance games of chance, hazard or skill shall be played, within the cor-license. porate limits of Lexington, without first having paid the tax and obtained license therefor, as herein required: Provided, Proviso: however, that the town commissioners may issue license for License for billiard and pool erecting, keeping and maintaining a billiard table and pool tables. table, upon the payment of an annual tax of not exceeding one hundred (\$100.00) dollars; and the commissioners shall have same power to revoke such license as is provided in section license, twenty-one (21) of this charter. In addition to the subjects Additional subjects for license listed for taxation, the commissioners may levy a tax on the taxes.

chaser.

veyance prima

and persons of

No person to sell license.

keep any table played without

Itinerant mer chants or peddlers.

Exceptions.

Hotels, boarding houses, etc.

Exception.

Vehicles for conveyance of persons or goods for hire.

Express, telegraph and telephone companies, etc.

Photograph or picture drummers, jewelry dealers, dancing schools and itinerant photographers.

Encroachments on streets.

Circus riders and other performers.

Side shows.

Stage or theatrical plays and like performances.

Show of any kind not previously mentioned.

following, the amount of which tax, when fixed, shall be collected by the tax-collector immediately, and if the same be not paid on demand, it may be recovered by suit, or the article on which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy said tax: (1st.) Upon all itinerant merchants, or peddlers selling or offering to sell in the town, a tax not exceeding fifty (\$50.00) dollars per year, except such only as sell books, charts or maps and productions of the growth or manufacture of this state, when proven by the applicant to be such domestic production, not excepting venders of medicine by whomsoever manufactured. (2nd.) On all keepers of hotels, boarding houses, eating houses or restaurants, fish or meat stands or markets, or bread stands, or fruiterers, or barber shops, a tax not exceeding fifteen (\$15.00) dollars per year; but such persons as take boarders only during the terms of the superior court shall not be liable to be taxed as hotel keepers. (3rd.) Upon every dray, wagon, carriage, buggy, or other vehicles used in the town for the conveyance of persons, freight or goods, for hire, a tax not exceeding ten (\$10.00) dollars. (4th.) That every express company, telegraph or telephone company, itinerant dealer in lightning-rods, stoves or sewing machines, shall pay a license tax not exceeding twenty (\$20.00) dollars. (5th.) Upon persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therewith, each dancing school, or any itinerant person taking or enlarging a likeness of the human face on order or otherwise, itinerant traders, shall pay a license tax not exceeding ten (\$10.00) dollars per year. (6th.) Upon all encroachments on the streets by porches, piazzas, allowed by commissioners, a tax not exceeding one (\$1.00) dollar per foot per year. (7th.) Upon every company of circus riders or performers, by whatsoever name called, who shall exhibit within the town, or within one mile of the limits thereof, a license tax not exceeding fifty (\$50.00) dollars for each performance or separate exhibition, and upon every side-show connected therewith a tax not exceeding ten dollars, the tax to be paid before exhibition, and if not so paid the tax to be doubled. (8th.) Upon every person or company exhibiting within the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menageries, a tax not exceeding twenty dollars for every performance or exhibition of not more than twelve hours, the tax to be paid before exhibiting, or the tax shall be doubled. (9th.) Upon each show or exhibition of any kind, not mentioned, or concert for reward (except for religious purposes or interest) within the town or

within one mile thereof, a tax not exceeding ten dollars for each performance.

SEC. 23. That the commissioners of the town of Lexington, Licenses when shall annually impose, levy and collect a corporation tax of not granted. exceeding the amount hereinbefore specified upon every person obtaining a license for any one of the purposes specified in section, twenty-one (21) and twenty two (22) of this act; and said commissioners shall grant no license to any person, for any one of the purposes herein enumerated, until he shall have paid all the taxes imposed for said license, and proved a good moral character, by the oaths of not less than two citizens of said town, and until he shall have given a bond payable to the state of North Carolina, with good security, in the sum of five hundred (\$500.00) dollars, conditioned for the keeping of an orderly and lawful house, and if any retail dealer violates the condition of said bond the commissioners shall have power to revoke his license, and put said bond in suit to collect the penalty therein.

SEC. 24. That no court, board of county commissioners, sher- No license to be iff or any other officer shall grant a license to any person for granted by other authorities until any one purpose specified in section twenty-one (21) and twenty applicant licensed by town. two (22) of this act, to be kept up, used, carried on or exercised, within the corporate limits of Lexington, unless such person shall produce before such court, board of county commissioners, sheriff or other officer, a license therefor, granted by the commissioners of said town, duly signed by the mayor thereof, and that any person, who shall violate any of the provisions of sections twenty-one (21) and twenty-two (22) of this act, shall forfeit Penalty for vioand pay to the commissioners the sum of flfty (\$50) dollars for lation of license each offence, to be sued for and recovered by the said commis- How penalty. sioners, and such violation shall be held and deemed a misde-violation also a meanor, and any one convicted thereof shall be fined fifty misdemeanor. (\$50) dollars, or imprisoned thirty (30) days, at the discretion of the court, and each act of selling or retailing shall be deemed Each act a sepaa separate offence, and each day or part of a day in which any rate offense. billiard table, tenpin alley, or any gaming table, or place, where any games of chance, hazard or skill shall be kept up, maintained or p ayed, by whatever name, shall be deemed a separate offence, and a violation of this act. The fine imposed for Fines to accrue violation of any ordinance against retailing without license, or to town. other offences, shall accrue to the town, notwithstanding the said offences shall also be triable before the superior court, and punishable by said court, and the commissioners shall have Power of compower to adopt ordinances making the fines recovered for vio- missioners. lation of any town ordinance, payable to said town.

Penalty.

Power of commissioners for abatement of nuisances.

Proviso: Expense of removing dangerous buildings a lien on the property.

Powers of commissioners to forbid trades which are a nuisance.

Extent of power.

Power to drain stagnant water.

Expense of draining a lien on lot.

Proviso:
Owner of lot to be notified to abate nuisance.

Person causing nuisance to pay expense of abatement.

Further and general powers of commissioners.

Sec. 25. 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, wherever the same may be; they may also prevent the establishment of, and may regulate, if allowed to be established, any slaughter house, or place for the exercise within the town of any offensive or unhealthy business, trade or employment; the board of commissioners may declare any public or private building, or any frame-work, smokestack, wind-mill, or structure of any kind, in the corporation, to be a nuisance, and have it abated, by removal or otherwise, as they may direct: Provided, that upon inspection, such buildings or structure is found to be dangerous or hazardous in any to life or property, the expense of removing or otherwise abating such nuisance shall attach to the property, and be a lien thereon, and collectible as other taxes. The board of commissioners 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 town, and the power and authority of said board of commissioners, for the abatement and removal of nuisances, shall extend one (1) mile beyond the limits of the town. They shall have power, and it shall be their duty, to cause all ponds, sunken lots, and other places in which water stands and stagnates, to be drained and filled up, and to recover from the owner or occupier the expenses, which expense shall be a lien on the lot, which lein may be enforced as liens for taxes; Provided, the owner or occupier 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 town limits to be removed or abated, and for removing or abating any such nuisance, the person permitting or causing or creating the same shall pay the expenses as above required and enforced.

SEC. 26. That the board of commissioners shall have power to provide water, take all proper means to prevent and extinguish fires; to make regulations to cause due observance of the Sabbath, appoint and regulate town police, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within the town, to regulate the speed of riding and driving on the public streets, and to keep or require to be kept the sidewalks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owner of the adjacent lots, who may refuse to do the same, in

five days' notice from the mayor of the town. The commissioners may take such measures as they may deem effectual to prevent the entrance into the town or the spreading therein of any Quarantine powers. contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infested with such diseases; may establish and regulate hospitals within the town, or within three miles thereof; may cause any person in the town suspected to be infected with such diseases and whose stay may endanger the health of the town, to be May remove removed to the hospital, if the town has one; if not where the to hospital. mayor may direct; may remove from the town or destroy any Destroy infected furniture or other article which should be suspected of being furniture. 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 public health. In case any person shall be Expense of reremoved to the hospital, or to the place directed by the mayor, pital, nursing the corporation may recover, before the mayor or some justice etc. to be recovered. of the peace, of such person the expenses of removal, support, nursing and medical attendance, burial expenses also in case of death If any person shall attempt by force or by threat of vio- Penalty for lence to prevent the removal to the hospital, or the place resisting reselected by the mayor, as aforesaid, of any person ordered to be to hospital. carried there, the person so offending shall forfeit and pay to the town, fifty dollars, and be deemed guilty of a misdemeanor, Misdemeanor. that all persons owning lots in the town of Lexington, North Owners of adja-Carolina, which front on the street and sidewalks that may cent lands to be macadamized, graded, paved and otherwise improved, by of improving the mayor and commissioners of said town, shall pay respectively one half the expenses of grading, paving or otherwise improving said sidewalks, which shall be adjoining and immediately in front of said lots, respectively; that the board of Tax for landcommissioners of said town shall levy a tax on each and every tion a lien on of said persons owning said lots which shall be equal to onehalf of said 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 in the manner and at the time To be collected provided by law for the collection of other town taxes, and the as other taxes. said money shall be applied to the payment of said expenses How money respectively, and to no other.

SEC. 27. That the town of Lexington is hereby vested with all the powers, rights, privileges and immunities enumerated in rate powers and chapter sixty-two (62) of the second volume of The Code, enti-

affected persons

owners propor-

applied.

Further corpoprivileges.

tled "Towns and Cities," not inconsistent with any of the provisions of this act.

Power of commissioners over cemeteries.

SEC. 28. That the commissioners shall have control and direction of the cemetery, and pass all resolutions and ordinances for its care and preservation, and may appropriate such sums of money as they may deem fit to keep it in good order.

Commissioners to regulate erection of wooden buildings. Fire companies.

SEC. 29. The commissioners shall have power to regulate and control the erection of wooden buildings within the corporation, so as to prevent loss, danger, or damages by fire; they may also provide for the establishing, organization, equipment, government and pay of such member 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, and no person shall be held liable civilly or criminally for acting in such case, in obedience to such order they shall have power to establish fire limits within the town; they may prohibit wooden buildings from being removed from without to within said fire limits, or from being removed from one place to another within the same, under such fines and penalties as the commissioners may pre scribe.

Powers of mayor or commissioners in case of fire.

Commissioners

may use county

jail.

Fire iimits.

SEC. 30. That the commissioners may use the county jail for the confinement of prisoners, or they may erect or rent suitable buildings for that purpose.

SEC. 31. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 32. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1897.

CHAPTER 158.

An act for the relief of Lula Vincent of Sampson county.

The General Assembly of North Carolina do enact:

Allowed to marry again.

That whereas at the May term, 1896, of the superior court of Sampson county, Miles L. Vincent obtained a decree of divorce from his wife, Lula Vincent, from the bonds of matrimony; and whereas, by said decree the said Lula Vincent is prohibited from marrying again; and, whereas, the said divorce was not

granted for and on account of adultery by the said Lula Vincent, but was because she had refused to live with her said husband; and, whereas, the said Miles L. Vincent has again married since said decree of divorce. That said Lula Vincent may marry, and that said marriage shall be lawful.

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

katified the 5th day of March, A. D. 1897.

CHAPTER 159.

An act to authorize the trustees of St. Peters M. E. church, colored, in Randolph county to sell the same.

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of St. Peter's M. E. church, col- Trustees authorored, in New Market township, Randolph county, North Caro- ized to sell and convey, lina, be and are hereby authorized to sell and convey, either by public or private sale, the church building or the grounds on which said building is located, or both the church building and grounds, as they may deem for the best interest of the members thereof.

SEC. 2. That said trustees be authorized to acquire by pur-Trustees authorized to purchase chase or otherwise other lands, and erect thereon other building, other lands and for the use of the congregation of said St. Peter's church.

erect buildings.

SEC. 3. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 160.

An act to amend chapter 287, private laws of 1895, relative to the town of Berryville in Catawba county.

The General Assembly of North Carolina do enact:

SECTION 1. That Section 1 of this act shall be section six (6) of Chapter 287, private laws of 1895.

That the board of aldermen of the town of Berryville shall Power of alderhave power annually to levy, and cause to be collected, taxes men to levy for necessary expenses of said town on all real and personal property now subject to taxation by the state: Provided, that the Proviso: Rate of taxation. taxes levied by them shall not in any one year exceed thirty (30)

cents on the one hundred (\$100) dollars valuation of real and personal property, and ninety (90) cents on the poll.

SEC. 2. That section 2 of this act shall be section 7 of said chapter 287.

Power to issue licenses and collect license taxes.

That the board of aldermen of said town of Berryville shall have power to permit all itinerant merchants or peddlers, venders of medicines, or peddlers or venders of any other class of goods whatsoever, to sell or vend in said town; or any game or play with or without a name, or any company of circus riders, performers or exhibitors whatsoever, with or without a name, to play, perform or exhibit in said town, and for every peddler or vender, and for every play, performance or exhibition whatsoever in said town, the board of aldermen shall levy and cause to be collected a special or privilege tax which to them shall seem just and equitable.

SEC. 3. That section 3 of this act shall be section 8 in said chapter 287.

Manufacture and sale of liquor prohibited,

Penalty.

Section numbers changed.

That it shall be unlawful for any person or persons to manufacture or sell any spirituous or malt liquors within the limits of said town. Any person or persons violating the provisions of this section shall be fined for each and every offence not exceeding fifty (\$50) dollars, or imprisoned not exceeding thirty days.

SEC. 4. That section 6 of said chapter 287, private laws of 1895, shall be section 9 and section 7 of said act shall be section 10.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 161.

An act to enable the city of Charlotte to enforce the collection of taxes.

The General Assembly (of the State) of North Carolina do enact:

Procedure to list property for years in which tax has not been paid.

SECTION 1. Whenever it shall appear to the board of aldermen of the city of Charlotte that property, real or personal, has escaped taxation in the said city for city purposes on account of the failure of the owner of the property to list said property for taxation, or for any other reason, it shall be the duty of the said board to notify the said person or corporation whose property has thus escaped taxation, to appear before it, at a time and place mentioned in the notice, and show cause, if any there be, why the said owner should not be charged with a tax on

the said property for the year or years during which it escaped taxation.

At the time and place mentioned in the notice, the board of Property to be aldermen shall hear and determine the matter, and if they find collected. that the said property was liable for taxation, and was not listed, they shall direct the clerk of the said city to enter upon the tax books against the owner of the said property, who should have listed it, the taxes due for the years it escaped taxation, and the tax thus levied shall be collected as other taxes against the owner who failed to list his property, or whose property was not listed for any cause.

SEC. 2. From the decision of the board of aldermen the Right of appeal. owner may take an appeal to the next term of the superior term of Mecklenburg county, and the collection of such taxes Stay of collection pending appeal. shall be stayed pending such appeal if the owner shall give bond in at least double the amount of the taxes assessed against him, conditioned that he will pay to the city of Charlotte all such judgments as may be had against him in the superior court upon such appeal, which bond shall in no case be less than fifty (\$50) dollars.

SEC. 3. This act shall not apply to any case where the failure Limitation. to list the property occurred more than ten years prior to the issuing of the notice to show cause why it should not be taxed as provided in sec. 1 of this act.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 162.

An act to incorporate the bank of Pitt county.

The General Assembly of North Carolina do enact:

SECTION 1. That W. T. Dixon, F. P. Shields, A. McDowell, Corporators. Noah Bigg, Robert R. Fleming, Abram Cox, D. W. Hardee, J. W. Higgs, J. S. Higg, E. B. Higg and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the bank of Pitt county, Corporate name. and by such name may acquire and hold and convey real and Corporate powpersonal property, sue and be sued, plead and be impleaded in ers. any of the courts of the state, and have a continual succession for fifty years, and a common seal for the purpose indicated in this act.

Capital stock.

Liability of stockholders.

Directors.

President, vicepresident and cashier.

Powers of directors.

Principal bank.

Branches.

Powers of banking institutions.

Deposits of married women and minors.

How deeds made.

Bank may purchase property sold and pay debt_due it. SEC. 2. That the capital stock of said corporation shall be not less than ten thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars in shares of one hundred dollars each. Each stockholder shall be individually liable for the debts of the bank to an amount not to exceed the amount of capital stock owned by him (or her).

SEC. 3. That the affairs of the corporation shall be governed by board of not more than nine nor less than five directors who shall be elected annually by the stockholders, and the directors so elected shall choose from their own number a president and a vice-president and a cashier, if they so elect, who shall serve for one year and until their succession shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding annual meeting, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business, also to appoint its officers and fix their salaries.

SEC. 4. That the principal office or banking house of the corporation shall be located in the town of Greenville, North Carolina; and that branches thereof may be opened and established in such other places as may be deemed expedient or beneficial.

SEC, 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institutions by the laws of North Carolina, and especially those granted in chapter four, volume two of *l'he Code* of North Carolina, entitled "Banks," and shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange gold and silver coins, stocks, bonds, notes and other securities, to buy and sell real and personal property; to lend money on real or personal security; to receive deposits, and for the use and loan of money may charge a rate of interest per annum as may be allowed by the laws of the state; and may take and receive said interest at the time of making said loan free from all other control or liability whatsoever.

When married women or minors shall deposit money or other property in the bank to their own credit, or in their own name, they may withdraw the same on their own check and be found thereby. Deed of real estate shall be made by the president and cashier under the seal of the corporation.

When the bank shall cause to be sold any of the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and all such property, and its title thereto, when so acquired, shall be valid and binding in all Right of mortrespects: Provided, that nothing in this act contained shall gagor saved operate or be construed so as to delay or impair the mortgagor's ferred. equity of redemption.

How stock trans-

SEC. 6. That the stock held by any one shall be transferred stockholder in only on the books of said corporation, neither in person or by attorney, and no stockholder shall transfer his stock, except by the consent of the directors of said corporation, if he is indebted to the corporation as principal security or otherwise, until such holders. indebtedness is paid off or discharged.

debt to bank not to transfer.

SEC. 7. That in all elections for any purpose each stockholder shall have as many votes as he holds shares of stocks.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 163.

An act to amend chapter three hundred and fifty two, private laws of one thousand eight and ninety-five, "entitled an act to amend, revise and consolidate the charter of the city of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Asheville shall Corporate exisbe and continue, as they have heretofore been, a body politic tence continued. and corporate, and henceforth the said corporation shall bear the name and style of "city of Asheville," and under that name Corporate name. is hereby invested with all the property and rights of property Invested with which now belong to the present corporation of the "city of property and Asheville," or any other corporate name or names heretofore erty of former used; and by the corporate name of "city of Asheville" may Corporate powpurchase and hold for purposes of its government, welfare and ers. improvement all such property and estate, real and personal, within or without said city, as may be deemed necessary or convenient therefor, or as may be conveyed, devised or bequeathed to it, and the same may, from time to time, sell, dispose of and reinvest as shall be deemed advisable by the proper authorities of said corporation.

SEC. 2. That the corporate limits of said city of Asheville Corporate limits. shall hereafter be defined and located as follows: Beginning at a crevice of a large rock marked "A. C. L." on top of the mountain ridge northeast of the Buncombe court house and south of the highest top of said ridge, known as Smith's View, and run-

ning south seventy-four degrees west to the east bank of the French Broad river; thence up said bank of said river, passing the iron bridge and the mouth of Town branch to two large sycamore trees on the east bank of said river, marked "A. C. L."; thence north seventy-four degrees east to a stone marked "A. C. L." one hundred feet east of the crest of the mountain ridge next west of Ross' creek; thence parallel with the crest of said ridge, passing one hundred feet east of Beaumont, to a stake one hundred feet east of the beginning; thence to the beginning.

Section 8 of former charter amended.

SEC. 3. That section eight of said act be and the same is hereby amended, by adding to the end of said section eight, after the word "qualified," the following words and figures, so as to make said section read as follows:

And at the same time and place, and under the same rules

Election of chief of police.

Term of office.

Ineligible for next succeeding term Election of tax collector.

Term of office.

urer.

Term of office.

and regulations, now provided by law, or that may hereafter be provided by law, for the election of a mayor of said city there shall be elected by the qualified voters of said city, on the first Monday in May in the year of our Lord one thousand eight hundred and ninety-seven, and annually thereafter, at the annual election for said city, one citizen and qualified voter thereof, who shall be known by the duties required of him as "chief of police," who shall hold the office for the term of one year from and after his election and qualification, and until his successor is duly elected and qualified, and shall thereafter be ineligible to hold said office for the next succeeding term thereof; and that on the said first Monday in May in the year of our Lord one thousand eight hundred and ninety seven, and annually thereafter, at the annual election for said city, there shall be elected in like manner by the qualified voters thereof a tax collector for said city who shall be a citizen and qualified voter thereof, and who shall hold the office for the term of one year from and after his election and qualification, and until his successor is duly elected and qualified; and that on the said first Monday in May in the year of our Lord one thousand eight Election of treas- hundred and ninety-seven, and annually thereafter, at the annual election for said city there shall be elected in like by the qualified voters of said city a treasurer for said city who shall be a citizen and qualified voter thereof, and who shall hold the office for the term of one year, from and after his election and qualification and until his successor is duly elected and qualified; and on the said first Monday in May in the year of our Lord one thousand eight hundred and ninety-seven, and annually thereafter, at the annual election for said city, there shall be elected in like manner by the qualified voters of said city a Election of clerk. "clerk" for said city who shall be known as city clerk, who

shall be a citizen and qualified voter thereof, and who shall hold the office for the term of one year from and after his Term of office. election and qualification, and until his successor is duly elected and qualified; and on the said first Monday in May, in the year of our Lord one thousand eight hundred and ninety-seven, and Election of supannually thereafter at the annual election for said city, there erintendent of shall be elected in like manner, by the qualified voters thereof, a "superintendent of water works" for said city, who shall be a citizen and qualified voter of said city, and who shall hold the said office for the term of one year, from and after his Term of office. election and qualification, and until his successor is duly elected and qualified; and that on the said first Monday in Election of-May, in the

water works.

APPOINTMENT OF REGISTRARS AND JUDGES.

SEC. 4. That section ten of said act be and the same is hereby Section 10 of amended by striking out all of said section "ten" after the former charter amended. word "that," in line one of said section, and inserting in lieu thereof the following, so as to make said section read as follows: On or before the third Monday in March next preceding the When and how annual election for said city, held on the first Monday in May, registrars appointed. for each and every year as now provided by law, the board of aldermen of said city shall appoint, upon the written recommendation or approval of the chairman of the county executive committee of the county of Buncombe, of each political party in said city whose candidate for governor at the general election for state officers, in the year of our Lord one thousand eighteen hundred and ninety-six, received as many as onetenth of the whole number of votes cast in said city at said election, one citizen and qualified elector entitled to register and vote in said city election, and in the precinct for which he is appointed, from each of said political parties, of and for each election precinct in said city, who shall be able to read and write the English language, and who shall be known, for the duties required of them under this act, as registrars of election in the respective precincts in and for said city; and at the same time the said board of aldermen of said city shall appoint, When and how upon like recommendations or approval, one citizen and like appointed. qualified voter of each political party, as aforesaid, of and for each election precinct, able to read and write the English language, who shall be known for the duties required of them under this act as judges of election in their respective precincts; and the registrars and judges of election when so appointed and Precinct board of election. qualified shall constitute the precinct board of election in their respective precincts, and when convened on the Saturday next

Electon of chair man.

Publication of names of employees.

Notice to be served on appointees.

How vacancies filled.

Action of aldermen on fallure of chairman of executive committee to recom mend.

How vacancies filled on day of election.

Election of registrars and judges if aldermen fail to appoint or appointees fail to

Each political party to elect one registrar and judge.

Proviso: If either party fail to elect regtrar and judge elected to hold election.

preceding the day of election to hear and determine challenges, as hereinafter provided, they may elect one of their number as chairman to preside over their deliberations, and in the determination of any question which may lawfully come before said board for determination the said chairman shall have only one vote in the determination of the same. The said board of aldermen shall make immediate publication of the names of the persons so appointed at the court house door in said city, and at least in one newspaper published in said city, giving the names of the several persons so appointed and the number of the election precinct for which they are appointed, and the position to which each individual has been assigned, and caused notice to be served on them within twenty-four hours next after their appointment, and if any registrar or judge so appointed shall die or fail to perform the duties of the office to which he has been so designated, the mayor shall immediately convene the board of aldermen, who shall forthwith fill the vacancy caused by such refusal to serve by the appointment of some other person of like qualification. If, on the day required by this act for the appointment of registrars and judges, the chairmen of the respective county executive committees, or either of them, shall have failed to recommend persons for appointment as such registrars and judges of election. contemplated by this act, the board of aldermen shall then appoint suitable persons as such registrars and judges as hereinbefore provided, having all the requisite qualifications herein described, without such recommendation. And in case of failure of any registrar or judge, so appointed, to serve on the day of election, then the registrars and judges present shall elect, from the electors of said precinct present, some suitable person of like qualification required by this act to fill said vacancy, and if for any reason the board of aldermen shall fail or refuse to appoint said registrars and judges as provided in this act, or if for any reason said registrars and judges so appointed shall fail or refuse to serve as such on the day of said election, the polls shall not be opened until ten o'clock A. M., at which time the electors of said precinct present may elect two registrars and two judges from electors present, who shall be qualified voters in said precinct, and who shall possess all the qualifications required of registrars and judges under the provisions of this act; each political party entitled to representation on said board, under the provisions of this act, may elect one registrar and one judge: Provided, that if either political party designated shall fail or refuse at said hour to elect a judge and registrar, then the judge and registrar elected by the other party

shall proceed to hold said election, who shall immediately open the polls and receive the votes of the precinct. Each registrar Lists to be kept shall keep a list of all persons voting in said precinct, together and filed with with their age and residence, which list shall be filed in the Powers, duties office of city clerk, and said registrars and judges so elected and liabilities of shall have and possess all the power and perform all the duties jndges so elected. of a duly constituted board of election under the provisions of this act, and be subject to all the pains and penalties of said board, and any person who, with intent to commit a fraud, Illegal voting a shall illegally vote at said precinct in said election shall be guilty of a felony, and upon conviction therefor be fined not Penalty. more than five hundred dollars or imprisoned not more than two years at hard labor. The test of qualification as to political Test of political affiliation of registrars and judges appointed or elected under affiliation. the provisions of this act shall be previous, open and declared, as well as present, open and settled support and advocacy of the tenets of the political party from and for which they are selected as representatives on said board of election; but no Certain persons person holding office under said city government, or an appointee not eligible as registrars or to any place of trust or profit under the board of aldermen of judges. said city, or in any wise employed by said city, or who is a candidate for any office under the existing laws of said city, or under the provisions of this act, shall be eligible to serve as registrars or judges of said election.

The chairman of each political party herein described, before Chairman of recommending the appointment of registrars and judges of to be sworn.

I,, do solemly swear (or affirm) that I am Form of oath. the duly accredited chairman of the county executive committee for Buncombe county, and that I will recommend for appointment for registrars and judges of election at the forthcoming election for the city of Asheville, to be held on the first Monday in May next in the city of Asheville, only such men as are regarded honest and qualified to serve as such under the provision of law in such case made and provided, so held me God.

election as herein provided, shall take and subscribe the following oath, which oath shall be filed in the office of the city clerk

of said city, to-wit:

The election precincts or voting places within said city for Election presaid city election shall be laid out, located, numbered and cincts. bounded as the same are now laid out, located, numbered and bounded, or that may hereafter be laid out, located and bounded by the provisions of this act or the provisions of law heretofore enacted, or that may hereafter be enacted, as voting precincts or polling places for general election.

Registrars and judges of election to be sworn.

The registrars and judges of election appointed or elected under the provisions of this act, before entering upon the duties of their respective offices shall take and subscribe before the mayor or some one authorized to administer oaths, the following oath:

OATH OF OFFICE.

Form of oath.

Oath to be signed and filed.

Which oath shall be signed by the person taking said oath, attested by the officer administering the same, and carefully filed and preserve in the office of city clerk. And any registrar or judge of election who shall violate the provision of the foregoing oath shall be guilty of the crime of perjury, and upon conviction thereof fined not exceeding five hundred dollars or imprisoned at hard labor in the penitentiary for a term of not less than two years.

Violation of oath perjury.

Section 11

Penalty.

SEC. 5. That section eleven of said act be and the same is hereby amended by striking out all of said section after the figures "eleven" and inserting in lieu thereof the following, so as to make said section read as follows:

Books to be furnished registrars. That immediately upon the appointment and qualification of registrars for the several election precincts in said city by the board of aldermen, the said board of aldermen shall cause to be furnished to each of said registrars a registration book, one book for each registrar, one of which books shall be the registration book used for the registration of voters of the said precinct at the last election for said city, and the other book shall be a blank registration book, in form near as may be to the registration book used as such at the said last election for said city.

TIME FOR REGISTRATION.

Registration days.

The registrars shall attend at the polling place in the election precinct for which they have been appointed for four successive Saturdays preceding the day of each and every election for said city, beginning on the sixth Saturday immediately preceding such day of election, from nine o'clock A. M. until four o'clock P. M. of each of said Saturdays, for the purpose of registering such electors of said city as may have failed to reg-

Hours for registration.

ister at said last election for said city, as well as all other electors of said city who have become entitled by law to register and vote in said city since said last election for said city. Electors who were duly registered for last election held for said city are not required to register anew under the provisions of this act to entitle them to vote in future elections for city officers; but said registrars shall not, later than the close of registration on the first Saturday set apart for registration, transcribe all books to be tranthe names of voters appearing upon the registration book used scribed. for registration of voters at the said last election for said city for said precinct into the blank book furnished by the said board of aldermen, in like manner as the same appears on the original registration books of the precinct for said last election. All new registrations of voters in said precinct shall be entered New registration at the same time in both of said registration books, so as to both books. make the entries in both of said books the same. Every regis- What registra tration shall specify, near as may, the age and residence of the tion shall specify. elector, and if the elector has removed from another precinct in said city since last registration he shall not register again in Persons removed another precinct in said city until he produces a certificate, to produce cersigned by at least one of the registrars of the precinct from which he has so removed, that his name has been erased from the registration books of the precinct from which he has so removed, which certificate shall be in form and substance as follows:

Registration

I,, registrar for election precinct Form of certifi-No., for the city of Asheville, do hereby certify that cate. whose name appeared on the registration books of said precinct as a duly qualified voter in said precinct, has this day applied for and obtained this certificate of removal, and thereupon his name has been erased from the registration books of this precinct this the day of, 18....., registration precinct No., city of Ashe-

The registrar, upon demand of the elector, shall grant said cer- No fee for certificate without charge to the voter, and upon presentation of tificate. said certificate to the registrar of the precinct of his residence presenting cerduring the time allowed for registration, his name shall be inficate to be entered on books. entered upon the registration books of the precinct of his residence as a duly qualified voter therein, subject to challenge for legal disqualifications.

WHO MAY NOT REGISTER.

Persons under twenty-one years of age, idiots and lunatics, Persons ineligipersons who, upon conviction or confession in open court, shall ble as voters.

Proviso: What required to disqualify for felony. have been adjudged guilty of a felony, or other crimes infamous by the laws of this state, committed after the first day of January, in the year of our Lord one thousand eight hundred and seventy seven, unless they shall have been legally restored to the rights of citizenship shall not be allowed to register and vote in the election for said city: *Provided*, that to disqualify persons to register and vote at any and all elections held for said city, upon conviction or confession in open court upon a charge of felony or other crimes infamous by the laws, of this state, such person must have been sentenced in open court upon said confession or conviction by a court of competent jurisdiction.

WHO MAY REGISTER.

Persons eligible as voters.

Subject to the foregoing exceptions, every male person born in the United States, and every male person twenty-one years of age who has been naturalized, who shall have resided in the state twelve months, and ninety days in the city of Asheville, next preceding the day of election, shall be a qualified elector in the precinct in which he resides, and shall be entitled to register and vote in any and all elections held for said city; and all electors shall register and vote in the election precinct of their residence. The residence of an elector is hereby defined to be the precinct in which such elector sleeps at time of registration.

Electors to vote in precinct of residence. Residence defined.

WHEN REGISTRATION BOOKS OPEN.

When registration books open. The registrars shall attend at the voting place of their respective precincts, between the hours of nine o'clock A. M. and 4 o'clock P. M., for four consecutive Saturdays, beginning on the sixth Saturday next preceding the day of election, and keep open said registration books for registration of such electors residing in said precinct as may be lawfully entitled to registration in said precinct, or whose names do not appear in the list of registered voters therein. The registrars, before admitting any one to register as a duly qualified voter, shall require the elector to take the following oath:

Person to be sworn bofore admitted to register.

Form of 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 have been a resident of North Carolina for twelve months, and of the city of Asheville for ninety days next preceding this date; that I am a duly qualified elector,

and that I have not registered for this election in any other precinct, and that I am a bona fide resident of precinct No. in the city of Asheville; so help me God.

And upon taking said oath the registrars shall enter the Person taking name, age, residence and day of registration of said elector oath to be regisupon the registration books of the precinct as a duly qualified voter therein; Provided, that the entry by the registrars of the Proviso: name, age, residence and date of registration of any elector sumptive eviupon the registration books of the precinct shall be presump-dence. tive evidence of the regularity of such registration, the truth of the facts stated, and the right of such person to register and vote at said election in said precinct, and any person knowingly and fraudulently taking said oath shall be guilty of the Fraudulent takcrime of perjury, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceed- Penalty. ing two years, or both such fine and imprisonment at the discretion of the court.

Registration pre-

ing oath perjury.

WHEN REGISTRATION BOOKS SHALL CLOSE.

The registration books shall be closed for registration at When registranine o'clock P. M. on the third Saturday next preceding the day tion books to close. of election.

REGISTRARS TO FURNISH LIST OF VOTERS.

Any legal voter of said city may apply at any time to the reg. Registrars to istrars, or either one of them, after the opening of said registra-furnish list of tion books and the day of election (Sunday excepted) for a list of the registered voters appearing on the registration books of the precinct, and upon the payment of one cent for each name Fee. the registrar shall furnish the list so required, except that he shall not be required to furnish said list on any Saturday set apart for registration or for making and hearing challenges.

voters.

Any registrar, upon tender of his fee for said list, who shall Refusal to furrefuse to give the same upon such demand shall be guilty of a nish list misdemisdemeanor, and upon conviction therefor be fined one hun- Penalty. dred dollars and be imprisoned for six months.

WHEN CHALLENGES TO BE MADE.

The registrars shall attend at the voting place of their precinct, when challenges with the registration books for said precinct, on the second Sat- to be made. urday next preceding the day of election, from the hour of nine o'clock A. M. until four o'clock P. M., when and where the said registration books shall be open for inspection of any elector of the precinct, and any voter of said precinct may, on said last

Challenges to be in writing and signed.

Challenged person to be notifled.

to be tried.

Burden of proof.

If challenge proven name to be erased from book.

Proviso: No challenge allowed on election day. Exception.

mentioned day object to the name of any person appearing on said registration books as a voter in said precinct, and in case of any such objections being made, before such objections shall be entertained the registrars shall require the person making such objections to file with the registrars a paper writing giving the name of the person so challenged, and the reasons or grounds for said challenge, which shall be signed by the person making the same in his own handwriting, attested by the registrar, and then the registrar shall enter upon said registration books, opposite the name of the person so objected to the word "challenge," and thereupon the registrars shall immediately notify the person so challenged, by a written or printed notice stating the grounds or cause of such challenge, and by whom challenged, When challenges designating nine o'clock A. M. of the Saturday next preceding the day of election, at the voting place in said precinct, for hearing said challenge, when and where the said registrars and judges, sitting together, shall hear said challenge, only upon the charge or cause set forth in said notice of challenge. Upon the hearing of said challenge, the burden of proof shall rest upon the person making the challenge, and the voter shall not be required to answerany questions under oath, except as to his residence.

If any person challenged shall be proven to be under twentyone years of age, or born in a foreign country and not naturalized according to law, or to be an idiot or lunatic, or sentenced by a court of competent jurisdiction upon a conviction or confession in open court upon a charge of felony or other crime infamous by the laws of this state, committed since the first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, and not restored to citizenship, or has not resided in the state twelve months, and in the corporate limits of the city of Asheville as now laid out and defined by this act ninety days next preceding the day of election, or not a bona fide resident of the precinct in which he offers to vote: he shall not be allowed to register or vote in said election, and his name shall be erased from the registration books of the precinct: Provided, that no challenge shall be allowed on election day, or at any other times except on the second Saturday next preceding the day of election, except as to electors becoming of the age of twenty-one years, or otherwise qualified or entitled to register and vote in said precinct since the close of the registration books on the third Saturday next preceding the day of election, and who was not so entitled on the closing of the registration as herein provided, in which event the elector shall be permitted to register and vote on the day of the election, who shall, however, in like manner, be subject to challenge as other voters, and if challenged said challenge shall then and there be immediately disposed of under the same rules and regulations as herein provided, except as to notice.

NOTICE TO CHALLENGE.

The notice herein provided for, to be served on the persons How notice of challenged, may be served by the sheriff of Buncombe county, challenge served. or any of his duly constituted deputies, or by any duly qualified voter of the precinct by order of the registrars of the precinct, but in no instance shall said notice be served by a policeman of said city, or by any officer thereof, or by any one who is a candidate for any office in said city, and said notice shall be deemed duly served upon proof that said notice has been personally served, or a copy thereof has been left at the residence of the voter, given in his registration forty-eight hours next preceding the time specified therein for hearing the same.

CHALLENGER LIABLE FOR COST OF CHALLENGE.

That, in all cases of challenge, made as hereinbefore provided, Challenger liable to the name of any one remaining on the registration books of for costs. the precinct as a voter in said precinct, the person so making said challenge shall be adjudged by the precinct board of election to be the prosecutor in each and every case wherein he is marked as challenger, and if the said prosecutor shall fail to sustain said challenge, or if the said challenge shall be dismissed for want of evidence to sustain the same, the said board shall adjudge said prosecution to be frivolous and malicious, and shall then and there, without further notice, adjudge said prosecutor to pay all the costs incurred by reason of said challenge, including all necessary witnesses summoned by the voter, and may imprison him for non-payment thereof under the same Imprisonment rules and regulations now provided by law for the imprison- for non payment of prosecutors in criminal charges where said charges or prosecution is adjudged to be frivolous or malicious.

The costs shall be paid to the precinct board of election, and by them paid to the person having performed the service. For precinct board the purposes of this act the precinct board of election of each Precinct board voting precinct in and for the city of Asheville, for all elections held under the authority of said city, are hereby constituted and created an inferior court and vested with full judicial power to enforce the provisions of this paragraph.

Costs paid to of election. an inferior court.

BALLOT BOXES.

Ballot boxes.

SEC. 6. The board of aldermen of said city shall provide two ballot boxes for each election precinct in said city, made of substantial tin, in which to deposit the ballots voted at said precinct in said election, which ballot boxes shall be of sufficient dimensions to contain all the ballots voted at the precinct and shall not contain less than one cubic foot, inside measurement, and shall be provided with a good lock and key. The said ballot boxes shall have a lid or covering securely attached by hinges, with an opening through the lid or top of one of said boxes large enough to admit of one folded ballot at a time. The ballot shall remain securely and firmly locked during the voting by the electors of the precinct. When the election is over, the ballot boxes shall be deposited with the clerk of the city, who shall be charged with the safe keeping of the same, for use in future elections for said city.

Boxes to be deposited with city clerk.

Proviso: Duplicate boxes. Provided, that one of said boxes shall be designated as duplicate ballot box, and shall have no opening in the lid.

THE BALLOT.

Ballots.

Each elector, at all elections held for said city, shall vote one ballot on which shall be written or printed, or partly written or partly printed on paper, either with or without a device, with proper captions designating the office and the name of the person or the object voted for.

CASTING THE BALLOT.

When polls to be opened and when closed.

The registrars, with the registration books, together with the judges, shall attend at the voting place in the precinct, and cause the polls to be opened at 7 o'clock on the morning of the election, and keep open the same until sundown of the same day and no longer, during which time each voter whose name may appear on the said registration books of the precinct shall be entitled to vote one ballot, which he shall hand to the judges, who shall place the same in the ballot-box designated for that purpose, in the presence and view of the voter, the judges being first advised by the registrars that the voter's name appears on the said registration books, and when the voter's name has been announced as having voted, the registrars shall each check the name of the voter as having so voted, and the voter shall not be allowed to vote again at said election.

Ballots to be handed to judges.
Judges to place ballots in box.

Names to be checked.

When count of votes to begin.

When the voting is over, by expiration of time allowed for such voting, the registrars and judges shall carefully examine the duplicate ballot-box to see that it contains nothing, and place it by the side of the box containing the ballots having been voted at said election, with the lid of said duplicate ballotbox open, and in the presence of the judges and registrars and such candidates or their duly authorized representatives as may choose to be present, shall open the ballot box containing the ballots voted at said election, and proceed to count the same.

One of the judges shall take out of said box one ballot at a How counting time, call out aloud and distinctly the office and the name of proceeded with. the person voted for on said ballot, and pass it to the other judge, who shall verify the same and deposit the ballot in the duplicate ballot-box. The registrars each keep a careful list of all the persons voted for at said election, together with the names of the office for which such person was a candidate, and the number of votes cast for such candidate at said precinct. When the votes have all been counted, and the number cast for Certificates to be each individual candidate correctly ascertained, the judges and made when count completed. registrars shall then and there prepare in writing two certificates under their hands, giving the title of the officers, the names of all persons voted for for said office, and the number of votes cast for each individual for said office.

One of said certificates shall be immediately posted up in a One certificate to conspicuous place at the voting place in said precinct, and the be posted. other placed in a sealed envelope, addressed to the city clerk of One certificate to the city of Asheville, and delivered to one of said judges, and be delivered to city clerk. by him delivered to said clerk, at his office in the city hall, at or before noon of the day next after said election. The certificate herein provided shall be substantially as follows:

STATE	OF	NORTH CAROLINA,)	
(TIL	OF ASHEVILLE.	

To the City Clerk of the city of Asheville:

We, the undersigned, judges and registrars of election, pre- Form of certificinct No., city of Asheville, do hereby certify that an election for said precinct was duly opened and held at the voting place in said precinct on the day of May, 18....., for the election of at which election received votes for the office of Given under our hands this the day of May, 18

20	
Judges	<i>.</i>
Registrars	· .

DECLARING RESULT.

Returns to be opened and entered in election book.

Returns to be filled.

Clerk to make proclamation of result of election.

No election in case of tie.

election.

Election officers to hold new election.

Persons elected to be notified.

Ballots to be preserved in duplicate boxes.

When ballots may be destroyed.

SEC 7. At noon of the day next after said election, in the presence of such candidates or their duly authorized representatives as may choose to attend, shall open said returns. and enter the result in a book to be kept in his office for that purpose, labeled "election returns," giving the title of the office, the name of each candidate for said office, and the number of votes received by each individual for said office at each precinct in said city. After so entering the precinct returns in said book, the said clerk shall carefully file in the vault of said city the original precinct returns, and add up the number of votes received by each candidate voted for at said election, and at twelve o'clock noon, on the first Wednesday next after the day of said election, the clerk shall make proclamation at the front entrance of the city hall of said city, and in a clear and distinct voice declare the result of said election, giving the number of votes received by each candidate for the respective offices voted for in said city, and the person receiving the greater number of all the legal votes cast for such office shall be declared elected for the term prescribed by law. If at any such election any two or more persons receive an equal number of votes for the same office, and no other person shall have received a greater number of votes for such office, the clerk Notice of another shall declare no election for said office, and give notice by proclamation, then and there, of another election to fill said office, which shall be held on the next Monday following at the same places and under the same rules and regulations herein provided for holding elections for said city, except, it shall not require any further or additional registration or the appointment of other registrars or judges; those appointed for the former election shall serve for the latter and their proceedings shall be the same, and all duly qualified voters in the former election shall be entitled to vote in the subsequent election without challenge.

The clerk shall immediately notify all persons elected at said election, and request them to appear at the mayor's office in said city at 12 o'clock meridian on the third Monday in May, next after their election, to qualify and enter upon the duties of their respective offices.

The ballots which were at said election deposited in the duplicate ballot box shall be securely locked in said box, and together with said box delivered to said clerk of said city at his office by the judges of said precinct, and securely preserved in some safe place until said boxes are required for succeeding elections for said city, when said ballots may be destroyed.

OTHER MUNICIPAL ELECTIONS.

SEC. 8. Every other election held in and for said city, for Other municipal municipal or for any other local purpose, to ascertain the will of the qualified voters thereof, shall be held and conducted in the same manner, and under the same rule and regulations, as are herein provided for the election of mayor and other officers of said city, as near as may under the provisions of this act, so far as the same are applicable.

PENALTY FOR NEGLECT OF DUTY,

SEC. 9. If any mayor, alderman, clerk, registrar, judge of elec- Neglect of duty tion, or any other person charged with the performance of any with election by duty under the provisions of this act in regard to holding said any officer a election, for the election of any officer under the provision of said act, or for the purpose of ascertaining the will of the qualified voters of said city upon any proposition which may lawfully be submitted to them, shall wilfully refuse or neglect to do or perform said duty, act, matter, or thing required or directed of him or them, in the time, manner and form in which such duty, act, matter or thing is required to be done or performed in relation to the said election, the person so offending shall be guilty of a felony, and upon conviction be fined one thousand dollars and imprisoned for the term of two years, Penalty. and shall be disabled from holding any office of trust or profit under the provisions of this act or the act of which this is amendatory.

BRIBERY.

SEC. 10. That any person who, directly or indirectly, by him Bribery. self or through any other person, shall pay, lend or contract, or offer or promise to pay, lend or contract any money, property, thing of value, or valuable consideration to or for any voter, or to any other person, to induce such voter to vote or refrain from voting at any election held under the provisions of this act, or the act of which this act is amendatory, or to vote for any particular person or persons, or refrain from voting for any particular person, who may be a candidate for any office provided for under the provisions of this act, or the act of which this act is amendatory, or to induce such voter to come to the polls or to remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for a particular person. or having come to the polls or remained away from the polls at such election; or if any person gives, offers or promises any office, place or employment, or promises to procure or endeavor

Bribery a misdemeanor.

Penalty.

Acts constituting misdemeanor.

Penalty.

Further acts constituting misdemeanor.

Penalty.

Treating a misdemeanor.

Penalty.

Retail liquor

to procure any office, place or employment to or for any voter, or to or for any other person, in order to influence such voter to vote or refrain from voting at any such election, held under the provisions of this act, or the act of which this act is amendatory, for any particular person or persons, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed two hundred dollars, or imprisoned not longer than twelve months, or both such fine and imprisonment, at the discretion of the court; or if any person shall make any gift, loan, offer, or promise indulgence upon any debt, obligation or contract, or agreement to, for or with any person in order to induce such person to procure or endeavor to procure the election of any person, or the vote of any voter at any election held under the provisions of this act, or the act of which this act is amendatory, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed two hundred dollars, or imprisoned not more than twelve months, or both such fine and imprisonment at the discretion of the court; or if any person procures, or engages, or promises, or endeavors to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement the election of any person or the vote of any voter at such election: or if any person advances, pays or causes to be paid any money or other thing of value, to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any such election, held under the provisions of this act, or the act of which this is amendatory, or knowingly pays or causes to be paid any money or other thing of value to any person in discharge or payment of any money, wholly or partly expended in bribery at any election held as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than two hundred dollars, or imprisoned not longer than twelve months, or both such fine and imprisonment at the discretion of the court; or if any person shall give to, treat or furnish any voter, with intent to influence such voter to vote or not to vote at any election held under the provisions of this act, or the act of which this act is amendatory, or to influence any voter to vote for or not to vote for any person or persons to be voted for under the provisions of this act, or the act of which this act is amendatory, any intoxicating liquors or drinks, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed the sum of two hundred dollars, and imprisoned not more than twelve months, or both such fine and imprisonment at the discretion of the court, and if such person so giving or furnishing such intoxicating drinks dealer treating to forfeit license, shall be a licensed retail liquor dealer, he shall forfeit his

licenses and pay a penalty of ten dollars for each and every Further penalty. offence, to be recovered before any justice of the peace by any one who will sue for the same, one-half of which shall go to the school fund of the city of Asheville, and the other half to the person who shall sue for the same.

RECEIVING A BRIBE.

SEC. 11. Any person who, directly or indirectly; by himself or Reception of through any other person, receives, agrees or contracts for, meanor. before or during any election held under the provisions of this act, or the act of which this act is amendatory, any money, gift or loan or other valuable consideration, office or employment, for himself or any other person, for voting or agreeing to vote, or for coming to the polls, or for remaining away, or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting for any particular person or persons at such election, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than two Penalty. hundred dollars, and imprisoned not longer than twelve months, or both such fine and imprisonment, at the discretion of the Further acts concourt. Or if any person who, directly or indirectly, by himself stituting misdeor through any other person, receives any money or other thing of value during or after any election held as aforesaid, on account of himself or any other person having remained away from the polls at such election, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed two Penalty. hundred dollars, or imprisoned not more than two years, or both such fine and imprisonment, at the discretion of the court.

meanor.

TESTIMONY UPON PROSECUTION.

SEC. 12. Any person offending against the provisions of this Persons offendact, contained in sections ten and eleven under the captions ing competent and compelled to entitled "Bribery" and "Receiving a Bribe," is a competent testify against witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, or proceeding, or investigation, in the same manner as any other person. The testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, and the person so testifying shall not thereafter be liable to Person testifying indictment, prosecution or punishment for the offence with not liable to indictment. reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such prosecution or indictment.

PRIVILEGED FROM ARREST.

Privilege of electors from arrest.

SEC. 13. That all electors during their attendance upon registration, or while on their way to register, for any election to be held under the provisions of this act, or the act of which this act is amendatory, shall be privileged from arrest for any offence committed prior thereto, except treason or felony, and all duly qualified electors qualified to vote in any such election shall be privileged from arrest for any offence committed prior to the opening of the registration books for such election, and until sun up on the day following such election, except for treason or felony, and any sheriff, constable, or policeman, or other officer or person authorized to make arrests, who shall arrest any such elector or voter, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not longer than thirty days.

Arrest of elector misdemeanor.

Penalty.

MISCELLANEOUS.

Section 28 amended.

SEC. 14. That section twenty-eight of chapter three hundred and fifty-two, private laws of one thousand eight hundred and ninety-five, be and the same is hereby further amended by adding at the end of line nine from the bottom of page five hundred and ninety-six of said private laws, after the word "city," in said line, the following so as to make said section as follows:

Proviso: Dogs not to be killed for nonpayment of tax. Provided, that no dog shall be killed or impounded for the failure of the owner thereof to pay any tax or penalty assessed against said owner, or against said dog, by reason of being the owner of said dog, but any tax so assessed may be collected as other taxes are collected for said city. The board of aldermen may provide rules for listing said dog or dogs, and prescribed penalties for failure to list the same.

Aldermen to provide rules for listing dogs and penalty for failure. Section 28 further amended.

SEC. 15. That section twenty-eight of chapter three hundred and fifty-two, private laws of one thousand eight hundred and ninety five, be and the same is hereby further amended, by striking out all of the last paragraph, bottom of page five hundred and ninety-six of said private laws, one thousand eight hundred and ninety-five, and insert the following in lieu thereof, so as to make said paragraphs read as follows:

Aldermen to appoint policemen and other officers. To appoint policemen and other officers therefor which they may deem proper, whose election is not otherwise provided for by the provisions of this act and the said act of which this act is amendatory, and inconsistent herewith; to execute such precepts as may lawfully issue to them, and to preserve the peace and good order of said city; and whenever, in the opinion

of the board of aldermen, the peace and good order of said city Special police requires an additional or "special police force" to assist the "regular police" in preserving the peace and good order on any occasion; or upon the assembling of any large or unusual meeting in said city deemed 'dangerous to the peace and good order thereof, the board of aldermen may, in their wise discretion, appoint special policemen, who shall be citizens of said city, and shall be selected in equal numbers from all the political parties entitled to representation on the board of election for said city, and any alderman of said city who shall wilfully violation of violate the provision of this paragraph in the appointment of paragraph a misdemeanor. special policemen, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars, Penalty. and imprisoned not more than two years, at the discretion of the court.

POLICEMEN NOT TO INTERFERE WITH HOLDING ELECTION.

SEC. 16. No policeman, special policeman, officer or other Illegal interferemployee of said city government, except those lawfully ence of officer with election a charged by law with the holding of elections in and for said misdemeanor. city, or under the general election law of this state with holding state and county elections, shall interfere with, control, or assume control, or assume to direct the holding or management of any election held under the provisions of this act, or under the provisions of the state election law, or any other law directing an election to be held to ascertain the will of the people. except upon the request of the precinct board of election, and only then to preserve good order at the polling place; and any policeman, special policeman, officer or employee of said city government who shall so interfere with, control or assume to control or meddle with the holding of any election provided for under the provisions of this act, or the provisions of the general election law of this state, except such officers as may be by law charged with the duties of holding such elections, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned not more Penalty. than two years, at the discretion of the court.

SEC. 17. That section thirty-four of said act be and the same Section 34 is hereby amended by striking out all of said section after the amended. word "of" in the first line of said section, and insert the following, so as to make said section read as follows:

It shall be the duty of the chief of police of said city to see Duty and powers that the laws, ordinances, regulations and orders of the board of chief of police. of aldermen are enforced, and to report all breaches thereof of a criminal nature to "the police justice" of said city; to pre-

serve the peace and good order of said city by suppressing disturbances and apprehending offenders, for which purpose he shall have all the powers and authorities vested in sheriffs or constables; and to execute all criminal process and precepts lawfully directed to him by the said police justice, and all civil process directed to him by the mayor or board of aldermen of said city; and in the execution thereof he shall have the same powers in the county of Buncombe as the sheriff or constables thereof now have or hereafter may have conferred upon them. Such chief of police shall have the same power to apprehend in the limits of said city or the county of Buncombe, all offenders against the state as the sheriff or constables of said county have, and to carry such offenders before the "police justice" of said city, and he shall be in this respect bound by the same rules as the constable of said county. It shall also be the duty of said chief of police to perform all such other acts and exercise such other functions as shall be from time to time directed or Salary of chief of required of him by the board of aldermen. The salary of such chief of police shall be that from time to time prescribed by the board of aldermen, and he shall receive no other compensation.

police.

Chief of police substituted for marshal and police justice for mayor.

SEC. 18. That section thirty-six of said act be, and the same is hereby amended by striking out in line sixteen of said section the word "marshal," and insert in lieu thereof the words "chief of police," and by striking out in line twenty-one of said section thirty-six the word "mayor" and insert in lieu thereof the words "police justice."

COLLECTING TAXES.

Section 45 amended.

SEC. 19. That section forty-five of said act be, and the same is hereby amended by striking out all of said section forty-five after the word "aldermen" in line five of said section and insert in lieu thereof the following, so as to make said section read as follows:

Tax year divided.

As herein provided, and for the purpose of this act, the taxcollecting period for any one year is divided into four quarters or installments of three months each.

First quarter.

The first quarter or installment shall be composed of the months of September, October, and November, and shall be known and designated as the first quarter.

Second quarter.

The second quarter or installment, shall be composed of the months of December, January, and February, and shall be known and designated as the second quarter.

Third quarter.

"The third quarter or installment, shall be composed of the

months of March, April, and May, and shall be known and designated as the third quarter.

And the fourth quarter or installment, shall be composed of Fourth quarter. the months of June, July and August, and shall be known and designated as the fourth quarter, and during which several periods, all taxes due said city, arising from assessments on real and personal property and polls, shall be collected as hereinafter provided.

If the tax payer shall, during the month of September in the Indulgence if first quarter, pay to the city tax collector one fourth of his or paid in September. her city taxes, the said tax payer, shall have an indulgence until the first of December following in the second quarter in which to pay the remainder of his or her city taxes.

And if the said tax payer shall, during the month of Decem- Indulgence if ber in the second quarte, pay to the city tax collector, one-paid in Decemfourth of the original amount of his or her taxes, then said tax payer shall be granted a further indulgence for the payment of the remainder of said taxes until the first day of March following in the third quarter.

And if the said tax payer shall, during the month of March Indulgence if one fourth tax in the third quarter, pay to the city tax collector one half of the paid in March. remaining unpaid taxes due said city, then said tax payer shall be granted a further indulgence for the payment of the remainder of his or her taxes due said city until the first day of June in the fourth quarter.

And if said tax payer shall during the month of June in the Receipt in full. fourth quarter, pay to the city tax collector, the remainder of his or her taxes due said city, he or she shall be entitled to a receipt in full for the entire amount of his or her taxes for the vear.

If, during the month of September, in the beginning of the Deduction if first quarter, the said tax payer shall pay the full amount of in September. his or her taxes due the city for the entire year, arising from the assessment of real and personal property and polls, said tax payer shall be entitled to and have a deduction from the whole amount of his or her taxes of four per centum, but if said tax payer shall fail or neglect to pay all of said taxes due said city, then he shall not be so entitled to any deduction; and if said No deduction tax-payer shall fail or neglect to pay the first installment, as herein provided, or shall fail or neglect to pay any one of said Whole tax to installments, as the same is provided for in this act, then all of failure to pay said taxes or all the remaining installments of said taxes shall become it stantly due and collectible as delinquent taxes, due said city are collectible, and shall be collected under the sev-

one-fourth tax

whole of tax paid

but on payment of all of tax. become due on any instalment. eral provisions of law now in force or that may hereafter be provided for the collection of taxes due said city.

Not to affect taxes due for preceding years.

Section 47 amended.

Time of payment of taxes.

Section 50 amended.

When poll and ad valorem taxes to become due.

Collection continued.

Sub section 2 of section 61 amended. (Sixty one is evidently a clerical error. It should be 51.) Sale of real estate for taxes.

Expense of advertisement.

Where and when sales to be made.

Who deemed highest bidder.

Tax collector to bid on behalf of city.

Return of tax collector.

The amendment to this section shall in no wise affect, alter or change the law now in force for the collection of taxes due said city for the year one thousand eight hundred and ninety-six or any preceding year.

SEC. 20. That section forty-seven of said act be, and the same is hereby amended by inserting after the words "September" and "in" in line three of said section, the words "December, March, and June.

SEC. 21. That section fifty of said act be, and the same is hereby amended so as to make said section read as follows:

That the poll taxes and ad valorem taxes of said city shall become due on the first of September in each and every year, but the collection thereof shall be continued or postponed under the provisions of section forty-five of said act, as amended by this act, whenever the tax payer shall have fully complied with the provisions of this act, as amendatory of said section forty-five of said act, of which act this is amendatory.

SEC. 22. That sub-section two of section sixty-one of said act be and the same is hereby amended by striking out all of said sub-section after and including the fifteenth line thereof, and inserting in lieu thereof the following:

Said tax collector shall set up and offer for sale the whole of the real estate to be sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the taxes due, with all costs, penalties and expenses, for the smallest interest in said land. For every piece of real estate, or part thereof, so advertised, said tax collector shall also collect in the same manner as such taxes the sum of fifty cents to defray the expenses of such advertisement. sales shall be made at the court house door of said county of Buncombe, to the highest bidder, for cash, upon any day of the month or week except Sunday, or a legal holiday, and he shall be deemed the highest bidder who will pay such taxes, penalties and expenses for the smallest interest in said real estate; and if no person shall bid enough to pay such taxes, penalties and expenses, said tax collector shall bid on behalf of said city the amount of such taxes, penalties and expenses, and if no higher bid shall be made the same shall be struck off to the said city; and in all cases where real estate shall be struck off to the said city, as hereinbefore provided, it shall belong to said city in fee simple, unless redeemed in the manner prescribed by law. Said tax collector shall immediately thereafter return to the board of aldermen of the said city, by filing the

same with the clerk of said board, a statement of the proceedings, showing the purchaser or purchasers of such real estate, and the amount for which each piece or part thereof was sold, which shall be entered by the clerk of said board upon the minute book of said board of aldermen.

SEC. 23. That section fifty-three of said act be and the same Section 53 is hereby amended by adding to the end of said section the following, so as to make said section read as follows: Provided, Proviso: that nothing in this section shall be so construed as to interpret any act or statute or any part of act or statute of this state sold for taxes. directing any conveyance to be executed for real estate sold for state or county taxes to mean that the facts stated in such conveyance to be conclusive of the facts stated in said deed or conveyance, so as to preclude rebutting evidence of the facts contained in any such deed or conveyance executed in like manner by the tax collector of the said city.

SEC. 24. That sub-section (8) of section fifty-five of said act be Sub section 8 of and the same is hereby amended, by striking out the word, "lawyer," wherever the same may occur in said section, and License tax on lawyers that sub section (10) of said section of said act be and the same repealed.
Sub section 10, is hereby further amended by adding at the end of sub-section section 55 (10) the following words: Provided, that physicians, lawyers amended Proviso: and dentists are exempted from the provisions of this section, Exemptions from privilege and the provisions of any other section of the act of which this tax. act is amendatory that may by expressed or implied provisions, authorize the board of alderman to impose a special tax upon physicians, lawyers or dentists practicing their profession in said city.

SEC. 25. That section fifty-six of said act be and the same is section 56 hereby amended by striking out the word "marshal" where-amended. ever the same may occur in said section, and insert in lieu Chief of police thereof, the words "chief of police."

CORPORAL PUNISHMENT.

SEC. 26. That on and after the ratification of this act, it Unlawful to shall be unlawful for any guard, overseer or other person inflict corporal having in charge any convict ordered to work on the streets or convicts. other public works of said city, except to prevent such convict Exceptions. from then and there making his escape; to inflict corporal punishment upon such convict, and then only upon the order and direction of the board of aldermen of said city; and when- Order of board of ever an order of the said board of alderman is made, directing ing corporal corporal punishment to be inflicted upon such convict, a record punishment to be recorded. of such order shall be made on the minute docket of the proceedings of said board, describing fully the offence committed

amended.

Effect of recital in deed for land

section 55 amended.

substituted for marshal.

Alderman to witness punishment if corporal. Assault on convict or infliction of cruel and unusual punishment a misdemeanor.

Penalty.

by said convict, and the nature of the punishment to be inflicted, and if the punishment is corporal punishment the mayor shall designate not less than three of said board of aldermen to witness the infliction of the same. And any policeman, overseer or other person having said convict in charge shall assault or inflict any cruel and unusual punishment upon any convict under his charge, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not more than thirty days.

BOARD OF HEALTH.

Board of health.

Proviso: Aldermen to fill vacancies.

Duties of board of health.

Inspection of public buildings.

Proviso: Inspection of city and county prisons.

Board of health to report to aldermen.

Suggestions and recommendations of board. SEC. 27. The board of aldermen of the city of Asheville, at their first regular meeting in June, in the year 1897, shall elect four regular practicing physicians, two for the terms of two years, two for the term of four years, and two shall be elected biennially thereafter for the term of four years, which said four regular practicing physicians, together with the mayor, the chairman of the finance committee of the board of aldermen, and the city engineer shall be and constitute the board of health of the city of Asheville: *Provided*, that the board of aldermen of the city shall have power to fill any vacancy that may occur in said board of health by death, removal, resignation or other cause.

SEC. 28. That the said board of health shall have general charge and supervision of the public health of said city; shall make such sanitary investigations and institute such inquiries as in its judgment may be necessary to ascertain the condition of the general health of the inhabitants of the said city; shall investigate the causes of all the diseases dangerous to the public health, whether epidemic or otherwise; shall ascertain as far as possible the causes of mortality, the effects of location. employments, vocations and conditions upon public health; shall make inspection of the sanitary condition of all public buildings of the said city, including school buildings, both public and private, at least twice a year, at intervals of not over six months, and oftener if in the judgment of the said board of health it shall be necessary: Provided, that the said board shall make a careful inspection of the sanitary condition of the city and county prisons at least once in each and every month. The said board of health shall report to the said board of aldermen of said city the result of all investigations made by it at least once every three months, and oftener if it shall be deemed necessarv.

Said reports shall be accompanied with suggestions and recommendations to the proper authorities as may seem advisable. Said board of health shall have general supervision and

control of all matters of sanitation affecting the health of said Powers of board city, including the healthfulness of the water supply, milk and other dairy supplies, and all other articles of food and drink; drugs'and all druggists' supplies; the drainage of all lots and buildings and houses of every kind and description, whether used for residence or business purposes. Said board of health Power of board shall have authority, and power is hereby expressly given it, to abate nuisance. declare nuisances of every character whatsoever, and to abate the same so far as in its judgment may be necessary for the convenience of the public health; shall enforce the making of Power to enforce accurate reports and the keeping of full and complete records reports. of all infectious and contagious diseases, whether epidemic or of other character, and of births and deaths, and permits of burial. Said board of health shall have authority, and is here Further powers expressly empowered, to prescribe, regulate and determine the or board. plumbing, ventilation and drainage of all buildings, public and private, and the connection of said sewers with outside sewers; shall prepare and prescribe a system of connections, and submit the same to a joint board to be composed of the board of aldermen and the board of health of said city, and upon the adoption of said system by said joint board, each individual member having one vote, there shall be appointed by the said joint board sanitary inspecan expert sanitary inspector who shall examine all plumbing tor. and connections, and see that the law governing the same shall be fully complied with; and any person refusing to comply Refusal to comwith such law after five days notice so to do shall upon convic- ply with law a misdemeanor. tion, be fined five dollars for each day he so refuses to comply, Penalty. each day to constitute a separate offence; and said board of Power of board health may cause anything to be done which the owner of said in case owner refuses to act. premises has so failed to do, and the expenses thereof shall con-Expenses a stitute a lien on said premises from the time of performing lien on property. such work, paramount to all other liens except taxes and assessments, and be collected in the same manner as the liens for constructing side-walks in said city. Said expert inspector, Powers of saniwhen so ordered by the board of health, shall have authority, tary inspector. and power is hereby given him, to condemn, close up and prevent the occupation of and summarily eject all persons from any and all buildings or rooms therein which are not properly and sufficiently ventilated, and which are liable to be unhealthy on account of the dampness or exclusion of the light, or which from any cause whatsoever, are made unsuitable for habitation or dangerous to the health of the occupants thereof.

SEC. 29. That all employees and officers connected with the Employees and sanitary department of the city shall be elected by said board officers of saniof health; the number of employees and officers, the salary of salaries.

Proviso: Expenditures of board of health. each, and all matters pertaining to said sanitary department, and necessary for its successful operation, shall be determined and controlled by the said board of health: Provided, that the annual expenditure of the said board of health for all purposes shall not exceed the total amount annually apportioned by the board of aldermen to the sanitary department of said city.

Powers of board in removal of garbage.

SEC. 30. That the said board of health shall have the authority to select the place or places to which the garbage of the city shall be removed and the manner of its disposition. It shall have authority to make contracts or procure means for the removal of said garbage. It shall also have supervision and control of all the property of said city in the sanitary department.

Sanitary inspector and assistants special policemen.

Power and

authority. Badges.

Term of office.

SEC. 31. That the sanitary inspector, and such assistance as shall be provided and elected by the said board of health, shall be and are hereby constituted special policemen of the city of Asheville, with such power and authority as may be necessary to execute and enforce all laws and ordinances relating to governing the said sanitary department of said city. They shall wear such badges, indicative of their authority, as may be prescribed by said board of health. Such inspectors and assistance shall hold their offices for such term or terms as may be prescribed by said board of health, not to exceed two years from the date of their selection, subject, however, to the removal at any time by said board of health.

Power of board in preventing and abating nuisances.

Disobedience to orders of board a misdemeanor.

Penalty.

nuisance.

Expense of on premises.

SEC. 32. Said board of health shall have authority, and power is hereby expressly given it, to require and compel the abatement and preventation of any and all sanitary nuisances in the city of Asheville, and shall specify a reasonable time within which its orders in reference thereto shall be complied with; and the event that the owner, agent or occupant of the premises on or in connection with which any nuisance shall be committed, or be about to be committed, shall refuse, fail or neglect to comply with any order of said board of health to remove, abate, prevent or discontinue the same within the time in such order required, he or she shall be guilty of a misdemeanor, and for each offence, upon conviction, shall be fined not more than fifty dol-Board may abate lars or imprisoned not more than thirty days; and the said board of health may at any time proceed to remove, abate, prevent or discontinue such nuisances, and the cost of so doing shall be abatement a lien charged upon such premises and constitute a lien thereon paramount to all liens, except taxes or assessments of said city, from the time of so doing, and shall be collected and enforced

in the same manner in all respects as liens for the expense of constructing side walks in said city.

SEC. 33. That the said board of health shall have general over- Power of board sight and care of all sources of water supply to the said city, and ply. to the individual citizens thereof, whether by public or private pipes, wells or springs; and shall from time to time, as it may deem necessary and expedient, cause examinations of said water to be made for the purpose of ascertaining whether the same are adapted for use or in a condition likely to affect injuriously the health of those using the same; and for the purposes aforesaid it may employ such expert assistance as it may deem necessary. Said board of health shall have authority, and power is hereby Power to conexpressly given it, to condemn and, as far as may be practicable, destroy sources destroy all such sources of water supply to the citizens of said of supply. city as it may deem necessary for the protection of the health of said city, or the individual citizens thereof; and any person or Use of water from condemned persons using any water from any source condemned by the source a misdesaid board of health shall, on conviction, be fined five dollars for Penalty. each and every offence.

SEC. 33. That the said board of health shall from time to time Board to recomrecommend to the board of aldermen of said city the passage of ances. such ordinances as may be necessary for the proper enforcement of the provisions of this act. The clerk of the board of Clerk of board. aldermen shall be ex officio clerk of the board of health, and shall perform for said board similar duties to those required of him as clerk of the board of aldermen.

SEC. 34. That section sixty-five, sixty-six and sixty-seven of Provision as to chapter three hundred and fifty-two of the private laws of one in former charthousand eight hundred and ninety-five be and the same are ter repealed. hereby repealed.

board of health

BOARD OF EDUCATION.

SEC. 35. That section ninety-eight of said act be and the same Section 96 is hereby amended so as to read as follows: That there shall be appointed by the board of aldermen of the city of Asheville at their first regular meeting in June, in the year one thousand School commiteight hundred and ninety-seven, a school committee of the city tee. of Asheville, which shall be non-partisan and consist of six members, who shall be citizens of said city. The said school committee shall be divided by said board of aldermen, at the Committee clastime of their appointment, into three classes of two each. The sified. term of the office of the first class shall expire at the end of two class. years from the date of their appointment, and the term of the Term of second office of the second class shall expire at the end of four years class. from their appointment, and the term of office of the third class.

Aldermen to appoint successors and fill vacancies.

Powers and duties of committee.

Proviso: No person connected with schools to be in employment of deafers in school books, supplies or furniture.

Violation of provision a misdemeanor. Penalty.

Conviction to work forfeiture of office and disability.

Committee to receive no compensation but exemption from jury duty. Section 99 amended. Resident children admitted free of tuition.

School committee judge of residence.

Section 100 amended. Schools for each race.

class shall expire at the end of six years from the said date. Whenever the term of office of any class shall expire as above provided, their successor shall be appointed for a term of six years by said board of aldermen; and whenever any vacancy occurs in said committee, except by the expiration of the term of office, such vacancy for the unexpired term of the member or members shall be filled by the board of aldermen. The school committee of said city shall have exclusive control of the public schools, and all public school interest, and all public school property, real and personal, in said city; shall prescribe all rules and regulations for the conduct of said schools; the control of said interest; of the government of said property, shall employ and fix the compensation of all such officers and teachers of the public schools therein as to it shall seem proper, and remove or change the same in its discretion; shall prescribe the time for which such officers and teachers shall be employed from time to time, and the times and places at which such schools shall be kept open and conducted; shall designate the character of such schools respectively, and shall do all other acts necessary for the proper conduct of management, government, regulation, and control of said public schools, public school interest and public school property: Provided, that no person connected with said city schools as committeeman, officer, teacher or otherwise shall accept employment in any manner from any publisher, person or book concern, publishing or selling or dealing in school books, school supplies or school furniture; any person violating this provision shall be guilty of misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars or imprisoned not less than sixty days, and such conviction shall, ipso facto, work a forfeiture of any office or position held by said offender in said schools in said city, and such offender shall be forever disabled from holding any office or position in any manner connected with said city schools. Said committee shall receive no compensation for their services, but shall be exempt from jury service.

SEC. 36. That section ninety-nine of said act be and the same is hereby amended so as to read as follows: Allechildren, who are bona fide residents of said city, between the age of six years and twenty-one years, shall be admitted into said schools as pupils therein, free of tuition charges, and said school committee shall be the exclusive judge of the bona fides of such residents.

SEC. 37. That section one hundred of said act be and the same is hereby amended so as to read as follows: Said school shall be separated and kept separate, in such a manner that

only white children shall be admitted to the white schools and other children to other schools, and the said school committee shall be the exclusive judges of whether or not any applicant for School commitadmission to any of said schools is entitled to enter or attend the same under the provisions of this section.

SEC. 36. That section one hundred and one of said act be and Section 101 the same is hereby amended so as to read as follows:

amended.

The school committee provided for by this act shall appor- Apportionment tion the money raised or received for educational purposes in of school money. the city of Asheville as shall be just to the white and other races, without discrimination in favor of or to the prejudice of either race, due regards being paid to the cost of keeping up and maintaining the different schools for the different races.

SEC. 37. That section one hundred and two of said act be and Section 102 the same is hereby amended so as to read as follows:

Said board of aldermen shall lay annually, and cause to be Special educacollected by the city tax collector, in addition to the taxes otherwise provided for, and under the same rules and regulations as generally poll and property taxes provided for by law, a special educational tax in said city, not to exceed twenty cents on the Rate. one hundred dollars' valuation of property and sixty cents on the poll, for the purpose of maintaining and supporting said schools; and said tax collector shall be subject to the same Duties and powduties, powers, privileges, authorities and and penalties, and lector. shall receive the same compensation as provided for the collec- Compensation. tion of the general poll and property taxes of the city of Asheville, and his bond to the said city shall be so enlarged as to Bond to be cover the amount of taxes so collected, and to answer the faithful discharge of his duties as such tax collector.

enlarged.

SEC. 38. That section one hundred and three of said act be Section 103 and the same is hereby amended so as to read as follows:

amended.

The taxes laid and collected for educational purposes as afore- How educational said shall be applied, under such rules and regulations as such school committee shall prescribe, exclusively to the support and maintenance of the public schools in said city; and said funds To be kept sepashall be kept separate from all other funds belonging to said

tax applied.

city. SEC. 39. That section one hundred and four of said act be and the same is hereby amended so as to read as follows:

rate from other funds.

The money which shall, from time to time, be apportioned under the general school laws of this state to the public schools received by city in said city, and any money to which the said public schools may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the city of Asheville, who shall be ex officio the treasurer of the

Section 104 amended.

School money treasurer.

urer of school committee.

Treasurer to report monthly.

How money paid out.

said school committee, and whose receipts 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 money received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the said 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 the said treasurer for the disbursement of said money in any settlement required of him by law.

Annual report of treasurer.

Proviso: Accounts of treasurer open to inspection.

Bond of Treasurer.

Compensation of treasurer.

Section 105

Annual reports of school committee. The said treasurer shall furnish annually to the board of aldermen a statement in writing of his receipts and disbursements of the school money, duly audited and approved by the chairman and secretary of the school committee: Provided, that accounts, books and vouchers of the said treasurer shall at all times be open for the inspection of the said school committee, or any other citizen of the city of Asheville. The bond now required of the treasurer of the city of Asheville for the faithful discharge of his duties as such, shall be in a sufficient sum to include the amount received under this act, independent of the amount of such bond, to secure the other funds of the city which may come into his hands.

The said treasurer shall receive as compensation for the services to be rendered by him under this act such sums as the board of aldermen of the said city may prescribe, not exceeding one per cent. on the amount of taxes levied and collected for the school purposes in said city.

SEC. 40. That section one hundred and five of said act be and the same is hereby amended so as to read as follows:

That said school committee shall make to the board of aldermen of the said city annually, at such times as is required under the general school laws of the state, a report containing an accurate census of the school population of said city, showing the work done and money expended under their direction in the city of Asheville on account of the public schools therein, a copy of which report shall be forwarded by the secretary of the same committee to the superintendent of public instruction of this state, and a copy to the superintendent of public instruction of the county of Buncombe.

The school committee hereby created shall be a body corporate by the name and style of the school committee of the city of Asheville, and by that name shall exercise all the powers and authority conferred upon them, and perform all the duties

School committee incorporated. Corporate name. Corporate powers. required of them for the purpose of carrying out the full extent and meaning of this act. The officers of said committee shall Officers. consist of a chairman, a secretary and such other officers as they may deem necessary.

Said corporation shall have a corporate seal, which it may Corporate seal. alter or change at pleasure.

That said school committee shall not have power to transfer, School commitsell, mortgage or convey any of the property, real or personal, mortgage school now held or hereafter to be held by the city of Asheville, for property or incurschool purposes, and shall not contract any debt in any fiscal year, as fixed by the charter of said city, in excess of the amount of the school funds received, or to be received, by the treasurer of said city for school purposes in such fiscal year.

SEC. 41. That section one hundred and seven of said act be Section 107 and the same is hereby amended so as to read as follows: That section one hundred and seven of said chapter three hundred and fifty-two of the private laws of one thousand eight hundred and ninety-five be amended by inserting after the word "may" and before the word "sell" in the seventh line of said section the words "with the concurrence of said school committee," so that the same shall read as follows:

amended.

Said city shall be capable of holding all the property and School property rights of every kind mentioned in the preceding section, in fee simple or otherwise, of any and all other kinds of property for said school purposes, and of purchasing, acquiring and holding in fee simple or otherwise both real and personal estate for said purposes, and may, with the concurrence of the said school committee, sell or convey in fee simple or otherwise any such property, whether real or personal, and apply the proceeds thereof to such purposes, or in the acquirement or purchase of other property therefor, but shall not have power to mortgage the same or transfer the same by way of securing any debt or property. liability.

to be held by city.

May sell school property with concurrence of school committee. How proceeds of sale applied. No power to mortgage school

SEC. 42. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC, 43. That this act shall be in force from and after its ratification.

CHAPTER 164.

An act to amend the charter of the town of Dunn, Harnett county.

The General Assembly of North Carolina do enact:

Town marshal.

SECTION 1. That Section 4, Chapter 191, of the private acts of 1889, be amended by striking out the word "and" in line one and adding after the word "commissioners" in line two the words "and marshal."

Election officers appointed by clerk superior court. SEC. 2. That Section 7 be amended by striking out the words "commissioners of the town of Dunn" in line one, and inserting the words "clerk of the superior court of Harnett county."

Town constable abolished.

SEC. 3. That Section 9 be amended by striking out the word "constable" in line one and two.

Duties and bond of town marshal.

SEC. 4. The marshal shall collect the taxes, fines, forfeitures and penalties under this act, and shall give bond for the discharge of the duties of his office in such sum as the commissioners of said town may require.

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

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 165.

An act to extend the charter of the Marienbad Spring?Railroad Company.

The General Assembly of North Carolina do quact:

Charter extended for two years.

SECTION 1. That the provisions of Chapter 275, Private Laws of 1895, be and the same are hereby extended to embrace two years from and after the ratification of this act.

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

CHAPTER 166.

An act to incorporate the Christian Home Burial Society, number one, of Yeonin, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That M. L. Bowers, J. T. Lowry, J. W. Costen, Corporators. Whiteman Brown, W. H. Skinner, Wm. Mills, J. A. Clarke and other officers and members of "The Christian Home Burial Society," number one (1), of Yeopin, located near Edenton, county of Chowan, state of North Carolina, be and they are hereby incorporated into a body politic under the name and title of "The Christian Home Burial Society," number one (1), Corporate name. of Yeopin, North Carolina.

SEC. 2. That with the above name they and their associates corporate powand successors shall have perpetual succession and a common ers. corporate seal, sue and be sued, plead and be impleaded before any court of record or justice of the peace in this state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said society or its members, and the widows and orphans of its members, and may have all such rights and privileges as are incident to such corporations.

SEC. 3. That the said corporation shall have power to pass all By-laws. necessary by-laws and regulations for its government which may not be inconsistent with the constitution and laws of this state or of the United States.

SEC. 4. That any corporation tax collected of said corporation Corporation tax be refunded them.

to be refunded.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 167.

An act to extend the incorporate limits of the town of Maxton.

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of the town of Maxton be Corporate limits. extended as follows: Beginning at the northwest corner of the present limits of said town as named in chapter eighty, private acts of the general assembly of North Carolina, of session of 1889, running thence south twenty-three and a half west parallel to the Carolina Central Railroad to a point where a line

parallel to said Carolina Central Railroad will intersect the northwestern line of the right of way of the Cape Fear and Yadkin Valley Railway where it crosses the said Carolina Central railroad; thence a direct line to where said line crosses; thence with said northwestern line of said Cape Fear and Yadkin Valley right of way to the edge of the Branch or Mill swamp, near the corner of the fair grounds; thence a direct line to the second last corner named in said chapter eighty, which is the southwest corner of said town as at present described.

Commissioners to pass ordinances for protection of Oak Hill cemetery. Violation of ordinances a misdemeanor.

Penalty.

Jurisdiction.

SEC. 2. That the board of commissioners of the town of Maxton shall have power to pass ordinances to protect Oak Hill Cemetery, which is contiguous to said town, though not within its corporate limits. Any person violating such ordinances shall, on conviction, be guilty of a misdemeanor, and punishable by a fine not exceeding fifty dollars, or imprisoned not exceeding thirty days. The mayor of the town, or justice of the peace of Robeson county, shall have jurisdiction of said offence.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 168.

An act to incorporate the Swain County High School in Swain county.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That W. H. Queen, S. B. Gibson, T. J. Calhoun, J. A. Franks, A. J. Hall, W. B. Cole, T. G. Chambers, D. Whiteside and D. DeHart, and their successors, chosen in any way the Baptist churches, their unions or associations, may direct, shall be and they are hereby constituted a body corporate, to be known as the board of trustees of Swain County High School, with the powers and duties, and for the purposes and interests, as hereafter given.

Corporate name.

How trustees chosen.

Quorum: powers.

SEC. 2. The union shall annually appoint five trustees to cooperate with the trustees appointed by the association, a majority of whom shall constitute a quorum with power to get by gift or purchase and hold real estate and other property, amounting to not less than one thousand dollars, consisting of lands for school site, and other lands, money, etc., for investment in said school and its objects.

Officers.

SEC. 3. The trustees shall have a president, secretary, treasurer and financial agent to be incorporated by act of the general

assembly of North Carolina, and treasurer shall give for faithful management of all funds put into his hands.

SEC. 4. The trustees, in acquiring property for school, shall Trustees to take take warrantee deeds to all lands which they may be able to get by gift or purchase, at a value fixed betwixt them and the parties. The trustees may authorize their financial agents to accept Financial agent. lands, other property and money in the name of their corporate body for the use of said high school. They may arrange also Permanent for a permanent fund for the support of said school the income fund. of which shall only be used.

SEC. 5. The trustees shall never receive any gift from the what gifts not state or any individual which shall hinder the use of the same to be received. in imparting any instruction consistent with the New Testament, under the management of the Baptists of Swain county, North Carolina.

SEC. 6. The trustees may open books of subscription and Books of subsecure stock for the purpose of said high school, said stock to be divided into shares of ten dollars each, the aggregate of stock being not less than one thousand nor over ten thousand Stock. dollars, and the treasurer shall keep books of record in which Treasurer to all proceedings and investments shall be entered and open to keep records. inspection at any time.

scription.

SEC. 7. The trustees may allow churches and Sunday schools who may take to take stock in said high school, and individuals may take stock. How stock paystock, and the stock may be payable in advance or on good able. notes payable in one, two, three and five years.

SEC. 8. The trustees shall not have the power to mortgage or Trustees not to sell said school site or any part of it as long as the Swain County mortgage or sell High School exists, but they may lease, under safe contracts, May make leases. to parties who will build dormitories, always giving liberal advantage to poor, worthy students, who wish to obtain an education, but no term of lease shall exceed twenty years.

school site.

SEC. 9. That the treasurer may use one thousand dollars to Amount to be erect a suitable school house; that the expenses thereby school house. incurred be well husbanded and concerned.

SEC. 10. The trustees shall have power to employ teachers for Trustees to elect said school, the principal of which shall be a graduate of Wake teachers and Forest, or some other good college of high standing, and as early principal. as possible make the school so as to prepare its students for business or college—students be of both sexes. The trustees Meeting of trusmay meet quarterly or oftener for business.

SEC. 11. That this act shall be in force from and after its ratification.

CHAPTER 169.

An act to incorporate State Grand Lodge Number 7, Grand United Order of Odd-Fellows.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That S. H. Vick, state grand master; J. H. Rhodes, state grand secretary; Maurin Watts, state grand treasurer; W. H. Harris, state grand chaplain; E. Green, past grand master; Grant T. Foster and L. M. Moore, the present officers, and their successors, are hereby created and constituted a body politic, under the name and style of Corporate name State Grand Lodge No. 7, Grand United order of Odd-Fellows, and by that name and style they shall have perpetual succession and a common seal, and shall be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state.

Corporate powers.

Powers to take and hold property.

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 be further 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 said corpora-

Powers to sell and dispose of property.

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 and other hereditaments aforesaid, of which it is the owner, when the condition of the grant to it or the will of the devisor does not forbid it.

Corporators not individually liable.

SEC. 4. That the corporation 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.

By-laws.

SEC. 5. This corporation is hereby authorized and empowered to make and adopt such by-laws, regulations and ordinances for the government and management of its affairs as it nay 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 Grand United Order of Odd-Fellows.

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

CHAPTER 170.

An act to incorporate and establish two literary societies in Shaw University.

The Jeneral Assembly of North Carolina do enact:

SECTION 1. That G. H. Mitchell, R. P. Hamlin, J. C. Camp- Corporators of bell, H. C. Patterson, W. H. Knuckles, Charles Bostic, G. O. No. 1 literary Bullock, W. R. Frazer, A. W. Scott, J. W. Lyon, Joshua Levister, J. G. King, J. W. Satterwhite, T. H. Johnson, L. W. Smith, S. F. Edmead, Wm. Larkins, J. J. Jones, A. J. Christian, J. W. Curry, W. A. Jones, J. T. Doles, W. P. Graves, and such other persons as may be associated with them and their successors, be and are hereby constituted a body politic and corporate, under a name and style of the No. I. (permanent name hereafter to be inserted) Literary Association, and that W. R. Taylor, H. S. Moore, F. S. Hargraves, G. W. Yores, H. H. Tatum, C. No. 2 literary T. Branch, C. W. Morris, A. A. Wyche, N. S. Hargraves, J. D. society. Knox, C. R. Frazer, U. F. Graves, L. A. Fletcher, Hiram Holland, J. H. Brinkley, W. T. Askew, J. H. McCullough, J. A. Williams, W. T. Pollard, Henry Williams, J. W. Paisley, W. H. Jackson, J. E. Powe and such other persons as may be associated with them and their successors, also be and are hereby constituted and appointed a body politic and corporate, under a name and style No. II (name to be hereafter inserted) Literary Society, both to be located in the city of Raleigh, N. C., in Location. Shaw University for the promotion of useful knowledge and the better cultivation of the thinking and speaking faculties of the student at Shaw University.

association.

SEC. 2. The general management of these two societies shall General managebe vested in the persons named in societies Nos. I. and II., their ment of societies. associates and successors, and a new member or members, for t' carrying out of the designated purpose, may be chosen by the remaining members by a majority vote at a regular or special meeting and so on in perpetual succession.

SEC. 3. Said incorporated societies shall have power to make By-laws, a constitution and by-laws, rules and regulations for the admission, government, suspension and expulsion of their members, the collection of fees, fines and dues, the number, election and duties of its officers, the safe keeping and protection of their property and funds, and from time to time to alter, modify or hange such constitutions, by-laws, rules and regulations.

SEC. 4. Said corporate societies shall have power to sue and Corporate powbe sued by their corporate names (hereafter to be added) and ers. shall have power to take by purchase, lease, gift, grant, devise

Proviso: Limit as to real property held.

Members not individually liable for debts of societies.

taxation.

and bequest, and 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 fifty thousand dollars.

SEC. 5. The individual members of these two societies shall not in any event be liable for any of the debts or obligations of the corporations nor shall any member have an individual ownership of the property of the said societies, but the active interest of each member in the property and the privileges and franchises of these incorporated societies shall cease at death or Exemption from when such active membership is terminated. The property of these two incorporated societies shall forever be exempt from taxation.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 171.

An act to incorporate the town of Maysville, Jones county.

SECTION 1. That the town of Maysville, in the county of

Jones, is hereby incorporated by the name and style of the town of "Maysville, the boundaries of said town to be as follows:

Beginning at the S. W. corner of the Maysville Land Company's

plat and thence running south (87) eighty-seven degrees, (20)

The General Assembly of North Carolina do enact:

Town incorporated.

Corporate name. Boundaries of town.

> twenty minutes west seventy polls to a joint; thence north parallel with the west line of the Maysville land company's plat to a point in a direct line with their outside north line; thence in a direct line to the N. W. corner of said plat, thence east with their northern line to their N. E. corner; thence south, and with the various courses and distances of the said outside line of said plat, to the beginning.

Officers.

SEC. 2. The officers of said town shall consist of a mayor, a marshal, a treasurer and five commissioners.

Officers named until next election.

SEC. 3. That until the next town election the following persons shall constitute the officers of said town, to-wit: D. L. Watson as mayor; Geo. P. Rogers, marshal; and A. J. Collins, C. H. Fay, W. H. Chinress and W. B. Smith as commissioners, and the mayor shall be chairman of said board of commissioners. 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,

Rights, powers and privileges.

and shall have power to elect all necessary officers and agents and to fix their compensation; shall have power also to pass By-laws and and enforce all necessary by-laws and ordinances for the government of said town, and they shall have the power to levy a Taxing power. tax on all objects of state taxation, and to impose fines for the Fines for violaviolation of town ordinances and collect the same for the use of the town; to require bonds from their officers and agents for Bonds of town the faithful performance of their duties.

SEC. 5. The mayor of said town shall have all the rights, Rights, power and jurisdiction powers privileges and jurisdiction conferred by this act and of mayor. by chapter sixty-two (62) of The Code of North Carolina.

SEC. 6. The salaries of all town officers shall be fixed by the Salaries of town board of town commissioners.

SEC. 7. The officers appointed by this act shall qualify before when officers some justice of the peace within sixty days after the ratification of this act, and said town officers shall continue in office When term to until their successors shall be elected and qualified; said election to take place on the first Monday in May, 1898, and on the 1st Monday of May in each and every year thereafter, to be governed by the law regulating similar elections.

SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 172.

An act to authorize the city of Greensboro to issue bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Greens-Issue of bonds boro is hereby authorized and empowered to issue bonds in the name of the city of Greensboro, in such denomination and forms Denominations. as it may determine, to an amount not exceeding fifty thousand Maximum dollars, bearing no greater interest than five per centum per amount. annum, which shall be paid semi-annually, and said bonds shall be made payable at such time and place as shall be determined by said board of aldermen: Provided, that the time of payment shall be fixed at not less than 30 nor more than fifty years.

SEC. 2. That said bonds shall in no case be sold, hypothe-Bonds not to be cated or otherwise disposed of for less than their par value, and all moneys arising from the sale thereof shall be used for the How proceeds used.

ordinances.

tions of town ordinances. officers and agents.

officers.

appointed to expire.

authorized.

Proviso: Bonds to run how long.

sold below par.

purpose of extending and improving the sewer system of said city, and for no other purposes whatsoever.

Bonds not issued until authorized by majority of qualified voters.

Notice of election.

Ballots.

Proviso: New registration.

Bonds and coupons exempt from city tax.

Coupons receivable for city taxes.
Special tax for paying coupons.

Treasurer to cancel paid conpons.

Report of treasurer.

Property owners to connect with sewer.

Charges for use of sewers.

SEC. 3. That said bonds shall not be issued until authorized by a majority of the qualified voters of said city at a public election to be held at such times and place as the said board shall appoint, of which notice shall be given for 20 days in some newspaper published in said city, and at said election those favoring the issue of said bonds shall vote "Issue," and those opposing it shall vote "No Issue": Provided, that said board may in its discretion order a new registration of the voters of said city, and if a majority of the qualified voters of said city shall vote to issue said bonds, then the said board of aldermen shall issue the same, which shall be signed by the mayor, attested by the city treasurer and sealed with the corporate seal of the city, and have interest coupon bonds attached thereto and said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons shall be receivable in payment of city taxes.

SEC. 4. That for the purpose of paying said coupons as they become due, it shall be the duty of the board of aldermen, and they are hereby empowered so to do, to levy and collect a sufficient special tax each year upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, which taxes when collected shall be used for no other purpose, and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel the same, and he shall report not less than twice a year to the board of aldermen the numbers and amounts of the coupons so canceled.

SEC. 5. That the board of aldermen of said city shall have the power to compel any and all persons owning property abutting upon the streets where sewer pipes have been, or shall be hereafter laid, to connect their premises with said sewers under such rules and regulations as said board of aldermen shall deem best.

SEC. 6. That said board of aldermen shall have the power to fix a schedule of rates and charges for the annual use by any person of the sewers hereafter to be laid under and by the provisions of this act, or which have been heretofore been laid in said city, or said board may, in lieu of an annual rental, fix such charges for connecting with said sewers as in their judgment they shall deem best.

SEC. 7. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 173.

An act to incorporate the bank of Littleton.

The General Assembly of North Carolina do enact:

SECTION 1. That Sterling Johnston, John P. Leach, Howard Corporators. Alston, H. S. Harrison, Jno. H. Harrison, Thos. W. Harris, N. W. Land, G. Edgar Leach, Chas. A. Cook and their associates, successors and assigns are hereby constituted and declared a body politic and corporate by the name and style of "The Bank of Corporate name. Littleton," with its principal office and place of business at Littleton, North Carolina, and shall so continue for a period of thirty (30) years, with capacity to take, hold and convey real Corporate exisand personal estates, and with all the powers, rights and priv-tence. ileges granted to corporations of like character by this or any ers. former legislatures of this state, together with the rights, powers and privileges incident or belonging to corporations set forth or referred to in sections six hundred and sixty-three (663), six hundred and sixty-four (664) and six hundred and sixtyfive (665) of volume one (1) of The Code of North Carolina, entitled "Corporations."

SEC. 2. The capital stock of said bank shall not be less than ten thousand (\$10,000.00) dollars in shares of ten (\$10.00) dollars and fifty (\$50.00) dollars each, or either, and both, and such capital stock may be increased from time to time as said corporators may elect, to a sum not exceeding fifty thousand (\$50,000.00) dollars.

Capital stock.

SEC. 3. The corporators named in the first section, or a major- Books of subity of them, are hereby empowered to open books of subscrip- scription. tion to the capital stock of said bank, at such times and places, and for such period or periods as they shall determine.

SEC. 4. When ten thousand (\$10,000) dollars of said capital when and how stocks shall have been subscribed and five thousand (5,000.00) organization dollars paid up, the said corporators, or a majority of them, may call a meeting in the town of Littleton, North Carolina, of the stock holders at such place as they may designate, and if at

such meeting the stock holders 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 said bank as they please, not inconsistent with the laws of the state, and may elect such number of directors as they see fit, to serve one year or until their successors are chosen.

President and other officers.

Directors.

SEC. 5. The directors shall elect one (1) 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 the said directors, and the directors shall prescribe their duties and may take from them bonds Bonds of officers. with security for the faithful discharge of their duties and may fix their compensations.

Power of directors.

business.

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 and transferring stock, may regulate meth-General banking od of conducting the business of said bank; may do a general banking business with 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 2, of The Code; may lend money at such rates of interestas may be agreed upon subject to the general laws of the state in regard to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debts; may loan money on mortgages of real and personal property or both, or upon liens upon crops, planted or unplanted; may buy, build or rent a banking house or houses and may sell and exchange the same at will; 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 shall direct when dividends or profits shall be made and declared.

How subscriptions of delinquent subscriber recovered.

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 town of Littleton, after advertisment of such sale for ten days, in some newspaper published in said town or in three public places in said town, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, with all the costs of such sale.

SEC. 8. That when married women, minors or apprentices Deposits of mindeposit money or other things of value in said bank, either gen- women or erally 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 married women, minors or apprentices 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 women, minors or apprentices.

ors, married apprentices.

SEC. 9. That said corporation shall have the right to act as Power to act as agent, factor or trustee for any state, county, town or other agent, factor or municipality or corporation, company or individual, on such terms as to compensation commission as may be agreed on in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of an account of any state, county, township, town, municipality, corporation, company, individuals, any bonds, certificates of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of such bonds, certificates of stock, notes, &c., 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, commission or rates of compensation as may be agreed upon.

SEC. 10. The said bank is authorized, in addition to its general Savings bank banking business, to organize a department of 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 saving department, and to give certificates or other evidences of deposit, and to pay such interest as may be agreed on: Provided, the same does not exceed Proviso: Interest not to the legal rate of interest, and to regulate the time of payment exceed legal rate. and notices of demand.

department.

SEC. 11. No stockholder shall be in anywise individually Stockholders not liable or responsible for any debt, obligations, contracts or ble. engagements of said bank except that the president and directors of said corporation, being stockholders, shall be liable for

Code of North Carolina.

SEC. 12. That each stockholder may cast, in all meetings of Votes of stockstockholders, one vote for each share of stock held by him or holders. her of the par value of fifty dollars, and one-fifth of one vote for every share of stock of the par value of ten dollars held by him or her.

fraud as prescribed in section 686, chapter 16 of volume 1 of The

Franchise not forfeited for non user. Proviso: Corporation to be organized in five years.

SEC. 13. The powers and privileges herein granted shall not be deemed forfeited for non user: Provided, the corporation is organized within five years from the date of the ratification of this act.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 174.

An act to incorporate the Central Industrial Institute of Columbus, Polk county, N. C.

Preamble.

WHEREAS, Frank M. Stearns of Cleveland, Ohio, having made generous donation of lands and other property for the purpose establishing an institution of learning at Columbus, Polk county, North Carolina. now, therefore,

Corporators.

SECTION 1. Be it enacted, by the general assembly of the state of North Carolina, that said Frank M. Stearns, G. H. Deteviles, James McDewell, G. B. Abbott, J. G. Hughes, G. W. Wilson, W. E. Hamilton, J. R. Dosh, H. E. Gray, J. K. Gibbs, A. Graybeal, W. C. Matney, A. S. Beaman, J. S. Burnett, and A. L. Johnson, and their successors, be and they are hereby created a body politic and corporate, with perpetual successions, by the Corporate name, name and style of Central Industrial Institute, and that by their corporate name aforesaid they may contract or be contracted with, sue and be sued, plead and be impleaded in any court of competent jurisdiction in any manner of action whatever, may have a common seal, and change and renew the same at pleasure, and shall hold their offices until their successors are appointed and qualified.

Corporate powers.

How successors of trustees elected.

SEC. 2. That the successors of the above named trustees shall be elected as follows, to-wit.: Two-thirds of the number shall be elected by the board of trustees itself, and one-third of said trustees shall be elected by the Blue Ridge conference of the the Methodist Episcopal church, or by such conference of said church as may hereafter include said institution within its bounds.

Power to acquire and hold property.

SEC. 3. Said trustees and their successors shall be and are hereby authorized to receive, acquire and hold by gift, grant, purchase or otherwise, any real estate, personal or mixed, and may sell, dispose of and convey the same: Provided, such property be not diverted from the express will of the donor.

SEC. 4. The trustees shall have power to establish an institu- Further powers. tion of learning with male and female departments, elect all members of the faculty thereof, prescribe the course of study, make all rules, regulations and by-laws, which they may deem expedient, for the government of said institution of learning, and transact all lawful business of said university.

SEC. 5. A majority of the bord of trustees at any regularly Quorum. called meeting shall constitute a quorum for the transaction of business of said university.

SEC. 6. The trustees shall have power to elect from their own Officers. number a president, a secretary and a treasurer, who shall perform the duties pertaining to their respective offices, and shall hold their offices until their successors are chosen and qualified.

SEC. 7. That it shall be unlawful for any person or persons to Unlawful to manufacture, sell, give away or dispose of, directly or indirectly, any spirituous or intoxicating liquors within two and one-half liquors within (2½) miles of said institution of learning, and any person or not 2½ miles of instisons violating the provisions of this section shall be deemed tion a misdeguilty of a misdemeanor, and upon conviction thereof shall be meanor. fined or imprisoned, or both, at the discretion of the court.

manufacture. Violation of sec-

SEC. 8. That this act shall be in force from and after its pas-

Penalty.

Ratified the 9th day of March. A. D. 1897.

CHAPTER 175.

An act to repeal chapter (45) of the private laws of 1874, incorporating the town of Teachey, in Duplin county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty five of the private laws of Town charter North Carolina of 1873 and 1874, entitled an act to incorporate the town of Teachey's, in Duplin county be, and the same is hereby repealed.

SEC. 2. That no corporate restrictions or privileges be Corporate required or allowed.

restrictions or privileges.

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

CHAPTER 176.

An act to place the name of Jones R. Smith of Wayne county on the pension roll.

The General Assembly of North Carolina do enact:

Name placed on pension list on certain conditions. SECTION 1. That the name of Jones of R. Smith of Wayne county be placed upon the pension roll of the state, if upon examination by the proper authorities his injuries received in the late war between the states are deemed by said authorities to be sufficient to entitle him to draw a pension.

Laws repealed as to this case.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed, so far only as this particular case is concerned.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 177.

An act to amend chapter thirty-nine, private laws of 1869 and 1870.

The General Assembly of North Carolina do enact:

Corporate limits of town of Mt. Olive extended.

Boundaries.

SECTION That section two, chapter thirty-nine, private laws of 1869 and 1870, be amended as follows: To extend the corporate limits of the town of Mt. Olive, beginning at a point in the centre of the W. & W. R. R. Co. track, N. 28° 40′ E. 233 feet from the northern boundary of the town running S. 51° 20′ E. 2186 $^4_{10}$ feet to a stake, the north-east corner of the proposed extension, then parallel with the said W. &W. R. R. S. 38° 40′ W. 2873 feet to a stake; thence N. 51° 20′ W. 860 $^4_{10}$ feet to a stake the south-east corner of town; thence parallel with said R. R. 38° 40′ W. 660 ft. to a stake; thence North 51° 20′ W. 2640 feet to a stake the south-west corner of the proposed extension; thence N. 38° 40′, E. 3533 feet to the north-west corner of the proposed extension to a stake; thence parallel with the northern boundary of the town S. 51° 20′ E. 1320 feet to the first station.

That four hundred and twenty (420) feet be added to the west end of said town of Mt. Olive, Wayne county, the same to be an extension of the old line on the north and south sides of said town.

The western line to be parallel with present western boundarv line.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 178.

An act to incorporate Hanibal Lodge, number 1552, Grand United Order of Odd Fellows of Wilson, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That S. H. Vick and M. H. Cotten, trustees, and Trustees incortheir successors in office, are hereby created and constituted a porated. body politic under the name and style of Hanibal Lodge, number 1552, Grand United Order of Odd Fellows of Wilson, North Corporate name, Carolina.

SEC. 2. That with the above name they and their successors Corporate powshall have a perpetual succession and a common corporate seal, ers. sue and be sued, plead and be impleaded before any court of record or justices of the peace in this state, contract or be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members and the widows and orphans of its members, and may have all such rights and privileges as are incident to such corporations.

SEC. 3. That the corporators aforesaid, and all members and Corporators, officers of the corporation, their successors and assigns, shall members and not be individually or personally liable or responsible for any vidually liable. debts, liabilities, obligations or contracts of the corporation.

SEC. 4. That the said corporation shall have power to pass all By-laws, necessary by-laws and regulations for its own government which may not be inconsistent with constitution and by-laws of this state or the United States or the laws of the Grand United Order of Odd Fellows.

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

CHAPTER 179.

An act to incorporate the Dread Not Hook and Ladder Company, number one, of Kinston, North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

Corporate name.

Corporate pow-

ers.

SECTION 1, That S. O. Mason, Jno. Pollard, Henry York, Wm. M. Lewis, and such other persons as are now or may hereafter become members, not to exceed sixty in number, be and they are hereby created and declared to be a body politic and. corporate by the name and style of "The Dread Not Hook and Ladder Company, number one, of Kinston, North Carolina," and by that name shall sue and 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 this 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.

Officers.

the by-laws of the same. They shall be elected annually and shall hold office until their successors are elected and qualified.

SEC. 3. That said corporation is empowered to impose reason-

SEC. 2. That the officers of such corporation shall be fixed by

Power to impose fines and penalties.

SEC. 3. That said corporation is empowered to impose reasonable fines and penalties to secure prompt and efficient services from its members.

Exemption of members from jury and road duty and polltax.

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 performing of road duty or the payment of town poll-tax either within or beyond the corporate limits of the town of Kinston, North Carolina.

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

CHAPTER 180.

An act to incorporate Prince Hall Lodge, No. 57, Ancient, Free and Accepted Masons, Henderson, Vance county, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That M. M. Peace, T. S. Eaton, J. Y. Eaton, W. O. Corporators. Ontlaw, J. W. Hart, Joe Stone, Henry Gales, L. D. Mayo, S. Gregory, G. W. Claiborne, and Charlie Hughes, together with other officers and members of Prince Hall Lodge, number fifty- Corporate name. seven, Ancient, Free and Accepted Masons, located in the town Corporate powof Henderson, North Carolina, be and they are hereby incorpor- ers. ated into a body politic and corporate under the name and title of "Prince Hall Lodge, number fifty-seven, order of Free and Accepted Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and have all such rights and privileges as are incident to such corporations.

SEC. 2. That this corporation shall have power to pass all nec- By-laws. essary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of North Carolina or of the United States.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 181.

An act to incorporate Roanoke Institute of "Roanoke Missionary Baptist Association" of Elizabeth City, N. C.

The General Assembly of North Carolina do enact:

SECTION 1. That J. A. Faulk, Z. H. Berry, H. H. Norman, Corporators. Samuel Felton, H. Bodhouse, Louis Tillery and J. A. Flemming and their associates and successors be and they are hereby constituted and made a body corporate and politic with perpetual succession under the name and style of Roanoke Institute of the Roanoke Missionary Baptist Association, and by that name may Corporate name. sue and be sued, plead and be impleaded in all courts of law

Corporate pow-

and equity, and may purchase and hold and sell and convey real estate, and they may receive any gifts, grants or donations of any kind or nature, either personal or real estate, that may be necessary to further the interest of this incorporation. That they shall have full power to make and use a common seal, and to alter the same at will, and they are hereby fully authorized and empowered to do all things necessary to enable them to advance the cause of education.

By-laws.

Location.

SEC. 2. That said corporators shall have full power to make and establish such by-laws as they may deem proper for the better government of said institution, and that said Roanoke institute shall be established at Elizabeth City, Pasquotank county, N. C., and that they shall do and perform all such other acts as appertain to bodies corporate and politic not inconsistent with the laws of North Carolina and of the laws of the United States.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 182.

An act to re enact chapter one hundred and ninety-three, private laws of eighteen hundred and ninety-five.

The General Assembly of North Carolina do enact:

Charter of Thomasville, Silver Valley and Pee Dee Railroad re-enacted.

SECTION 1. That chapter one hundred and ninety-three, ratified the eleventh day of March, A. D. 1895, with the several amendments to which it refers, be and the same are hereby re-enacted.

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

CHAPTER 183.

An act to pay the railroad debt of the town of Pollocksville, Jones county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town Question to be of Pollocksville, in Jones county, upon the request of one fifth submitted to voters at general of the qualified voters of said town, may submit to the qualified town election. voters thereof, at the next general municipal election to be held for said town, the question whether said town shall pay to certain citizens of said town and county the sum of \$442, dollars paid by them for right of way and depot site for the East Carolina Land and Railway Company, to induce said railroad com pany to locate and build its line of railroad from Jacksonville to New Bern by and through said town.

SEC. 2. That said election shall be held in a separate box, and How election said election shall in all respects be conducted under and regulated by the laws concerning the said municipal election.

SEC. 3. Those desiring to vote for the payment shall vote a Ballots, ballot with the words "For Payment" written or printed thereon, and those desiring to vote against payment shall vote a ballot with the words "No Payment" written or printed thereon, and if a majority of the qualified voters of the said If majority for town shall vote "For Payment" the commissioners of said town be levied. shall levy a tax upon the polls and property of said town, observing the constitutional equation to pay the same onethird thereof during the first year, one-third thereof during the second year, and one third thereof during the third year.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 9th day of March, A. D. 1897.

CHAPTER 184.

An act to incorporate the Iverson Lumber and Boom Company of Yancey and Mitchell counties.

The General Assembly of North Carolina do enact:

SECTION 1. That Martin Iverson, George Morrison, H. P. Corporators. Wyman, W. W. Lockwood, E. F. Watson, J. Bis Ray, and their associates and successors, are hereby constituted a body politic and corporate, under the name and style of the "Iverson Lum- Corporate name. ber and Boom Company," and as such may sue and be sued in Corporate powany of the courts of the state, and shall be subject to all laws ers.

of North Carolina not inconsistent with this act; that said company shall elect such officers and prescribe such by-laws as may be necessary for the government and operation of said company and management of its officers.

Capital stock,

SEC. 2. That the capital stock of said company shall be twenty-five thousand dollars, with power of stockholders to increase to one hundred thousand dollars when they think necessary, and shall be divided into shares of one hundred dollars each.

Votes of stockholders. SEC. 3. That in all meetings of stockholders for the purpose of electing officers, or for the transaction of any other business connected with said company, each stockholder shall be entitled to one vote for each share of stock owned by him, and share holders may vote by proxy, duly authorized in writing.

Power to build tram-ways or railways.

SEC. 4. That the said company shall have full power to erect and operate tram-ways or railways, using any motive power it sees fit, for the transportation of logs or lumber from any point in Yancey or Mitchell counties, and shall have power to condemn land under the provisions of law in reference to railroads in chapter forty-nine of the first volume of *The Code*.

They shall also have power to erect splash dams in any or all

Power to condemu lands.

Power to erect splash dams and booms.

of the creeks or water courses flowing into the Toe or Caney rivers in the counties of Yancey or Mitchell, and may build and erect booms for the collection of logs in said rivers, within said counties, and after they have spent the sum of two thousand dollars in building splash dams and booms and removing obstructions in said river or creeks, they shall have the right to take such toll or boomage as may be fixed by the officers of said company, not exceeding however, two dollars per thousand feet; and they shall have a lien on said logs until the said toll or boomage is paid.

Power to take toll or boomage.

Rates.

Toll a lien on logs.

Power to condemn land for dams and booms.

They shall have power to condemn abutting lands for the purpose of constructing said dams and booms, under the provisions of law in chapter forty-nine of the first volume of *The Code*.

Power of consolidation. They shall also have power to consolidate with any other company organized under the laws of this state, or any other state, for the purpose of carrying out the business contemplated by this act.

Power to bny, hold aud dispose of property.

SEC. 5. That said company shall have power to take by purchase, lease or other operation of law, any lands, tenants 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 in fee-simple, as provided in section six hundred and eighty-five of *The Code* and its amendments. They shall have power to sell, grant and convey, improve, manage, develop, lease,

mortgage, dispose of, or otherwise deal with any part or all of the property of said company, in such manner as the said company may see fit.

SEC. 6. The principal place of business of said company shall Principal place be in Burnsville, Yancey county, North Carolina.

of business.

SEC. 7. That all the rights, privileges, powers and immuni- Further corpoties given to corporations in chapter sixteen of The Code and rate powers. the amendments thereto, not inconsistent with this act, are hereby specially reserved to said company.

SEC. 8. The stockholders of said company shall not be liable Stockholders not in their individual capacity for the debits of said company.

individually lia-

SEC. 9. This act shall be in force from and after its ratifica-

Ratified the 9th day of March, A. D. 1897.

CHAPTER 185.

An act to incorporate Cape Fear tent number three, Grand United Order of Rechabites.

The General Assembly of North Carolina do enact:

SECTION, 1. That J. H. Jackson, S. T. Shiver, E. D. Pompey, Corporators, and such other officers and members of Cape Fear tent number three, Grand United Order of Rechabites, located in the city of Wilmington, county of New Hanover, be and they are hereby incorporated into a body politic and corporate under the name and title of "Cape Fear tent number three, Grand United Corporate name, Order of Rechabites," and by that name may have succession Corporate powand a common seal, sue and be sued, plead and be impleaded ers. before any court of record or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and shall have power to organize subordinate lodges in the state and have all such rights and privileges as are incident to such corporations.

SEC. 2. That this corporation shall have power to pass all By-laws. necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of the state or of the United States.

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

CHAPTER 186.

An act authorizing John Jackson, a citizen of Perguimans county, to peddle without paying any tax in Perquimans county.

Preamble.

Whereas, John Jackson, a citizen of Perquimans county, is a poor man, having lost both of his legs, and is dependent on his own efforts, "with what his neighbors contribute," for a support.

The General Assembly of North Carolina do enact:

Allowed to peddle in Perquimans county free of tax.

Section 1. That said John Jackson, a citizen of Perguinans county, be and he is hereby authorized and empowered to peddle goods, wares and merchandise in said county of Perquimans free and clear of any and all tax, both county and state.

SEC. 2. That all laws and clauses of laws in conflict with the above is hereby repealed.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 187.

An act to amend chapter 108 of the private laws of 1887, the same being entitled an act to incorporate the town of Victoria, in the county of Buncombe.

The General Assembly of North Carolina do enact:

SECTION 1. Section 2 of the said act is hereby amended so Corporate limits, that the same shall read as follows: Section 2. That the corporate limits of the said town shall be as follows: Beginning on the east bank of the French Broad river at the lower corner of land formerly of Rev. J. K. Connelly and now of George W. Vanderbilt, running thence eastwardly along the northerly line of said land and land now of said Mr. Connelly, to the westerly line of land of Robert N. Garrett; thence northwardly along the westerly line of said last mentioned land to the northwestterly corner thereof; thence eastwardly along the northerly line of said land of Robert N. Garrett to the northeast corner of said land at the northwest corner of land known as the "Oakland Heights property;" thence northeastwardly along the line of said Oakland Heights land to the southwesterly

corner of the land of Rev. L. M. Pease; thence northwardly along the westerly line of said land of L. M. Pease to the northwest corner thereof, and thence continuing in the same direction to the southerly line of the city of Asheville: thence eastwardly along the southerly line of the city of Asheville to the easterly side of the road leading southwardly in continuation of South Main street in the city of Asheville to the Swannanoa river: thence southwardly along the easterly side of the said road to the line of the town of Kenilworth, thence westwardly along the northerly line of the said town of Kenilworth to the westerly side of said road at the northwest corner of the said town of Kenilworth; thence southwardly along the westerly line of the town of Kenilworth to the northerly side of the Swannanoa river: thence down the said river along the northerly side thereof to the French Broad river, and thence down the said French Broad river along the easterly bank thereof to the point or place of beginning.

SEC. 2. Section 3 of said act is hereby amended so as to read Town officers. as follows: Section 3. That the officers of said town shall consist of a mayor and three commissioners, a constable and a town clerk and treasurer: that the offices of town clerk and treasurer may be held by the same person, who shall be selected by the commissioners, as shall also be the constable.

SEC. 3. Section 4 of said act is hereby amended by striking Constable subout therefrom the words "town marshal," and by inserting in marshal. lieu thereof the word "constable."

SEC. 4. Section 9 of the said act is hereby amended by adding at the end thereof the following words: "and no electric or No electric or other railway shall have power to use or appropriate any pub-use streets or lie highway or any part of such highway in the said town, or condemn propto pass through said town or any part thereof, whether upon a erty in town without consent highway or not, nor to condemn any land or rights in said town of commissionfor the use of any such railway, without first obtaining the consent thereto in writing of the mayor and board of commissioners of said town; and all acts or parts of acts, public or private, not consistent with this provision, are hereby repealed."

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

Ratified the 9th day of March, A. D. 1897.

other railway to

CHAPTER 188.

An act to incorporate Golden Victory Lodge (2321) Grand United Order of Odd Fellows, of Greenville, North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That C. C. Forbes, T. A. Wilkes and F. J. Jenkins, trustees, and their successors in office, are hereby created and constituted a body corporate under the name and style of Corporate name. Golden Victory Lodge, number twenty-three twenty-one (2321), Grand United Order of Odd Fellows, of Greenville, North Carolina, and by that name and style they shall have perpetual succession, and a common seal, and shall be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state.

Corporate powers.

Power to take and hold property.

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 be further able in law to take, receive and possess all money, books, goods and chattels which may be given, sold or bequeathed to or for the use of said corporation.

Power to sell and convey property.

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, does not forbid it.

Members and officers not individually liable.

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.

Further corporate powers.

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 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 bylaws, 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 and laws of this state or the United States, or the laws of the Grand United Order of Odd Fellows.

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

CHAPTER 189.

An act for the relief of James P. Cook, a totally disabled ex-confederate soldier of Jackson county.

The General Assembly of North Carolina do enact:

SECTION 1. That James P. Cook, an ex-confederate soldier of Placed on pencompany B, twenty-fifth regiment of North Carolina volunteers, sion roll of second grade. who is totally disabled by reason of kidney disease, eczema, and chronic dysentery, be and he is hereby placed upon the pension roll of the state of the second grade.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 190.

An act to repeal chapter two hundred and ninety-two (292) of the private laws of North Carolina, 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety-two (292) Charter of Sunof the private laws of 1891, entitled "an act to incorporate the set Park repealed. town of Sunset Park in the county of Buncombe," be and the same is hereby repealed.

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

Rntified the 9th day of March, A. D. 1897.

CHAPTER 191.

An act to incorporate Diamond Star Lodge, number 3811, Grand United Order of Odd Fellows, at Asheboro, Randolph county.

The General Assembly of North Carolina do enact:

SECTION. 1 That Charles T. Reid, Jesse Lytle, and G T. Wad- Corporators. dell and others, officers and members of Diamond Star Lodge, number 3711, Grand United Order of Odd Fellows, located at Asheboro, in the county of Randolph and state of North Carolina, be and they are hereby incorporated into a body politic and corporate under the name and style of "Diamond Star Corporate name. Lodge, number 3711, Grand United Order of Odd Fellows."

Corporate pow-

SEC. 2. That, with the above named, they and their associates and successors shall have perpetual succession and a common corporate seal; and shall be capable in law to sue and be sued. plead and be impleaded before any court of record or any justice of the peace in this state, contract and be contracted with. acquire, hold, sell, mortgage and dispose of real and personal property for the benefit of said lodge or its members and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

By-laws.

SEC. 3. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state or the United States.

Powers of trustees to hold and dispose of property for use of corporation.

SEC. 4. That Charles T. Reid, Jesse Lytle and G. T. Waddell, trustees, and their associates and succeesors in office, are hereby freely authorized and empowered to purchase, lease, hold, and convey by deed or mortgage all such real and personal property as may be necessary for carrying out the objects and purposes of the said corporation.

Corporate propertý only liable for debt.

SEC. 5. That the corporate property only of the said company shall be liable for its debts and obligations.

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

Ratified the 9th day of March, A. D. 1897.

CHAPTER 192.

An act to incorporate the trustees of the Liberal Industrial and Agricultural Institute of Elizabeth City, North Carolina.

The General Assembly of North Carolina do enact:

Name of institution changed.

SECTION 1. That the name of the institution known as the "Colored Industrial and Agricultural Training school:" The same is hereby changed and shall be hereafter known as the "Liberal Industrial and Agricultural Institute," and that Rooks Turner, Sr., James M. Collins, James E. Griffin, William Edward Overton, Charles Davis Whiterst, John T. Overton, and their associates and successors in office, be and they are hereby

declared a body corporate and politic, under the name and

of institution as aforesaid, shall be capable in law and in equity

Corporators.

Corporate name.

style of the trustees of the "Liberal Industrial and Agricultural Institute," an institution of learning situated at Elizabeth Location. City, Pasquotank county, N. C., and as such and by said name to sue and to be sued, to plead and to be impleaded, to contract Corporate powand be contracted with, to use a common seal to be altered at pleasure, and enact and prescribe such rules and regulations for the government of said institution and the promotion of order and good morals therein as may be ratified by a majority of its trustees and successors in office in general meeting, and as are not inconsistent with the laws of North Carolina or the United States.

SEC. 2. That said trustees and their successors are authorized Power of trusand empowered to acquire and hold by lease, to purchase and erty for use of hold property, real and personal, machinery, appliances, appa-corporation. ratus, as they may deem necessary for the purposes of the institution, and receive and hold all funds, money, donations, legacies and devices which may hereafter be granted, given, conveyed, begreathed and devised to said institution in trust for the support and use of said institution.

tees to hold prop-

SEC. 3. That said trustees and their successors shall be author- Power of trustees ized to appoint directors, a president or principal, collector, and elect such other officers and instructors, annually, as they may deem best to serve the interests of said institution.

to elect officers.

SEC. 4. That said trustees shall be empowered to form a stock Stock company company for the promotion of the interest of said institution to may be formed. prescribe rules and regulations for its government, and to dissolve the said stock company whenever they shall deem it necessarv to do so.

SEC. 5. That the liabilities of said institution shall affect the Liabilities of property of the institution only and not the private credit and affect property property of the trustees, directors, or stock holders, as individ nals.

affect property of institution only.

SEC. 6. That the said trustees and their successors in office Power of trustees shall have power to grant diplomas and issue such other certifi- to grant diplomas and certificates of merit or proficiency as they may deem best.

cates of merit and proficiency.

SEC. 7. That in case a vacancy occurs in said trustees' board Trustees to fill by death, resignation or inability to serve the purposes of said vacancy in board. institution, the remaining members of said board shall have power to fill the vacancy by a majority vote of their members in general meeting. A majority of the trustees shall be a suffi-Quorum. cient number to constitute a quorum for the transaction of business for said institution.

SEC. 8. That said institution shall have its principal location Principal locaat Elizabeth City, N. C., but its trustees shall have power to tiou.

Branch schools.

establish branch schools anywhere within the county of Pasquotank.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 193.

An act to authorize the city of Fayetteville to establish and operate a system of electric lights and motive power.

The General Assembly of North Corolina do enact:

City authorized to purchase land, works and machinery.

SECTION 1. That the city of Fayetteville be and is hereby authorized and empowered to purchase, hold, erect and establish all necessary land, works and machinery, wherewith to furnish electric lights and motive power for the use of the city and its citizens and for persons living in its suburbs.

Issue of bonds authorized.

Amount and denominations.

Bonds to be numbered and signed.

Secretary and treasurer to keep

Coupons receivable for dues to city.

Lights and motive power for private use.

Rents to be kept separate.

How applied.

Sinking fund.

SEC. 2. For the foregoing purposes it shall be lawful for the said the city of Fayetteville to issue and sell, at a price not less than par, the coupon bonds of said city, to an amount not to exceed fifteen thousand dollars (\$15,000.00), said bonds to be in denominations of one hundred dollars (\$100,00) and five hundred dol-How long to un. lars (\$500.00) and to run for a period of thirty years from the issue of the same, and to bear interest at a rate not to exceed six per centum per annum, payable semi-annually on the first days of June and December of each year after their issue.

SEC. 3. Said coupon bonds shall be numbered in succession, shall be signed by the mayor and secretary, and it shall be the duty of the secretary and of the treasurer to keep an accurate account of bonds. account of the same.

> SEC. 4. The coupons of said bonds shall be receivable by the tax-collector and treasurer of the city of Fayettevill in payment of loans and all dues to the city.

> SEC. 5. It shall be lawful for said the city of Fayetteville, in addition to lighting the streets and public buildings of the city, to provide lights and motive power for private use at such rentals as may be agreed upon, and the receipts arising from such rents shall be specifically kept by the treasurer of the city, who shall render an accurate account of the same monthly, and such receipts shall be applied to the payment of the interest on said bonds as the coupons may fall due, and to the further purpose of creating a sinking fund of three hundred dollars (\$300.00) per annum, which sinking fund of three hundred dollars it

shall be the duty of the authorities of said city to lay aside annually from any funds in the treasury, and any surplus from said rentals, in excess of the amount sufficient to pay the interest on said bonds, and the sinking fund herein provided for How operating shall be applied to the payment of the operating expenses of the expenses paid. plant, and any deficiency in the amount necessary for the payment of either interest, the sinking fund or the operating expenses of said system of electric lights and motive power, shall be paid from the current tax receipts of said city and shall be charged as necessary light expenses. Should there be any Excess of rentals excess from private rentals over the amount necessary to pay expenses of city. said interest and the sinking fund and the operating expenses, such excess shall be used for the payment of the ordinary expenses and liabilities of the city.

SEC. 6. All executors, administrators and guardians, and all Fiduciaries may other persons acting in a fiduciary capacity, are hereby author-funds in bonds. ized and empowered to invest the funds entrusted to them in said bonds.

SEC. 7. All laws and parts of laws in conflict with this act are Repealing clause, hereby repealed.

SEC. 8. It shall be the duty of the mayor of the city of Fay- Act to be pubetteville, within twenty days after the ratification of this act, fion advertised. to publish this act in full for a period of thirty days, in some newspaper published in said city, and, at the same time and in the same newspaper, to give notice of an election to be held in the market house, in said city, on a day to be specified in said advertisement, for the purpose of approving or disapproving this act by popular vote.

lished and elec-

SEC. 9. The board of aldermen of said the city of Fayetteville Aldermen to apshall appoint a registrar of voters for said city, who shall reg-point registrars. ister such citizens thereof as are not at present registered, and who would be entitled to vote at such election, and shall cause such publication and notices to be given as are provided by Notice of regissection seven (7) of chapter 153 of the private laws of 1893.

SEC. 10. The duties of the registrar, so to be appointed, the registration and the oath of electors shall be as provided by trar, registrasections eight (8), nine (9), and ten of said chapter 153 of the prielectors.

tration.

SEC. 11. The board of aldermen of said city shall appoint two judges of election to hold said election, and the duties and appoint judges. powers and qualifications of said judges of election shall be the of election. same as are provided by said chapter 153 of the private laws of 1893; and all matters and questions as to the election herein provided for shall be determined according to the provisions

Duties of registion and oath of

of said chapter 153 of the private laws of 1893, sections seven to fourteen, inclusive of both. SEC. 12. The ballots to be used at the election herein provided

Ballots.

Proviso: Act not operative until approved by electors.

Who entitled to vote. How election.

Registrars and judges of election appointed by clerk of superior court. Pay of election officers. How election conducted.

Report to clerk

Ballots.

Clerk of superior court to report result to mayor of town. Report of clerk to be recorded.

Validity of act dependant on result of vote.

When act to take effect.

act.

for shall be upon white paper and without device, and shall contain the words, "Bonds" or "No Bonds" only: Provided, that this act shall be inoperative or of no effect unless first submitted to and approved by a majority of the qualified voters of Fayetteville, N. C, upon an election called by the mayor upon thirty days' notice, and at such election all persons who are entitled to vote for members of the general assembly shall vote, and the election shall be held in the wards of the city as referred to in the laws of the general assembly of 1893, or be void; the clerk of the superior court of Cumberland county shall appoint one registrar and one judge for each ward, who shall be paid by the city, as other election officers are now paid for similar purposes, and shall be conducted in all respects as elections are held for members of the general assembly, and under the direction and control of the sheriff of the county and such deputies as he may appoint; the result of such election shall be made to the clerk of the said superior court, and if a of superior court. majority of the voters shall have cast their ballots for "lights," then this act shall take effect and be in force, but if a majority shall have voted against lights, then this act shall be inoperative

and void. The ballots shall be upon any color of paper, and

printed or written or partly printed or written, and may be

with or without device. When the result of said election shall

be declared, by the said clerk of the superior court, he shall

report the same to the mayor, who shall have the same recorded

upon the records of Fayetteville, N. C., and this act shall or shall not be in effect nor have any validity except upon the

ascertainment of the will of the qualified voters so expressed at

the ballot box and in accordance with the provisions of this

SEC. 13. This act shall be in full force and effect from and after its ratification by a majority of the qualified voters of the city of Fayetteville voting "Bonds."

CHAPTER 194.

An act to amend chapter two hundred and seventy-four of the private acts of the general assembly of North Carolina passed at the session of one thousand eight hundred and ninetyone, relative to the town of Southern Pines.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and seventy-four of Section 15 the private laws of North Carolina, passed by the general assembly at its session of one thousand eight hundred and ninety-one, be amended as follows: Strike out all of section Stockforbidden fifteen of said chapter after the word stock, in line nine of said section, and strike out all of section nineteen of said act, after Section 19 the word "purposes," in line six or said section nineteen.

SEC. 2. By adding to said chapter the following sections:

SEC. 26. That if any person elected town marshal shall refuse to be qualified, or there is a vacancy in the office after election and qualification, or if town marshal be absent from the town. or unable to discharge the duties of his office, the commissioners of said town 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 town marshal, and he shall be clothed with all the authority and powers given under this charter to the regularly elected town marshal.

SEC. 27. The commissioners shall have power to appoint such number of policemen as they may deem necessary for the good government of the town; and said policemen, when appointed, and the town marshal, shall have power to execute any process, Power of policecriminal or civil, in the county of Moore, which may be directed men and town to them by the mayor of said town or other lawful authority; it shall be the duty of the town marshal and the policemen to Duty of town 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 they shall have all the powers and authorities vested in sheriff and county constables, they shall execute all precepts lawfully directed to them by the mayor or others, and in the execution thereof shall have the same powers, which the sheriffs and constables of the county have, and they shall have the same fees on all processes and Rees precepts executed or returned by them which may be allowed to the constables of the county on like processes and precepts, Other compensaand also such other compensation as the commissioners may other than the commissioners of the

amended.

to run at large.

amended. Limit of town tax stricken out. Additional sections. Town commissioners to fill vacancies in office of town marshal.

Commissioners to appoint policemen.

marshal.

marshal and pollcemen.

allow; the said policemen and town marshal snall have the power when in pursuit of a criminal charged with the commission of any crime within the corporate limits of said town of Southern Pines, to continuously follow him to any part of Moore county and may arrest him; the said policeman and town marshal shall have the same powers and be bound by the same rules in this respect as constables of the county of Moore to apprehend all offenders against the state within the limits of the town and to carry them before the mayor or some justice of the peace, and for such duty they shall have the same fees as constables of said county.

Offenders failing to pay fines or may be worked on street.

SEC. 28. In all cases where an offender has been convicted imposed by may 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 such offender therefore may order that, upon failure to pay such fine to the marshal of said town for the space of one day, such offender so convicted shall be by the marshal of Southern Pines 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. 29. The mayor of said town shall have the power to hear and determine all charges and indictments against any person or persons for a violation of the ordinances of said town, and in addition thereto shall 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.

Fines imposed by mayor to belong to town.

SEC. 30. That all fines and penalties imposed by and collected under the judgment of the mayor of Southern Pines, sitting as a justice of the peace, shall belong to and used to the exclusive benefit of the town of Southern Pines.

Taxes.

SEC. 31. That in order to raise a fund for the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, namely:

Ad valorem on property.

(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 one hundred dollars value.

Poll tax.

(2.) On all taxable polls, a tax not exceeding one dollar a poll, who may be residents in the town on the first day of June of each year, or may have been so resident within sixty days next preceeding that day.

Purchase tax on merchandise.

(3.) On every hundred dollars value of goods, wares and merchandise purchased for re-sale by any merchant trading in the

town within one year next proceeding the first day of the year which the same is listed, a tax not exceeding twenty cents.

- (4.) Upon all dogs kept in the town and which may be so kept Dogs. on the first day of June, a tax not exceeding five dollars.
- (5.) Upon every express company and upon every telegraph Express and company doing business in the town a tax not exceeding one telegraph comper 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 penalties as that prescribed in the laws of the state.

SEC. 32. That in addition to the subjects listed for for taxation, Other subjects of the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax-collector of said town instantly, and if the same be not paid on demand the same may be recoved by suit or the article upon which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same namely:

(1.) Upon all itinerant merchants or peddlers, offering to vend Itinerant merin the town, a license tax not exceeding fifty dollars a year, chants and pedexcept such only as sell books, charts or maps, or works of their Exceptions. own manufacture, not more than one person shall peddle under a single license.

(2.) Upon every company of circus riders or persons by what- Circus riders. ever name called, who shall exhibit within the town, a licensed tax not exceeding fifty dollars for each performance or exhibition, the tax to be paid before exhibition.

(3.) Upon every person or company exhibiting on the town Theatrical plays stage, or theatrical plays, slight-of-hand performances, rope- and other performances. dancing, tumbling, wire-dancing or menageries, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, to be paid before exhibiting.

(4.) Upon every pawn-broker, sewing machine company or Pawn brokers agent for such company, a license not exceeding twenty-five dol- machine agents. lars a year.

and sewing

(5.) Upon every permission by the commissioners to retail Liquor license. spirituous, vinous or malt liquors, a tax of fifty dollars a year.

- (6.) Upon every lawyer, physician, dentist, photographer, Lawyers, physistreet huckster, merchandise or produce brokers or ice dealers, cians, dentists, a license tax not exceeding ten dollars a year.
- (7.) Upon every hotel, restaurant or eating house, a license dealers. tax not exceeding twenty-five dollars.
- (8.) Upon every other occupation, profession or business not houses. herein especially named, a license tax not exceeding ten dollars tions. a year.

photographers street-hucksters, brokers, and ice Hotels, restaur ants and eating-Other occupaTax collector appointed annually.

Bond of taxcollector.

Compensation.

Marshal may be appointed tax-collector.

Vacancy filled by commissioners.

Commissioners to appoint treasurer.

Bond of treas urer.

Compensation.

Commissioners authorized to issue bonds.

Amount.

When to become due.

Description and denomination.

How signed and countersigned.

Conpons receivable for town taxes.

Bonds not sold below par.

SEC. 33. The commissioners of said town shall annually, on the first meeting after their election, appoint a tax-collector whose duty it shall be to collect all the taxes required to be collected under this charter. He shall give bond, payable to the State of North Carolina, with good and sufficient sureties, to be approved by said commissioners, in a sum double the amount of regular and special taxes levied for the current year. Said tax collector shall receive such compensation as the commissioners may allow, not exceeding the per centage allowed to sheriffs of the counties, and said commissioners may, in their discretion, appoint as said tax collector the town marshal, who shall in that event serve in both capacities and have all the powers and authorities conferred upon each.

SEC. 34. In case of a vacancy for any cause in the office of tax-collector, the said commissioners shall fill said vacancy for the unexpired term by appointment, and the person so appointed shall give the bond and be subject to all the penalties and requirements of the regularly appointed tax collector.

SEC. 35. The commissioners of the town shall appoint a treasurer whose duty it shall be to receive and disburse the funds of said town according to law. He shall give bond with good and sufficient sureties before entering upon his duties in a sum double the amount of the regular special taxes for the current year. His compensation shall be such as is allowed by the commissioners of said town, not exceeding the per centage allowed to treasurers of the counties.

SEC. 36. That the board of commissioners of the town of Southern Pines be and they are hereby authorized and directed to issue bonds to an amount not exceeding forty thousand dollars, to be due and payable thirty years from date of issue, which said bonds shall bear interest from date of issue at the rate of five per cent. per annum, payable annually on the first day of April of each and every year.

SEC. 37. That said bonds shall be coupon bonds of the denomination of one hundred dollars each, and shall be designated as 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 clerk of the board of commissioners of said town and sealed with the corporate seal of said town and the coupons thereon shall be signed in the same manner.

SEC. 38. That said coupons shall be receivable in payment of taxes due the town of Southern Pines.

SEC. 39. That said bonds shall be sold at not less than par value and the proceeds of their sales shall be applied to the

following purposes, to-wit: To defraying the expenses of How proceeds providing and putting in a system of sewerage and water works in said town, and to defraying expenses of macadamizing, paving, grading, draining and otherwise improving the streets of said town and to purchasing ground for public school purposes and erecting, equipping and furnishing school buildings.

SEC. 40. That the commissioners shall provide for the sale of Commissioners said bonds and the money arising therefrom shall be paid to the treasurer of said town to be paid out for the purposes aforesaid according to law and as herein provided, and the bond of said treasurer shall be liable for said funds and increased so as to cover said amounts.

SEC. 41. That the commissioners of said town shall have Powers of comauthority, and are directed to make and adopt plans for said system of sewerage and water works and improvements of works. streets as contemplated in this act, and contract for putting in said system and doing said work, and can contract to let said work to the lowest responsible bidder or otherwise, or they may employ hands and have the work done.

SEC. 42. That for the purpose of paying the interest which Special tax 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, and paying the incidental and running expense in keeping up said system of sewerage and water works, 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 sixty cents on the one hundred dollars of the assessed valuation of real estate, and personal property in said town, and said taxes shall be used for for no other purthe purposes mentioned in this section and no other.

SEC. 43. That said special tax shall be collected by the town To be collected tax-collector under the same rules and regulations as are pre- as general town scribed for the collection of the general town taxes, and shall be paid to the treasurer of the town, the treasurer shall renew Treasurers bond his bond annually on the first day of June in each year. Said bond, together with the bonds of other town officers, shall be recorded on the minutes of the commissioners. The treasurer recorded. shall keep an account of the receipts and disbursements keep separate of the said special tax money in a separate book to be kept account of spefor that purpose, and he shall annually publish a statement showing the balance and condition of the special tax funds in lished annually. his hands.

SEC. 44. That for the purposes of carrying out the provisions Election to be of this act the commissioners of the town of Southern Pines held.

to provided for sale of bonds.

Proceeds to be paid to treasurer.

missioners in regard to public

authorized for payment of interest and principal of bonds aad incidental expenses.

Tax to be used pose.

taxes.

to be renewed annually. Bonds of town officers to be cial tax.

Statement pub-

Ballots.

Advertisement of election.

How election conducted.

Proviso:
Town commissioners to
appoint election
officers.

Returns to be made within two days.

Returns to be verified and recorded.

If bonds not voted when new election may be held.

Power of commissioners to condemn land.

are hereby authorized, empowered and required to cause an election to be held at the various polling places in said town at such time as said commissioners may appoint, at which said election the qualified voters of said town shall be entitled to vote for or against the issuing of the bonds of said town to an amount not exceeding forty thousand dollars; those favoring the issuing of such 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 said election shall be advertised by the commissioners of said town by printed posters within the corporate limits of said town for thirty days prior to the day of election, specifying in said notices the amount of said bonds, and said election shall be held by inspectors and judges under the same rules and regulation prescribed for the election of mayor and commissioners in the charter of said town and amendments thereto and the general law applicable to town elections: Provided, the commissioners of said town shall have authority to appoint the registrars, inspectors and judges of election. The result of said election shall be ascertained by the inspectors and judges of election of the respective polling places and certified and returned by them to the commissioners of said town of Southern Pines 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. If a majority of the qualified voters of said town shall vote for bonds then the commissioners of said town shall issue the bonds herein provided for not to exceed the amount specified herein.

SEC. 45. If the result of said election shall be against the issuing of said bonds the commissioners of said town may at any time or times after one year from said election again submit to the qualified voters of said town the question of issuing said bonds. Said election or elections to be held in the same manner as hereinbefore directed.

SEC. 46. For the purpose of constructing and maintaining said system of sewerage and water works in said town, the commissioners of said town shall have authority to condemn lands for right of way or for the purposes of putting down and establishing and maintaining said system in the same manner and under the same law and proceedure as they are authorized to lay out and establish streets and they shall have the same authority under the same rules and regulations to condemn land for purchase upon which to erect the public school buildings contemplated in this act.

SEC. 47. The board of commissioners of the town of Southern Election to be Pines are hereby authorized to submit to the qualified voters of tax for schools of said town at the time specified and authorized hereinbefore for submitting to said voters the question of issuing bonds, and under the same rules and regulations whether a tax shall be annually levied and collected 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 and collecting of such annual tax shall vote on written or printed tickets the words "for schools," and those who are Ballots. opposed to the levying and collecting of such annual tax shall vote on written or printed tickets the words "against schools." SEC. 48. Said election shall be certified and declared in the How election

bonds hereinbefore provided for shall be issued, and if a majority of the qualified voters shall vote in favor of levying and col-

and the tax collector shall be subject to the same liabilities for the collection and paying over of said tax as he is or may be for

held on question

same manner as the said election to determine whether the certified and declared.

lecting of such annual tax, the said annual tax shall be levied Tax if voted to and collected by the town authorities under the same rules and collected as regulations under which other taxes are levied and collected, other taxes.

other town taxes: Provided, the special annual taxes so levied Proviso:

and collected for said schools shall not exceed one dollar on the Rate. one hundred dollars' valuation of property. The annual taxes Tax to be applied levied and collected under the provisions of this act for sohools and mainteshall be applied exclusively to the suprort and maintenance of nance of schools. the public schools in the town of Southern Pines. The school School commitcommittee, whose appointment is hereinafter provided for, may tee may establish graded schools. establish one or more graded schools in the town of Southern Pines, and all taxes levied and collected for schools under this act shall not be appropriated or expended for any other purpose. SEC. 49. For the purposes of this act the town of Southern Town consti-Pines shall be and constitute a public school district for both tited a school

district.

SEC. 50. If this act relating to said schools, shall be rati- School commitfied at the election authorized to be held under it in section 47 by voters. of this act, the school committee of the town of Southern Pines shall consist of five members, to be elected by the commissioners of the town of Southern Pines, at their next regular meeting held after the election aforesaid. The said school committee shall be composed of citizens of Southern Pines, and freeholders therein, and shall be divided by said commis-School commitsioners at the time of their election into three classes of one classes. member of the first class, and two members of the other

white and colored.

Term of first class.

Term of second class.

Term of third class.

Term of successors.

Vacancies filled by committee.

Powers and duties of school committee.

Proviso: Children resident of town to

Proviso: Power of committee as to persons residing outside corporation.

Superintendent of schools.

Duties.

Treasurer of town ex-officio treasurer of school committee.

two classes. The term of office of the first class shall expire at the end of one year from the date of his election and the term of office of the second class shall expire at the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election, whenever the term of office of any class shall expire as above provided, his or their successors shall be elected for the term of three years by the said commissioners. Whenever any vacancy occurs in said committee except by expiration of term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

SEC. 51. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Southern Pines; shall have power to select and purchase sites for the school buildings contemplated in this act and select and provide plans for the building of school buildings and contract for the building, equipping and furnishing of the same; 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 location of the public school and graded public schools annually, subject to removal by the said committee; shall make an accurate census of the school population of the town as required by the general school law of the state, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: Provided, all the children resident in the town of Southern Pines, have free trition. between the ages of 6 and twenty one years, shall be admitted into said school free of tuition charges; Provided, further that persons living beyond the limits of the corporation may, in the discretion of said committee, attend the school from their homes or as boarders, on the payment of tuition fees to be fixed by the school committee.

SEC. 52. The school committee elected by this act may elect annually a superintendent for the schools established under this act, who shall be the principal of the graded school for whites, if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in said schools and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said school committee.

SEC. 53. The moneys which shall from time to time be apportioned under the general school law of the state to the public school district or portion of districts embraced in the corporation limits of the town, and any moneys to which the said district or portion of districts may be entitled by reason of any special gift, grant, tax apportionment or otherwise, shall be received by the treasurer of the town of Southern Pines, who shall be ex officio treasurer of said school committee and whose receipts for such moneys shall constitute a sufficient voucher of such payments in the hands of any person paying the same, and the said treasurer shall report monthly, to the said school Treasurer to committee, his receipts and disbursements, with all vouchers report monthly. paid the same. The moneys received as aforesaid shall be held School money by the treasurer as a separate fund to be disposed of under the fund. direction of the aforesaid school committee, whose warrants signed by the chairman and one other member of the commit- How warrant tee and countersigned by the secretary of said committee shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of them by the law. The said treasurer shall furnish annually to Annual report of the board of commissioners 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. The accounts, books and vouchers of the said treasurer shall be open for the inspection of said school committee and the commissioners of said town at any time.

SEC. 54. The school committee, provided by this act, shall school commitapportion the money raised or received for educational pur- tee to apportion school money. poses in the town of Southern Pines, as shall be just to the white and colored races without discrimination in favor of or to the prejudice of either race. The beginning and ending of the School year. school year shall be fixed by the committee.

SEC. 55. The school committee hereby created shall be a body School commitcorporate by the name and style of "The School Committee of tee incorporated. Corporate name. the town of Southern Pines," and by that name can sue and be Corporate powsued, shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, and of selling and transferring the same for school purposes; conveyances to said Conveyance to school shall be to them and their successors in office, and all them and sucdeeds and other agreements effecting real estate shall be How deeds exedeemed sufficiently executed when signed by the chairman and mittee. secretary thereof, and the seal of the corporation affixed thereto. The corporation shall have a corporate seal which it may break or change at pleasure.

cessors. cuted by com-

SEC. 56. If, at the election herein provided for, a majority of 1f majority favor the qualified voters shall be in favor of issuing bonds, and a oppose school majority of said electors shall be opposed to the levying and tax; how proceeds of bonds collecting of the special tax for schools, the funds arising from used.

the sale of said bonds shall be appropriated wholly to the expense of providing and putting in a system of water works and sewerage in said town, and of macademizing, paving, grading, draining and otherwise improving the streets of said town as provided in this act.

Board of health.

Power and duty of board.

SEC. 57. The commissioners of said town shall have authority to appoint five persons, resident in the corporate limits of said town, who shall be styled the board of health of said town, said board shall have authority and power, and it shall be their duty to regulate the sanitary condition of said town, to abate nuisances which they may deem injurious to the health of the citizens of said town, and shall have all the authority with respects to said town as is given to the county board of health and the county superintendent of health.

SEC. 58. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 59. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 195.

An act to incorporate the Chatham, Moore and Harnett bank.

SECTION 1. That A. A. F. Seawell, D. A. McDonald, J. C.

to in the first, second and third sections of chapter sixteen of

The General Assembly of North Carolina do enact:

Corporators.

Black, W. C. Petty, J. Alton McIver, J. R. Watson, A. L. Mc-Niel, J. M. McIver, W. S. Russell, John W. Scott, A. P. McPherson, D. E. McIver, W. A. Monroe and W. J. Edwards, their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate by the name and Corporate name, style of the "Chatham, Moore and Harnett bank," to be located at the city of Sanford, Moore county, North Carolina, and shall so continue for a period of fifty years, from date of its organization, 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 corporation set forth or referred

volume one of The Code entitled "corporations."

Location. Term of corporation. Power to hold property Powers of bank.

Corporate powers.

SEC. 2. The corporators named in the first section, or three of Books of subthem, are hereby empowered to open books of subscription to the capital stock of said bank, at such time and place and for such period as they shall determine.

scription.

SEC. 3. The capital stock of said bank shall not exceed one Capital stock. above amount is reached, and whenever five thousand dollars When meeting is subscribed and paid up the said corporators or a majority of for organization

hundred thousand dollars, in shares of twenty-five dollars each, and such capital stock may be increased from time to time until them, in person or by proxy, may call a meeeting of the stockholders in the city of Sanford, North Carolina, 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 bank as By-laws. they please, not inconsistent with the laws of the state, and may elect such numbers of directors as they may deem neces- Directors. sary to serve until their successors shall be chosen or for such President. term as they may prescribe.

The directors shall elect one of their number president, and Cashier and shall appoint a cashier and other such officers and clerks as other officers. may be provided for by the by-laws, to serve at the discretion Officers to serve of the directors during the continuance in office of said directors. tors, and the directors shall prescribe their duties, and may take Power of direcfrom them bonds with security for the faithful discharge of tors to prescribe, duties and bonds their duty, and may fix their compensation.

of officers.

SEC. 4. The said board of directors may adopt and use the Further powers seal, and break and alter the same at pleasure; may prescribe of directors. the manner of paying for stock and transferring the same; may regulate the methods of conducting methods of 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 evidence of debt, and may retain interest thereon in advance; may loan money on mortgages of real and personal property, or both, or upon liens Crop liens, upon crops, planted or unplanted; may buy, build or lease a banking house or houses, vaults and fixtures, and may lease, sell, or rent or exchange the same at pleasure; may negotiate loans on mortgages of real and personal estate, 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.

Deposits from corporations. minors, married women and flduciaries.

Proviso: Fiduciaries making deposits not relieved of responsibility.

How unpaid subscriptions coliected

How stock transferred

No stockholder indebted to bank to transfer stock of directors.

Lien of bank on stock.

Power to do warehouse business.

SEC. 5. That said bank may receive on deposit, either general or special, money or other property or evidence 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 certificate therefor and provide how they may be transferred and assigned, and all Cashier's checks, certificates of deposits and checks signed by the cashier shall be as binding as if under the seal of the corporation; may invest in stocks, bonds or securities of the United States, of this or any other state of the union, municipalities or of any corporation created under the laws thereof; for the use and loan of money may charge so high rate of interest as may be allowed by law, and may take and receive said interest as discount at the time of making the loan: Provided, that nothing contained in this act shall operate or be construed so as to exempt any executor, administrator, guardian, trustee or other persons, acting in a fiduciary capacity, from official responsibility, nor to exempt them or any of them or their sureties from liability on their official bonds.

SEC. 6. That if any subscriber shall fail to pay for his stock or any part thereof, as the same is required of him or her, 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 Sanford, after advertisement for such sale for ten days in the nearest newspaper, 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 cost of such sale, the subscriber shall be liable for the deficiency in a civil action.

SEC. 7. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors if he is indebted to the but with consent corporation as principal, surety or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Sec. 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 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 Claims of bank a for storage or deposit, and compensation for all charges and property stored. expenses thereon shall be preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

preferred lien on

SEC. 9. The capital stock of this bank shall be taxed as other How capital 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 said capital Deduction. stock.

SEC. 10. That when married women, minors or apprentices Deposits of mardeposit money or said value in bank, or its branches, either ried women, generally or specifically, to their own credit, they, or any of apprentices. them, may draw the same on their check or order, and be bound thereby, and such married women, 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 women, minor or apprentice, and all other persons whatsoever.

minors and

SEC. 11. When this bank sells the property of its debtors, or Power to buy when such property shall be sold for its benefit, it may bid for, property sold for debt due bank. 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

SEC. 12. That said corporation shall have a right to act as Power to act as agent, factor or trustee, for any state, county, township, town agent, factor or trustee. or other municipality or corporation, company or individual, on such terms as to compensation, commission as may be agreed upon, 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 description of property, real or personal, or for increasing, or for guaranteeing the payment of said bonds, certificates of stock, notes. 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, commission or rates of compensation as may be agreed upon.

Savings bank department.

Sec. 13. The bank is authorized to organize in connection with this general banking 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 legal rate of interest, and to regulate the time of payment and notice of demand.

Stockholders not individually liable.

SEC. 14. No stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or agreement of said bank, except that the president, cashier 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 — of The Code of North Carolina.

Liability of officers for fraud.

Location of bank.

Branches.

Names of

branches.

Votes of stockholders.

Corporation to be organized within five years.

SEC. 15. That the said bank shall be permanently located at Sanford, Moore county, North Carolina, but branches of the bank may be, at any time during its corporate existence, established at Pittsboro, North Carolina, Carthage, North Carolina, and Lillington, North Carolina, at such times as a majority of the stockholders may determine, and that said branch located at Pittsboro shall be known and styled "The Bank of Chatham," and the branch at Carthage shall be known and styled as the "Bank of Moore," and the branch at Lillington, N. C., shall be known and styled as the "Bank of Harnett." All three branches of the above named bank shall have all the rights, powers and privileges separately here conferred by this act, and such branches shall be governed by a separate set of officers as the stockholders may designate, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

SEC. 16. 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 twenty-five dollars held by him or her.

SEC. 17. 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.

SEC. 18. That this act shall be enforced from and after its ratification.

Ratified the 6th day of March, A. D. 1897.

CHAPTER 196.

An act to incorporate the Excelsior Artesian Well and Sewerage Company.

The General Assembly of North Carolina do enact:

SECTION 1. That William E. Worth, Frank H. Stedman, John Corporators. D. Bellamy, C. H. Leach and George H. Lacey, and such other persons as may hereafter be associated with them, their successors and assigns, be and the same are hereby created a body politic and corporate by the name and style of "The Excelsior Corporate name. Artesian Well and Sewerage Company," with all the rights, Corporate powpowers, privileges and immunities granted to corporations by ers. chapter 16, vol. 1, of The Code of North Carolina, and any and all amendments thereto by the laws of said state, and as such shall have perpetual succession and a common seal.

SEC. 2. The capital stock of said corporation shall be not less Capital stock. than one thousand dollars, but may be increased from time to time, as the purposes of the corporation may require, to an amount not exceeding one million five hundred thousand dollars, by a vote of a majority of all the stock represented at a general or special meeting to be called for that purpose; the said stock shall be divided into shares of one hundred dollars each and each share of stock shall be entitled to one vote in all meetings of the stockholders, and such company shall have When company power to organize and begin business when one thousand dol- may organize and begin busilars of its capital stock shall be subscribed for.

SEC. 3. That the said corporation shall have power and Power to estabauthority, under such rules and regulations as may be prescribed lish waterworks by the municipal authorities, to establish, construct, erect and at all time maintain in any city or town in the state of North Carolina or in any other state or territory of the United States, by means of artesian wells and such other supplies of water as may be found suitable and fit, a system or systems of waterworks for the purpose of supplying to the said city or 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 law, for the regulation and government of dealings with consumers of water, and to acquire, have, hold and convey real and personal property. And shall also Power to estabhave power and authority to establish, construct, erect and at lish and main-

ness.

system.

tain sewerage all times maintain, subject to such reasonable rules and regu- system.

lations, as may be prescribed by the municipal authorities in any city or town hereinbefore referred to, a system or systems of sewerage, and to prescribe and establish reasonable rates for the use and privileges of water for such purposes, and such reasonable rules and regulations for its dealings with consumers of water for the same, and to acquire, hold and convey real and personal property for its uses in connection therewith.

Power to make contract for sinking wells and building waterworks.

SEC. 4. That said corporation shall have power also to enter into and make contracts for building or sinking artesian wells, for building and erecting water works for any of the such purposes referred to, and for building, constructing or operating the same, with any private person or corporation, whether located or situate in or out of any incorporated town or city.

Power to use roads and streets.

SEC. 5. The said corporation shall have power and authority and the right at all times, under such reasonable rules and regulations as may be prescribed by any city or town, to lay, build, construct, maintain, repair, tap and remove all necessary pipes or convenient mains, pipes, conductors, stand-pipes, hydrants, fixtures and appurtenances in, upon and through and over any and all roads, streets, avenues, lanes, alleys and bridges, within the said city or town and in its vicinity: Provided, however, that 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, pipes or conductors, so as to have them in as good condition as as they were in before.

Proviso: To restore roads and streets so used to good condition.

Power to borrow money and secure payment.

SEC. 6. It shall be lawful for the said corporation to borrow money, to make, negotiate and dispose of its promissory notes, drafts, coupons or other bonds, given for money borrowed, or given in liquidation of any debt due or owing by said corporation, or made for the purpose of raising money and to secure the payment of any such obligation or obligations, by a mortgage or pledge of any or all of its property, plant and franchises.

Misdemeanor to injure or tres pass upon works of company,

SEC. 7. If any person shall wilfully, wantonly or maliciously tap, remove, obstruct, injure or destroy, or enter, without the consent of the corporation, any main, pipes, fire plug, hydrant, tank, stand-pipe, reservoir, aqueduct, pump-fixture, sewer pipe, machinery, structure or building of any kind, or shall open, move or tamper with any fire-plug, or hydrant, belonging or appertaining to the works of said corporation, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days for such offence, and such person shall also be liable

Penalty.

to be sued in any civil action in addition thereto, for the amount Liability for damages. of damages sustained by any such injury.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 197.

An act to charter Gladstone Academy.

The General Assembly of North Carolina do enact:

SECTION 1. That G. W. Peeler, H. D. Plyler, E. C. Smith, J. Corporators. D. Redwine, D. T. F. Hall, M. A. Troutman and H. M. Isenhour, their associates and successors, be and they are hereby created a body corporate for the purposes of maintaining a school of high Purpose of corgrade at Gladstone, in Stanly county, North Carolina, for the poration. mental and moral training of the children of the white race of both sexes, under the name and style of "Gladstone Acedemy," Corporate name, and in that name may sue and be sued, plead and be impleaded, Corporate powcontract and be contracted with, acquire, hold, and convey, in ers. their corporate capacity, property, real and personal, and exercise all acts incident to the ownership of real and personal property and for the promotion of education.

SEC. 2. That the officers of said corporation shall consist of Officers of corpoa president, vice-president, treasurer, secretary and three direc-ration. tors, all of whom shall be elected by the trustees every two years.

SEC. 3. That at the first regular meeting of the trustees they By-laws. 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 may be necessary.

Sec. 4. That the president shall have power to call a meeting Meeting of trusof the trustees whenever necessary.

tees.

SEC. 5. That the trustees shall not be individually liable for Truetees not inany indebtedness or liability of said corporation.

dividually liable.

SEC. 6. That the faculty of said institution, by the advice Faculty to grant and with the consent of the directors thereof, shall have power diplomas and to grant diplomas and issue such other certificates of merit or merits and proproficiency as they may deem advisable.

certificates of ficiency.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 198.

An act to repeal chapter twenty-nine (29), private laws of one thousand eight hundred and eighty-nine (1889), entitled "an act to incorporate West Asheville, in the county of Buncombe," and chapter two hundred and nine (209), private of laws of one thousand eight hundred and ninety-one (1891), entitled an act to amend chapter twenty-nine (29) of the private laws of one thousand eight hundred and eighty-nine (1889).

The General Assembly of North Carolina do enact:

Charter of West Asheville and amendatory act repealed.

Proviso: Repeal not to affect enumerated rights.

SECTION 1. That chapter twenty-nine (29), private laws of one thousand eight hundred and eighty-nine (1889), entitled and to incorporate the town of West Asheville, in the county of Buncombe, and chapter two hundred and nine (209), private laws of one thousand eight hundred and ninety-one (1891), entitled "an act to amend chapter twenty-nine (29), private laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby repealed: Provided, however, that said repeal shall in no way effect the power and right of said corporation to collect and disburse any and all taxes, assessments, fines and penalties levied, assessed, uncollected, unappropriated, collected and appropriated at any time prior to the date at which this act is to go into force and effect, in accordance with the power and rights conferred upon the said corporation by the said chapter twenty-nine (29), private laws of one thousand eight hundred and eighty-nine (1889), and said chapter two hundred and nine (209), private laws of one thousand eight hundred and ninety (1891).

The power and right hereinbefore mentioned, and no other, being hereby expressly given said corporation to enable it to collect all moneys then due, and apply them for the benefit of the tax payers of said corporation.

When act to take effect.

SEC. 2. That this act shall be in force and effect from and after the thirty-first (31st) day of May, in the year of our Lord one thousand eight hundred and ninety-seven (1897).

Ratified the 8th day of March, A. D. 1897.

CHAPTER 199.

An act to amend chapter 240, private laws of North Carolina, 1889, entitled an act to amend the charter of the town of Wilkesboro.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty (240), of the License tax of private laws of North Carolina, eighteen hundred and eighty- dealers nine (1889), entitled "an act to amend the charter of the town increased. of Wilkesboro," be and the same is hereby amended as follows: 1st. In line 2.sub-division 8, of section 38, after the word "exceed" and before the word "hundred," strike out the word "two" and insert in lieu thereof the word "four." 2d. Strike out all of section 47, down to the word "provided," in line 3, and insert in lieu thereof the following: "upon petition of one-third of the Election on proregistered voters of said town, the board or commissioners of hibition to be ordered. said town shall, on or before the first day of April in each year, order an election to be held on the first Monday in May following on the question of granting license to sell spirituous, malt or vinous liquors in said town, and those in favor of granting said license shall vote a ticket on which shall be written or printed the word 'license,' and those opposed to granting Ballots. said license shall vote a ticket on which shall be written or printed the words 'no license;' and the judges and registrars shall certify the result of said election to the board of commis- Result certified sioners of said town of Wilkesboro, who shall cause the same to town commissioners and be recorded on their minutes. If a majority of the votes cast recorded.

If majority of shall be 'license.' then the board of commissoners of said town, votes for license how license to be upon application, accompanied by a certificate of good char-granted. acter, signed by ten qualified voters of said town, shall grant license to the applicant to retail spirituous, malt and vinous liquors in said town, which license said commissioners may revoke upon satisfactory evidence that said licensed dealer is License may be not keeping an orderly and lawful house; but if a majority of revoked. votes cast at said election shall be 'no license' then the License not commissioners of said town shall not grant such license."

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

Ratified the 8th day of March, A. D. 1897,

CHAPTER 200.

"An act to amend an act entitled an act to incorporate the town of Inanda, in Buncombe county."

The General Assembly of North Carolina do enact:

Act amended.

SECTION 1. Section 2 of chapter 34 of the private laws of 1893, entitled "an act to incorporate the town of Inanda, in Buncombe county," is hereby amended so as to read as follows:

Corporate limits.

"SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Hominy creek and running up and with the south side of said creek to the south end of the dam at the old power house; then a westerly course so as to strike the old road leading from G. W. Ballard's place towards the old Henry Mill place, about three hundred yards north of said Ballard's house; then a southwesterly course so as to strike Hominy creek at the east end of the bridge across said creek near the Lindley Training School, then up and with the meanders of the east margin of the said Hominy creek to the Stevens old spring-house; then a direct line a southerly course so as to strike the old Bear creek road at J. L. Buchanan's north-west corner; then a direct line a northeasterly course to M. N. Roberts' south east corner; then a direct line to the mouth of the said Hominy creek, the beginning."

SEC. 2. This act shall be in force from and after its ratification. Ratified the 8th day of March, A. D. 1897.

CHAPTER 201.

An act to amend the charter of the town of Salisbury.

The General Assembly of North Carolina do enact:

Corporate limits.

Section 1. The corporate limits of the town of Salisbury shall be as follows: Begin at the center of the site of the old court house and run four lines: one north of west along and upon the extension of Inniss street, three thousand six hundred and fifty-five feet; another south of east along and upon the extension of Inniss street, two thousand seven hundred and twenty feet; another south of west along and upon the extension of Main street in a straight line, three thousand one hundred and sixty-five feet; another north of east along and upon the extension of Main street, three thousand six hundred and fifty-five feet, and the corporate limits of said town shall be the area within a parallelogram included within four lines, running at right angles.

to said lines at the termination thereof, and, extending each way until they intersect each other respectively.

SEC. 2. The government of the said town shall be composed of Government of a mayor and eight aldermen, who, with the town marshal and treasurer, shall be elected biennially on the first Monday in Town officers May by the qualified voters of said town, as herein provided. nially Two of said aldermen shall be bona fide residents of each of the aldermen. four wards of said town.

SEC. 3. The mayor shall preside at the meetings of the board Mayor to preside of aldernien, but shall have no vote, except in case of a tie. At aldermen. the first meeting of the board of aldermen succeeding their election, the mayor shall appoint one of the aldermen, to the office of mayor pro tempore, who shall hold his office subject to the Mayor pro templeasure of the mayor, and who in the absence of the mayor, or in case of his sickness, or where the mayor shall authorize him. shall exercise all the authority conferred by law upon the mayor. All vacancies in the offices of mayor, alderman, town marshal Aldermen to fill and treasurer shall be filled by the board of aldermen and the persons elected shall hold their offices until the next general election of the town.

at meetings of

SEC. 4. The town marshal shall collect all taxes and other Duty of town moneys due the town; and, under the direction of the mayor, marshal. shall have general control of the police of the town. Before Bond of town entering upon the duties of his office he shall file a bond in marshal. such sum as the board of aldermen shall determine, and subject to their approval, for the faithful performance of the duties of his office, and take the following oath:

I,, do solemly swear that I will well and truly Oath of town execute the duties of the office of town marshal, according to marshal. the best of my skill and ability, according to law: So help me

SEC. 5. The town treasurer, before entering upon any of the Bond of town duties of his office, shall file a bond in such sum as the board of treasurer. of aldermen shall direct, and subject to their approval, and take the following oath: I,, do solemnly Oath of town swear that, according to the best of my skill and ability, treasurer. I will execute impartially the office of treasurer for the town of Salisbury; in all things, according to law; that I will duly and faithfully account for all public moneys that may come into my hands, and will not directly or indirectly apply the same, or any part thereof, to any other use than by law directed; so help me God.

SEC. 6. That at each biennial election on the first Monday in One alderman May the qualified voters of the town shall elect from each one elected from of the four wards, one citizen, a qualified voter of said town.

each ward.

Aldermen and mayor a body corporate.

Corporate name and powers.

Term of office.

How vacancies filled.

Mayor to procure polling places.

Polling place for north ward.

Polling place for south ward.

Polling place for east ward.

Polling place for west ward.

Posters describing location of polling places.

Clerk of superior court to appoint registrars and judges of election.

and a bona fide resident of the ward that he is elected to represent, who, with the mayor of the town of Salisbury who ex officio shall be chairman, but have no vote except in case of a tie, shall be and are hereby created a body corporate by the name of the "Salisbury Graded Schools Committee," which shall have full control and management of the "Salisbury Graded Schools," and each elected member of said graded schools committee, after taking the prescribed oath of office, shall continue in office until his successor shall be elected and qualified. Any vacancy caused by death, resignation or otherwise, of any of the four elected members of the committee of the Salisbury graded schools shall be filled by election, by the remaining members of said committee; and the officer elected, after taking the prescribed oath of office, shall have all the power of and continue in said office until his successor is elected and qualified.

SEC. 7. That on or before the first Monday in April preceding each biennial election, the mayor of the town of Salisbury shall procure polling places in each of the four wards in said town, for the use of the registrars while engaged in registering voters, hearing challenges, and for the use of the registrars and judges while hearing and deciding challenges and holding the election on the first Monday in May.

The polling place for the north ward shall be at or within four hundred feet of the court house.

The polling place for the south ward shall be at or within four hundred feet of Barker's old shop.

The polling place for the east ward shall be at or within four hundred feet of the mayor's office.

The polling place for the west ward shall be at or within four hundred feet of C. F. Barker's tin shop.

The mayor shall, on or before the first Monday in April, cause not less than ten posters to be posted in each ward of said town that shall describe the location of the polling places selected.

SEC. 8. That on or before the first Monday in April preceding each biennial election, held on the first Monday in May, the clerk of the superior court for the county of Rowan shall appoint, upon the written recommendation or approval of the county chairman of each political party of said county that polled over four hundred votes in the county of Rowan in the general election on November 3d, 1896, one citizen, a qualified voter, from each of said political parties, of and for each ward election precinct, in each of the four wards in the town of Salisbury, who shall be able to read and write the English language, and shall be known, for the duties required of them under this

act, as registrars of election in their respective ward precincts; and at the same time the aforesaid clerk shall appoint, upon the recommendation of the respective chairman as aforesaid, one citizen, a qualified voter of each party as aforesaid, of and for each ward election precinct, able to read and write as aforesaid, who shall be known, for the duties required of them under this act. as judges of election in their respective ward precincts, and the registrars and judges of election, when so appointed Precinct board and qualified, shall constitute the ward precinct board of elec- or election. tion: Provided, that no registrar or judge of election shall enter Proviso: upon the duties of his office until he shall have taken and subscribed, before some officer authorized to administer oaths, the duties until following oath of office: "I,, do solemnly swear, or affirm, that I will support the constitution of the United States, and the constitution and laws of North Carolina not inconsistent therewith; that I will truly and faithfully perform all the duties of the office of on which I am about enter, according to my best skill and ability so help me God." Which said oath shall be filed with the clerk of the superior Oath to be filed. court of Rowan county: Provided, that a county chairman not able to find a citizen, a qualified voter, in his own party suitable to fill the office of registrar or judge of election the said chair- may select from man may select from another political party a citizen and qualified voter satisfactory to him and suitable to fill the office of registrar or judge of election.

The clerk shall make immediate publication of the names of Names of the persons so appointed, at the court house door, and cause a notice to be served upon them, within five days, by the sheriff of the county; and if any registrar or judge so appointed shall die or fail to perform his duty, the county chairman shall recommend, and the clerk shall appoint, in like manner as at the first. If the county chairman shall fail to recommend persons for registrars and judges on or before the next Wednesday after the first Monday in April, then the clerk of said court shall appoint suitable persons having all the requisite tion. qualification herein described, without such recommendation; and in case of a failure of any registrar or judge to serve, on the day of election, the chairman of the election board, may appoint a suitable person to fill the vacancy; but no person who is a candidate for office at any such election shall be an officer of election.

In case of the death, absence, or other disability of the clerk On disability of of said court, then all the duties in this act prescribed for that officer shall be performed by the register of deeds of the county his duties. until the disability be removed.

Election officers not to enter upon sworn.

Form of oath.

Chairman of one political party another.

appointees to be posted and notice served on them.

How vacancies filled.

County chairman failing to recommend clerk to appoint without recommenda-

How vacancies on election day filled. No candidate to be election officer.

clerk register of deeds to perform Quorum of regis trars.

Chairman of registrars. Chairman to have custody of registration Power of one registrar to register voters.

Proviso: No registration but at regular times and places. Organization of precinct board of election.

Chairman.

Powers of registrars and judges of election.

Inferior courts.

Power of commitment.

Registrars to check books.

SEC. 9. That any two of the registrars appointed and qualified for any one ward precinct, shall constitute a quorum for the conduct of the registration of such ward precinct, and on or before the morning of the first day of any registration, the precinct registrars, shall organize by the election of one of their number as chairman, to preside over their deliberations. He shall have the custody of the registration books, and he or any one of the registrars, may, in the absence of any or all the other registrars, conduct the registration as effectually to all the intents and purposes of this act as though a quorum were present assenting thereto: Provided, that no registration shall be had, except at the places and time hereinafter provided for. On the assembling of the registrars and judges of election at the voting place, on the morning of any election, the registrars and judge shall organize the ward precinct board of election, by electing one of their members as chairman, who shall preside over their deliberations and have general charge of the registration and poll books, the ballot boxes, the conduct of the election, and the count and return of the votes cast thereat: Quorum of board, and a majority of said board shall constitute a quorum for the transaction of all the duties required of them under the provisions of this act. That the registrars and judges of election, in each ward or precinct, shall respectively, possess full power and authority to administer oaths, maintain order, and enforce obedience to their lawful commands during sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any such registrar or judge of election, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by order in writing signed by their chairman, commit the person so offending to the common jail of the county, for a period of not exceeding thirty days, and such order shall be executed by any sheriff or by the special policeman provided for in this act, and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment. At the first meeting of the board of registrars for each ward precinct of the town Salisbury, preceding each biennial election, the said registrars shall take the registration books for their ward precinct and commencing at the beginning of said book carefully check the name of each voter on the poll book, using the number set opposite the name of the voter on the registration book to find the name on the poll book, by drawing a line across the center of the figure of the number on the poll book. After all the names on the poll book have been

checked off, and the registration book shows that every voter that voted in the last election has been properly checked by the number on the registration book, then the name of each and every voter who failed from any cause to vote in the last preceding biennial election shall be erased by drawing a line Names to be from left to right hand through the center of the name of the erased. voter who failed to vote.

SEC. 10. The mayor of the town of Salisbury shall, on or Mayor to probefore the third Thursday preceding the next biennial election on the first Monday in May, procure and deliver to the registrars, for each of the four ward precincts in said town, one registration book, and two poll books for each ward precinct, and the registrars of each of the four ward precincts shall meet at their respective voting places at nine o'clock, A. M., on the When registration to open. third Saturday next preceding the next biennial election, and on the same day biennially thereafter, and after electing one of their number chairman, as before stated, shall open their registration books and tender to all applicants for registration the following oath: "I, do solemnly swear (or Form of oath of affirm) that I will support the constitution of the United applicants for registration. States, and the constitution of the state of North Carolina, not inconsistent therewith; that I have been a resident of the state of North Carolina for twelve months, and of the county of Rowan for ninety days, and of the ward thirty days, and that I am a duly qualified elector, and have not registered for this election in any other ward, so help me God." If the applicant shall take this oath, he shall be registered and Applicants tak-the date of his registration shall be placed opposite his name. registered. The registrars shall keep their books open from nine o'clock, Registration A. M., until four o'clock P. M., and from six o'clock, P. M., until days. nine o'clock P. M., on the third Saturday, and on the Thursday, Friday and Saturday, next following the third Saturday, before each biennial election on the first Monday in May.

On the second Saturday before the aforesaid election and Whenbooks open after one o'clock P. M., the registration books shall be open for inspection and challenge. inspection and for challenge, and any person challenging a Affidavit of chalvoter shall make an affidavit, written or printed, stating lenger. the causes of said challenge, give the names of the witnesses he proposes to introduce, and shall deposit with the registrars a Fees to be deposfee of twenty five cents for each voter challenged, which is to ited. be paid to the officer serving the notice and cause of challenge upon the person alleged to be illegally registered. The registra-when registration of voters and the right to challenge, shall continue until tion to close. nine o'clock P. M., when the registration of voters shall cease, and the registration books shall remain open one hour longer

When books to be closed.

Notice to be served on challenged voters.

When challenges to be heard.

Certificates of challenges sustained.

New registration for 1897.

Mayor, aldermen, marshal one ballot.

School committeemen on one ballot.

How ballot boxes labeled.

Ballot boxes may be attached rate.

Ballots in wrong boxes not to be counted. Each ward an election precinct. North ward.

East ward.

South ward.

West ward.

Special constables for election.

or until ten o'clock P. M. for inspection, and challenge only, and at said hour of ten o'clock the registration books shall be closed. Voters, that have been challenged, shall be immediately served with a written or printed notice, stating that they were challenged, the cause of challenge the names of the witnesses and the name of the person making the challenge. All challenges shall be heard and decide on the Saturday next preceding each biennial election. The election board shall meet at nine o'clock A. M., and continue in session until all the challenges shall be heard and decided. For each challenge that is sustained the registrars shall give the person that advanced the twenty-five cents a certificate, stating the fact that the challenge was sustained, and the town authorities shall pay to the person holding the certificate the sum advanced, it being a part of the election expenses.

SEC. 11. There shall be an entirely new registration of voters for the election of town officers to be held on the first Monday in May, one thousand eight hundred and ninety-seven.

SEC. 12. The Mayor, eight aldermen, town marshal and treasand treasurer on urer, shall be voted for on one ballot, and in one separate ballot

> SEC. 13. The four committeemen for the Salisbury graded schools shall be voted for on one ballot and in one separate ballot box.

SEC. 14. Each of the two ballot boxes provided for in this act, shall be labelled with plain roman letters, not less than one fourth of an inch high, on the front side next to the voter, as follows: First box, "Mayor, Aldermen, Town Marshal and Treasurer." Second box, "Committee for Salisbury graded school." The together or sepa- ballot boxes may be attached together, or be entirely separate from each other, but each box shall have its proper label, and receive only the ballots that the label on the box designates. Any ballot in the wrong box shall not be counted.

> SEC. 15. Each ward of said town shall be an election precinct, and shall be bounded as follow: The north ward shall consist of all the area included in the corporate limits of the town of Salisbury and north of Main and Inniss streets. The east ward shall consist of all the area included in the corporate limits of said town and east of Main and Inniss streets. The south ward shall consist of all the area included in the corporate limits of the aforesaid town and south of Inniss and Main streets. . The west ward shall consist of all the area included in the corporate limits of the town of Salisbury and west of Main and Inniss streets.

Sec. 16. Each registrar shall select one citizen, a qualified

voter of the town of Salisbury, who, after taking the oath No. 12 of section 3315 of The Code, shall be a special constable for the day of election, he shall obey all commands of the chairman of the board of election, and shall continue on duty until the votes are all counted, and the duplicate abstracts are signed, and one of the abstracts posted.

SEC. 17. When the polls are opened the members of the elec- How registration tion board, that have charge of the registration book, in checking the name of a voter that has voted, will place the number of his name on the poll book opposite his name on the registration book, and make the number the check.

SEC. 18. That the polls shall be opened on the day of election when polls to be from seven o'clock in the morning until sunset of the same day, opened. and no longer, and each voter whose name may appear registered shall hand in his ballots to the judges, who shall care-voters to hand fully deposit the same in the proper ballot box, and no person bletation to or shall dictate to the voter, at or within one hundred feet of the interference polls, how or for whom he shall vote, or taunt, worry, or inter-bidden. fere in any way with any voter, and no person shall loiter, Persons not to linger, or stay within one hundred feet of the polls, except the stay within 100 feet of polls. officers before designated, the county and ward chairman of each political party, and persons at their regular places of busi-

ness.

SEC. 19. That the registrars and judges of election in each Powers of regisward or precinct shall respectively possess full power and trars and judges authority to administer oaths, maintain order and enforce obedience to their lawful commands during sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any Power of comsuch registrar or judge of election, or, by disorderly conduct in mitment. their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman, commit the person so offending to the common jail of the county for a period of not exceeding thirty days, and such order shall be executed by the special constables to whom the same shall be delivered, or by the sheriff, or, if he refuse to act, by any other person who shall be deputed by the chairman of such ward precinct board of election, in writing, and the Keeper of jail to keeper of such jail shall receive the person so committed, and committed. safely keep him for such time as shall be mentioned in the commitment.

SEC. 20. That when the election shall be finished, the regis- How votes to be trars and judges of election shall in the presence of such candi-counted. dates or their duly authorized representatives, as may choose to attend, shall open each ballot box in succession and count

Dictation to or

of election.

Count to be com pleted before adjournment.

Abstracts of votes.

Abstract to be posted up.

Town canvassers.

Certificates of ejection.

In case of tie new election to be held.

Pay of registrars in registering votes.

and judges hearing challenges. Pay of registrars and judges on election day. Pay of special constables.

Elections to be governed by general law except where modified.

Meeting of school committeemen for election of treasurer.

the ballot, reading aloud the names of the persons who shall appear on each ticket, and the counting of the ballots shall be continued without adjournment until completed and the result thereof declared.

SEC. 21. That each ward precinct board of election or a majority thereof, in each ward precinct, shall, immediately after the counting of the ballots has been concluded, make out in writing duplicate abstracts of the votes cast at said ward precinct for the different candidates, sign the same immediately after the completion of the count, and post one of said abstracts at the polling place, and deliver the other abstract, enclosed in an envelope sealed, to the member of the ward precinct board of election who shall be elected to represent that ward in the meeting of the representatives of the several ward precincts of the town who shall meet at the court house at ten o'clock on the Tuesday next following the election and add up and ascertain the number of votes cast for each candidate voted for.

SEC. 22. That the person having the greatest number of votes for any office shall be declared elected and receive a certificate of election signed by the ward precinct representatives; but if two or more candidates have an equal number of votes, the representatives shall announce the failure of a choice, and another election shall be held, after not less than ten days' notice and publication, so that such office may be filled by the votes of a majority of the electors of the town.

SEC. 23. Registrars shall be paid at the rate of one dollar for each day actually present and on duty at the polling place, while engaged in registering voters and receiving affidavits, challeng-Pay of registrars ing voters. Registrars and judges shall receive one dollar per day for the time actually present at the polling place, hearing and deciding challenges, and they shall receive one dollar and fifty cents each on election day. The special constables shall receive one dollar per day for election day.

> SEC, 24. Biennial as well as special elections for the town of Salisbury shall be held under the rules, regulations and penalties of the general election laws of the general assembly of North Carolina for the year one thousand eight hundred and ninetyfive and one thousand eight hundred and ninety seven, except where modified by this act.

> SEC, 25. The mayor of the town of Salisbury shall, immediately after his entrance upon the duties of his office, cause a notice to be served upon each member of the committee elected for the Salisbury graded schools, to attend a meeting of to committee for the purpose of electing a treasurer for said schools. The mayor shall preside and the treasurer when elected

shall give bond in a sum not less than five thousand dollars. Treasurer to give After the treasurer's bond has been registered in the office of the register of deeds for Rowan county, the county treasurer of Rowan county is hereby authorized and required to pay over fund to treasurer to the said treasurer all funds in his hands, for either the white or colored common or public schools in the district known as number twenty-seven, or that part of Rowan county inside of the corporate limits of the town of Salisbury.

County treasurer to pay school of schools.

The town treasurer of Salisbury is hereby authorized and required to pay over to the aforesaid treasurer of the Salisbury were to treasurer graded schools all of the tax of one-fifth of one per cent. collected on the property of all kinds of said town, levied and collected under chapter twenty-seven, laws of special session of the general assembly of the year one thousand eight hundred and eighty, and as much of the license taxes on retailers of spirits, mayor's fines, &c., as may be required to defray the expenses of the Salisbury graded schools.

Taxes to be paid by town treas. of schools.

SEC. 26. All criminal warrants and process, issued by the where mayors mayor for offences committed within his jurisdiction, may be served and executed by the sheriff and his deputies or by the town marshal, or any policeman, anywhere within the limits of Rowan county.

process to run.

SEC. 27. The mayor shall be allowed an annual salary not Salary and fees exceeding five hundred dollars, and the fees when acting as judicial officer shall be the same as the fees of a justice of the peace, and shall be paid over to him for his use and benefit.

of mayor.

SEC. 28. The board of aldermen of said town shall have power, Taxing power not oftener than annually, to levy taxes for municipal purposes on real and personal property, on all taxable polls, on all moneys, bonds, stocks, licenses, credits, franchises, privileges and other subjects, which may be liable to taxation according to the constitution and the laws, subject however to the following restrictions and limitations, and none other, to-wit:

of aldermen.

1. The poll tax shall not exceed two dollars.

Poll tax.

2. The ad valorem tax on real and personal property shall not exceed sixty-six and two-third cents on the one hundred dollars worth on the assessed value of said property, and the constitutional equation between the taxes on property and on the poll shall always be observed.

Ad valorem tax.

3. The privilege tax on licensed retailers of spirituous or malt Liquor license liquors shall be five hundred dollars per annum.

tax.

4. The privilege tax on venders of wines, cordials or other spirituous or malt liquors, of the measure of a quart or more, tax for sales of shall not exceed two hundred and fifty dollars.

Liquor license quart or more. Hotels.

5. The privilege tax on hotels shall not exceed twenty-five dollars.

Banks and banking agencies.

6. The privilege tax on banks or banking agencies shall not exceed two hundred dollars.

Drays, carts or omnibuses.

7. The privilege tax on public drays, carts or omnibuses, shall not exceed ten dollars.

Insurance companies and agents.

8. The privilege tax on insurance companies or their agents, whether resident or itinerant, shall not exceed twenty-five dollars.

Auctioneers.

9. The privilege tax on auctioneers shall not exceed ten dollars.

Commission nierchants.

10. The privilege tax on commission merchants shall not exceed twenty-five dollars.

Eating houses and restaurants.

11. The privilege tax on public eating houses or restaurants, not connected with a retail liquor shop, shall not exceed twentyfive dollars.

Telegraph telephone and express companies. Butchers.

12. The privilege tax on telegraph, telphone or express companies shall not exceed fifty dollars.

Incomes.

13. The privilege tax on butchers or venders of butchered meat shall not exceed fifty dollars: Provided, that those who sell the products of their own farms shall not be liable to tax.

Professions.

14. Incomes shall be taxed when any such tax is levied by the states or county.

Two copies of tax lists made

15. Professions of residents of said town shall not be specially taxed, except such as may be actually taxed at the time by the state, or except such as are hereinbefore mentioned.

SEC. 29. The board of aldermen of said town shall annually

cause to be made out two copies of the tax list of the town as

shall receipt for the same. The clerk of the board shall endorse

on the copy of the tax list given to the said town marshal, an

order to collect the taxes therein mentioned, and such order

out. What list to

settled by them. Such list shall plainly show the sums due to show. the town by each taxpayer; one of said copies shall remain in When list delivthe office of the board, the other shall be delivered to the town marshal on or before the first Monday in September, and he

ered to town marshal.

Copy delivered to marshal to be

endorsed.

Tax list and order of collection a judgment.

Form of order.

and tax list shall have the force of a judgment and execution against the property of the persons charged in such list. Such order shall be similar in form to that mentioned in section three thousand six hundred and eighty of The Code. SEC. 30. In all cases when the board of aldermen of said town

Taxes of years wnen property not listed to be added when listed.

shall have omitted, or in any future years shall omit, to enter upon the tax list of the town any real or personal property subject to taxation, it shall be their duty when they enter the same on the tax list of any succeeding year to add to the taxes of the current year the simple taxes of each preceding year in which

such property shall have escaped taxation, with six per cent. per annum in addition thereto as far back as said property shall have escaped taxation. Where no assessment of said property Assessment to be has been made for the year in which said property may have men. so escaped taxation, the said board shall be authorized to value and assess the same for these years.

made by alder-

SEC. 31. The lien of the town taxes levied for any purpose Whenlien for shall attach to all real property subject to taxation, on the first day of June, annually, and shall continue until such taxes with any penalty which may accrue thereon, shall be paid. When town tax All town taxes shall be due on the first Monday in September, but the collection of the same by sale shall not be enforced When to be colbefore the first day of December next ensuing.

SEC. 32. The real and personal property assessed for town tax- How property ation shall be according to the valuation for state taxes; and assessed. the clerk of the board of aldermen of said town, or other suit- How list taken. able person, shall advertise and take the list of taxables in the

lected by sale.

town at the time and in the manner prescribed by law for the collection of state taxes.

SEC. 33. The town marshal shall be authorized to collect the Power of marproperty, poll and other taxes payable to said town, in the man-shal in collecting town tax. ner and with all the authority and remedies given by law to the sheriff or other collecting officers for the collection of the state taxes; and the said town marshal shall have the same author- Powers in selling ity for selling and conveying property for the non-payment of property for taxes. town taxes, as the sheriff has in case of the non-payment of state taxes; and delinquent taxpayers may redeem any real Right of redempproperty so sold for town taxes within the period and in the mode prescribed in chapter fifty five of volume two of The Code.

SEC. 34. The board of aldermen of said town shall set apart as Special fund for a special fund for the support of the Salisbury graded schools graded schools. all the privilege license taxes received from retail dealers of spirits or malt liquors, venders of wines, cordials or other spirituous or malt liquors of the measure of a quart or more, and all fines and penalties recovered in cases before the mayor or mayors protempare, or in cases that began in the mayor's court; and all of said special fund remaining on hands and unexpended Surplus covered at the end of each school year (June 30th) shall be covered into urv. the town treasury and used to pay current expenses.

SEC. 35. The board of aldermen of said town shall have authority to enact all ordinances, police regulations and laws men in enacting for or relating to said town, or for the preservation of the pub- and enforcing ordinances. lic health, or for the collection of taxes thereon, not inconsistent with this act or with the laws of the land; and may enforce

the same by appropriate fines and penalties.

Powers of alder-

Code to apply when not inconsistent with this

Powers of aldermen as to streets.

for streets.

Procedure for condemnation of land.

Award conclusive of rights of parties.

Proviso: Right of appeal.

Acts repealed.

SEC. 36. Except such provisions thereof as are inconsistent with this act, chapter sixty-two of volume two of The Code, entitled "Towns and Cities," shall be construed in connection and as if it were a part of this act.

SEC. 37. That the board of aldermen of said town shall have power to lay out and open new streets within the corporate limits of the town, whenever by them deemed necessary, and have power at any time to widen, enlarge, change direction, change grade, extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and To condemn land shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. But in case the owners of the land and the board of aldermen 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 owners of the land shall refuse to choose such arbitrator, then the clerk of the superior court of Rowan county shall, in his stead, select one for him. And in case the two arbitrators chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damage sustained and the benefit accruing to the owner in consequence of the change; and the award of the arbitrators or the umpire shall be conclusive of the rights of the parties, and shall vest in the board of aldermen the right to use the land for the purpose specified; and all damages agreed upon by the board of aldermen or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation; Provided, that either party may appeal to the superior court, as now provided by law, and be entitled to a jury trial.

SEC. 38. The following acts are hereby repealed: An act for the incorporation of the town of Salisbury, ratified the twentyseventh day of January, 1859; three acts to amend the charter of the town of Salisbury, ratified respectively on the 16th day of February, 1859, on the 17th day of December, 1852, and on the 22d day of February, 1861; also an act to extend the corporate limits of the town of Salisbury and to amend the charter of said town, ratified on the 27th day of February, 1877, and chapter sixty-nine of the private laws of 1863; chapter thirtyfour of the private laws of 1885, ratified on the 23d day of February, 1885; chapter sixty-nine, private laws of 1889, ratified on the 1st day of March, 1889, and chapter fifty-two, private laws of 1893, ratified on the 11th day of February, 1893. But the

repeal of said acts shall not revive any other act relating to Repeal not to said town.

SEC. 39. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 40. Any person violating any of the provisions of, or neg- Certain acts and lecting or refusing to attend to or execute any of the duties misdemeanors. required of him by this act, shall be guilty of a misdemeanor, and shall be fined or imprisoned as the court may direct.

Penalty.

SEC. 41. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 202.

An act to incorporate the Hanover Land and Improvement _ company.

The General Assembly of North Carolina do enact:

SECTION 1. That John F. McNair, N. G. Wade, William Gil- Corporators. christ, James F. Post, Jr., and J. S. Armstrong, 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 "Hanover Land Corporate name. and Improvement company," by which name they may sue and Corporate powbe sued, plead and be impleaded, adopt and use a common seal, ers. which they may alter at their 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 and immunities usually pertaining to corporations.

SEC. 2. That the capital stock of said corporation shall be Capital stock. twenty-five thousand dollars, with the privilege of increasing the same to an amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. That when the sum of ten thousand dollars, or more, when meeting shall have been subscribed, and ten per centum paid in, it shall for organization called. be the duty of the corporators, or a majority of them, to call a meeting of the stockholders for the purpose of organization, and at such meeting elect the officers of the company, which shall consist of a president, secretary and treasurer and board of Officers and directors to be composed of not less than than five members. directors. and such other officers as may be necessary, prescribe their duties and fix their compensation, and may require bonds from

such officers for the faithful performance of their respective duties.

Principal office.

Branches.

SEC. 4. That the principal office of said corporation shall be in Wilmington, North Carolina, but the directors may establish other offices wherever it may be found convenient and useful for the business of the corporation.

Further corporate powers.

SEC. 5. That said corporation shall have full power to buy, lease, own and hold real estate and personal property of all kinds, including stocks and bonds of other corporations, and to sell, lease, convey and dispose of the same in such lots and upon such terms as the directors may determine; to improve such real estate as it may purchase by constructing any and all such buildings as it may deem expedient, or in any other lawful manner for the purpose of enhancing its value and utilizing the same, and may engage in manufacturing enterprises, and build, equip and operate mills, factories, furnaces, hotels, stores and warehouses; it may buy and sell stocks, bonds, mortgages and other securities; borrow and lend money, and make, accept, endorse, issue and purchase promissory notes, bonds, bills and mortgages, and mortgage and pledge its property, both real and personal; may act as brokers, agents or attorneys in borrowing and lending money, and investing such as may be entrusted to its care or management for investment in bonds, stocks or other securities and property; may subscribe to stock in other corporations and accept subscriptions for stock in this company, either in real estate or personal property, or in the bonds or stock of other incorporated companies, and the said company shall have the right, power, privilege and franchise to charge such fees, tolls or compensation for the use of its property, or for its services, as may be reasonable or as may be agreed upon: Provided, said company shall not charge any greater than the legal rates of interest.

Power.

Proviso: Rate of interest.

Stockholders not individually liable.

Conflicting laws inoperative as to this company.

SEC. 6. That the stockholders shall not be individually liable for the debts, contracts, engagements or torts of said corporation.

SEC. 7. That all laws in conflict with the provisions of this act are hereby declared inoperative as far as they may affect the privileges, rights and powers herein conferred.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 203.

An act to amend section 7 of chapter 98 of the private laws of 1893.

The General Assembly of North Carolina do enact:

SECTION 1. That section 7 of Chapter 98 of the private laws Proviso as to line of 1893, be amended by striking out all of said section after the from Carthage to word "railway" in line 6 of said section.

Ashboro stricken ont.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 204.

An act to extend the time for organizing the North Carolina Slate Company in Stanly county.

The General Assembly of North Carolina do enact:

SECTION 1. That the private act of the general assembly of Time for organi-North Carolina, chapter seventy, laws of one thousand eight zation of com-pany extended. hundred and ninety-five (1895), entitled an act to amend an act incorporating the North Carolina Slate Company, be and the same is hereby amended so as to allow the incorporators of said company further time, until July the first, eighteen hundred and ninety-nine, to open books and receive subscriptions for stock, and to organize the North Carolina Slate Company.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 205.

An act to incorporate the Savings Bank of Person.

The General Assembly of North Carolina do enact:

SECTION 1. That John S. Cunningham, W. B. Wilkins, J. M. Corporators. Bray, John C. Terrell, L. M. Thayer, E. J. Robertson, Thomas D. Terrell, J. P. Woody, and Lewis Walker, and their associates. successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "The Savings Corporate name. Bank of Person," and by such name may acquire, hold and Corporate powconvey real and personal property, sue and be sued, plead and ers.

Term of corporation.

Capital stock.

How subscriptions payable.

When business may be commenced. Stockholders not individually liable.

First directors.

Proviso: Qualification for directors.

Duty of directors.

Principal office.

Branches.

Further corporate powers.

Investments authorized.

be impleaded in any of the courts of the state, and have a continual succession for ninety-nine years, and a common seal for the purposes indicated in the title.

SEC. 2. That the capital stock of said corporation shall not be less than five thousand dollars, which may be increased from time to time to a sum not exceeding fifty thousand dollars, in shares of ten dollars each, payable as follows: Ten per centum of each share in cash, and ten per centum per month for each month thereafter until the full sum is paid; said corporation may, however, commence the business of banking when two thousand dollars of the capital stock aforesaid has been paid in. The stockholders shall not be individually liable for the debts or obligations of the corporation.

SEC. 3. That the seven persons first named in section one in this act shall be and remain directors of this corporation until their successors are chosen: *Provided*, that no person shall be a director in said corporation without first having subscribed and taken at least ten shares of said stock.

SEC. 4. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, fix salaries, fill vacancies, and generally do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe when the same shall have been duly ratified by a majority in number and value of the stockholders voting thereon in person or by proxy.

SEC. 5. The principal office or banking house of this corporation shall be located at Cunningham, state of North Carolina, and branches thereof may be opened and established in such other places as may be deemed expedient and beneficial.

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 from corporations, minors, apprentices, femes covert, or other persons, on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for the use and loan of money may charge so high a rate of interest as six 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 of the United States, or any corporation under the laws thereof, and to take such real and personal property conditioned in such forms for the payment of the principal and interest of money loaned, advanced or

expended, as may be deemed most safe, expedient and beneficial.

SEC. 7. That said corporation shall have power and anthority Power to guarto guarantee the payment of principal and interest of notes, of other corpobonds, bills of exchange and other securities or evidences of ration and individuals. debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and may charge thereof so high a rate of interest as six per centum per annum, and may take and receive the interest at the time of making said transaction.

SEC. 8. That said corporation shall have the right to buy and Power to buy sell real estate at pleasure, either conditionally, by way of real estate. mortgage or otherwise.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 206.

An act to amend chapter one hundred and eighty-three of the private laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That sections two, three and five of chapter one hundred and eighty-three of the private laws of North Caro- ting election of lina, ratified the third day of March, eighteen hundred and Laurinburg. ninety-one, be and the same is hereby repealed, and the act amended as follows:

Sections regulatown officers of

SEC. 2. That five commissioners, a secretary, treasurer, mayor Town officers and constable of the town of Laurinburg, North Carolina, shall be elected annually by popular vote on the first Monday in May of each year, and their terms of office shall begin on the third When term to Monday of May of each year.

elected annually on 1st Monday in May.

SEC. 3. That the offices of mayor and the constable and treas- when term of urer and the present board of town commissioners shall expire on the third Monday in May, eighteen hundred and ninetyeight.

begin.

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

present officers to expire.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 207.

An act to correct and amend chapter 166, private laws of 1895, entitled "an act to amend chapter 211, laws 1889, relating to the charter of eastern band of Cherokee Indians."

The General Assembly of North Carolina do enact:

Chapter 166, Private Laws 1895, amended.

That chapter 166, private laws of 1895, entitled "an act to amend chapter 211, laws of 1889, relating to charter of eastern band of Cherokee Indians," be amended and corrected so as to read as follows:

Officers of corporation.

SECTION 1. That the officers of said corporation shall consist of a principal chief, assistant (or vice) chief, and for the present tifteen (15) members of council, as follows:

Councilmen.

Apportionment of councilmen.

From Yellow Hill settlement, in Swain county, 2 members; from Big Cove settlement, in Swain county, 3 members; from Birdtown settlement, in Swain and Jackson, 2 members; from Nantahala settlement, Swain county, 1 member; from Wolftown settlement, Jackson county, 3 members; from Pointtown settlement, Jackson county, 2 members; from Cheoah settlement, Graham county, 2 members; also a secretary, treasurer, interpreter, marshal of the band and other officers as hereinafter provided.

SEC. 2. That the principal chief, assistant (or vice) chief and

members of council shall be elected to their respective offices

Other officers.

Election of principal and assistant chief and councilmen.

Other officers appointed by council.
Term of office.

by the male members of the eastern band of Cherokee Indians, who have attained the age of eighteen (18) years; and all other officers are to be appointed by the council as hereinafter provided; that the term of office of the principal and assistant chief shall be four (4) years and that of members of council two (2) years, and all other officers elected by the council shall hold

until the first annual or grand council held after the election for members of council, and all officers of said corporation shall hold until their successors are duly qualified.

Election for principal chief and assistant chief.

SEC. 3. That the election for principal chief and assistant (or vice) chief, shall be held on the first Thursday in September next, and every four years thereafter, under such rules and regulations as may be prescribed by the council.

Election for members of council.

SEC. 4. That the election for members of council shall be held on the first Thursday in September, eighteen hundred and ninety-five (1895), and each two years thereafter, under the same rules and regulations as are prescribed by the council for the election of principal and assistant chief.

Council to

SEC. 5. That the council shall, sixty (60) days preceding the

election held for members of council, appoint two (2) judges for appoint judges. every Indian town and settlement that is entitled to a member of council, who shall hold the elections for such town and set- Judges to hold tlement, and shall certify the result of the same, under such election and certify result to rules and regulations as may be prescribed by the council, to grand council. the next succeeding annual or grand council: Provided, how- Proviso: Who ever, that the candidates for principal and assistant chief, who declared elected. shall have received a majority or plurality of the votes cast by the band, shall be declared by the said annual council to be the duly elected principal chief and assistant chief for the term of four (4) years, and the members of council who shall be certified by the said judges of election to be elected for that town or settlement shall be the duly elected members for the same, and shall hold their office for the term of two years.

SEC. 6. There shall also be an executive council, which shall Executive counconsist of the principal chief, assistant (or vice) chief, and three associates, who shall be appointed by the principal chief and confirmed by the council, who shall receive the same compen- Compensation. sation as is hereinafter provided for members of council.

SEC. 7. That the principal chief shall receive as a compensa- Compensation of tion for his services such sum as may be fixed by the council, principal chief. not to exceed the sum of two hundred and fifty (\$250) dollars compensation of per annum, and the assistant chief such sum as may be fixed by assistant chief. the council, not to exceed the sum of one hundred and twentyfive (\$125) dollars per annum, and they shall receive such traveling expenses as may be authorized or approved by the council, and the members of the council shall receive as compensa- Compensation of tion for their services the sum of two (\$2) dollars per day for council. such time as they may be necessarily in session, and all other Compensation of officers shall receive as compensation for their services such other officers. sums as may be provided by the council.

SEC. 8. That hereafter there shall be elected from each town Ratio of repreor settlement of one hundred (100) souls two (2) members of sentation in council, and one (1) extra member in excess of two hundred (200) souls, and for less than one hundred (100) still one (1) member. In default of an election being held in any town or settlement Delegates in entitled to a member of council, the people may send a dele-default of election. gate to the councils, and petition through him and make known their wants; but such delegates shall have no vote in the coun-

SEC. 9. That the seat of government of the eastern band of Seat of govern-Cherokee Indians shall be at Cherokee Council Grounds, Swain ment. county, North Carolina, until changed by the council.

SEC. 10. That there shall be an annual or grand council held Annual or grand on the first Monday in October of each and every year, and in councils.

Special councils.

Quorum.

cases of immergency the principal chief can call a special council, but no business can be transacted in either annual or special council unless a quorum of the members shall be present, which shall consist of a majority of the members of council elected at the last preceding election.

Officers of annual council.

Saiary and term of office. Proviso: Officers subject to removal for cause.

Organization of council in absence of assistant chief.

Chairman.

How acts of coun cil signed and certified.

Agent ex officio secretary.

Proviso: Council to elect if agent fails to act. Veto power of chief.

Duties of chief.

Vacancy in office of chief assistant chief to succeed.

Vacancy in office of assistant chief filled by council.

SEC. 11. The annual council shall be called to order by the assistant chief, and a chairman, vice-chairman and clerk be elected, who shall receive as a salary for their services such sums as may be fixed by the council, and shall hold their offices a until the next annual council: Provided, that all officers elected or appointed by the council shall hold during the pleasure of the council, and for failure to perform their duties may be removed by said council and others elected in their stead. In the absence or through the neglect of the assistant chief to organize the grand council any member of the executive committee may organize the same, and after an organization is effected the chairman shall call special councils to order and preside over the same, or in his absence the vice-chairman, but the chairman shall have no vote except in the case of a tie vote, when he shall vote yea or nay on all matters.

SEC. 12. That all acts of council, resolutions, etc., shall be signed by the chairman and the clerk, and countersigned by the chief, and certified to by the secretary, and that the agent appointed by the general government to supervise the schools or affairs of the eastern band of Cherokee Indians shall be, and is hereby made, ex officio, by virtue of his office, secretary of this corporation, with the custody of the books and papers appertaining to the same in all respects: Provided, however, that if such agent fails to act the council may elect a secretary.

SEC. 13. That the chief shall have the power to veto all acts and resolutions, etc., of council, but his veto shall not prevail against a two-thirds $(\frac{2}{3})$ vote of the council.

SEC. 14. That the principal chief shall from time to time give information as to the sta e of affairs of the band, and recommend such measures as he may think expedient, and he shall also make an effort to see that the rules and regulations of the council are faithfully executed, and shall visit the different towns and settlements at least once in every two (2) years.

SEC. 15. That in case of death, resignation or disability of the principal chief, the assistant (or vice) chief shall become the principal chief until removal of disability or his successor be elected; or in case of death, resignation or disability of assistant (or vice) chief, the council may elect until removal of disability or his successor be elected.

SEC. 16. That in case of death, resignation or disability of Vacancy in council filled by elecany member of council a new member shall be elected by such tion. town or settlement, under such rules and regulations as may be prescribed by the council.

SEC. 17. No person shall be eligible to the office of principal Qualifications for chief and assistor assistant chief under the age of thirty five years, and who is ant chief. not at least one-fourth (1) eastern Cherokee blood, nor shall Qualifications for any person be eligible to hold the office of member of the coun-councilmen. cil under twenty-one (21) years of age, and who is not at least one-sixteenth (1-16) eastern Cherokee blood.

not eligible to

SEC. 18. No person shall even be eligible to any office or Certain persons appointment of honor, profit or trust who shall have aided, any. abetted, counselled or encouraged any person or persons guilty of defrauding the eastern band of Cherokee Indians, or who may hereafter aid or abet, counselor encourage any pretended agent or attorneys in defrauding the eastern band of Cherokee Indians. Neither shall any person be eligible to such office, etc., that has been convicted of a felony, or who denies the existence of a God or a future state of rewards and punishments. Free exercise of religion, worship and manner of serv- Freedom of woring God shall be forever enjoyed, but not construed as to excuse acts of licentiousness.

SEC. 19. That the principal chief, before entering on the Principal chief to duties of his office shall take the following oath before some officer authorized to administer oaths: I do solemnly swear (or Form of oath, affirm) that I will faithfully execute the duties of principal chief of the eastern band of Cherokees, and will, to the best of my ability, preserve, protect and defend the constitution and laws made for their government. And the council, before enter- Oath of counciling upon their duties, shall take the following oath before some men. officer authorized to administer oaths, to-wit: I, A. B. do, solemply swear (or affirm) that I have not obtained my election or appointment as a member of this council by bribery or any undue or unlawful means or frauds; that I will support the constitution and laws of the state of North Carolina, and that in all measures which may come before me I will so conduct myself as in my judgment shall appear most conducive to the interests and prosperity of the eastern band of Cherokees, and all other officers shall take such oaths as prescribed by the council.

SEC. 20. No money shall be paid out, except upon the warrant How money paid of the principal chief, authorized by an act of council, and the out. treasurer of said corporation shall give a bond for the faithful Treasurer to give performance of his duties as such treasurer in double the sum bond. of money that passes through his hands, and shall render a

To render statement. statement of all moneys received and disbursed by him at each annual council, and oftener if required to do so by the principal chief.

Impeachment of officers.

SEC. 21. That any officer of the eastern band of Cherokee Indians who has violated his oath of office, or has been guilty of any offence making him ineligible to hold said office, may be impeached by a two-thirds $(\frac{2}{3})$ vote of the council.

Power of council in management of corporate property of band.

Who entitled to use of lands.

SEC. 22. That the council of the eastern band of Cherokee Indians shall direct the management and control of all property, either real or personal, belonging to the band as a corporation; but no person shall be entitled to the enjoyment of any lands belonging to the eastern band of Cherokee Indians as a corporation or as a tribe, or any profits accruing therefrom, or any moneys which may belong to said band as a corporation or as a tribe, unless such person be of at least one-sixteenth (1-16) of eastern Cherokee blood, and in case that any money derived from any source whatever, belonging to the eastern band of Cherokee Indians, shall be distributed among the members thereof, the same shall be divided per capita among the members entitled thereto.

Money divided per capita.

By-laws.

SEC. 23 That the said eastern band of Cherokee Indians is hereby fully authorized and empowered to adopt by-laws and rules for the general government of said corporation, governing the management of all real and personal property held by the eastern band of Cherokee Indians as a corporation or as a tribe, and direct and assign among the members thereof homes in the Qualla Boundary and other land held by them as a corporation or as a tribe, and is hereby vested with full power to enforce obedience to such by-laws and regulations as may be enacted by the council, through the marshal of the band.

Homes to be assigned.

Power to enforce obedience to bylaws.

Exemption from poll tax.

Sec. 24. That as the county authorities of Jackson, Swain, Graham and Cherokee counties make no provision for the support of the poor, nor provide free schools for the children of the eastern band of Cherokee Indians, the male members of said band in said counties, shall be exempt from the payment of any poll tax, or if said poll tax shall be collected the same shall be paid over by the proper officers of said counties to the council of the said eastern band of Cherokee Indians, to be used by said band for educational purposes.

Decree of circuit court confirmed.

SEC. 25. That a decree which the attorney general of the United States caused to be entered on October the fifteenth, one thousand eight hundred and ninety four (1894), in the circuit court of the United States for the western district of North Carolina, in the two suits, respectively: The eastern band of Cherokee Indians v. William H. Thomas, et al., and the

United States v. William H. Thomas, et al., by which the title to the Qualla Boundary of land was vested in the eastern band of Cherokee Indians in fee as a corporation, as created by the act of assembly as aforesaid, be and is hereby ratified and confirmed, and that said Indians, as such corporation are also Corporation anthorized to authorized to hold title in fee to the several tracts of land con-hold other lands veyed in what is known as the "Sibbald deed," executed August fourteenth, eighteen hundred and eighty (1880), by William Johnston, et al., to the commissioner of Indian affairs, as trustee for the eastern band of Cherokee Indians, and that section seven hundred and one (701) of chapter sixteen (16) of The Code, General corporaentitled "Corporations," so far as the same applies to this act, apply to this corbe and the same is hereby repealed.

in fee.

SEC. 26. That the organization had and the by-laws passed by Organization the eastern band of Cherokee Indians on December thirteenth, and by-laws 13, eighteen hundred and eighty-nine, 1889, in pursuance to the 1889 confirmed. act of incorporation aforesaid, be and is hereby ratified and confirmed, and all acts and resolutions of council, and contracts Acts and resolumade by the said council, in pursuance to said organization, tions of council not inconsistent with the constitution and laws of North Caro- validated. lina, is hereby validated; and that all acts and resolutions of Acts and resolucouncil passed by the band in pursuance of chapter one hun-tions under charter of 1895

poration.

and contracts

under charter of

dred and sixty-six (166), private laws of eighteen hundred and validated.

and are hereby validated. SEC. 27. All deeds executed by the eastern band of Cherokees How deeds exeshall be under the corporate seal, and acknowledged as deeds of corporate bodies are acknowledged under the laws of this state.

ninety-five (1895), whether said acts and resolutions be countersigned by the assistant (or vice) chief of said band or not, be

cuted.

SEC. 28. That whenever it may become necessary, in the Power to conopinion of the council, to appropriate to school, church or other demn land of public purposes for the benefit of the band, any of the lands occupied by owned by the eastern band of Cherokee Indians as a corpora- lic use. tion or tribe, and occupied by any individual Indian or Indians of the band, the council may condemn such land for the afore said purposes only by paying to the occupant of such land the Value of value of such improvements and betterments as he may have improvements to placed or caused to be placed thereon, and the value of such improvements or betterments shall be assessed by a jury of not How value less than six competent persons, who are members of the band, assessed. to be summoned by the marshal of the band, under such rules and regulations as may be prescribed by the council: Provided, Proviso: that either party to such condemnation proceedings may appeal Right of appeal from the judgment rendered therein without bond to the superior court of the county in which such land lies, but such appeal

corporation member for pub-

be paid.

without bond.

Appeal not to stay execution. Judge may require bond.

Duties and powers of marshal of band.

Duties of sheriff.

shall not stay execution, and the judge of the superior court to which such appeal is taken may, in his discretion, require either party to give such bond, either before or pending such trial, as he may deem fair and reasonable.

SEC. 29. That the marshal of the band shall execute, serve, and carry into effect all orders, process and acts of the council affecting the rights, interests and affairs of the band as a corporation, under such rules and regulations, and for such fees and salary, as may be prescribed by the council, but the sheriff shall execute all papers and serve orders and process of the superior court in which any trial may be had.

SEC. 30. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 31. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 208.

An act to amend the charter of the town of Columbus in Polk county.

The General Assembly of North Carolina do enact:

This reference is wrong, the charter of Columbus is chapter 254.

Date of town election fixed.

First election in

SECTION 1. That the charter of the town of Columbus, as contained in chapter three hundred and fifty four (354), private laws of one thousand eight hundred and ninety-five (1895), be and the same is hereby amended as follows, to-wit, by inserting after the word "and" and before the word "each" in the third line of section four (4) of said act. The following words, to-wit: "on the first Monday in May in;" also by inserting after the words "succeeding year" in the fourth line of the same section of said act, the following words, to-wit: "commencing with the first Monday in May in the year one thousand eight hundred and ninety seven (1897)" so that section as amended will read as follows, to-wit: "Section (4). There shall be an election held for the office of mayor, commissioners and treasurer, the first Monday in the year one thousand eight hundred and ninetysix, and on the first Monday in May in each succeeding year, commencing with the first Monday in May in the year one thousand eight hundred and ninety-seven (1897) under the regulations prescribed in chapter sixty-two of The Code of North Carolina.

SEC. 2. That chapter three hundred and fifty-four (354), private laws of one thousand eight hundred and ninety-five sell, dispose of or (1895), be and the same is hereby further amended by adding ettes within the the following section to said act, to wit: That it shall be of the town. unlawful for any person, corporation, or firm to manufacture sell or otherwise dispose of, or give away, any cigarettes to any person or persons within the corporate limits of the town of Columbus, and the said commissioners of the said town of Power of com-Columbus are hereby authorized and empowered to enact such missioners to enforce this law. ordinances and by-laws, in addition to the power heretofore conferred upon them, as will prohibit the sale, manufacture or gift of cigarettes within the corporate limits of said town of Columbus.

manufacture. give away cigarcorporate limits

SEC. 3 That all acts or parts of acts inconsistent with any of the provisions of this act are to that extent hereby repealed.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 209.

An act to incorporate the Chowan Educational Association in the county of Hertford.

The General Assembly of North Carolina do enact:

SECTION 1. That W. D. Newsome, George Keen, C. S. Brown, Corporators. William Reid, I. Boone, Thomas Jernigan, James Rooks, Levi Brown, W. H. Smith, and their associates and successors in office. be and they are hereby created a body corporate and politic, under the name and style of "The Chowan Educational Asso-Corporate name, ciation" in the county of Hertford, for the education of colored Object of corpopeople, and as such they shall have all the corporate powers, Corporate powrights and immunities of similar institutions. The trustees and ers. directors may plead and be impleaded, sue and be sued, and may acquire and hold such personal property as may be necessary and suitable to maintain and operate a school of high grade, Amount of propnot to exceed fifty thousand dollars, such property to be exempt erty to be held from taxation.

exempt from taxation.

SEC. 2. That all Baptist churches, associations, and other who may be Baptist organizations may, on the payment of ten dollars to the stockholders. treasurer of the Chowan Educational Association, become members and stockholders of the said corporation, it being under- Stock not transstood that no stock is transferable or subject to draw interest. bear no interest.

ferable and to

Funds to be invested in property at Hertford.

SEC. 3. That all money paid to the Chowan Educational Association by the Baptist churches named in section two of this act, or any other Baptist churches or Baptist organization, shall be expended by the directors and trustees of said Chowan Educational Association for the purchasing and improvement of school property at Winton, in the county of Hertford, and the school property so purchased and improved shall be owned and controlled by the Chowan Educational Association.

Life directors.

SEC. 4. That it shall be lawful for any person, upon the payment of ten dollars or more into the treasury of the Chowan Educational Association, to become a life director of the same, and such life director shall have one vote for each ten dollars so paid.

Board of trus-

SEC. 5. That the board of trustees shall be composed of twenty-four members, elected by the association, and so chosen that not more than one-third shall go out of office during any year, except removed by death, resignation or for improper conduct, and said vacancies thus occurring may be temporarily filled by appointment by the presiding officer.

Vacancies.

Rights and privileges of trustees.

SEC. 6. That the said trustees shall be entitled to all the rights and privileges conferred on corporations by chapter sixteen of *The Code*, entitled corporations.

Misdemeauor to sell liquor within 400 yards of buildings of corporation. SEC. 7. That it shall be a misdemeanor for any person to sell any intoxicating liquor within four hundred yards of the buildings of said Chowan Educational Association, and for every such offence the offender, upon conviction, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

SEC. 8. That chapter one hundred and thirty-eight, private laws of 1887, and chapter 128, private laws of 1891, are hereby repealed, except that part referring to the name of the institution, "Waters Normal Institute.

Act repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 210.

An act to incorporate Red Springs Seminary.

The General Assembly of North Carolina do enact:

SECTION 1. That S. M. Rankin, W. B. Arrowood, F. N. Tom, Corporators. J. W. McLauchlin, J. L. McMillan and G. B. Patterson, their associates and successors, be and they are hereby created a body politic and corporate for the purpose of maintaining a school of Purpose of corhigh grade in the town of Red Springs, in the county of Robe- poration. son, for the intellectual, moral and religious development and training of young ladies, under the name and style of Red Corporate name. Springs Seminary, and in that name may sue and be sued, may Corporate powplead and be impleaded, contract and be contracted with, ers. acquire, hold and convey in their corporate capacity property, personal and real, to an amount not to exceed one hundred thousand dollars, and exercise all acts in relation thereto incident to the ownership of personal property and real estate.

SEC. 2. The members of the corporation shall have perpetual Further corporsuccession, and may, if they so elect, have and use a common ate powers. seal.

SEC. 3. That the officers of said corporation shall be a presi- Officers. dent, vice-president, treasurer, secretary and a board of six trustees, four of whom shall constitute a quorum for the transaction Quorum of trusof business, and all of whom shall be elected by Fayetteville tees. How officers presbytery of the North Carolina synod of the Presbyterian elected. church at its spring meeting of each year, and shall hold their Term of Office. office for the term of three years: Provided, that at the first Proviso: First meeting of Fayetteville presbytery, after the ratification of trustees classified. this act, the said board of trustees shall be divided into three classes of two persons each; the term of office of the first-class First class. shall be one year from the meeting of said presbytery; of the Second class. second, two years; and of the third, three years.

SEC. 4. That the board of trustees of said corporation shall Trustees not to not have the power to mortgage or sell any of the real estate mortgage or sell belonging to the same, without first having obtained the consent and permission of Fayetteville presbytery.

SEC. 5. That the said board of trustees shall have the exclu- Exclusive right sive right to elect a president of said Red Springs Seminary, and of trustees. such professors, tutors and officers as they shall think proper.

SEC. 6. That the president and professors of said Red Springs Faculty. Seminary shall be the faculty thereof, and with the advice and Diplomas and consent of the trustees shall have power to grant diplomas, con-degrees. ferring such degrees and marks of literary distinction as are usually conferred in colleges.

Third class.

property without

Bequests and donations.

Trustees not individually liable. First officers.

SEC. 7. All bequests and denations to the seminary shall be the property of Fayetteville presbytery.

SEC. 8. The individual property of the trustees of said corporation shall not be liable for the debt of the same.

SEC. 9. The officers of the corporation, until the election and qualification of their successors, shall be as follows: G. B. Patterson, president; Rev. W. B. Arrowood, vice-president; and Rev. T. M. Rankin, secretary and treasurer, and S. M. Rankin, W. B. Arrowood, F. N. Tom, J. L. McMillan, J. W. McLauchlin and G. B. Patterson, board of trustees.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1897.

CHAPTER 211.

An act to change the boundary line of the town of Dillsboro in Jackson county.

The General Assembly of North Carolina do enact:

Corporate limits changed.

SECTION 1. That chapter one hundred and seventy-seven of the private laws of eighteen hundred and eighty-nine be amended so that the corporate limits of said town shall be as follows: Beginning at a stake in Scott's Creek, at a point where the east boundary line of said incorporation now crosses said creek, and running down said creek to the railroad crossing; then leaving the creek and running westwardly with the high ground of a ridge to the top of a knob north of Dillsboro; then running in a southwest direction with the top of a ridge to a stake at a culvert near the residence of C. F. Buffman; thence running with the south side of the road to the northwest corner of a lot now owned by W. A. Enloe; thence running with his line to the railroad; thence to the northwest corner of the Blue Ridge Lumber Company's lot; thence with said line to the river, so as to leave out all of the present boundary north and west of the lines established by this act.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 212.

An act to protect health and prohibit the running at large of stock in the town of Sparta in Alleghany county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or per- Unlawful to sons to permit or allow their horses, mules, cattle and hogs to allow stock to run at large on the streets in the town of Sparta, or within one within one mile mile, a straight line, from the court house in Alleghany county. and if any such stock as herein described may be found run- Owner of stock ning at large within the limits of said boundary it shall be the running at large duty of the person first discovering the same to notify the owner of such stock, and it shall be the duty of the owner of Duty of owner. such stock so notified to immediately take charge of and confine the same, and in case the owner shall fail to confine any such stock after receiving such notice it shall be lawful for any person living within the boundary herein described to take charge of said stock and impound them. And before the owner of said stock can recover possession of said stock so impounded release of stock he shall pay to the clerk of the superior court of said county of Alleghany fifty cents on each head of horses, mules and cattle, and twenty-five cents on each hog, and all such moneys so Money expended received by the said clerk shall be expended in improving the on streets and streets and public roads in said boundary. The owner of said stock so impounded shall pay, in addition to impounding fee, the sum of twenty-five cents per day for each head (of) cattle, horses Owner to pay for and mules, and ten cents for each head of hogs per day to the feeding stock. person having stock in charge, and for all damage done by said And for damage stock to the owner of crops so damaged.

SEC. 2. That if any person or persons shall release or attempt Misdemeanor to to release by force any stock so impounded within said bound- release or attempt to ary under the provisions of this act, shall be guilty of a misde- release stock. meanor, and upon conviction shall be fined not more than fifty Penalty. and not less than ten dollars, and imprisoned not less than thirty days nor more than six months.

SEC. 3. That it shall be unlawful for any person or persons to build poultry pens within three hundred feet of any dwelling, to be used for poultry trade or traffic in the said town of Sparta. dwelling.

SEC. 4. That any person or persons violating the provisions violationa misof section three of this act shall be guilty of a misdemeanor, demeanor, and upon conviction shall be fined not less than ten dollars.

run at large of court house.

to be notified.

Stock impounded if owner fail to confine them.

Payment for impounded.

done by stock.

Unlawful to build poultry pen within 300 feet of

Penalty.

and not more than fifty dollars or imprisoned at the discretion of the court.

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 213.

An act to amend chapter 120, private laws of 1893, and 59, private laws of 1895.

The General Assembly of North Carolina do enact:

SECTION, 1. That chapter one hundred and twenty (120) of the private laws of 1893 be amended by striking out in line six (6), section one (1), the words "fifteen hundred," and inserting in lieu thereof the words "two thousand."

SEC. 2. That section one (1) of chapter fifty-nine (59) of the private laws of 1895 is hereby repealed, and the following sections enacted in lieu thereof: "That David Coward, John T. Wike, A. J. Long, Sr., Zebulon V. Watson, D. D. Davis, J. R. Long, J. H. Painter, J. M. Candler and John F. Bryson shall constitute a local board of managers of the normal department of the Powers and duty Cullowhee high school. The said school board of managers shall have the general management of said normal department, and shall elect the teachers of said normal department: Provided, said election of teachers shall be subject to the approval of state board of education.

SEC. 3. That the said board of local managers shall be divided into three classes of three members each by the state board of education. The term of office of the first class shall expire at the end of two years after March 1, 1897. The term of office of second class shall expire at the end of four years after March first, 1897. The term of office of third class shall expire at the end of six years after March 1, 1897:

Provided, in case of vacancy by death, resignation or otherwise, the state board of education shall appoint his successor to fill out the unexpired term.

SEC. 4. That the state board of education shall appoint members of said local board of managers, as the terms of office of each class expires, every two years after March 1, 1897.

Appropriation for normal department of Cullowhee high school.

Local board of managers for normal department.

of board.

Proviso: Election of teachers subject to approval of state board of education. Local board to be classified.

Term of first class.

Term of second class.

Term of third class.

Proviso: State board of education to fill vacancy.

State board of education to appoint successors.

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

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 214.

An act to incorporate the town of Collettsville in Caldwell county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Collettsville in Caldwell county Town incorpobe and the same is hereby incorporated under the name and style of the "town of Collettsville," and shall be subject to all of the provisions of chapter sixty-two (62) of the second (2d) volume of " The Code."

SEC. 2. That the corporate limits of said town shall extend Corporate limits. one-fourth (1/4) of a mile north, south, east and west, from J. W. Moore's store.

SEC. 3. That the officers of said town shall consist of a mayor, Town officers. three commissioners and a marshal, and the commissioners shall have the right to appoint a secretary and treasurer.

SEC. 4. That until their successors shall be elected the follow- First officers. ing named persons shall fill said offices viz. : Mayor, J. W. Moore; commissioners, C. D. Coffey, T. C. Wakefield, and L. N. Estes; marshal, Jacob N. Harshaw; and in the event the qualified voters of said town shall fail to elect officers on the first Monday in May, one thousand eight hundred and ninetyseven (1897), then said mayor, commissioners and marshal shall hold their offices till their successors are elected and qualified.

SEC. 5. That all fines collected for violations of the ordinan- Fines for violaces of said town shall be paid into the treasury of said town ordinances to be for the use and benefit of said town.

for use of town.

SEC. 6. That the commissioners of said town shall have the By laws and right to pass by-laws, ordinances and rules for the good govern- ordinances. ment of the town, not inconsistent with the laws of the state or the United States, and the mayor shall have the right and the Power of mayor. power to impose fines and penalties for the violation of the town ordinances established by the commissioners of the town.

SEC. 7. That when it shall be necessary for the preservation Power of marof the public peace, good order, and common decency, or the shalto arrest without warrant.

protection of life, liberty of persons or property of individuals, the town marshal shall have the authority, and it shall be the duty of said marshal to arrest the body of offending parties who have violated the law in the presence of said marshal without warrant, and take such person before the mayor of said town as soon as practicable, to be dealt with as the law directs, and the marshal, shall have power to call to his aid any bystander to assist in making any legal arrest, and any one so summoned who shall refuse to aid said officer upon conviction before the mayor, shall be fined or punished as the ordinance of said town shall prescribe.

Marshal to summon bystanders.

Penalty for refusal to assist marshal.

Compensation of town officers.

Officers to be qualified.

SEC. 8. That the officers of said town shall receive such compensation for their services as the mayor and commissioners shall authorize.

SEC. 9. That it shall be the duty of the officers elect to meet, organize and take the oath of office.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 215.

An act to amend the charter of St. Augustine's school, Raleigh.

Provisions as to board of trustees repealed. Board of trustees. $The \ General \ Assembly \ of \ North \ Carolina \ do \ enact:$

That section 3, chapter 91 of the laws of 1893, be repealed, and the following be substituted in its place:

SECTION 1. That the board of trustees shall consist of not more than fifteen members of the Protestant Episcopal church in the United States of America, including the bishop of the diocese of North Carolina, who shall be ex officio a member and chairman of the board. A majority of the board shall be citizens of North Carolina.

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

Ratified the 8th day of March, A. D. 1897.

CHAPTER 216.

An act to amend the charter of the town of Matthews in the county of Mecklenburg.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Power of com-Matthews in the county of Mecklenburg shall have power to prescribe fire prescribe fire limits for the said town, within which it shall be unlawful to erect any wooden building, or to alter or repair any wooden building now within the limits so established, except by permission of the said board of commissioners; and the board of commissioners may refuse to grant said permission whenever in their judgment the erection or repair of the wooden building. as proposed, will endanger the safety of adjoining properties, or otherwise be detrimental to the interests of the said town.

missioners to limits.

SEC. 2. It shall be the duty of the board of commissioners of Commissioners said town to require, by an ordinance to that effect, all persons be drained of owning or controlling any lot upon which there is stagnant stagnant water. water, which is detrimental to the health of the community, to drain the said lot, and if the person owning or in possession of Commissioners the said lot or land, upon which said stagnant water is, shall refusal of owner. refuse after ten days' notice to drain his said lot as required, then it shall be the duty of the board of commissioners to cause the lot to be drained in proper, manner and the owner of the Owner to be liasaid lot shall be liable for the expense incurred in doing this work, and the board of commissioners may recover the same of him by civil action.

to drain lot on

ble for expenses.

SEC. 3. That the board of commissioners shall have power to Power of comenforce the provisions of this act by proper ordinances, and enforce obedithey may ordain that any person erecting or repairing or alter- ence to this act. ing a wooden building within the fire limits prescribed by them, or allowing stagnant water to remain on his lot after due notice to drain the same, shall be liable to a penalty to be fixed by the board of commissioners for each day the building so erected, altered or repaired contrary to the ordinance shall remain within the fire limits, and for each day the said stagnant water shall remain after due notice to drain the lot upon which it is located.

SEC. 4. It shall be unlawful for any person or corporation to Unlawful to use use or erect any engine or steam boiler within the fire limits of or erect engine the town of Matthews, except by permission of the board of within fire limits. commissioners who may refuse such permission whenever in

their opinion the use of the said boiler and engine will endanger the safety of the people of the said town or be prejudicial to their health and comfort.

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

Ratified the 8th day of March, A. D. 1897.

STATE OF NORTH CAROLINA, OFFICE OF SECRETARY OF STATE, Raleigh, 28 April, 1897.

1, Cyrus Thompson, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

> CYRUS THOMPSON, Secretary of State.

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